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September 9, 2019

Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E St., SW
Washington, DC 20024

Re: *City and County of Denver – Petition for Declaratory Order*, STB Docket No. FD 36263

The Denver Rock Island Railroad Company v. The City and County of Denver, STB Docket No. NOR 42162

Dear Ms. Brown:

The City and County of Denver, Colorado (City) and Denver Rock Island Railroad Company (DRIR) are in the process of finalizing, confirming, and executing a settlement agreement and related documents negotiated in the course of Board-sponsored mediation in connection with the above-referenced proceedings. The mediation period is scheduled to expire on September 10, 2019.

The City and DRIR believe it would be beneficial to extend the mediation period until the parties have consummated the anticipated agreements and fulfilled their initial obligations in connection with these matters. Pursuant to 49 C.F.R. § 1109.3(b), the City and DRIR jointly request that the Board extend the mediation period in this proceeding until October 31, 2019. Because the requested extension is for more than 30 days from the current expiration date of September 10, 2019, in accordance with 49 C.F.R. § 1109.3(b) the City and DRIR respectfully request that the Board waive the 30-day limit on this extension. Counsel for DRIR have authorized me to confirm that DRIR joins in this request.

Sincerely,



Allison I. Fultz
Counsel for the City and County of Denver, Colorado

cc: Kayla Mack, Federal Mediation and Conciliation Service
Brian O'Boyle, STB
Thomas F. McFarland, Counsel for Denver Rock Island Railroad Company

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William A. Mullins, Counsel for Denver Rock Island Railroad Company