

**SURFACE TRANSPORTATION BOARD ANNOUNCES RECEIPT OF RAILAMERICA-RAILTEX RAILROAD CONTROL PETITION; OUTLINES OPTIONS FOR PUBLIC EXAMINATION, COPYING OF PETITION**

Surface Transportation Board (Board) Chairman Linda J. Morgan announced today that on Monday, November 8, 1999, RailAmerica, Inc. (RailAmerica) and RailTex, Inc. (RailTex) (collectively, "petitioners") filed a petition with the Board seeking an exemption from Board regulation for RailAmerica's acquisition of control of RailTex. The petition was filed with the Board in the case entitled *RailAmerica, Inc.--Control Exemption--RailTex, Inc.*, STB Finance Docket No. 33813.

RailAmerica and RailTex are railroad holding companies. RailAmerica controls 12 domestic Class III railroads (i.e., railroads whose revenues have not been greater than \$20 million [in 1991 dollars] in each of three consecutive years); RailTex controls 17 domestic Class III railroads. The RailAmerica-RailTex control transaction contemplated by the petitioners would put RailAmerica in control of all 29 of these Class III railroads. RailAmerica states that its rail-carrier subsidiaries do not connect with any of the RailTex rail-carrier subsidiaries except for one indirect connection and one future interchange point.

The Board seeks comments on the RailAmerica-RailTex control transaction. Comments may address such issues as whether the proposed transaction is consistent with the rail transportation policy of 49 U.S.C. 10101; whether there is a potential for market abuse; whether, as a result of the proposed transaction, there is likely to be substantial lessening of competition, creation of a monopoly, or restraint of trade in freight surface transportation in any region of the United States; and whether any anticompetitive effects of the transaction outweigh the public interest in meeting significant transportation needs.

Because the procedural schedule proposed by the petitioners appears to be adequate for full and fair development of the record in this proceeding, the Board is adopting the following schedule. Notice of the filing of the RailAmerica-RailTex petition will be published in the *Federal Register* on **November 16, 1999**. Comments must be filed by interested persons by **December 6, 1999**. Replies to such comments must be filed by petitioners by **December 15, 1999**. The Board intends to issue its decision addressing the RailAmerica-RailTex petition by **January 14, 2000**.

The following options are available to the public for inspection and copying of the petition:

**1. PUBLIC EXAMINATION.** The petition (except for portions marked "Confidential" or "Highly Confidential") may be viewed by members of the public **Monday-Friday between the hours of 8:30 a.m.-5:00 p.m. in Docket File Room 755, within Suite 700, 7th floor, at the Board's offices in the Mercury Building at 1925 K Street, N.W. (at the corner of 20th and K Streets) in Washington, DC, telephone (202) 565-1684. NOTE: All visitors must display picture identification cards upon entering Suite 700.**

**2. COPYING.**

A. **Computer disk.** The petition will be available in its entirety (except for the portions marked "Confidential" or "Highly Confidential") on a computer diskette for **\$25** through the Board's decision-dissemination and copying contractor, **DC News & Data, Inc., Room 210, 1925 K Street, N.W., Washington, DC 20006, telephone (202) 463-8112.** District of

Columbia sales tax may apply, and there are postage and handling charges for mail orders.

**B. Paper copies.**

a. **DC News & Data** (address and phone number above) will copy the **entire petition (except for portions marked "Confidential" or "Highly Confidential") at the price of \$97.24**. The price for copying **individual pages is 26 cents per page**. D.C. sales tax may apply, and there are postage and handling charges for mail orders.

b. **"Certified" copies** (notarized to attest authenticity) of the petition will be made by Board personnel at the price of **90 cents per page, plus an \$11 certification fee**. Contact the **Records Officer, Room 709, within Suite 700 at the Board's offices (address above), telephone (202) 565-1676**.

c. Interested persons may also obtain copies of the petition **directly from the petitioners** by contacting RailAmerica's outside counsel: Louis E. Gitomer, Esq., Of Counsel, Ball Janik LLP, Suite 225, 1455 F Street, N.W., Washington, DC 20005, telephone (202) 638-3307.

A printed copy of the Board-issued *Federal Register* notice being published today, November 16, 1999, will be available on and after that date for a fee by contacting: **D.C. News & Data, Inc., Room 210, 1925 K Street, N.W., Washington, DC 20006, telephone (202) 463-8112**. That notice will also be available, on and after November 16, 1999, for viewing and downloading via the Board's website at **www.stb.dot.gov**.

**3. INTERNET.** The petition will be published on the Board's Internet website, **www.stb.dot.gov**, under **"New Items" on the home page or on the "Filings" page**. The petition may be read directly from the site, or may be downloaded in WordPerfect format (some portions of the petition will not be published if they cannot be properly formatted.)

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