

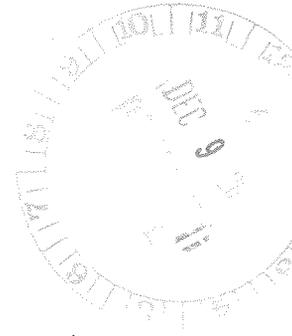


KAPLAN KIRSCH ROCKWELL

December 9, 2013

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

235158
ENTERED
Office of Proceedings
December 9, 2013
Part of
Public Record



Re: *Capitol Corridor Joint Powers Authority and National Railroad Passenger Corporation – Petitions for Declaratory Order – PRIIA Section 209 Cost Allocation Methodology Implementation, Finance Docket No. 35790*

Dear Ms. Brown:

Enclosed please find for filing in the above-captioned proceedings an original and ten copies of the Joint Notice of Intent to Initiate a Proceeding for Declaratory Order. Please note that a CD with this document is enclosed. Please date-stamp the extra copy and return to the messenger.

Please do not hesitate to contact me if you have any questions.

Sincerely,

W. Eric Pilsk

Enclosures

cc: All Parties of Record



BEFORE THE
SURFACE TRANSPORTATION BOARD

FINANCE DOCKET NO. 35790

CAPITOL CORRIDOR JOINT POWERS AUTHORITY
AND NATIONAL RAILROAD PASSENGER CORPORATION
– PETITIONS FOR DECLARATORY ORDER –
PRIIA SECTION 209 COST ALLOCATION METHODOLOGY IMPLEMENTATION

JOINT NOTICE OF INTENT TO INITIATE A PROCEEDING FOR
DECLARATORY ORDER

Communications with respect to this document should be addressed to:

Mark S. Landman
Sophia Ree
Landman Corsi Ballaine & Ford P.C.
120 Broadway
27th Floor
New York, New York 10271
(212) 238-4800
Email: mlandman@lcbf.com
sree@lcbf.com

Charles A. Spitulnik
W. Eric Pilsk
Christian L. Alexander
Kaplan Kirsch & Rockwell LLP
1001 Connecticut Avenue, N.W.
Suite 800
Washington, DC 20036
(202) 955-5600
E-mail: csputulnik@kaplankirsch.com
epilsk@kaplankirsch.com
calexander@kaplankirsch.com

Counsel for National Railroad Passenger
Corporation

Counsel for Capitol Corridor Joint Powers
Authority

Dated: December 9, 2013



**BEFORE THE
SURFACE TRANSPORTATION BOARD**

FINANCE DOCKET NO. 35790

**CAPITOL CORRIDOR JOINT POWERS AUTHORITY
AND NATIONAL RAILROAD PASSENGER CORPORATION
– PETITIONS FOR DECLARATORY ORDER –
PRIIA SECTION 209 COST ALLOCATION METHODOLOGY IMPLEMENTATION**

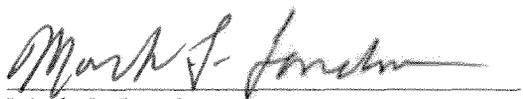
**JOINT NOTICE OF INTENT TO INITIATE A PROCEEDING FOR
DECLARATORY ORDER**

Capitol Corridor Joint Powers Authority (“CCJPA”) and the National Railroad Passenger Corporation (“Amtrak”) (collectively, the “Parties”), pursuant to the Board’s authority under the Passenger Rail Investment and Improvement Act of 2008 (“PRIIA”), Pub. L. 110-432, Div. B, Title II, Section 209(c), 122 Stat. 4848, 4918, codified at 49 U.S.C. § 24101 note, and 49 U.S.C. § 20103(b), hereby submit this Joint Notice of Intent to Initiate a Proceeding for Declaratory Order.

The dispute arises under Section 209 of PRIIA and involves a disagreement over the implementation of the methodology for cost allocation approved by the Board in its Decision dated March 13, 2012 (Docket No. FD 35571), specifically, the application of that methodology to the allocation of call center costs to CCJPA’s Capitol Corridor Route. To resolve this dispute, the Parties request that the Board adopt its procedures established for petitions not otherwise covered in its regulations, 49 C.F.R. § 1117.1, and for evidence and discovery, 49 C.F.R. Part 1114, and respectfully request that the Board establish the following procedural schedule:

Date:	Action:
1/17/14	Parties file simultaneous Petitions for Declaratory Order setting forth their respective cases in chief.
1/18/14 - 2/28/14	Discovery (pursuant to the Board's procedures at 49 C.F.R. Part 1114), if needed, and opportunity to utilize the Board's mediation services.
3/14/14	Parties file Replies.
5/13/14	Proposed date for STB final decision.

Respectfully submitted,



Mark S. Landman
 Sophia Ree
 Landman Corsi Ballaine & Ford P.C.
 120 Broadway
 27th Floor
 New York, New York 10271
 (212) 238-4800
 Email: mlandman@lcbf.com
 sree@lcbf.com

Counsel for National Railroad Passenger Corporation



Charles A. Spitulnik
 W. Eric Pilsk
 Christian L. Alexander
 Kaplan Kirsch & Rockwell LLP
 1001 Connecticut Avenue, N.W.
 Suite 800
 Washington, DC 20036
 (202) 955-5600
 E-mail: cspitulnik@kaplankirsch.com
 epilsk@kaplankirsch.com
 calexander@kaplankirsch.com

Counsel for Capitol Corridor Joint Powers Authority

Dated: December 9, 2013