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SEC

SERVICE DATE – LATE RELEASE APRIL 3, 2008

SURFACE TRANSPORTATION BOARD

DECISION

STB Ex Parte No. 677

COMMON CARRIER OBLIGATION OF RAILROADS

Decided: April 3, 2008

The Board will hold a 2-day public hearing to examine issues related to the common carrier obligation of railroads on Thursday, April 24, 2008, and Friday, April 25, 2008, in the 1st floor hearing room at the Board's headquarters at 395 E Street, S.W., Washington, D.C. The hearing will begin at 9:00 a.m. on both days. Please note that, due to the number of parties interested in participating, this hearing is now scheduled to take place over 2 days, which is a change from the Board's earlier notice.

The Board announced the hearing by notice served on February 22, 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. 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. Each speaker should file with the Board his or her written testimony by April 17, 2008. Written submissions by interested persons not appearing at the hearing are also due by April 17, 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 April 23, 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 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 April 23, 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, Secretary.

Anne K. Quinlan  
Acting Secretary

**APPENDIX**  
**SCHEDULE OF APPEARANCES**

**April 24, 2008**

<b><u>Party</u></b>	<b><u>Time Allotted</u></b>
<b>Panel I: Members of Congress</b>	
The Honorable Ron Wyden U.S. Senate	20 minutes
<b>Panel II: Federal Government</b>	
U.S. Department of Agriculture Barbara C. Robinson	10 minutes
<b>Panel III: Freight Railroads</b>	
BNSF Railway Company Richard E. Weicher	10 minutes
Union Pacific Railroad Company J. Michael Hemmer	10 minutes
Kansas City Southern Railway Company David C. Reeves	10 minutes
<b>Panel IV: State Government Interests</b>	
Washington State Department of Transportation Scott L. Witt	15 minutes
National Association of State Departments of Agriculture Roger Johnson	15 minutes
North Dakota Public Service Commission William W. Binek	15 minutes

**Panel V-A: Grain Shippers and Agricultural Interests**

State of Montana The Honorable Mike McGrath or the Honorable Jim Lynch	10 minutes
Idaho Wheat Commission, et al. Terry C. Whiteside	10 minutes
National Grain and Feed Association Kendell W. Keith or Dan Mack	15 minutes
North Dakota Grain Dealers Association Steven D. Strege	10 minutes
Ag Processing Inc. Terry J. Voss	10 minutes

**Panel V-B: Chemical Shippers**

American Chemistry Council Jack N. Gerard	15 minutes
Dow Chemical Company Cindy Elliott	10 minutes
Calabrian Corporation Charles E. Cogliandro	10 minutes
Olin Chlor-Alkali Products John McIntosh	10 minutes

**Panel V-C: Chemical Shippers**

US Magnesium LLC Howard I. Kaplan	10 minutes
DuPont Company Gary W. Spitzer	10 minutes

Total Petrochemicals USA, Inc.  
Bernard Claude 10 minutes

Occidental Chemical Corporation  
Robin A. Burns 10 minutes

**Panel V-D: Other Shippers and Shipper Interests**

The National Industrial Transportation League  
Doug Kratzberg and Nicholas DiMichael 10 minutes

International Paper Company  
John C. Runyan 10 minutes

Coos-Siskiyou Shippers Coalition  
Allyn C. Ford 10 minutes

**April 25, 2008**

**Party**

**Time Allotted**

**Panel I: Freight Railroads**

CSX Transportation, Inc. 10 minutes  
John M. Gibson

Norfolk Southern Corporation 10 minutes  
James A. Hixon

Association of American Railroads 15 minutes  
Edward R. Hamberger

**Panel II: Short Line and Regional Railroads**

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

RailAmerica, Inc. 10 minutes  
Paul Lundberg

Chicago SouthShore & South Bend Railroad Co. 10 minutes  
Henry B. Lampe

CNJ Rail Corporation 10 minutes  
Eric S. Strohmeyer

Progressive Rail, Incorporated 10 minutes  
David Fellon

**Panel III: Coal Shippers and Utilities**

Arkansas Electric Cooperative Corporation 10 minutes  
Steve Sharp

Concerned Captive Coal Shippers 10 minutes  
C. Michael Loftus and Andrew B. Kolesar III

Edison Electric Institute  
TBD and Michael F. McBride 15 minutes

Western Coal Traffic League  
Peter A. Pfohl 5 minutes

**Panel IV: Labor**

United Transportation Union-General Committee of Adjustment  
TBD 5 minutes

**Panel V: Other Interests**

Clean Earth of North Jersey, Inc.  
Robert P. Fixter 10 minutes

Slaughter Company  
Benjamin B. Slaughter 10 minutes

Raymond Tylicki 10 minutes