

Surface Transportation Board Announces Outcome of Matters & Results of Cases Addressed in June 22 Voting Conference

Surface Transportation Board Chairman Roger Nober today announced the outcome of preliminary matters addressed in, and the results of, the voting conference held today by the STB.

Chairman Nober began the conference by welcoming the two new STB Commissioners, W. Douglas Buttrey and Francis P. Mulvey, and the Board elected Commissioner Mulvey as the agency's Vice Chairman for the remainder of calendar year 2004.

Chairman Nober then announced that the STB would:

- Hold a **July 7, 2004 public hearing** concerning the case entitled *TTX Company, et al.-- Application for Approval of Pooling of Car Service With Respect to Flatcars*, STB Finance Docket No. 27590 (Sub-No. 3);
- Hold a **July 21, 2004 public hearing** on the subject of railroad-rate challenges in "small cases;"
- Hold a **July 27, 2004 voting conference** (on cases to be announced at a later date);
- Hold an **August 11, 2004 public hearing** in the case entitled *Class Exemption for Expedited Abandonment Procedure for Class II and Class III Railroads*, STB Ex Parte No. 647;
- Hold an **August 31, 2004 voting conference** (on cases to be announced at a later date).

After making these announcements, Chairman Nober, Vice Chairman Mulvey, and Commissioner Buttrey voted in public to adopt draft decisions in several cases. The voting results are attached as a fact sheet.

###

ATTACHMENT

Fact Sheet

VOTING RESULTS OF SURFACE TRANSPORTATION BOARD'S JUNE 22, 2004 VOTING CONFERENCE

- *Buckingham Branch Railroad Company-Lease-CSX Transportation, Inc.*, STB Finance Docket No. 34495. In this case, the "Buckingham Branch Railroad" seeks STB approval to lease from CSX Transportation, Inc., an approximately 191-mile railroad line between Clifton Forge, Virginia, and a point near Richmond, Virginia. The Board voted unanimously to accept the application for consideration.
- *Railroad Cost of Capital-2003*, STB Ex Parte No. 558 (Sub-No. 7). In this proceeding, the Board determined that the railroad industry's after-tax cost of capital was 9.4 percent for the year 2003.
- *Morristown & Erie Railway, Inc.-Modified Rail Certificate*, STB Finance Docket No. 34054. The Board voted unanimously to deny a request by five New Jersey municipalities that the Board reopen its July 2002 decision permitting reactivation by the "Morristown & Erie" of certain rail lines in that state.
- *Central Michigan Railway Company-Abandonment Exemption-In Saginaw County, MN*, STB Docket No. AB-308 (Sub-No. 3X). The Board voted unanimously to clarify that a previously imposed condition to an abandonment authorization requiring "Central Michigan" to provide a per-car rebate on future shipments should be limited.
- *Union Pacific Railroad Company-Abandonment Exemption-In Rio Grande and Mineral Counties, CO*, STB Docket

No. AB-33 (Sub-No. 132X). The Board voted unanimously to deny a petition filed by the City of Creede, Colorado, asking the Board to overturn its May 11, 1999 decision allowing the acquisition, through the agency's "offer of financial assistance" procedures, of a rail line proposed for abandonment.

- *City of Venice-Abandonment Exemption-In Venice, IL and St. Louis, MO*, STB Docket No. AB-863X. The Board voted unanimously to dismiss for lack of agency jurisdiction a notice filed by the City of Venice, Illinois ("City"), for authority to abandon a two-mile rail line between St. Louis, Missouri, and McKinley Junction, Illinois. The Board determined that the City is not a railroad and that the line at issue has already been lawfully abandoned.

The STB provides the above summaries as a courtesy to the public and the media. The actions of the agency in these cases, however, are its written decisions. Those decisions will be forthcoming, and will be available for viewing (under "E-Library/"Decisions & Notices") and downloading via the STB's Web site at <http://www.stb.dot.gov>. Printed copies of the decisions also will be available for a fee by contacting **ASAP Document Solutions, 9332 Annapolis Rd., Suite 103, Lanham, MD 20706, telephone (301) 577-2600**, or via asapmd@verizon.net.

###