

29546
ALJ

SERVICE DATE - AUGUST 21, 1998

SURFACE TRANSPORTATION BOARD

DECISION

STB Ex Parte No. 575

REVIEW OF RAIL ACCESS AND COMPETITION ISSUES

CERTIFICATION OF THE RECORD OF THIS PROCEEDING

Issued July 24, 1998

On April 21, 1998, the Board requested representatives of the shipping community and the railroad industry to meet, under the supervision of an Administrative Law Judge, and select a mutually acceptable panel of three disinterested experts to examine the current and alternative measures of a railroad's financial health and make recommendations as to the appropriate standard that the Board should apply. The Board also directed that the representatives of the shipping community and the railroad industry address concerns related to the Board's "competitive access" rules. The Board designated the undersigned to serve as the Administrative Law Judge in these matters.

After an organizational conference was held on April 28, 1998 between representatives of the shipping community and the railroad industry, additional conferences were held on May 21, June 9 and June 18, 1998. With the consent of the participants transcripts of the conferences were compiled. Although the participants could not reach agreement on recommendations to the Board, there was an useful exchange of views on both revenue adequacy and competitive access concerns contained in the Record of the conferences. The participants filed their individual reports as required by the Board's Decision of April 21, 1998.

The following constitutes the Record of the proceeding before me:

1. The transcripts of the conferences consisting of pages 1 through 405, together with the Appendices attached thereto;

2. The Reports filed by (1) Association of American Railroads; (2) the Subscribing Shippers ¹; (3) National Industrial Transportation League; (4) Society of the Plastic Industry, Inc.; (5) the National Grain and Feed Association; and (6) United Transportation Union.

The proceeding before me terminated with the filing of the Reports by the participants on July 17, 1998.

By the Commission, Jacob Leventhal, Administrative Law Judge.

¹See the Appendix to this Certification for a listing of these shippers. The subscribing shippers filed separate reports on revenue adequacy and competitive access.

Appendix

The National Mining Association	Consumers Energy Company
The Western Coal Traffic League	Kansas City Power & Light Company
The U.S. Clay Producers Traffic Association, Inc.	City of Colorado Springs
Edison Electric Institute	Texas Municipal Power Agency
The Fertilizer Institute	FMC Corporation
The Society of the Plastics Industry, Inc.	International Paper Company
The National Industrial Transportation League	BHP Cooper, Inc.
National Rural Electric Cooperative Association	Dairyland Power Cooperative
The Chemical Manufacturers Association	Indianapolis Power & Light Company
	City Utilities of Springfield