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April 24, 2024
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LAW OFFICE OF THOMAS W. WILCOX, LLC
1629 K. STREET, NW SUITE 300
WASHINGTON, DC 20006

(202) 508-1065 (O)

(202) 365-8409 (C)

TOM@TWILCOXLAW.COM

WWW.TWILCOXLAW.COM

April 24, 2024

By E-Filing

Ms. Cynthia T. Brown
Chief, Section of Administration
Surface Transportation Board
395 E Street, SW
Washington, D.C. 20423

RE: STB Docket No. FD 36616, *Savage Tooele Railroad Company –
Construction and Operation Exemption – Line of Railroad in Tooele County,
Utah*

Dear Ms. Brown:

This letter is submitted on behalf of Savage Tooele Railroad Company (“STR”), for the purpose of providing a preliminary response to one aspect of the Petition for Reconsideration filed on April 22, 2024 in the captioned proceeding. STR intends to submit a more complete reply within the time allocated by the Board’s rules that addresses the remainder of the petition and why it should either be rejected or denied. However, STR notes in the interim that on the last page of the petition it requests that the Board “issue a stay of the effective date of its Decision pending reconsideration.” Petition at 12. This request is untimely and therefore invalid. The Board’s regulations unambiguously state at 49 C.F.R. §1115.3(f) that “[a] petition to stay may be filed in advance of the petition for reconsideration and *shall* be filed within 10 days of service of the action.” (emphasis supplied). The obvious purpose of this rule is to prevent stays of decisions being requested merely days before the effective date of an action, which in this case is May 1, 2024.

Leaving aside whether the Petition for Reconsideration is itself permitted under the Board’s rules and applicable precedent, which STR does not concede, the request for stay is clearly not, and it should therefore be ignored.

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Please do not hesitate to contact the undersigned should you have any questions.

Sincerely,

A handwritten signature in blue ink that reads "Thomas W. Wilcox". The signature is written in a cursive, flowing style.

Thomas W. Wilcox
*Attorney for Savage Tooele Railroad
Company*

CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of April, 2024, I served a copy of the foregoing Letter by electronic mail upon all parties of record on the official service list for Docket No. FD 36616.

/ss/ Thomas W. Wilcox
