

February 17, 2015

**VIA ELECTRONIC FILING**

The Honorable Cynthia T. Brown  
Chief, Section of Administration  
Surface Transportation Board  
395 E Street, S.W.  
Washington, D.C. 20024

 <b>GRANTED</b> Office of Proceedings	DECISION ID NO.: <u>44318</u>
	DECIDED DATE: <u>2/18/15</u>
	SERVICE DATE: <u>2/18/15</u>
	APPROVED: <u>Rachel Campbell</u> Director
	<input type="checkbox"/>

**RE: REQUEST FOR EXTENSION OF TIME TO RESPOND TO BOARD'S  
SEPTEMBER 19, 2014 DECISION IN AB 33 (SUB-NO. 156) AND AB 33 (SUB-NO.  
253X) AND JANUARY 26, 2015 DECISION IN FD 35846, FD 35847, AB 33 (SUB-  
NO. 156), AND AB 33 (SUB-NO. 253X)**

Dear Ms. Brown:

I am writing on behalf of the state agency parties (The Metropolitan Transit Authority of Harris County, Texas (METRO), a non-carrier, and the Fort Bend County Toll Road Authority (FBCTRA), also a non-carrier) to request an extension of time to respond to the Board's decisions<sup>1</sup> in the above-referenced dockets.

METRO and FBCTRA are still compiling information necessary to fully respond to the Board's decisions. Given the questions raised in the Board's decisions and the potential impact on the contemplated transaction between METRO and FBCTRA, the parties require additional time, beyond February 18, 2015, to seek clarification from the Board and submit filings based on the outcome of that clarification. **Therefore, METRO and FBCTRA respectfully request that the Board grant METRO and FBCTRA an additional 90 days, up to and including May 19, 2015, in which to file their responses to the Board's decisions entered September 19, 2014 and January 26, 2015.**

<sup>1</sup> Pursuant to its September 19, 2014 decision (Decision I), the Board directed METRO and FBCTRA to submit a more detailed discussion as to why the proposed 26-foot right-of-way would be adequate to accommodate future rail service by October 21, 2014. On October 17, 2014, METRO and FBCTRA requested an extension to file their response in answer to the Decision. On October 20, 2014, the Board granted METRO and FBCTRA an additional 120 days, up to and including February 18, 2015, in which to file their response. On January 26, 2015 the Board issued a second decision (Decision II) that directed METRO and FBCTRA to submit—by February 18, 2015—a more detailed explanation as to what reactivation rights METRO holds in light of Union Pacific Railroad Company's (UP's) retained rights. Decision II also invited METRO, FBCTRA, and UP to submit comments on UP's apparent retained right to veto reactivation.

Very truly yours,

Thompson Coburn LLP



By  
Sean McGowan

**Certificate of Service**

I hereby certify that on February 17, 2015, I served a copy of the foregoing *Request for Extension of Time* on the following:

*Via E-mail & Regular Mail Postage Prepaid*

Mack H. Shumate, Jr.  
Law Department  
Union Pacific Railroad Company  
101 North Wacker Drive, Suite 1920  
Chicago, Illinois 60606

*Via Regular Mail Postage Prepaid*

Union Pacific Railroad Company  
1400 Douglas Street  
Omaha, NE 68179  
Attn: Counsel's Office



Sean McGowan  
Kathleen E. Kraft  
Thompson Coburn LLP  
1909 K St. NW, Suite 600  
Washington, D.C. 20006  
(202) 585-6900  
(202) 585-6969 (fax)  
smcgowan@thompsoncoburn.com  
kkraft@thompsoncoburn.com