

ENTERED
Office of Proceedings
February 23, 2018
Part of
Public Record

February 23, 2018

JOHN D. HEFFNER
(202) 742-8607
Direct Fax (202) 742-8697
John.Heffner@strasburger.com

BY E-FILING

Ms. Cynthia T. Brown
Chief, Administration
Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, D.C. 20423

**RE: FD 36164, Ulster & Delaware Railway Revitalization Corp. Petition for
Declaratory Relief-
Ulster & Delaware Railroad Request for Extension**

Dear Ms. Brown:

I am writing on behalf of the Ulster & Delaware Railway Revitalization Corp. ("U&D"), petitioner in the above-captioned matter, in connection with Ulster County, New York's Reply to U&D's Petition. U&D respectfully requests a short 10 day extension until March 24 should it choose to file a responsive pleading.

Under 49 CFR 1104.13(a) parties are normally entitled to have 20 days in which to file responsive pleadings including motions. Accordingly, any responsive pleading that U&D might choose to file would be due March 14. Although the Board's rules do not contemplate the filing of rebuttal style replies, they have been allowed for the purpose of providing a complete record. *Diana Del Grasso, et al-Petition for Declaratory Relief*, FD 35652 (STB served July 31, 2017). Furthermore, those rules do not forbid the filing of responsive motions. I cannot predict whether or not to submit any responsive pleadings until I have a chance to review and discuss those documents with my client and other interested parties.

I will be out of the office starting Feb. 26 and returning March 12 for longstanding engagements. In that regard, I will be attending a conference on the

9765294.3/SP/49508/0101/022318

Strasburger & Price, LLP

1025 Connecticut Ave., NW Suite 717 | Washington, DC 20036 | 202.742.8600 tel | 202.742.8699 fax | www.strasburger.com
Austin | Beaumont | Collin County | Dallas | Houston | San Antonio | New York, N.Y. | Washington, D.C. | Mexico City - Strasburger & Price SC

Ms. Cynthia T. Brown

February 23, 2018

Page 2

West Coast on Feb. 25-27. After that I have scheduled a vacation in Costa Rica returning to the Washington area Saturday evening March 10. It is my understanding the internet access including email capability is unreliable.

The Reply filed by Ulster County is roughly 4 inches thick. Accordingly, it will be difficult for me to review all of the materials comprising its reply, consult with the client, and prepare a response within the time allowed by the rules. I believe that a short extension of 10 days will be sufficient and will not delay these proceedings. I have sought the County's consent only to be refused.

I appreciate the Board's attention to this request.

Sincerely yours,



John D. Heffner

cc: Daniel Elliott, Esq.
Donn c. Meindertsma, Esq.
Charles Spitulnik, Esq. (for New York City)

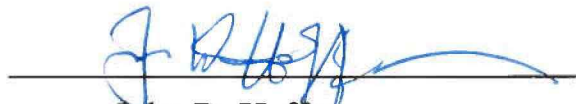
CERTIFICATE OF SERVICE

I, John D. Heffner, hereby certify that a copy of the foregoing "Extension Request" was sent electronic mail to all parties of record in this proceeding.

Charles Spitulnik
Kaplan Kirsch & Rockwell LLP
1325 Avenue of the Americas
28th Floor
New York, NY 10019

Daniel Elliott, Esq.
Conner & Winters, LLP
Attorneys & Counselors at Law
1850 M Street, NW, Suite 600
Washington, D.C. 20036

Donn C. Meindertsma, Esq.
Conner & Winters, LLP
Attorneys & Counselors at Law
1850 M Street, NW, Suite 600
Washington, D.C. 20036



John D. Heffner

Dated: February 23, 2018