

EXPEDITED CONSIDERATION REQUESTED

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

F.D. NO. 36017

**WASHINGTON & IDAHO RAILWAY –
PETITION FOR DECLARATORY ORDER**

**SPOKANE COUNTY'S UNOPPOSED MOTION FOR EXTENSION OF TIME
TO FILE REPLY TO
WASHINGTON & IDAHO RAILWAY'S PETITION FOR DECLARATORY ORDER**

 GRANTED Office of Proceedings	DECISION ID NO.: <u>45191</u>
	DECIDED DATE: <u>5/4/16</u>
	SERVICE DATE: <u>5/4/16</u>
	APPROVED: <u>Rachael Campbell</u> Director
	<input type="checkbox"/>

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Counsel for Spokane County

Dated: May 2, 2016

Spokane County (the “**County**”), by and through its undersigned counsel, respectfully moves pursuant to 49 C.F.R. § 1104.7 for additional time to file a reply to Washington & Idaho Railway’s (“**WIR**”) Petition for Declaratory Order (“**Petition**”). The County’s counsel telephonically conferred with WIR’s counsel on May 2, 2016, and WIR’s counsel has authorized the County’s counsel to represent in this filing that WIR consents to, and does not oppose, the County’s request for an extension of time.

The County requests a 20-day extension of time to May 25, 2016 for responding to WIR’s Petition. Pursuant to 49 C.F.R. §1104.13(a), the County’s reply to WIR’s Petition would be due on May 5, 2016 (20 days after receipt of the Petition by the Board).¹ Under 49 C.F.R. § 1104.7(b), the Board has discretion to extend the time period for replies upon request and with good cause.

Good cause exists for the County’s requested extension for several reasons. First, the earliest opportunity that the County’s Board of County Commissioners could meet to discuss the Petition was April 29, 2016, at which time the Board authorized the filing of a notice of appearance and the review of the Petition to determine an appropriate response. Second, the Petition with exhibits is voluminous, and the County needs sufficient time to review and evaluate the Petition. Third, the County’s request for an extension is unopposed

¹ The Petition may not have been served on the County in a manner fully consistent with 49 CFR § 1104.12, which among other things, requires that service on the parties should be by the same method and class of service used in serving the Board. It appears the Petition was sent by express delivery to the Board and service copies were sent by U.S. Mail, which at a minimum would give the County some additional days in responding to the Petition. In light of WIR’s consent to the County’s request to extend the County’s reply to May 25, this issue appears moot, but in the event the Board denied the County’s unopposed motion for an extension, the County reserves its rights with respect to service and time to respond to the Petition. During the telephonic meet and confer on May 2, 2016, WIR’s counsel indicated that service by email with a hard copy by U.S. Mail was acceptable for service on WIR’s counsel.

and no party would be prejudiced by an extension. Mr. Charles Montange, WIR's lead counsel, will be out of the country during the period of the extension and has no objection to extending the County's reply date to May 25, 2016.

WHEREFORE, and in view of the foregoing, the County respectfully requests the Board to extend the time to file its reply to WIR's Petition to May 25, 2016.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of May, 2016, a copy of the foregoing SPOKANE COUNTY'S UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE REPLY TO WASHINGTON & IDAHO RAILWAY'S PETITION FOR DECLARATORY ORDER was served via e-mail and U.S. mail, upon the following:

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