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SERVICE DATE – LATE RELEASE DECEMBER 20, 2018

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. NOR 42160

DENVER ROCK ISLAND RAILROAD COMPANY v. THE CITY AND COUNTY OF
DENVER, COLORADO

Decided: December 20, 2018

On October 30, 2018, Denver Rock Island Railroad Company (DRIR) filed a complaint including a request for injunctive relief against the City and County of Denver, Colo. (the City). On November 19, 2018, the City filed a pleading styled as a reply.

On December 6, 2018, the Board issued an order to address ambiguities in the record and to modify the docketing nomenclature in the proceeding. In that decision, the Board explained that it was unclear whether the City's initial filing was an answer or a motion to dismiss. Accordingly, the Board directed the City to file, by December 17, 2018, a brief statement clarifying whether its initial filing was intended to serve as an answer or a motion to dismiss. If the latter, the Board also directed the City to file its answer pursuant to 49 C.F.R. § 1111.5(c).

On December 17, 2018, the City filed a request for an extension of time, to December 24, 2018, to respond to the Board's directive. On December 19, 2018, DRIR filed a reply stating that it does not oppose the extension. The City's unopposed extension request is reasonable and will not cause undue delay in this proceeding. In light of the federal holidays on December 24 and 25, 2018, the deadline for the City to file its statement of clarification will be the next business day, December 26, 2018. Cf. 49 C.F.R. § 1104.7 (providing that computed periods of time that end on a weekend or holiday will run to the next business day). The Board will also extend the commencement date for completing the obligations of the parties under 49 C.F.R. § 1111.11(a) to December 26, 2018.

It is ordered:

1. The City's request for an extension of time is granted and the deadline for the City to file its statement of clarification is December 26, 2018.
2. The commencement date for completing the obligations of the parties under 49 C.F.R. § 1111.11(a) is extended to December 26, 2018.
3. This decision is effective on its date of service.

By the Board, Allison C. Davis, Acting Director, Office of Proceedings.