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SEC

SERVICE DATE – JUNE 2, 2006

SURFACE TRANSPORTATION BOARD

DECISION

STB Ex Parte No. 575

REVIEW OF RAIL ACCESS AND COMPETITION ISSUES -- RENEWED PETITION OF THE WESTERN COAL TRAFFIC LEAGUE

Decided: June 1, 2006

The Surface Transportation Board will hold a public hearing on July 27, 2006, at its offices in Washington, DC, to allow interested parties to express their views concerning the issues involved in this proceeding.

BACKGROUND

On March 21, 2005, the Western Coal Traffic League (WCTL) filed a petition renewing a prior request that the Board adopt rules to limit the extent to which agreements for the sale or lease of railroad lines, by larger railroads to existing or newly created short line railroads, may contain “paper barriers” that restrict the incentive or the ability of the purchaser or tenant to interchange traffic with connecting carriers that could compete with the seller or landlord carrier. By notice served on February 1, 2006, and published in the Federal Register on February 6, 2006, at 71 FR 6130 (February notice), the Board requested comments on WCTL’s petition. The background to this proceeding is described in more detail in that notice, which is available on the Board’s website at www.stb.dot.gov.

Opening and reply comments were filed pursuant to the notice published on February 6, 2006. These and other pleadings filed in response to WCTL’s March 21, 2005 petition are also available on the Board’s website. These filings raise issues that merit consideration via a public hearing.

DETAILS AND PARTICIPATION

The Board will hold a hearing on Thursday, July 27, 2006, beginning at 10:00 a.m., in the Board’s Hearing Room (Room 760), at 1925 K Street, N.W., Washington, D.C. Participation is open to all interested parties.

Parties seeking to appear should file with the Board a written notice of intent to do so, with a requested time allotment and the full name and title of the speaker, as soon as possible but no later than July 6, 2006. Each speaker should also file with the Board a written summary of his/her presentation by July 13, 2006.

The purpose of this hearing is to further explore this topic and to give Board members the opportunity to ask questions. As indicated in the Board's February notice, the Board is especially interested in comments that: (a) discuss the Board's statutory authority to address pre-existing paper barriers; (b) identify and describe existing paper barriers so that the Board can determine the extent of the problem alleged by WCTL; (c) identify and quantify any problems experienced by shippers as a result of paper barriers; (d) address the short and long term economic impacts of paper barriers; (e) address the effectiveness of the existing Railroad Industry Agreement (RIA) executed by the Association of American Railroads and the American Short Line and Regional Railroad Association that addressed paper barriers; and (f) include information about the RIA, including the most recent version, amendment history, interpretations, proceedings, handbooks, etc.

All notices of intent to participate and written summaries may be submitted either via the Board's e-filing format or in the traditional paper format and must refer to STB Ex Parte No. 575. Any party using e-filing should comply with instructions on the Board's www.stb.dot.gov website, at the "E-FILING" link. Any party submitting a filing in the traditional paper format should send an original and 10 copies of the filing to: Surface Transportation Board, Attn: STB Ex Parte No. 575, 1925 K Street, N.W., Washington, DC 20423-0001. For further information, you may contact Joseph H. Dettmar, (202) 565-1609. Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at: (800) 877-8339.

The Board's hearing room complies with the Americans With Disabilities Act, and persons needing accommodations should contact Beverly Ledbetter at (202) 565-1664, or Bettye Uzzle at (202) 565-1500, by the close of business on July 20, 2006.

If a party wishes to enhance its argument 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 from 2 p.m. to 4 p.m. on July 26, 2006. Please call (202) 565-1664 or (202) 565-1500 to make arrangements.

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

It is ordered:

1. A public hearing in this proceeding will be held at the time and location, and under the rules for participation, described above.

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

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary