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July 17, 2019

Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E St., SW
Washington, DC 20024

ENTERED
Office of Proceedings
July 17, 2019
Part of
Public Record

Re: *City and County of Denver – Petition for Declaratory Order*, STB Docket No. FD 36263

The Denver Rock Island Railroad Company v. The City and County of Denver, STB Docket No. NOR 42162

Dear Ms. Brown:

The City and County of Denver, Colorado (City) and Denver Rock Island Railroad Company (DRIR) have been participating in Board-sponsored mediation in the above-referenced proceedings. The initial mediation period was scheduled to expire on May 30, 2019 and was extended to June 24, 2019. Despite the official end of the mediation period, the parties engaged in a mediation session on June 28, 2019. At that session, the parties reached agreement on the substantially final documents required to settle outstanding issues and set a preliminary schedule for the completion and execution of those documents.

The City and DRIR believe it would be beneficial to re-establish the mediation period until the parties have consummated the anticipated agreements and fulfilled their initial obligations in connection with these matters. Pursuant to 49 C.F.R. § 1109.3(b), the City and DRIR jointly request that the Board reinstate a mediation period in this proceeding until September 10, 2019. Counsel for DRIR have authorized me to confirm that DRIR joins in this request.

Sincerely,



Allison I. Fultz

Counsel for the City and County of Denver, Colorado

cc: Kayla Mack, Federal Mediation and Conciliation Service
Brian O'Boyle, STB
Thomas F. McFarland, Counsel for Denver Rock Island Railroad Company
William A. Mullins, Counsel for Denver Rock Island Railroad Company