

**Public & Media Advisory: Surface Transportation Board To Hold July 31 Public Hearing on Proposed "KCS-Tex Mex" Railroad Merger**

Surface Transportation Board (Board) Chairman Roger Nober today announced that the Board will hold a public hearing beginning at **10:00 a.m. EDT, on Thursday, July 31, 2003, in the Board's hearing room on the 7th Floor of the Mercury Building, 1925 K Street, N.W., Washington, D.C.**, to provide a forum for interested persons to express their views on the matters at issue in the case entitled *Kansas City Southern--Control--The Kansas City Southern Railway Company, Gateway Eastern Railway Company, and The Texas Mexican Railway Company*, STB Finance Docket No. 34342 ("KCS-Tex Mex").

In advance of the public hearing, the Board advises that:

- Parties and persons wishing to speak at the hearing should file with the Board a written notice of intent to speak, and should indicate a requested time allotment (with the understanding that speaking times will be limited to accommodate those expressing an intent to speak), as soon as possible but no later than **July 23, 2003**, and
- Written statements by persons wishing to speak may be submitted prior to the hearing but are not required. Those wishing to submit written statements should do so by **July 25, 2003**.

An original and 10 copies of all notices of intent to speak and any written and/or supplemental statements should refer to "**STB Finance Docket No. 34342**" and be addressed to:

**Attn: "STB Finance Docket No. 34342"**

**Surface Transportation Board  
1925 K Street, N.W.  
Washington, DC 20423-0001**

Forthcoming official public notices and Board news releases will advise of procedures for official participation, a hearing agenda, attendance instructions, and other related matters will be available on the agency's Website at <http://www.stb.dot.gov>.

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**ATTACHMENT**

**FACT SHEET**

***Kansas City Southern--Control--The Kansas City Southern Railway Company, Gateway Eastern Railway Company, and The Texas Mexican Railway Company*, STB Finance Docket No. 34342 ("KCS-Tex Mex").**

Kansas City Southern ("KCS") is a non-railroad holding company controlling two United States railroads, The Kansas City Southern Railway Company and the Gateway Eastern Railway Company. On May 14, 2003, KCS filed an application with the Board seeking approval for KCS's control of a third U.S. railroad, The Texas Mexican Railway Company ("Tex Mex"). In its Decision No. 2 in this case [issued to the public on June 9, 2003 and published in the *Federal Register* on June 13, 2003 (at 68 FR 35474)], the Board accepted the KCS-Tex Mex merger application and set a procedural schedule for its consideration.

The Board said in Decision No. 2 that a public hearing at which members of the public could voice their views regarding the merger application would be held in July 2003. That decision also stated that although an oral argument session is a formal way for lawyers representing involved parties to express "legal" views regarding disputed matters, a public hearing is less formal and the views expressed therein generally are not expected to be "legal" arguments. Thus, the Board wants to hold a public hearing in which members of the public as well as the parties may have a say about any matter connected with the proposed KCS-Tex Mex merger application.

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