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SEC

SERVICE DATE – LATE RELEASE JULY 16, 2008

SURFACE TRANSPORTATION BOARD

DECISION

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

COMMON CARRIER OBLIGATION OF RAILROADS—  
TRANSPORTATION OF HAZARDOUS MATERIALS

Decided: July 16, 2008

The Board will hold a public hearing to examine issues related to the common carrier obligation of railroads with respect to the transportation of hazardous materials on Tuesday, July 22, 2008, in the 1st floor hearing room at the Board's headquarters at 395 E Street, S.W., Washington, DC. The hearing will begin at 9:00 a.m.

The Board announced the hearing by notice served on June 4 (as modified by decision served on June 19, 2008) and established due dates for persons wishing to speak at the hearing to advise the Board of their intent to participate and request a time allotment, and for submission of written testimony (as modified by decision served on June 23, 2008). Based on those submissions, the Board is issuing this decision to set the schedule of speakers for the hearing.

The schedule of appearances and the time provided for each party appear in the Appendix to this decision. Written submissions by hearing participants, as well as other interested persons, were due by July 10, 2008. Because the Board will have read the written submissions in advance of the hearing, witnesses should not read their written submissions at the hearing, but instead should summarize their key points.

If a party wishes to enhance its presentation by using projector-adaptable visual displays and/or handouts, it may do so. Staff will be available to demonstrate the hearing room's projection system on July 21, 2008, from 2 p.m. to 4 p.m. Please call (202) 245-0245, to make arrangements.

Instructions for Attendance at Hearing

The STB requests that all persons attending the hearing use the Patriots Plaza Building's main entrance at 395 E Street, S.W. (closest to the northeast corner of the intersection of 4th and E Streets). There will be no reserved seating, except for witnesses. The building will be open to the public at 7:00 a.m. and participants are encouraged to arrive early. There is no public parking in the building.

Upon arrival, check in at the 1st floor security desk in the main lobby. Be prepared to produce valid photographic identification (driver's license or local, state, or federal-government

identification); sign-in at the security desk; receive a hearing room pass (to be displayed at all times); submit to an inspection of all briefcases, handbags, etc.; then pass through a metal detector. Upon entering the hearing room, witnesses should check in with the Board's Acting Secretary. Persons choosing to exit the building during the course of the hearing must surrender their hearing room passes to security personnel and will be subject to the above security procedures if they choose to re-enter the building. Hearing room passes likewise will be collected from those exiting the hearing upon its conclusion.

Laptops and recorders may be used in the hearing room, but no provision will be made for connecting personal computers to the Internet. Cellular telephone use is not permitted in the hearing room; cell phones may be used quietly in the corridor surrounding the hearing room, or in the building's main lobby.

The Board's hearing room complies with the Americans With Disabilities Act, and persons needing such accommodations should call (202) 245-0245, by the close of business on July 21, 2008.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. Time for the hearing is allotted as reflected in the Appendix to this decision.
2. This decision is effective on the date of service.

By the Board, Anne K. Quinlan, Acting Secretary.

Anne K. Quinlan  
Acting Secretary

**APPENDIX**

**SCHEDULE OF APPEARANCES**

**July 22, 2008**

<b><u>Party</u></b>	<b><u>Time Allotted</u></b>
<b>Panel I: Government</b>	
The Honorable James P. Moran U.S. House of Representatives	10 minutes
U.S. Department of Transportation Clifford Eby	5 minutes
The City of Alexandria, Virginia Redella S. "Del" Pepper	10 minutes
<b>Panel IIA: Shipper Associations</b>	
The National Industrial Transportation League Bruce Carlton and Nicholas J. DiMichael	10 minutes
Edison Electric Institute Michael F. McBride	10 minutes
The Chlorine Institute Paul M. Donovan and Tom O'Connor	10 minutes
<b>Panel IIB: Shipper Associations</b>	
National Grain and Feed Association Kendell W. Keith and Andrew P. Goldstein	10 minutes
Agricultural Retailers Association Dan Weber	10 minutes

The Fertilizer Institute 10 minutes  
Ford West and Nicholas J. DiMichael

Illinois Fertilizer & Chemical Association 10 minutes  
Jean Payne

**Panel III: Railroad Associations**

Association of American Railroads 10 minutes  
Edward R. Hamberger

American Short Line and Regional Railroad Association 10 minutes  
Richard F. Timmons

**Panel IV: Chemical Shippers**

Dow Chemical Company 10 minutes  
Cindy Elliott and Jeffrey Moreno

PPG Industries, Inc. 10 minutes  
Sharon Piciacchio and Karyn A. Booth

Occidental Chemical Corporation 10 minutes  
Robin A. Burns

E. I. du Pont de Nemours and Company 10 minutes  
Gary W. Spitzer

Olin Corporation 10 minutes  
John McIntosh

**Panel V: Freight Railroads**

Union Pacific Railroad Company 10 minutes  
Diane Duren

Norfolk Southern Railway Company 10 minutes  
Fred M. Ehlers

CSX Transportation, Inc. 10 minutes  
Howard R. Elliott

BNSF Railway Company 10 minutes  
Dave T. Burr and Richard E. Weicher

**Panel VI: Agricultural (Fertilizer) Shippers**

Terra Industries Inc. 10 minutes  
Joseph Giesler

CF Industries, Inc. 10 minutes  
Patrick E. Groomes

The McGregor Company 10 minutes  
Alex McGregor

**Panel VII: Other Interested Persons**

CNJ Rail Corporation 5 minutes  
Eric S. Strohmeyer

Greenpeace 5 minutes  
Rick Hind