

HARKINS CUNNINGHAM LLP

Attorneys at Law

dhirsh@harkinscunningham.com
Direct Dial: (202) 973-7606

1700 K Street, N.W.
Suite 400
Washington, D.C. 20006-3804
Telephone 202.973.7600
Facsimile 202.973.7610

June 25, 2012

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BY E-FILING

Ms. Cynthia T. Brown, Chief
Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, D.C. 20423-0012

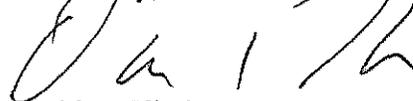
ENTERED
Office of Proceedings
June 25, 2012
Part of
Public Record

**Re: *In re National Railroad Passenger Corporation: Section 213
Investigation of Substandard Performance on Canadian National
Railway Company Rail Lines (STB Docket No. NOR 42134)***

Dear Ms. Brown:

As follow up to the Notice of Relevant Authority filed in this proceeding by National Railroad Passenger Corporation on June 4, 2012, which brought to the Board's attention the ruling issued on May 31, 2012 in *Association of American Railroads v. Department of Transportation*, No. 11-cv-1499 (D.D.C.) ("District Court Decision"), Canadian National Railway Company, Grand Trunk Western Railroad Company, and Illinois Central Railroad Company (collectively, "CN") hereby wish to apprise the Board that on June 22, 2012, the Association of American Railroads filed a notice of appeal to the United States Court of Appeals for the District of Columbia Circuit from the District Court Decision. A copy of the notice of appeal is enclosed.

Yours truly,



David A. Hirsh
Counsel for CN

Enclosure

cc: Counsel for National Railroad Passenger Corporation (Party of Record)

No. 1:11-cv-1499 (JEB)

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

ASSOCIATION OF AMERICAN RAILROADS,

Plaintiff,

v.

DEPARTMENT OF TRANSPORTATION,
et al.,

Defendants.

NOTICE OF APPEAL

The Association of American Railroads hereby appeals to the United States Court of Appeals for the District of Columbia Circuit from the final judgment entered on May 31, 2012, as well as from all other opinions, orders and rulings in this case, including, without limitation, the Memorandum Opinion entered on May 31, 2012.

Dated: June 22, 2012.

Respectfully submitted,

Louis P. Warchot
(D.C. Bar No. 465106)
Daniel Saphire
(D.C. Bar No. 358806)
ASSOCIATION OF AMERICAN
RAILROADS
425 3rd Street, SW, Suite 1000
Washington, DC 20024
(202) 639-2503

/s/ Thomas H. Dupree, Jr.
Thomas H. Dupree, Jr.
(D.C. Bar No. 467195)
Porter Wilkinson
(D.C. Bar No. 1001123)
GIBSON, DUNN & CRUTCHER LLP
1050 Connecticut Avenue NW
Washington, DC 20036
(202) 955-8500

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of June, 2012, a true and correct copy of the foregoing Notice of Appeal was filed and served pursuant to the Court's electronic filing procedures using the Court's CM/ECF System.

/s/ Thomas H. Dupree, Jr.
Thomas H. Dupree, Jr.
(D.C. Bar No. 467195)
GIBSON, DUNN & CRUTCHER LLP
1050 Connecticut Avenue NW
Washington, DC 20036
(202) 955-8500

CERTIFICATE OF SERVICE

I certify that I have this 25th day of June, 2012, caused a true copy of the foregoing letter

to be served by e-mail upon:

Eleanor D. Acheson
William Herrmann
Christine Lanzon
National Railroad Passenger Corporation
60 Massachusetts Avenue, N.E.
Washington, D.C. 20002-4285

David W. Ogden
Jonathan E. Paikin
Wilmer Cutler Pickering Hale and Dorr LLP
1875 Pennsylvania Avenue, N.W.
Washington, DC 20006-3642



Marissa A. Robertson