

August 1, 2013

**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

**Re: *Application of the National Railroad Passenger Corporation under 49 U.S.C. § 24308(a) – Canadian National Railway Company (Docket No. FD 35743)***

Dear Ms. Brown:

National Railroad Passenger Corporation (“Amtrak”) has filed an Application in the above-referenced docket, requesting that the Board (1) initiate a proceeding to prescribe terms and conditions to govern use by Amtrak of facilities (including rail lines) and services of Illinois Central Railroad Company (“IC”) and Grand Trunk Railroad Company (“GTW”) (together, “CN”), after expiration of the current operating agreement (the “Operating Agreement”) between Amtrak and CN, and (2) issue an interim order, effective by August 12, 2013, requiring CN to continue to make its facilities and services available to Amtrak on the same terms and compensation as now govern under the Operating Agreement.<sup>1</sup>

Amtrak asserts that an interim order extending the terms and conditions under which Amtrak currently operates on CN’s lines must be entered expeditiously in order to “prevent[]

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<sup>1</sup> The Application requests initiation of a proceeding regarding Amtrak’s use of facilities and services of Canadian National Railway Company (“CNR”), the indirect parent of IC and GTW. CNR, however, is not a party to the Operating Agreement with Amtrak, is not a party to the current negotiations for a new agreement, and would not be a party to any new agreement resulting from those negotiations. Rather than moving to dismiss the Application, counsel for CN has notified counsel for Amtrak that IC and GTW are the appropriate respondents in this proceeding. In this letter, “CN” is used only to refer collectively to IC and GTW.

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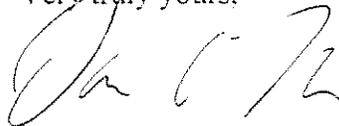
disruption in the provision of rail passenger service.” “in light of the impending Contract expiration date of August 11, 2013.” Application at 2, 4.

CN wishes to clarify that it is not responsible for the supposed impending disruption of service that is the basis of Amtrak’s request. CN has routinely agreed to requested extensions of the Operating Agreement in the past, but Amtrak on this occasion did not request an extension, on an interim basis or otherwise.

Nonetheless, in order to avoid any need for immediate action by the Board, and without waiving any of CN’s legal rights or objections with respect to Amtrak’s Application, CN agrees, pending a further order of the Board or agreement of the parties, to continue to make its facilities and services available to Amtrak pursuant to the terms of the Operating Agreement.

CN will otherwise reply to Amtrak’s Application within the 20-day reply period provided in 49 C.F.R. § 1104.13(a).

Very truly yours,



David A. Hirsh

Counsel for Canadian National Railway Company,  
Illinois Central Railroad Company, and Grand  
Trunk Western Railroad Company

cc: Linda J. Morgan, Esquire  
William Herrmann, Esquire