

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

239469
ENTERED
November 2, 2015
SURFACE
TRANSPORTATION BOARD

Docket No. FD 35964

**AMERICAN CHEMISTRY COUNCIL, THE CHLORINE INSTITUTE, AND THE
FERTILIZER INSTITUTE
—PETITION FOR DECLARATORY ORDER—
POSITIVE TRAIN CONTROL**

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.

Raymond A. Atkins
G. Paul Moates
SIDLEY AUSTIN LLP
1501 K Street, N.W.
Washington, D.C. 20005
Phone: (202) 736-8000

*Counsel for Association of American
Railroads*

By: /s/ Jeffrey Moreno

Jeffrey O. Moreno
THOMPSON HINE, LLP
1919 M Street, N.W., Suite 700
Washington, D.C. 20036
Phone: (202) 331-8800

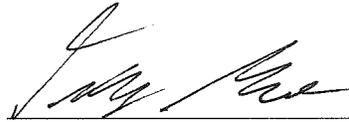
Paul M. Donovan (105189)
LaRoe, Winn, Moerman & Donovan
1250 Connecticut Avenue, N.W.
Suite 200
Washington, DC 20036
Phone (202) 298-8100
Fax (202) 298-8200
paul.donovan@laroelaw.com

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.



Jeffrey O. Moreno
1919 M Street, N.W., Suite 700
Washington, D.C. 20036
Phone: (202) 331-8800
Fax: (202) 331-8330
jeff.moreno@thompsonhine.com