

**SURFACE TRANSPORTATION BOARD SCHEDULES APRIL 5 ORAL ARGUMENT ON PROPOSED NEW MAJOR RAIL
MERGER RULES TO BE ISSUED IN JUNE 2001**

Surface Transportation Board (Board) Chairman Linda J. Morgan announced today that the Board will hold an oral argument concerning its proposed, new "major railroad merger regulations" rulemaking proceeding, Major Rail Consolidation Procedures, STB Ex Parte No. 582 (Sub-No. 1). The oral argument will begin at 10:00a.m. on Thursday, April 5, 2001, in the Board's Hearing Room, Room 760, on the 7th Floor of its offices in the Mercury Building, 1925 K Street, N.W. (at the corner of 20th and K Streets) in Washington, D.C. The Board anticipates providing a total time of four hours for participants to make their arguments.

Background. In its Notice of Proposed Rulemaking (NPR) issued to the public on October 3, 2000, in STB Ex Parte No. 582 (Sub-No. 1) (see Surface Transportation Board "News" release No. 00-39 issued October 3, 2000), the Board proposed new rules for "major" railroad mergers and consolidations (those involving two or more "Class I" railroads, that is, individual railroads with annual revenues of at least \$250 million, as indexed for inflation). The NPR provided that initial comments on the proposed new rules were to be filed by November 17, 2000; reply comments were to be filed by December 18, 2000; and rebuttal comments were to be filed by January 11, 2001. The Board accordingly has received a wide range of filings from a number of parties.

Today's Decision. In its decision issued today, the Board announced that an oral argument session is necessary in view of the complexity and importance of the issues that must be addressed in this rulemaking proceeding. The Board stated that parties that filed initial comments, reply comments, and/or rebuttal comments in response to the NPR, and that want to participate in the oral argument, must advise the Board of: (1) the issue or issues they will address; (2) the amount of speaking time they will require; and (3) the full name(s) and title(s) of intended speaker(s). Parties must provide this information **by letter (an original and 25 copies)**--"fax" and e-mail submissions will not be accepted-- to the Board's Office of the Secretary by the close of business on **Friday, March 9, 2001**, at the following address:

**Case Control Unit
Office of the Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, D.C. 20423-0001**

Re: STB Ex Parte No. 582 (Sub-No. 1) Oral Argument

After the Board receives speaking-request letters, it will issue a decision setting a schedule for the oral argument and a list of speakers and their allotted speaking times.

In its decision, the Board indicated that, because of limits on the time available for oral argument, parties desiring to participate in the oral argument and sharing common interests are strongly encouraged to coordinate the presentation of their views by selecting a single individual to appear on behalf of their common interests. The Board noted that, if participants are unable to coordinate on their own, it may be necessary for the Board to do so in some instances so that all critical issues may be addressed within the time available. The Board also emphasized that no additional written comments may be filed, as an extensive written record has already been developed in this proceeding.

Parties wanting to use maps as a visual aid during their oral-argument presentations may do so. Participants are limited, however, to projector-adaptable visual displays and/or handouts. Space will be provided for handouts that participants want to make available in the Hearing Room and in the Brick Room, the Board's facility for overflow seating, for public dissemination. The staff of the Office of the Secretary will be available to demonstrate the Hearing Room's projection

system on **Tuesday, April 3, 2001, from 2:00 p.m. to 4:00 p.m.** Please telephone **(202) 565-1650** in advance to make arrangements.

While the public is invited to attend the oral argument, no public participation will be allowed, except for those parties whose formal requests to present oral argument are granted and scheduled for presentation. The Board stated that, because seating is limited in the Hearing Room, additional seating will be provided in the Brick Room, on the Mercury Building's first floor, that will be linked to the Hearing Room by live, closed-circuit telecast during the entire oral argument.

Members of the media wanting to observe the oral argument in the Hearing Room will be advised through a forthcoming news release of requirements that must be met for their attendance.

Final Rules. In its October 3, 2000 NPR, and in the decision issued today, the Board reiterated that it intends to issue final rules in this proceeding **by June 11, 2001.**

The Board issued its decision today in *Major Rail Consolidation Procedures*, STB Ex Parte No. 582 (Sub-No. 1). A printed copy of the decision is available for a fee by contacting: **D~To-D~ Office Solutions, Room 405, 1925 K Street, N.W., Washington, DC 20006, telephone (202) 466-5530.** The decision is also available for viewing and downloading via the Board's website at <http://www.stb.dot.gov>

###