



Thomas Sean McGowan  
 P 202.585.6976  
 F 202.508.1031  
 smcgowan@thompsoncoburn.com

October 17, 2014

236842

**VIA MESSENGER DELIVERY**

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




Office of Proceedings

DECISION ID NO.: 44078

DECIDED DATE: 10/20/14

SERVICE DATE: 10/20/14

APPROVED: Rachel Campbell  
 Director

extended to 2/18/15.

ENTERED  
 Office of Proceedings  
 October 17, 2014  
 Part of  
 Public Record

**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)**

Dear Ms. Brown:

I am writing on behalf of 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 request for further information regarding the adequacy of the right-of-way width for future restoration of rail service in *Union Pacific Railroad Company--Abandonment--in Harris, Fort Bend, Austin, Wharton, and Colorado Counties, Tx*, AB-33 (Sub-No. 156), and *Union Pacific Railroad Company--Abandonment Exemption--in Colorado and Wharton Counties, Tx*, STB Docket No. AB-33 (Sub-No. 253X).

On July 29, 2014, METRO and FBCTRA filed their joint petition to vacate and reissue the Notice of Interim Trail Use (NITU) and Certificate of Interim Trail Use (CITU) originally issued in *Union Pacific Railroad Company--Abandonment--in Harris, Fort Bend, Austin, Wharton, and Colorado Counties, Tx*, AB-33 (Sub-No. 156), and *Union Pacific Railroad Company--Abandonment Exemption--in Colorado and Wharton Counties, Tx*, AB-33 (Sub-No. 253X) (together, the Abandonment Dockets). In their filing, METRO and FBCTRA notified the Board of FBCTRA's intentions with respect to use of a 13-mile portion of the rail banked right-of-way subject to the CITU in AB-33 (Sub-No. 156). Specifically, FBCTRA intends to expand the Westpark Tollway for 13 miles. FBCTRA has acquired, or will acquire, sufficient real property to comprise a 300-foot transportation corridor for this purpose, which 300-foot corridor would include the 100-foot rail banked right-of-way. FBCTRA intends to leave 26 feet of the original 100-foot right-of-way undeveloped (*i.e.*, available for future restoration of rail service, without the need to remove or re-route any portion of the planned Westpark Tollway expansion).

Pursuant to its September 19, 2014 decision (the Decision), 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. METRO and FBCTRA have been compiling the information required to respond to the Board's direction, but

The Honorable Cynthia T. Brown

October 17, 2014

Page 2

require additional time, beyond October 21, 2014, to file a full response with the Board. **Therefore, METRO and FCBTRA respectfully request that the Board grant METRO and FBCTRA an additional 120 days, up to and including February 18, 2014, in which to file their response in answer to the Decision.**

Very truly yours,

Thompson Coburn LLP

By



Thomas Sean McGowan

cc: *Via Regular Mail*

Mack H. Shumate, Jr.

Law Department

Union Pacific Railroad Company

101 North Wacker Drive, Suite 1920

Chicago, Illinois 60606