

SECOND SERIES OF ORAL ARGUMENTS SCHEDULED FOR NOV. 23

The Surface Transportation Board has scheduled a second series of oral arguments for Monday, Nov. 23 at 9:30 a.m. at the STB's Washington headquarters.

Board members will hear from parties in San Benito Railroad LLC–Acquisition Exemption–Certain Assets of Union Pacific Railroad Company (San Benito RR), STB Finance Docket No. 35225 and US Magnesium, L.L.C. v. Union Pacific Railroad Company (USM v. UP), STB Docket No. 42114.

In the San Benito case, a non-carrier wishes to purchase 12.43 miles of rail line from Union Pacific Railroad in a transaction that would allow it to purchase the physical assets of the rail line without incurring common-carrier obligations. San Benito Railroad LLC cites the Interstate Commerce Commission's decision in State of Maine–Acq. and Op. Exempt., 8 I.C.C.2d 935 (1991) (State of Maine), and subsequent Board decisions addressing State of Maine as a precedent. The Brotherhood of Maintenance of Way Employees Division/IBT and the Brotherhood of Railroad Signalmen oppose the transaction and contend that State of Maine was wrongly decided.

In the second case to be argued, U.S. Magnesium, L.L.C. is challenging the rates charged by Union Pacific for transporting chlorine from Rowley, Utah, to Eloy, Ariz., and Rowley to Sahuarita, Ariz. U.S. Magnesium is seeking relief under one of the STB's simplified standards called the "Three-Benchmark" method, under which the total available rate relief is limited to \$1 million over a 5-year period.

Each side in each case will have 20 minutes to argue their side and take questions from Board members, similar to proceedings in federal appellate courts. The oral arguments are scheduled to begin at 9:30 a.m. in the hearing room at STB headquarters, 395 E Street SW in Washington, D.C. The proceedings are open to the public although only parties to the cases at issue will be able to speak. Photo identification is necessary to enter the building. A live video broadcast of the oral argument will be available via the Board's website at <http://www.stb.dot.gov>, under "Information Center"/"Webcast"/"Live Video" on the home page.

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