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SERVICE DATE – LATE RELEASE JUNE 17, 2011

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. EP 705

COMPETITION IN THE RAILROAD INDUSTRY

Decided: June 17, 2011

The Surface Transportation Board will hold a hearing on Wednesday, June 22, 2011, and Thursday, June 23, 2011, at the Board's headquarters located at 395 E Street, S.W., Washington, DC, to allow interested parties to comment on the issues in this proceeding. Due to the number of speakers and the breadth of issues the parties intend to address, the hearing will begin each day at 8:30 a.m., rather than the 9:30 a.m. start time specified in previous notices.

By notice served on January 11, 2011 (January notice), the Board announced its intent to hold a public hearing on May 3, 2011, to explore the current state of competition in the railroad industry and possible policy alternatives to facilitate more competition, where appropriate. The January notice provided deadlines for submission of initial comments, reply comments, notices of intent to participate (with written testimony), and submissions by other interested persons, and noted that, although the Board planned to hold the hearing in a single day, it might extend the hearing if the number of participants or the breadth of submitted written testimony so required.

By decision served on February 4, 2011, the Board granted an extension of time for the various deadlines set in the January notice, and rescheduled the public hearing from May 3, 2011, to June 22, 2011. The Board established June 10, 2011 as the deadline for submission of notices of intent to participate in the hearing. The Board again noted that, if necessary, it would extend the hearing for a second day. By notice served on June 13, 2011, the Board extended the hearing to June 23, 2010. Based on notices of intent to participate received, the Board is issuing this decision to set the schedule of speakers for the hearing. The schedule of appearances and the time provided for each party appear in the Appendix to this decision.

If a party wishes to enhance its presentation by using visual displays and/or handouts of material from the record, it may do so. Parties may copy computer presentations to a Board-supplied laptop for viewing on the hearing room's television screens. Staff will be available to demonstrate the hearing room's screen system and to assist in the copying of visual presentations onto the hearing room laptop computer on June 21, 2011, from 2:00 p.m. to 4:00 p.m. Please call (202) 245-0238 to make arrangements.

Instructions for Attendance at Hearing

The STB requests that all persons attending the hearing use the main entrance to Patriots Plaza I at 395 E Street, S.W. (entrance on E Street closest to 4th Street). There will be no

reserved seating, except for those scheduled to present comments. The building will be open to the public at 7:00 a.m., and participants are encouraged to arrive early. There is no public parking in the building. The two closest Metro stops to the Board are on the Blue and Orange Lines at Federal Center SW, 3rd and D Streets, S.W., and on the Yellow, Green, Orange and Blue Lines at L'Enfant Plaza, 6th and D Streets, S.W.

Upon arrival, check in at the 1st floor security desk in the main lobby. Be prepared to produce valid photographic identification (driver's license or local, state, or Federal government identification); sign in at the security desk; receive a hearing room pass (to be displayed at all times); submit to an inspection of all briefcases, handbags, etc.; and pass through a metal detector. Persons choosing to exit the building during the course of the hearing must surrender their hearing room passes to security personnel and will be subject to the above security procedures if they choose to re-enter the building. Hearing room passes likewise will be collected from those exiting the hearing upon its conclusion.

In addition, those persons testifying must check in with the Clerk at the front of the hearing room.

Laptops and recorders may be used in the hearing room, but no provision will be made for connecting personal computers to the internet. Cellular telephone use is not permitted in the hearing room; cell phones may be used quietly in the corridor surrounding the hearing room, or in the building's main lobby.

Members of the media should contact Dennis Watson in the Office of Public Assistance, Governmental Affairs, and Compliance at (202) 245-0234, if they plan to attend the hearing.

The Board's hearing room complies with the Americans with Disabilities Act, and persons needing such accommodations should call (202) 245-0245, by the close of business on June 20, 2011.

For further information regarding the hearing, contact Amy Ziehm at (202) 245-0391. Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at (800) 877-8339.

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

It is ordered:

1. Time for the hearing is allotted as reflected in the Appendix to this decision.
2. This decision is effective on the date of service.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

**APPENDIX****SCHEDULE OF SPEAKERS****JUNE 22, 2011**

<b><u>Party</u></b>	<b><u>Time Allotted</u></b>
<b>Panel I</b>	
Members of Congress (to speak as they arrive)	as needed
<b>Panel II</b>	
Interested Parties Scott Stone, Jeffrey Moreno, Michael McBride	30 minutes
National Industrial Transportation League Curt H. Warfel (accompanied by counsel Karyn A. Booth)	5 minutes
<b>Panel III</b>	
Association of American Railroads Edward R. Hamberger, Edward A. Burkhardt, William J. Rennie, Robert Willig, Samuel M. Sipe, Jr.	40 minutes
<b>Panel IV</b>	
North Carolina Department of Transportation Jim Trogon	5 minutes
<b>Panel V</b>	
Alliance for Rail Competition, et al. Terry C. Whiteside	10 minutes
National Association of Wheat Growers Wayne Hurst	10 minutes
National Grain and Feed Association Kendell W. Keith	10 minutes

**Panel VI**

CSX Corporation 10 minutes  
Michael J. Ward

Kansas City Southern Railway Company 10 minutes  
Michael R. Haverty, David M. Konschnik

Union Pacific Railroad Company 10 minutes  
James R. Young, Lance M. Fritz

**Panel VII**

Consumers United for Rail Equity 10 minutes  
Glenn English (accompanied by counsel)

Western Coal Traffic League 10 minutes  
Kenneth C. Baseman, Peter A. Pfohl

Concerned Captive Coal Shippers 10 minutes  
C. Michael Loftus

**Panel VIII**

American Shortline and Regional Railroad Association 30 minutes  
Richard F. Timmons, Michael Ogborn,  
Sharon Clark, Carl Martland

**Panel IX**

American Chemistry Council 5 minutes  
To be determined

The Chlorine Institute, Inc. 5 minutes  
Sharon Piciacchio

**Panel X**

Transportation Communications Union/IAM 5 minutes  
Robert A. Scardelletti

United Transportation Union—New York State Legislative Board 5 minutes  
Gordon P. MacDougall

**Panel XI**

J.P. Morgan Securities, LLC  
Thomas Wadewitz

5 minutes

Wolfe Trahan & Co.  
Scott Group

10 minutes

JUNE 23, 2011

<b><u>Party</u></b>	<b><u>Time Allotted</u></b>
<b>Panel I</b>	
Ameren Corporation James A. Sobule	10 minutes
Arkansas Electric Cooperative Corporation Jonathan Oliver	10 minutes
Omaha Public Power District Thomas W. Wilcox	8 minutes
<b>Panel II</b>	
Hub Group, Inc. David P. Yeager	10 minutes
Intermodal Association of North America, Inc. Steven Rubin	5 minutes
J.B. Hunt Transport Services, Inc. Paul R. Bergant	10 minutes
Moran Industries John D. Moran, Jr.	10 minutes
<b>Panel III</b>	
Arkema, Inc. John O'Leary	10 minutes
The Dow Chemical Company Brad Gray	10 minutes
E.I. du Pont de Nemours and Company Gary Spitzer	10 minutes
Occidental Chemical Corporation Robin A. Burns	10 minutes

Olin Corporation 10 minutes  
John L. McIntosh

PPG Industries, Inc. 5 minutes  
Michael H. McGarry; Karyn A. Booth

**Panel IV**

BNSF Railway Company 10 minutes  
John P. Lanigan

Norfolk Southern Railway Company 10 minutes  
Mark A. Manion, James A. Hixon

**Panel V**

Diversified CPC International, Inc. 10 minutes  
William A. Frauenheim, III

M & G Polymers USA, LLC 10 minutes  
Fred J. Fournier

United States Gypsum Company 10 minutes  
George T. Macko

**Panel VI**

Wisconsin Central Group 10 minutes  
John Duncan Varda

Highroad Consulting, Ltd. 10 minutes  
Sandra J. Dearden

The Mercury Group 10 minutes  
Craig S. Dickman

Nevada Central Railroad 5 minutes  
Robert Alan Kemp