

THIRD SERIES OF ORAL ARGUMENTS SCHEDULED FOR JAN. 26, 2010

The Surface Transportation board has scheduled a third series of oral arguments for Tuesday, January 26, 2010, 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), STB Finance Docket No. 35225; and Allegheny Valley Railroad Company—Petition for Declaratory Order (Allegheny Valley), STB Finance Docket No. 35239.

In the San Benito case, a non-carrier wants to purchase 12.43 miles of rail line from the Union Pacific Railroad in a transaction that would allow San Benito to purchase the physical assets of the rail line without incurring common-carrier obligations. San Benito 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 precedent. The Brotherhood of Maintenance of Way Employes Division/IBT and the Brotherhood of Railroad Signalmen oppose the transaction and contend that State of Maine was wrongly decided.

In the Allegheny Valley case, the Allegheny Valley Railroad filed a petition for a declaratory order to determine whether a rail-line segment in Pittsburgh, PA, remains an active rail easement. Claiming the easement remains active, Allegheny Valley wants to restore the line segment as part of a longer line and provide passenger and freight rail service over it. The segment spans property owned by The Buncher Company, which claims that the segment has been abandoned and that the property interest has been extinguished.

Each side in each case will have 20 minutes to argue its position and to take questions from Board members, similar to proceedings in federal appellate courts. The oral argument is scheduled to begin at 9:30 a.m. in the hearing room at STB headquarters, 395 E Street SW in Washington, D.C. Though the proceedings are open to the public, only counsel for the parties to the cases will be permitted 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 Web site at <http://www.stb.dot.gov>, under "Information Center"/"Webcast"/"Live Video" on the home page.

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