

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. FD 35743

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

Decided: February 13, 2018

After the National Railroad Passenger Corporation (Amtrak) filed an application under 49 U.S.C. § 24308(a)(2), the Board instituted a proceeding to establish reasonable terms and compensation for Amtrak's use of the facilities and services of Illinois Central Railroad Company and Grand Trunk Western Railroad Company (collectively, CN).¹ Application of the Nat'l R.R. Passenger Corp. Under 49 U.S.C. § 24308(a)—Canadian Nat'l Ry., FD 35743, slip op. at 3 (STB served Aug. 9, 2013). Since that time, the Board has granted several extensions of the procedural schedule pursuant to jointly-filed or unopposed motions filed by the parties. See, e.g., Application of the Nat'l R.R. Passenger Corp. Under 49 U.S.C. § 24308(a)—Canadian Nat'l Ry., FD 35743 (STB served Dec. 14, 2017). Opening briefs were filed by both parties on January 19, 2018; reply briefs are currently due from both parties no later than February 16, 2018.

On February 5, 2018, Amtrak requested a one-month extension of the deadline to file reply briefs, to March 16, 2018, arguing that an extension is necessary “[d]ue to certain unanticipated events.” (Amtrak Mot. for Extension 2, Feb. 5, 2018.) CN replied the next day, arguing that Amtrak's “reference to ‘unanticipated events’ fails to demonstrate the requisite ‘good cause’ for an extension under 49 C.F.R. § 1104.7(b).” (CN Reply 1, Feb. 6, 2018.) Although CN objects to Amtrak's request for a one-month extension, it states that it does not object to a one-week extension as an accommodation to Amtrak. (Id. at 2.)

On February 12, 2018, Amtrak amended its request, seeking instead a two-week extension of the reply brief deadline, to March 2, 2018, “in light of CN's objection, and due to an unanticipated illness affecting Amtrak's in-house counsel.” (Amtrak Reply 1, Feb. 12, 2018.)

Under 49 C.F.R. § 1104.7(b), the Board may, in its discretion, grant extensions of time “for good cause.” Amtrak's amended request demonstrates good cause to grant the requested two-week extension of time to file reply briefs, and such an extension will not cause undue delay. The deadline for filing reply briefs therefore will be extended for two weeks, to March 2, 2018.

¹ Illinois Central Railroad Company and Grand Trunk Western Railroad Company are indirect subsidiaries of Canadian National Railway Company.

It is ordered:

1. Amtrak's amended motion for a two-week extension of time to file reply briefs is granted.
2. Reply briefs are due no later than March 2, 2018.
3. This decision is effective on its service date.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings