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August 28, 2025

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VIA E-FILING

Ms. Cynthia T. Brown
Chief, Section of Administration
Surface Transportation Board
Office of Proceedings
395 E. Street, S.W., Room 1034
Washington, D.C. 20024

ENTERED
Office of Chief Counsel
August 28, 2025
Part of
Public Record

Re: Docket No. FD 35743
Application of the National Railroad Passenger Corporation Under 49
U.S.C. § 24308(a) – Canadian National Railway Company

Dear Ms. Brown:

We represent National Railroad Passenger Corporation ("Amtrak") in the above-captioned proceeding. Enclosed please find a Motion for Extension of Procedural Schedule, with a request for expedited consideration.

Thank you for your attention to this matter. Should you have any questions, please contact the undersigned.

Respectfully submitted,

Jerry A. Cuomo

Jerry A. Cuomo

Enclosure.

cc: All Parties of Record

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Docket No. FD 35743

APPLICATION OF THE NATIONAL RAILROAD PASSENGER CORPORATION UNDER
49 U.S.C. § 24308(a) – CANADIAN NATIONAL RAILWAY COMPANY

MOTION FOR EXTENSION OF PROCEDURAL SCHEDULE

EXPEDITED CONSIDERATION REQUESTED

The National Railroad Passenger Corporation (“Amtrak”) requests, pursuant to 49 C.F.R. § 1104.7(b), that the Surface Transportation Board (“the Board”) extend the current September 22, 2025 deadline for the Parties’ reply submissions set forth in the Board’s April 8, 2025 Decision. (See Docket # 52514). Amtrak has conferred with Illinois Central Railroad Company and Grand Trunk Western Railroad Company (together “CN”), which does not object to Amtrak’s request. As this motion seeks the extension of an approaching deadline, Amtrak asks the Board to review this motion on an expedited basis.

BACKGROUND

On February 19, 2025, the Board issued a Decision describing additional information it anticipated requiring in determining the terms and conditions for Amtrak’s use of CN’s rail lines. The Board then directed the Parties to participate in an in-person technical conference, which occurred on March 11, 2025. On April 8, 2025, the Board issued a Decision, ordering the Parties to respond to certain information requests by May 8, 2025 and July 22, 2025. The Board also set a September 22, 2025 deadline for the Parties to reply to each other’s May and July 2025 submissions. (See Docket 52514). Amtrak believes that good cause exists for an extension of the September 22, 2025 deadline pursuant to 49 C.F.R. § 1104.7(b), as set forth below.

GROUND FOR RELIEF AND EXTENSION SOUGHT

Jerry A. Cuomo, Esq. of Landman Corsi Ballaine & Ford PC (lead counsel for Amtrak in this case) is lead appellate counsel in a pending appeal before the United States Court of Appeals for the Eighth Circuit on behalf of Amtrak in a wrongful death case (*Breayonna Aaron, et al v. National Railroad Passenger Corporation* (U.S. Court of Appeals for the Eighth Circuit, Docket No. 24-2654)), which will be argued on September 17, 2025. Mr. Cuomo has been and will be dedicating a significant amount of time and resources through September to preparing and appearing for that oral argument. Furthermore, this is the final scheduled round of briefing in this matter. The additional time Amtrak seeks will help strengthen the Parties' submission as well as the record of decision for the Board.

Accordingly, Amtrak believes that an extension is warranted to enable Amtrak to finalize its reply submission in this case and to provide responses which are of the most value and input to the Board. Based on its consultations with CN's counsel concerning schedules and conflicts, Amtrak requests an extension for reply submissions to **October 9, 2025**. CN does not object to this request.

Amtrak believes that good cause exists for this slight adjustment to the procedural schedule entered by the Board. The requested extension will not prejudice either Party. To the contrary, CN does not object to the request. Further, this modest extension will not result in any appreciable delay of the Board's consideration of this case or its issuance of a final decision. Accordingly, good cause exists for the Board to enter the following amended procedural schedule:

October 9, 2025

Reply submissions due.

WHEREFORE, Amtrak respectfully requests that the Board granted the requested relief

and entered the amended procedural schedule referenced herein.

Respectfully submitted,

Jerry A. Cuomo

Jerry A. Cuomo
Landman Corsi Ballaine & Ford, P.C.
One Gateway Center, 22nd Floor
Newark, NJ 07102
*Counsel for National Railroad Passenger
Corporation*

Dated: August 28, 2025

CERTIFICATE OF SERVICE

I, Jerry A. Cuomo, declare under penalty of perjury that the foregoing is true and correct.

Pursuant to 49 § 1104.12, I hereby certify that on the 28th day of August, 2025, I have caused to be served a copy of the foregoing Motion for Extension of Procedural Schedule, upon all parties of record via electronic mail.

Executed on: August 28, 2025

By: *Jerry A. Cuomo*
Jerry A. Cuomo

CERTIFICATE OF SERVICE

I, Jerry A. Cuomo, declare under penalty of perjury that the foregoing is true and correct.

Pursuant to 49 § 1104.12, I hereby certify that on the 28th day of August, 2025, I have caused to be served a copy of the foregoing Motion for Extension of Procedural Schedule, upon the following parties of record via USPS First Class Mail:

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Executed on: August 28, 2025

By: *Jerry A. Cuomo*
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