

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

239467

AMERICAN CHEMISTRY COUNCIL,)
THE CHLORINE INSTITUTE, AND)
THE FERTILIZER INSTITUTE)
Complainants,)
v.)
ABERDEEN AND ROCKFISH RAILROAD)
COMPANY, *et al.*)
Defendants.)

ENTERED
Office of Proceedings
October 30, 2015
Part of
Public Record

Docket No. FD-35964

JOINT MOTION TO DISMISS

Petitioners, American Chemistry Council, The Chlorine Institute, and The Fertilizer Institute, respectfully request the Surface Transportation Board (“Board”) to dismiss this declaratory order proceeding. The Association of American Railroads (“AAR”) joins the Petitioners in this motion.

On October 29, 2015, the President signed into law legislation that renders this action moot, by extending the deadline to implement Positive Train Control in the Rail Safety Improvement Act of 2008, codified at 49 U.S.C. § 20157. The extension of the statutory deadline eliminates the source of the current dispute. In the absence of any controversy, the Board should refrain from exercising its discretionary authority to issue a declaratory order.

Respectfully submitted,

By: /s/ Raymond A. Atkins.

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Counsel for Petitioners

Dated: October 30, 2015

CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of October 2015, I have served a copy of this Joint Motion to Dismiss upon counsel for all parties of record under Docket Number: FD 35964.



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