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By E-Filing

March 5, 2018

Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, D.C. 20423-0001

245266

ENTERED
Office of Proceedings
March 5, 2018
Part of
Public Record

Re: NOR No. 42141 - National Railroad Passenger Corporation – Investigation of
Substandard Performance of the Capitol Limited

Dear Ms. Brown:

In light of the Supreme Court's denial on February 20, 2018 of the petition for writ of certiorari that Amtrak and other parties filed with respect to the 8th Circuit decision in Union Pac. R.R. Co. v. Surface Transp. Bd., 2017 U.S. App. LEXIS 12408 (8th Cir. July 12, 2017) ("Union Pacific"), Amtrak does not oppose the requests filed by NS and CSXT for the Board to rule on their pending motions to dismiss this proceeding. Amtrak's position is without prejudice to any right it may have to refile its complaint in the future.

Sincerely,

A handwritten signature in dark ink, appearing to read 'E. Fishman', with a long horizontal flourish extending to the right.

Edward J. Fishman
Counsel for National Railroad Passenger
Corporation

cc: Parties of Record