

Surface Transportation Board Announces Results of February 23 Voting Conference

Surface Transportation Board Chairman Roger Nober today announced the results of the voting conference held today, February 23, 2005 by the STB.

The Board voted unanimously to adopt each of the draft decisions in the nine matters before it. A summary of those votes is attached as a fact sheet.

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ATTACHMENT

ATTACHMENT

Fact Sheet

VOTING RESULTS OF SURFACE TRANSPORTATION BOARD'S FEBRUARY 23, 2005 VOTING CONFERENCE

• ***CSX Corporation and CSX Transportation, Inc., Norfolk Southern Corporation and Norfolk Southern Railway Company--Control and Operating Leases/Agreements--Conrail Inc. and Consolidated Rail Corporation [General Oversight], STB Finance Docket No. 33388 (Sub-No. 91).***

This proceeding involves a petition by the Commonwealth of Pennsylvania ("Commonwealth") asking the STB to reconsider, and to clarify the language of a certain portion of, the STB's October 2004 decision ending the agency's formal, five-year oversight of the 1998 "Conrail merger" transaction involving the acquisition of "Conrail" assets by the "CSX" and "Norfolk Southern" railroads.

The Board voted, 3 to 0, not to reconsider its October 2004 decision, but to address and clarify a particular statement in that decision that concerns the Commonwealth.

• ***James Riffin d/b/a [doing business as] The Northern Central Railroad--Acquisition and Operation Exemption--in York County, PA, STB Finance Docket No. 34501.***

(Embraced case: *James Riffin d/b/a The Northern Central Railroad--Petition for Declaratory Order*, STB Finance Docket No. 34552.

At issue in this case is a State of Maryland petition requesting the revocation of a class (of transactions) exemption allowing James Riffin, doing business as The Northern Central Railroad (NCR), to acquire and operate approximately 19 miles of railroad line, known as the USRA Line 145, in York County, Pennsylvania. Also at issue is NCR's request for a declaratory order addressing questions regarding federal preemption of state law.

The STB voted, 3 to 0, to revoke the acquisition and operation exemption and to deny NCR's petition for a declaratory order.

• ***Boston and Maine Corporation and Springfield Terminal Railway Company v. New England Central Railroad, Inc., STB Finance Docket No. 34612.***

This case concerns a complaint and petition for a declaratory order filed by the Boston and Maine Corporation (BM) and the Springfield Terminal Railway Company (ST) arising from the July 2004 derailment of a BM-ST train on track owned by the New England Central Railroad, Inc., the defendant.

The STB voted, 3 to 0, to dismiss the complaint and petition for a declaratory order as the primary issues presented are more properly the subject of adjudication before the courts.

• ***Ohio Valley Railroad Company--Petition to Restore Switch Connection and Other Relief***, STB Finance Docket No. 34608.

At issue here is a petition filed by the Ohio Valley Railroad Company (OVR) and Mid-America Locomotive & Car Repair, Inc. requesting (1) that the STB order the restoration of two Indiana Southwestern Railway (ISW)-owned switches, that had been removed, connecting OVR's lines with those of ISW, and (2) temporary emergency and alternative rail service.

The STB voted, 3 to 0, to order ISW to restore a switch connection with OVR, and otherwise denied the requests for temporary emergency and alternative service relief.

• ***Ohio Valley Railroad Company--Acquisition and Operation Exemption--Harwood Properties, Inc.***, STB Finance Docket No. 34486.

This case involves the Indiana Southwestern Railway Co.'s (ISW) petition requesting that the STB reconsider a prior decision denying an ISW petition asking the agency either (1) to reject a notice of exemption that would allow the Ohio Valley Railroad Company (OVR) to acquire and operate certain trackage in Evansville, Indiana, or (2) to revoke OVR's exemption.

The STB voted, 3 to 0, to find that the agency committed no material error its prior decision, and to deny ISW's request for reconsideration of that decision.

• ***Central Illinois Railroad Company--Operation Exemption--Rail Line of the City of Peoria and the Village of Peoria Heights in Peoria and Peoria Heights, Peoria County, IL***, STB Finance Docket No. 34518.

(Embraced case: *Pioneer Industrial Railway Company--Petition for Declaratory Order*, STB Finance Docket No. 34636.)

This proceeding involves a petition by the Pioneer Industrial Railway Company (PIRY) asking the STB (1) to reject or revoke the notice of exemption allowing the Central Illinois Railroad Company to operate an 8.29-mile railroad line, known as the Kellar Branch, located in and owned by the City of Peoria and the Village of Peoria Heights, in Peoria County, Illinois; and (2) to issue a declaratory order to resolve certain related issues.

The STB voted, 3 to 0, to deny PIRY's request for rejection or revocation of the exemption, and PIRY's petition for a declaratory order.

• ***Atlas Van Lines, Inc., et al.--Pooling Agreement***, STB Docket No. MC-F-21010.

At issue in this proceeding is an application filed by Atlas Van Lines, Inc. (Atlas), together with Atlas agents participating in the transportation of the household goods of military and civilian personnel being relocated by the U.S. Department of Defense, for the STB's approval of a revised service-pooling agreement among Atlas and its pooling agents.

The STB voted, 3 to 0, to approve the revised pooling agreement. Under the revised agreement, instead of being allowed only to hold narrow authorities to carry military traffic, Atlas' agents will be allowed to hold broader authorities, but with certain restrictions.

• ***Sierra Pacific Industries--Abandonment Exemption--in Amador County, CA***, STB Docket No. AB-512X.

(Embraced case: *SierraPine--Discontinuance Exemption--in Amador County, CA*, STB Docket No. AB-880X.)

This case involves a petition by Sierra Pacific Industries (SPI) and SierraPine seeking an exemption from agency regulation to allow SPI's abandonment of, and SierraPine's discontinuance of service over, an approximately 12-mile line of railroad extending from a point at Ione to a point at Martell, in Amador County, California.

The STB voted, 3 to 0, to grant the exemption, subject to public use, trails use, and environmental conditions.

• *Union Pacific Railroad Company--Temporary Trackage Rights Exemption--BNSF Railway Company*, STB Finance Docket No. 34417 (Sub-No. 3).

This case concerns a Union Pacific Railroad Company petition requesting that the STB partially revoke a class (of transactions) exemption to allow a modified trackage-rights arrangement, authorized through exemption in another proceeding, to expire on or about May 16, 2005.

The STB voted, 3 to 0, to grant the petition.

The STB provides the above summaries as a courtesy to the public and the media. The STB's actions in these cases, however, are the agency's written decisions. Those decisions will be forthcoming. Printed copies of the decisions will be available for a fee by contacting **ASAP Document Solutions, 9332 Annapolis Rd., Suite 103, Lanham, MD 20706, telephone (202) 306-4004**, or via asapdc@verizon.net. The decisions also will be available for viewing and downloading via the Board's website at <http://www.stb.dot.gov>.

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