SURFACE TRANSPORTATION BOARD

NOTICE

STB Ex Parte No. 647

CLASS EXEMPTION FOR EXPEDITED ABANDONMENT PROCEDURE
FOR CLASS II AND CLASS III RAILROADS

AGENCY: Surface Transportation Board.

ACTION: Notice of Public Hearing.

SUMMARY: The Surface Transportation Board (Board) will hold a public hearing on Wednesday, August 11, 2004, at its offices in Washington, DC, to provide interested persons an opportunity to express their views on the subject of the Board’s abandonment regulations for Class II and Class III rail carriers. Persons wishing to speak at the hearing should notify the Board in writing.

DATES: The public hearing will take place on Wednesday, August 11, 2004. Any person wishing to speak at the hearing should file with the Board a written notice of intent to participate, and should indicate a requested time allotment, as soon as possible but no later than July 26, 2004. Each speaker should also file with the Board any written testimony by August 3, 2004.

ADDRESSES: All notices of intent to participate and testimony may be submitted either via the Board’s e-filing format or in the traditional paper format. Any person using e-filing should comply with the instructions found on the Board’s “www.stb.dot.gov” website, at the “E-FILING” link. Any person submitting a filing in the traditional paper format should send an original and 10 paper copies of the filing (referring to STB Ex Parte No. 647) to: Surface Transportation Board, 1925 K Street, N.W., Washington, DC 20423-0001.

FOR FURTHER INFORMATION, CONTACT: Joseph Dettmar, (202) 565-1609. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1-800-877-8339.]

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1 The Board’s regulations divide railroads into three classes based on annual carrier operating revenues. Class I railroads are those with annual carrier operating revenues of $250 million or more (in 1991 dollars); Class II railroads are those with annual carrier operating revenues of more than $20 million but less than $250 million (in 1991 dollars); and Class III railroads are those with annual carrier operating revenues of $20 million or less (in 1991 dollars). See 49 CFR Part 1201, General Instruction 1-1(a).
SUPPLEMENTARY INFORMATION: On May 15, 2003, sixty-five short-line and regional carriers (petitioners)\(^2\) filed a petition to institute a proceeding under 49 U.S.C. 10502 to exempt a class of small carriers from the prior approval abandonment requirements of 49 U.S.C. 10903. Petitioners included a detailed proposal including revised rules for 49 CFR 1152.50 (exempt abandonments) and 1152.27 (offers of financial assistance). The Board will hold a public hearing to provide a forum for the expression of views by rail shippers, railroads, and other interested persons, on this and other proposed changes to the Board’s abandonment regulations as they relate to Class II and Class III rail carriers. This hearing will provide a forum for the oral discussion of the proposed class exemption and any proposals that interested persons might wish to offer to amend the abandonment regulations.

**Date Of Hearing.** The hearing will begin at 10:00 a.m. on Wednesday, August 11, 2004, in the 7th floor hearing room at the Board’s headquarters in Washington, DC, and will continue, with short breaks if necessary, until every person scheduled to speak has been heard.

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Notice Of Intent To Participate. Any person wishing to speak at the hearing should file with the Board a written notice of intent to participate, and should indicate a requested time allotment, as soon as possible but no later than July 26, 2004.

Testimony. Each speaker should file with the Board any written testimony by August 3, 2004.

Board Releases And Live Audio Available Via The Internet. Decisions and notices of the Board, including this notice and the proposed class exemption, are available on the Board’s website at “www.stb.dot.gov.” This hearing will be available on the Board’s website by live audio streaming. To access the hearing, click on the “Live Audio” link under “Information Center” at the left side of the home page beginning at 10:00 a.m. on August 11, 2004.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.


Vernon A. Williams
Secretary