

FOR RELEASE  
10/03/2003 (Friday)  
No. 03-40

Contact: Dennis Watson  
(202) 565-1596  
FIRS 1 (800) 877-8339  
www.stb.gov

**Statement of Surface Transportation Board Chairman Roger Nober on U.S. Court of Appeals' Decision Regarding Agency's Approval of "Dakota, Minnesota & Eastern's" New Rail-Line Construction Application**

statement concerning the decision of the United States Court of Appeals for the Eighth Circuit (Court) to vacate and partially remand the Board's January 30, 2002 decision giving final approval for the Dakota, Minnesota & Eastern Railroad Corporation (DM&E) to build a new railroad line to the coal mines of Wyoming's Powder River Basin in the case entitled *Dakota, Minnesota & Eastern Railroad Corporation Construction into the Powder River Basin*, in STB Finance Docket No. 33407:

**"I have read the opinion issued by the Court of Appeals for the Eighth Circuit in the DM&E case. I appreciate the Court's praise for the STB's environmental review of this large and complex project, which noted that our agency 'did a highly commendable and professional job in evaluating an enormously complex proposal.' However, the Court has remanded the case back to the agency for further review. I am concerned about the ramifications of certain aspects of this decision, and our agency is evaluating how it should proceed."**

The Court issued its decision in the case entitled *No. 02-1359, Mid States Coalition For Progress, et al. v. Surface Transportation Board and United States of America, 8th Circuit* on October 2, 2003.

###