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SEC

SERVICE DATE – LATE RELEASE MARCH 30, 2007

## SURFACE TRANSPORTATION BOARD

### DECISION

STB Ex Parte No. 671

### RAIL CAPACITY AND INFRASTRUCTURE REQUIREMENTS

Decided: March 30, 2007

The Board will hold a public hearing for members of the public to present their views on issues related to rail traffic forecasts and infrastructure requirements on Wednesday, April 11, 2007, in the 1st floor hearing room at the Board's new headquarters at 395 E Street, S.W., Washington, D.C. The hearing will begin at 8:00 a.m. Please note that this is a change from the previously announced start time.

The Board announced the hearing by notice served on March 6, 2007, 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. 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 briefly 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 10, 2007, from 2 p.m. to 4 p.m. Please call (202) 245-0245, or (202) 245-0352, 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 visitor 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.

Quiet laptops and tape recorders may be brought into the hearing room, but no provision will be made for the connection of personal computers to agency telephone lines. 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, or (202) 245-0352, by the close of business on April 10, 2007.

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, Vernon A. Williams, Secretary.

Vernon A. Williams  
Secretary

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

**April 11, 2006**

| <b><u>Party</u></b>  | <b><u>Time Allotted</u></b> |
|--|-----------------------------|
| <b>Panel I: Federal Government</b>   |                             |
| U.S. Department of Transportation<br>Jeffrey N. Shane                          | 15 minutes                  |
| <b>Panel II-A: Freight Railroads</b>   |                             |
| BNSF Railway Company<br>Matthew K. Rose  | 15 minutes                  |
| Union Pacific Railroad Company<br>James R. Young                               | 15 minutes                  |
| <b>Panel II-B: Freight Railroads</b>   |                             |
| CSX Transportation, Inc.<br>Michael J. Ward                                    | 15 minutes                  |
| Kansas City Southern Railway Company<br>Michael R. Haverty                     | 10 minutes                  |
| Norfolk Southern Railway Company<br>Charles W. Moorman                         | 10 minutes                  |
| <b>Panel III: Short Line and Regional Railroads</b>                            |                             |
| American Short Line and Regional Railroad Association<br>Richard F. Timmons    | 10 minutes                  |
| Iowa Pacific Holdings, LLC and Permian Basin Railways, Inc.<br>John D. Heffner | 5 minutes                   |

**Panel IV: Passenger Rail**

|  |            |
|--|------------|
| National Railroad Passenger Corporation<br>Alexander Kummant | 15 minutes |
| American Public Transportation Association<br>Dale Zehner    | 10 minutes |

**Panel V: State Government Interests**

|  |            |
|--|------------|
| American Association of State Highway Transportation Officials<br>David Ganovski | 10 minutes |
| Texas Department of Transportation<br>Richard H. Streeter                        | 10 minutes |
| Virginia Port Authority<br>Jeff Keever   | 10 minutes |
| Washington State Transportation Commission<br>Dan O’Neal                         | 10 minutes |

**Panel VI: Regional and Local Government Interests**

|  |            |
|--|------------|
| City of Chicago<br>Marcia Jiminez  | 10 minutes |
| Regional Transportation District of Denver, Colorado<br>Charles A. Spitulnik | 10 minutes |

**Panel VII: Coal Shippers and Utilities**

|  |            |
|--|------------|
| Arkansas Electric Cooperative Corporation<br>Gary Voigt                        | 10 minutes |
| Concerned Captive Coal Shippers<br>C. Michael Loftus and Andrew B. Kolesar III | 10 minutes |
| Edison Electric Institute<br>William M. Mohl                                   | 15 minutes |
| Foundation Energy Sales, Inc.<br>Betsy Monseu                                  | 5 minutes  |

National Coal Transportation Association 5 minutes  
Thomas C. Canter

Western Coal Traffic League 15 minutes  
Thomas D. Crowley and Peter A. Pfohl

**Panel VIII-A: Shippers and Shipper Interests**

Alliance for Rail Competition, et al. 10 minutes  
Michael W. Snovitch

The National Industrial Transportation League 15 minutes  
Curt Warfel and John Ficker

UPS 10 minutes  
Thomas F. Jensen

**Panel VIII-B: Shippers and Shipper Interests**

American Chemistry Council 10 minutes  
Thomas E. Schick

Institute of Scrap Recycling Industries, Inc. 5 minutes  
Steve Hirsch

National Grain & Feed Association 10 minutes  
Kendell W. Keith

Total Petrochemicals USA, Inc. 10 minutes  
Rick Charter and Michael McBride

**Panel IX: Labor**

United Transportation Union-General Committee of Adjustment 5 minutes  
Gordon P. MacDougall

**Panel X: Other Interests**

Nick J. Rahall, II Appalachian Transportation Institute 10 minutes  
Robert H. Plymale

CenterPoint Properties 10 minutes  
Daniel J. Hemmer

RAIL Solution 10 minutes  
David L. Foster