

SERVICE DATE – FEBRUARY 23, 2024

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. EP 730 (Sub-No. 1)

ROSTER OF ARBITRATORS—ANNUAL UPDATE

Digest:¹ The Board revises its roster of arbitrators who are available to resolve rail rate and practice complaints through the Board's arbitration process.

Decided: February 22, 2024

The Board's regulations at 49 C.F.R. part 1108 establish a voluntary and binding arbitration process to resolve rail rate and practice complaints that are subject to the Board's jurisdiction. A panel of arbitrators (or, if the parties agree, a single arbitrator) shall be selected from a roster maintained by the Board. 49 C.F.R. § 1108.6(a). The Board's rules provide a process for maintaining the roster of arbitrators and provide that the roster will be updated every year. 49 C.F.R. § 1108.6(b).

To begin its annual update of the roster, by decision served December 26, 2023, the Board sought applications from all interested persons who wished to be considered for inclusion on the roster. The Board also requested that current arbitrators who wished to remain on the roster notify the Board of their continued availability and confirm that their biographical information on file with the Board remains accurate and, if not, provide any necessary updates. The Board received notifications of continued availability from six arbitrators and no new submissions.

The Board has assessed the applicants' qualifications in light of the criteria at 49 C.F.R. § 1108.6(b). Based on this assessment and a review of the notifications of continued availability, the Board adopts a revised roster and, where appropriate, updates the arbitrators' biographical information. One arbitrator who did not notify the Board of his continued availability has been removed from the roster. The revised roster of arbitrators is appended to this decision.

¹ The digest constitutes no part of the decision of the Board but has been prepared for the convenience of the reader. It may not be cited to or relied upon as precedent. See Pol'y Statement on Plain Language Digs. in Decisions, EP 696 (STB served Sept. 2, 2010).

The roster will be published on the Board's website, pursuant to § 1108.6(b). The Board will continue to update the roster annually and may modify the roster at any time through a no-objection vote.

It is ordered:

1. The Board adopts the revised roster of arbitrators appended to this decision.
2. This decision is effective on the day of service.

By the Board, Board Members Fuchs, Hedlund, Oberman, Primus, and Schultz.

ROSTER OF ARBITRATORS

The following is the list of persons available and qualified to be arbitrators based on the criteria established under 49 C.F.R. § 1108.6. The information provided herein is based on applications filed by each arbitrator. These applications are available on the Board's website (www.stb.gov) under Docket No. EP 730 (Sub-No. 1). The roster will be updated every year and may be modified by the Board at any time through a no-objection vote.

Bradley A. Areheart

- Professor of Law, University of Tennessee College of Law, P.O. Box 31242, Knoxville, TN 37930, (865) 299-2822, brad.areheart@tennessee.edu
- Teaches courses including Labor Law, Disability Law, Employment Law, Employment Discrimination, and Contracts. Past experience litigating disputes including government contracts, government relations, and cases in the aviation and railway industries.
- Served on approximately 100 consumer, commercial, employment, railway, and labor arbitrations. Member of the Foreign Service Grievance Board, the American Arbitration Association (consumer, commercial, employment, and labor panels), and the Federal Mediation and Conciliation Service's roster. On several permanent panels, including USAF/AFGE; USDA/AFGE, Cincinnati Public Schools/TUOE, and Consolidated Nuclear Facility/AFL-CIO.
- Fee: \$350/hour for arbitration-related services. Conducts remote and in-person arbitrations.

David C. Barrett, Jr.

- Managing Partner, Barrett, Easterday, Cunningham & Eselgroth LLP, 7259 Sawmill Road, Dublin, OH 43016, (614) 210-1840 and (701) 354-4878, dbarrett@farmlawyers.com
- 2023 Recipient of American Agricultural Law Association's Excellence in Agricultural Law award for private practitioners.
- Completed Mediation Training for Lawyers (2023), The Werner Institute for Negotiation and Conflict Resolution at Creighton University School of Law.
- Represents agricultural producer and agribusiness clients in matters including corporate governance, commercial transactions, commercial civil litigation, mediation, and arbitration; former member of the National Grain and Feed Association (NGFA) (in-house legal counsel, national secretary).
- Administrator of the NGFA Arbitration System; worked to establish the NGFA Rail Arbitration Rules for arbitration of specified rail issues; represented producer and agribusiness firms in arbitration before NGFA and the American Arbitration Association; member of the arbitration panel maintained by the National Futures Association; served as a mediator in a variety of cases, including court-ordered mediation cases in Ohio; completed the London-based Grain and Feed Trade Association's *Gafta* Trade Foundation Course on international grain contracts and arbitration.
- Fee: \$485/hour + costs and expenses incurred in serving as an arbitrator.

Paul H. Lamboley

- Attorney/Arbitrator/Mediator/Consultant, Law Office of Paul H. Lamboley, 50 W. Liberty Street, Suite 950, Reno, NV 89501, (775) 786-8333, phlamboley@aol.com
- Former Commissioner of the Interstate Commerce Commission; former law practice concentrated on transportation, antitrust, energy, environment, commercial and trade-related issues.
- Serves as a neutral (arbitrator, mediator, referee, hearing officer, short trial judge) in a full-time alternative dispute resolution (ADR) practice; panel memberships for arbitrator and/or mediator appointments include NMB, National Association of Railroad Referees, Surface Transportation Board, and the American Arbitration Association (AAA).
- Fee: \$375/hour or \$2000 per eight-hour day or part thereof, unless otherwise determined. No charge for travel time to and from sites nationwide, charge will be actual cost of travel or IRS mileage rate.

Michael T. Loconto

- Arbitrator and Mediator, Loconto ADR, 32 Tennyson Street, Boston, MA 02132, (617) 331-2112, mtl@locontoadr.com
- Specialized in labor and employee relations, worked as in-house counsel in the private sector for two institutions of higher education, and in the public sector for a major metropolitan city.
- Experience with economic regulations in labor law and a number of transportation-related ventures in municipal government, private bus transport, and project labor agreements with the building and construction trades.
- Trained as an arbitrator with FMCS Institute and AAA on remote mediation practices, and with two members of the National Academy of Arbitrators on labor, employment and pension and benefits matters. Member of the FMCS roster of arbitrators for labor disputes and several private organization rosters for employment and commercial ADR services across industries. Provides arbitration, mediation, and factfinding services through more than 20 state and local agencies.
- Appointed to the National Mediation Board's roster of arbitrators for labor disputes in the rail and airline industries; appointed to the American Arbitration Association's roster of arbitrators in labor, employment, consumer, and ERISA/pension disputes.
- Fee: \$1,850 per diem for labor matters, \$400/hour for employment and commercial matters. Travel/expenses billed as incurred; writing, research, conferences, and travel time billed at fractional per diem/hourly rate (as applied). No charge for administrative overhead.

Ross B. Russell

- Managing Attorney/Owner, Law Offices of Ross Russell, PC, and Russell ADR Group, 100 N. 6th Street, Suite 701, Waco, TX 76701, (254) 307-0019, rrussell@therusselllawfirm.com
- Law Professor at University of North Texas School of Law.
- Presided over 550 arbitrations and 225 mediations in cases involving business contracts, transportation contracts, joint operating agreements, intellectual property disputes, real property disputes, international shipping and commerce, tax rate disputes, business

valuation, securities law disputes, commodities law disputes, and health care disputes, among others.

- Serves on various domestic and international arbitration panels and lists. Member of the International Bar Association (Arbitration Committee), American Bar Association (Dispute Resolution Committee), Chartered Institute of Arbitrators, AAA, Asian Institute for ADR, Bali International Arbitration and Mediation Centre, Prime Dispute, and others.
- Fee: \$375/hour + expenses. Remote arbitration available.

Greg E. Summy

- Of Counsel, Woods Rogers Vandeventer Black PLC, 101 West Main Street, 500 World Trade Center, Norfolk, VA 23510, (757) 408-1038, gsummy@wrvbllaw.com
- Member of the Transportation Practice Group.
- Former Deputy General Counsel with Norfolk Southern Corporation, Associate General Counsel with North American Van Lines, and Corporate Counsel with Lee Way Motor Freight. Served as president of Transportation Lawyers Association and Chair of the Transportation Section of the Virginia Bar Association.
- Experience in regulatory proceedings, matters concerning transportation contracts between railroads and customers, disputes between railroads and customers, joint facility agreements, public-private partnerships, and disputes among railroads. Served as arbitrator in disputes concerning railroad transportation.
- Fee: \$425/hour + expenses.