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**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Ex Parte No. 677 (Sub-No. 1)

***COMMON CARRIER OBLIGATION OF RAILROADS—
TRANSPORTATION OF HAZARDOUS MATERIALS***

**MOTION OF THE NATIONAL INDUSTRIAL TRANSPORTATION LEAGUE
TO EXTEND PROCEDURAL SCHEDULE**

In a Notice of Public Hearing ("Notice") served on June 4, 2008, the Surface Transportation Board ("Board") announced that it would hold a public hearing on July 16, 2008 to examine issues related to the common carrier obligation of railroads with respect to the transportation of hazardous materials. In that same order, the Board required the filing of written testimony by July 2, 2008.

For the reasons set forth below, the National Industrial Transportation League ("League") respectfully requests the Board to reschedule this hearing for the week of September 15, 2008, with written testimony due ten days before the date of the rescheduled hearing in September:

1. The matters raised by the Board are complex and require more preparation than the current schedule current allows. The Board seeks a "more detailed discussion" regarding issues surrounding the transportation of hazardous materials by rail, and it is clear that the subject matter of Board's requested hearing goes well beyond the general questions posed by the Board before and at the Board's hearing on April 24-25th, which dealt more generally with railroads' common carrier obligation. However, a more detailed discussion will require substantially more consideration and research, especially since the Board desires parties to discuss such complex topics as the efforts of other federal agencies such as the Federal Railway
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Administration and the Pipeline and Hazardous Materials Safety Administration to address the transportation of hazardous materials.

2. Moreover, given the need to coordinate the views of its membership, the Board's July 2 / July 16 time frame for written and oral submissions is not realistic. In that connection, the League would note that its Rail Transportation Committee has a meeting scheduled for August 26, 2008. A hearing in mid-September would permit the League to discuss this matter at that August 26 meeting, to insure that the views of its members are fully considered.

3. The League is aware of no statutory or regulatory deadline, or other time-sensitive condition, that would require the holding of this hearing on July 16. The League believes that no party would be prejudiced by the requested extension.

For the foregoing reasons, the League asks the Board to extend its hearing schedule by sixty days and to schedule the hearing during the week of September 15, 2008. The Board should also revise its due date for written submissions, which should be due ten days before the date of the rescheduled hearing in September.

Respectfully submitted,



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