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**BEFORE THE
SURFACE TRANSPORTATION BOARD**

PETITION BY THE SOUTHEASTERN PENNSYLVANIA TRANSPORTATION
AUTHORITY FOR RELIEF UNDER 49 U.S.C. § 24903

Docket No. FD - 36281

**JOINT MOTION OF PETITIONER SOUTHEASTERN PENNSYLVANIA
TRANSPORTATION AUTHORITY AND RESPONDENT NATIONAL RAILROAD
PASSENGER CORPORATION TO HOLD PROCEEDINGS IN ABEYANCE**

Petitioner Southeastern Pennsylvania Transportation Authority (“SEPTA”) and Respondent National Railroad Passenger Corporation (“Amtrak”) (together, the “Parties”) jointly move that the Board issue the interim order requested by SEPTA with respect to the January 1, 1987 agreement, as amended and extended, referenced in SEPTA’s Petition (the “Station Agreement”), and hold this proceeding in abeyance pending resolution of the related case *National Railroad Passenger Corporation v. Southeastern Pennsylvania Transportation Authority* (Case No. 1:19-cv-00537-TNM) (“District Court Proceeding”) presently before the United States District Court for the District of Columbia. Although the District Court Proceeding will address separate legal issues than those presented in the instant proceeding, it involves the same parties and the same rail properties, stations, and parking facilities at issue here.

In response to SEPTA’s Petition in this proceeding dated March 11, 2019 (the “Petition”), the Board on March 18, 2019 ordered Amtrak to respond to SEPTA’s request for an interim order under 49 U.S.C. § 24903, maintaining the status quo pending the Board’s final decision on the Petition. This Joint Motion shall constitute Amtrak’s response in accordance with the March 18, 2019 Order.

The Parties have agreed through their undersigned counsel that it would be in the public interest and most conducive to administrative efficiency for the Board to hold this proceeding in

abeyance and maintain the status quo during the pendency of the abeyance.

Accordingly, the Parties respectfully request that the Board order the following:

- a) This proceeding will be held in abeyance pending the final disposition of the District Court Proceeding.
- b) Pending final disposition of this proceeding, the Parties will maintain the status quo under the Station Agreement, with the exception that the Parties may enter into amended, new, or different agreements with the express written consent of both Parties. *See* 49 U.S.C. § 24903(c)(2).
- c) Any final determinations by the Board, including compensation, if any, will apply retroactively to commence on March 30, 2019.

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March 22, 2019

CERTIFICATE OF SERVICE

I, Neil K. Gilman, Esquire, certify that on March 22, 2019, a true and correct copy of the foregoing document was served upon SEPTA's counsel, Paul Cunningham and Charles Spitulnik, by email pursuant to the agreement of the Parties.

Dated: March 22, 2019

Respectfully submitted,

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