

Public & Media Advisory: Surface Transportation Board Announces Cases To Be Addressed, Provides Instructions For Public & Media Attendance At May 9 Voting Conference

Surface Transportation Board (Board) Chairman Roger Nober today announced the list of cases to be addressed in, and provided instructions for public and media attendance at, the Board's open voting conference to begin at **10:00 a.m. EDT on Friday, May 9, 2003**, in **Room 760**, the Board's hearing room, on the **7th Floor at the agency's headquarters in the Mercury Building, 1925 K Street, N.W.** (on the northeast corner of the intersection of 20th and K Sts.), Washington, D.C.

At the conference, the Board Members will discuss publicly among themselves, and vote on, the cases listed below. While the public is invited to attend the voting conference, no public participation will be allowed.

THE CONFERENCE ITEMS ARE:

- STB Finance Docket No. 34079, *San Jacinto Rail Limited Construction Exemption and The Burlington Northern and Santa Fe Railway Company Operation and Exemption--Build-Out to the Bayport Loop Near Houston, Harris County, TX*. The Board will consider whether to grant final approval for an exemption from Board regulation sought by San Jacinto Rail Limited to construct, and by The Burlington Northern and Santa Fe Railway Company to operate, a 12.8-mile line of railroad to serve the Bayport Industrial District ("Bayport Loop") in southeast Houston, Harris County, Texas, near Galveston Bay.
- STB Finance Docket No. 34040, *Riverview Trenton Railroad Company--Petition for an Exemption from 49 U.S.C. 10901 to Acquire and Operate a Rail Line in Wayne County, MI*. At issue is whether the Board should grant an exemption from its regulations to allow the Riverview Trenton Railroad Company, currently a non-railroad entity, to become a railroad for the purpose of operating an intermodal terminal in the Detroit, Michigan, area.
- Docket No. 41185, *Arizona Public Service Company & PacifiCorp v. The Burlington Northern and Santa Fe Railway Company*, and STB Docket No. 42077, *Arizona Public Service Co. & PacifiCorp v. The Burlington Northern and Santa Fe Railway Company*. At issue is The Burlington Northern and Santa Fe Railway Company's (BNSF) request that the Board reopen the proceeding in Docket No. 41185, in which the agency had prescribed the maximum rate BNSF could charge the Arizona Public Service Co. (Arizona) to haul coal from the McKinley mine in New Mexico to Arizona's electricity-generating plant in Joseph City, Arizona. BNSF and Arizona agree that circumstances have changed since the Board set the current rate, as the McKinley mine's reserves will be exhausted sooner than anticipated at the time of the Board's prior decisions.
- STB Docket No. NOR 42072, *Carolina Power & Light Company v. Norfolk Southern Railway Company*. At issue is whether the Board should admit into the public record evidence that the Norfolk Southern Railway Company wants to submit in this maximum rate reasonableness complaint proceeding involving coal transported by NS from various origins in West Virginia, Kentucky, and Virginia to electricity-generating plants in North Carolina.
- STB Finance Docket No. 33989, *Pejepscot Industrial Park, d/b/a Grimmel Industries--Petition for Declaratory Order*. At issue is whether the Maine Central Railroad Company, the Springfield Terminal Railway Company, and Guilford Transportation Industries, Inc. failed to provide railroad service requested by a shipper, Pejepscot Industrial Park, Inc., doing business as Grimmel Industries.
- STB Docket No. AB-55 (Sub-No. 618), *CSX Transportation, Inc.--Discontinuance--at Memphis, in Shelby County, TN*. At issue is whether the Board should reopen and reverse a prior decision that authorized CSX Transportation, Inc. to discontinue service over a line of railroad near Memphis, TN, that runs over a bridge that the Board found needs substantial rehabilitation and, ultimately, replacement.
- STB Finance Docket No. 34236, *Bolen-Brunson-Bell Lumber Company, Inc. v. CSX Transportation, Inc.*, and Ex Parte No. 346 (Sub-No. 25), *Rail General Exemption Authority--Lumber or Wood Products*. At issue is whether the

Board should find that CSX Transportation, Inc. acted unlawfully by not repairing a damaged bridge on a line near Memphis, TN, that was the subject of a proceeding at the Board in which the carrier was seeking authority to discontinue its operations.

- STB Finance Docket No. 33740, *The Burlington Northern and Santa Fe Railway Company--Petition for Declaration or Prescription of Crossing, Trackage, or Joint Use Rights*. At issue is the nature and right of an operation by The Burlington Northern and Santa Fe Railway (BNSF) involving BNSF's relocated crossing of Keokuk Junction Railway Company track, and the Board's issuance of a line-construction license precedent to crossing rights.
- STB Finance Docket No. 34293, *Metro-North Commuter Railroad Company--Acquisition and Operation Exemption--Line of Norfolk Southern Railway and Pennsylvania Lines LLC*. At issue is whether Board approval is required for the non-railroad entity, Metro-North Commuter Railroad Company (Metro-North), to acquire through a sublease, and to operate, a rail line owned by Pennsylvania Lines LLC and leased and operated by the Norfolk Southern Railway Company.
- STB Finance Docket No. 34145, *Bulkmatic Railroad Corporation--Acquisition Exemption--Bulkmatic Transport Company*, and STB Finance Docket No. 34179, *Bulkmatic Railroad Corporation--Operation Exemption--Bulkmatic Transport Company*. At issue is whether the Board should reconsider its prior decision finding that the operations of a new carrier over a short line of railroad are common carrier operations that require a license from the Board.
- STB Finance Docket No. 34284, *Southwest Gulf Railroad Company--Construction and Operation Exemption--Medina County, TX*. At issue is this case is the Southwest Gulf Railroad Company's (SGR) petition for an exemption from the Board's prior-approval requirements to allow SGR to construct and operate an approximately seven-mile railroad line in Medina County, Texas.
- STB Docket No. AB-596, *New York City Economic Development Corporation--Adverse Abandonment--New York Cross Harbor Railroad in Brooklyn, NY*. At issue is whether the Board should grant the New York City Economic Development Corporation's (NYCEDC) application, on behalf of New York City, requesting that the Board find that the public convenience and necessity require or allow the adverse abandonment of the New York Cross Harbor Railroad's tracks and facilities at the Bush Terminal Yards (also known as the "First Avenue Yards") and the floatbridge and related tracks at the Harborside Industrial Center (also known as the "Brooklyn Army Terminal"). "Adverse abandonment" occurs when a party other than a railroad providing service over a rail line seeks the abandonment of that service, for example, so that the line itself could be abandoned and the right of way used for some other purpose (the basis for NYCEDC's application in this case).
- STB Finance Docket No. 34299, *Gulf & Ohio Railways Holding Co., Inc., H. Peter Claussen and Linda C. Claussen--Continuance in Control Exemption--Chattahoochee & Gulf Railroad Co., Inc.* At issue is whether the Board should grant a petition from a non-railroad entity, Gulf & Ohio Railways Holding Co., Inc. (G&O), seeking an exemption from the Board's prior-approval regulations to allow the continued control of the Chattahoochee & Gulf Railroad (CGR) upon CGR's becoming an operating railroad upon its acquisition and operation of a 24.2-mile portion of a Central of Georgia Railroad Company line through a related transaction.
- STB Finance Docket No. 34316 (Sub-No. 1), *The Burlington Northern and Santa Fe Railway Company--Trackage Rights Exemption--Union Pacific Railroad Company*. In this case, The Burlington Northern and Santa Fe Railway Company (BNSF) has asked the Board partially to revoke its earlier grant of a "class" exemption (i.e., an exemption from Board regulation regarding a certain class of operations) to allow the temporary trackage rights (where one railroad rents the use of another railroad's tracks) arrangement between BNSF and the Union Pacific Railroad Company to expire upon the completion of the construction of BNSF's line between Kamey and Seadrift, TX.
- STB Finance Docket No. 34320 (Sub-No. 1), *Union Pacific Railroad Company--Trackage Rights Exemption--The Burlington Northern and Santa Fe Railway Company*. At issue is whether the Board should grant a request by the Union Pacific Railroad Company (UP) and The Burlington Northern and Santa Fe Railway Company (BNSF) to allow the expiration of a UP overhead trackage-rights arrangement with BNSF that the Board had earlier exempted from its regulation. "Overhead" trackage rights allow one railroad to use another railroad's track to handle traffic neither originating nor ending on the track section at issue but, rather, merely passing over that section from another origin to another destination.
- STB Finance Docket No. 34321 (Sub-No. 1), *Union Pacific Railroad Company--Trackage Rights Exemption--The Burlington Northern and Santa Fe Railway Company*. At issue is whether the Board should grant a Union Pacific Railroad Company (UP) petition asking the Board partially to revoke a trackage-rights class exemption to allow UP's overhead trackage rights over certain lines of The Burlington Northern and Santa Fe Railway Company (BNSF) to expire, as agreed by the railroads.

- STB Finance Docket No. 34333 (sub-No. 1), *Union Pacific Railroad Company--Trackage Rights Exemption--The Burlington Northern and Santa Fe Railway Company*. At issue is whether the Board should grant a Union Pacific Railroad Company (UP) petition asking the Board partially to revoke a class exemption, previously granted by the Board, to allow a temporary trackage-rights arrangement between UP and The Burlington Northern and Santa Fe Railway Company to expire, on or about May 10, 2003. UP has stated that the trackage-rights arrangement is necessary to all UP completion of maintenance and repair activities on a mainline.
- STB Ex Parte No. 282 (Sub-No. 20), *Railroad Consolidation Procedures--Exemption for Temporary Trackage Rights*. The Board will consider whether to adopt a rule to establish a new class exemption under which railroads could obtain authority for trackage-rights arrangements that would automatically expire on a certain date.
- Docket No. AB-389 (Sub-No. 1X), *Georgia Great Southern Division, South Carolina Central Railroad Co., Inc.--Abandonment and Discontinuance Exemption--Between Albany and Dawson, in Terrell, Lee and Dougherty Counties, GA*. At issue is whether the Board should grant a petition to vacate a notice of interim trail use (NITU) so that active rail service may be restored on a 13-mile rail line in Georgia that had been "railbanked" under section 8(d) of the National Trails System Act, codified at 16 U.S.C. 1247(d).
- STB Docket No. MC-F-20995, *Peter Pan Bus Lines Trust--Purchase and Acquisition of Control--Arrow Line Acquisition, LLC, Bonanza Acquisition, LLC, Maine Line, LLC, Pawtuxet Valley, LLC, Peter Pan Boston, LLC, and Peter Pan Bus Lines, Inc.* At issue is the Board's December 2002 decision granting tentative approval to the Peter Pan Bus Lines Trust's (Peter Pan) purchase and acquisition of direct control of five motor passenger carriers (bus lines) currently controlled by Coach USA, Inc., subject to the filing of opposing comments. As Entertainment Tours, Inc. (Entertainment) afterwards filed such comments, thus vacating the Board's tentative approval from becoming effective, the Board is again voting on this matter following review and consideration of Entertainment's opposition.
- STB Docket No. WCC-105, *DHX Inc. v. Matson Navigation Company and Sea-Land Service, Inc.* At issue is a complaint filed with the Board by DHX, Inc., a freight forwarder, challenging the reasonableness of the rates and practices of two water carriers, the Matson Navigation Company and SL Service, Inc. (former Sea-Land Service, Inc.), engaged in the noncontiguous domestic trade between the United States Mainland and Hawaii.

INSTRUCTIONS FOR PUBLIC AND MEDIA ATTENDANCE:

- There will be no reserved seating. Given the following procedures, please plan to arrive early enough to be seated no later than **9:45 a.m.**
- Please enter the **Mercury Building's main entrance at 1925 K Street (on the northeast corner of the intersection of 20th and K Sts.)**. **All visitors must be cleared through security in the Board's Suite 100** (on the 1st Floor, at the top of the ramp to the left of the main lobby) **prior to being escorted to the hearing room**.
- For security reasons, be prepared to produce photo identification (such as a driver's license), pass through a metal detector, and submit to an inspection of all briefcases, handbags, etc.
- Quiet laptops and tape recorders may be brought into the hearing room, **but absolutely no provision will be made for the connection of personal computers to Board telephone lines**.
- **Cellular telephone use is not permitted in the hearing room, or in the rear anteroom**. Cellular phones may only be used outside the hearing room.
- The Board's hearing room complies with the Americans With Disabilities Act, and persons needing such accommodation should contact **Beverly Ledbetter, in the Board's Section of Facilities Management, at (202) 565-1709, by the close of business on Thursday, May 8, 2003**.

The Board provides the case summaries above as a courtesy to the public and the media. The actions of the Board in the cases, however, are the Board's written decisions. As stated in Surface Transportation Board "News" release 03-18 (issued April 25, 2003), following the conclusion of the voting conference, a summary news release will be issued and posted under "News & Speeches" on the Board's website at <http://www.stb.dot.gov>. Written decisions will be forthcoming, copies of which will be available for a fee by contacting **D~ 2 D~ Legal Copy Service, Suite 405, 1925 K Street, N.W., Washington, DC 20006, telephone (202) 293-7776**, or via da2dalegal@earthlink.net. The decisions

also will be available for viewing and downloading under "Decisions & Notices" on the Board's website. <http://www.stb.dot.gov>.

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