

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

ENTERED
Office of Proceedings
June 29, 2016
Part of
Public Record

In re National Railroad Passenger Corp.

STB Finance Docket No. 36048

**ASSENTED TO MOTION TO EXTEND TIME FOR MASSACHUSETTS BAY
TRANSPORTATION AUTHORITY TO FILE A REPLY TO NATIONAL PASSENGER
RAILROAD CORP'S PETITION FOR RELIEF PURSUANT TO 49 U.S.C. § 24905**

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The Massachusetts Bay Transportation Authority (“MBTA”), by and through its undersigned counsel, respectfully moves pursuant to 49 C.F.R. § 1104.7(b) for a 30-day extension of time to file its reply to National Railroad Passenger Corporation’s (“Amtrak”) Petition for Relief Pursuant to 49 U.S.C. § 24905 (“Petition”). Under 49 C.F.R. §1104.13, MBTA’s response to Amtrak’s Petition would be due July 14, 2016 without an extension; with the extension, it will be due on August 15, 2016. Amtrak has assented to this motion.

The Surface Transportation Board (the “Board”) has discretion to extend the time period for replies upon request and with good cause. 49 C.F.R. § 1104.7(b). Good cause exists for the MBTA’s requested extension. MBTA reasonably needs additional time to review and evaluate the Petition and to prepare responsive materials, including in light of planned summer vacations and the paternity leave of one of MBTA’s lawyers, and briefing deadlines in other matters. Furthermore, MBTA and Amtrak are currently engaged in federal district court litigation involving the same subject matter of this dispute, *Massachusetts Bay Transportation Authority v. National Railroad Passenger Corp., et al.*, No. 16-10120 (D. Mass.), and MBTA requires time to prepare a motion for an abeyance of these proceedings pending resolution of the federal court action, in addition to its reply.

MBTA’s counsel conferred with counsel for Amtrak about this extension on June 28, 2016. Counsel for Amtrak stated that it assents to this motion. Because MBTA’s request for an extension is unopposed, no party would be prejudiced by an extension.

WHEREFORE, and in view of the foregoing, MBTA respectfully requests that the Board extend the time for MBTA to file its reply to Amtrak’s Petition from July 14, 2016 to August 15, 2016.

DATED: June 29, 2016

Respectfully submitted,

MASSACHUSETTS BAY TRANSPORTATION
AUTHORITY

By its attorneys,

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CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of June, 2016, a copy of the foregoing ASSENTED TO MOTION TO EXTEND TIME FOR MASSACHUSETTS BAY TRANSPORTATION AUTHORITY TO FILE A REPLY TO NATIONAL PASSENGER RAILROAD CORP'S PETITION FOR RELIEF PURSUANT TO 49 U.S.C. § 24905 was served via e-mail, as agreed upon by the Parties, upon the following:

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