

**United States Court of Appeals**  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

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**No. 12-5204****September Term, 2016****1:11-cv-01499-JEB****Filed On:** September 9, 2016

Association of American Railroads,

Appellant

v.

United States Department of Transportation,  
et al.,

Appellees

**BEFORE:** Garland,\* Chief Judge; Henderson, Rogers, Tatel, Brown, Griffith,  
Kavanaugh, Srinivasan, Millett, Pillard, and Wilkins, Circuit Judges;  
Williams and Sentelle, Senior Circuit Judges

**ORDER**

Upon consideration of appellees' petition for rehearing en banc, the response thereto, and the absence of a request by any member of the court for a vote, it is

**ORDERED** that the petition be denied.

**Per Curiam**

**FOR THE COURT:**  
Mark J. Langer, Clerk

BY: /s/  
Ken R. Meadows  
Deputy Clerk

\* Chief Judge Garland did not participate in this matter.