

**SURFACE TRANSPORTATION BOARD & "RAIL-SHIPPER ADVISORY COUNCIL"
ANNOUNCE PROCEDURES FOR ESTABLISHING ROSTER OF ARBITRATORS FOR
BOARD'S VOLUNTARY ARBITRATION PROCESS**

Surface Transportation Board (Board) Chairman Linda J.

Morgan and Railroad-Shipper Transportation Advisory Council

(Council) Established by the ICC Termination Act of 1995, the Council is directed to review and make recommendations regarding rail transportation policy issues of particular importance to smaller shippers and railroads. See Section 726 of Title 49, United States Code (49 U.S.C. 726). Chairman Edwin E. Vigneaux today jointly announced

procedures for establishing an initial roster of arbitrators to

implement rules originally suggested by the Council and,

following public comment, recently adopted by the Board, for the

voluntary binding arbitration of certain rail disputes A description of the arbitration process and the Board's rules may be found in "Surface Transportation Board News" release No. 97-71, issued September 2, 1997. That release summarizes the Board's decision--including a separate commenting expression by Chairman Morgan--in the case entitled *Arbitration of Certain Disputes Subject to the Statutory Jurisdiction of the Surface Transportation Board*, STB Ex Parte No. 560, issued to the public on September 2, 1997.. These rules are intended to facilitate the resolution of disputes within the Board's jurisdiction by providing a means of reducing burdens--particularly to smaller entities--associated with pursuing the formal complaint process, and by providing a way to promote private-sector dispute resolution.

The procedures governing the establishment of an initial roster of arbitrators are found in Section 1108.6(a) of the rules. That section provides that:

Arbitration shall be conducted by an arbitrator (or panel of arbitrators) selected, as provided herein, from a roster of persons (other than active government officials) experienced in rail transportation or economic issues similar to those capable of arising before the STB. The initial roster of arbitrators shall be established by the RSTAC in consultation with the Chairman of the STB, and shall contain not fewer than 21 names. The roster shall thereafter be maintained by the Chairman of the STB, who may augment the roster at any time to include other eligible arbitrators and may remove from the roster any arbitrators who are no longer available. The initial roster shall be published; thereafter the roster shall be available to the public, upon request, at all times. For each arbitrator on the roster, the roster shall disclose the level of the fee (or fee range) charged by that arbitrator.

Persons wishing to be included on the Council's initial roster must provide sufficient information relative to their qualifications to serve as arbitrators; a brief biographical paragraph (for publication upon selection to the initial roster and to be furnished to

parties upon request); and a statement of fees or range of fees that the arbitrators charge for their services. An original and one copy of this information must be sent no later than **November 3, 1997**, to:

Attention: Ex Parte No. 560, Arbitrator Roster

**Mr. Edwin E. Vigneaux, Chairman
Railroad-Shipper Transportation Advisory Council
1300 Post Oak Blvd., Suite 680
Houston, TX 77056**

In addition, two copies must be sent to:

Attention: Ex Parte No. 560, Arbitrator Roster

**Secretary
Surface Transportation Board
1925 K St., NW
Washington, DC 20423-0001**

The initial roster will be compiled and published as close to the end of the year as possible.

Parties may use the new arbitration process before the roster is compiled and published. Section 1108.6(b) of the rules provides that parties may select any arbitrator or panel of arbitrators on whom they mutually agree. Provided that the individual or individuals selected are found qualified by the Board's Chairman, parties may go forward with the arbitration process. Parties wishing to use the arbitration process before a roster is published should send two copies of the qualificational, biographical, and fee information for each arbitrator mutually selected to address a matter for specific arbitration to:

Attention: Ex Parte No. 560, Arbitrator Selection

**Secretary
Surface Transportation Board
1925 K St., NW
Washington, DC 20423-0001**

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