

November 28, 2014

VIA ELECTRONIC FILING

Ms. Cynthia T. Brown
Chief
Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, D.C. 20423-0012

237131
ENTERED
Office of Proceedings
November 28, 2014
Part of
Public Record

Re: In Re: Investigation of Substandard Performance of the Capitol Limited (STB Docket No. NOR 42141)

Dear Ms. Brown,

Enclosed for filing in the above-referenced docket, please find CSX Transportation's Request for Extension of Time to Respond to the National Railroad Passenger Corporation's Complaint to Initiate Investigation. Expedited action is requested because, under the Board's rules, CSXT's response is due on December 8, 2014.

Sincerely,

/s/ Thomas H. Dupree, Jr.

Thomas H. Dupree, Jr.

Counsel for CSX Transportation, Inc.

Enclosure

EXPEDITED CONSIDERATION REQUESTED

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

DOCKET NO. NOR 42141

**IN RE NATIONAL RAILROAD PASSENGER
CORPORATION -- INVESTIGATION OF SUBSTANDARD
PERFORMANCE OF THE CAPITOL LIMITED**

**CSX TRANSPORTATION'S REQUEST FOR
EXTENSION OF TIME TO RESPOND TO
THE NATIONAL RAILROAD PASSENGER
CORPORATION'S COMPLAINT TO INITIATE
INVESTIGATION**

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Dated: November 28, 2014

**CSX TRANSPORTATION'S REQUEST FOR EXTENSION OF TIME TO RESPOND
TO THE NATIONAL RAILROAD PASSENGER CORPORATION'S COMPLAINT TO
INITIATE INVESTIGATION**

On November 17, 2014, the National Railroad Passenger Corporation (“Amtrak”) filed a complaint to invoke the Surface Transportation Board’s (“Board”) authority pursuant to Section 213 of the Passenger Rail Investment and Improvement Act of 2008, 49 U.S.C. § 24308(f). The Complaint requests that the Board initiate and conduct an investigation of alleged substandard performance of Amtrak’s Capitol Limited service between Chicago, Illinois and Washington, D.C. over the rail lines of CSX Transportation, Inc. (“CSXT”) and Norfolk Southern Railway Company (“NSR”).

Answers to complaints are due within 20 days of service. *See* 49 C.F.R. § 1111.4(c). In this instance, answers are due by December 8, 2014. However, the Board may grant additional time for the filing of answers. *See id.* (“An answer must be filed within 20 days after the service of the complaint *or within such additional time as the Board may provide.*” (emphasis added)). For the reasons set forth below, CSXT hereby respectfully requests, pursuant to 49 C.F.R. § 1111.4(c) and 49 C.F.R. § 1104.7(b), a 30-day extension of that due date to January 7, 2015. Counsel for CSXT have discussed this request with counsel for NSR, and NSR consents to this request so long as any extended deadline applies to NSR as well. Counsel for CSXT contacted counsel for Amtrak to obtain consent, but counsel for Amtrak had not confirmed Amtrak’s position regarding this request as of the time of this filing.

The requested extension is required to provide CSXT with reasonable time to consider and appropriately address all of the matters and issues raised by the Complaint. The applicable regulations require CSXT’s answer to “be responsive to the complaint and should fully advise the Board and the parties of the nature of the defense.” 49 C.F.R. § 1111.4(a). In order to

comply with this directive and provide information that will aid the Board in its task, additional time is warranted.

CSXT believes that no party would be prejudiced by the requested extension. For the foregoing reasons, good cause exists to grant CSXT's request to extend the time for all parties to respond to Amtrak's Complaint by thirty (30) days to January 7, 2015.

Expedited action is requested here because, under the Board's rules, CSXT's response is due on December 8, 2014.

Respectfully submitted,

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Counsel for CSX Transportation, Inc.

Dated: November 28, 2014

CERTIFICATE OF SERVICE

I certify that, on this 28th day of November, 2014, I have caused a true and correct copy of the foregoing Request for Extension of Time to Respond to the National Railroad Passenger Corporation's Complaint to Initiate Investigation to be served upon the parties listed below by electronic mail.

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