

SURFACE TRANSPORTATION BOARD

DECISION

STB Ex Parte No. 677 (Sub-No. 1)

COMMON CARRIER OBLIGATION OF RAILROADS—
TRANSPORTATION OF HAZARDOUS MATERIALS

Decided: June 23, 2008

By decision served on June 4, 2008, the Board announced that it will hold a public hearing beginning at 9:00 a.m. on Wednesday, July 16, 2008, at its headquarters in Washington, DC, for the purpose of examining issues related to the common carrier obligation of railroads with respect to the transportation of hazardous materials. On June 19, 2008, in order to accommodate witness availability concerns raised by several parties, the Board announced that it would grant a short extension and hold the hearing on July 22, 2008. Persons wishing to speak at the hearing were directed to notify the Board in writing and submit their written testimony no later than July 8, 2008. Written testimony from other interested parties was also due by July 8, 2008.

On June 20, 2008, the American Chemistry Council, the Chlorine Institute, Edison Electric Institute, the Fertilizer Institute, and the National Industrial Transportation League filed a motion to reconsider the decision regarding the procedural schedule. The parties state that this extension provides no meaningful additional time to develop written comments, because of the July 4 holiday and previously scheduled events surrounding the holiday. The parties asked the Board to extend the hearing date until July 29, 2008, with written comments due no earlier than July 15, 2008. Even if the hearing remains scheduled for July 22, 2008, the parties ask that the due date for written comments be no earlier than July 15, 2008.

Scheduling issues preclude an extension of the hearing date to July 29. Moreover, as explained in the June 19 decision, the short extension of the original hearing date was to accommodate concerns about witness availability on the original date, not to provide extensive additional time for the submission of comments. Here again, the parties have not justified their requests for a further postponement of the hearing date. As previously stated, the time allotted is adequate for interested persons to provide thoughtful, thorough testimony, and the Board does not wish to delay consideration of the important issues to be discussed at the hearing. The hearing will remain scheduled for July 22, 2008. In light of the Independence Day holiday, we will extend the deadline for written submissions by hearing participants, as well as other interested persons who do not wish to appear at the hearing, an additional 2 days, to July 10, 2008.

It is ordered:

1. The parties' petition for reconsideration and request for an extension of time are denied in part, as discussed above. The hearing in this proceeding is scheduled for July 22, 2008 beginning at 9:00 a.m., and written testimony is due by July 10, 2008.

2. This decision is effective on the date of service.

By the Board, Chairman Nottingham, Vice Chairman Mulvey, and Commissioner Buttrey.

Anne K. Quinlan
Acting Secretary