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**SURFACE TRANSPORTATION BOARD SETS PROCEDURAL SCHEDULE, DENIES
REQUESTS FOR SUBPOENAS IN AMTRAK-BOSTON & MAINE COMPENSATION
DISPUTE**

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**SURFACE TRANSPORTATION BOARD SETS
PROCEDURAL SCHEDULE, DENIES REQUESTS FOR SUBPOENAS
i;½ IN AMTRAK-BOSTON & MAINE COMPENSATION DISPUTE
i;½**

Surface Transportation Board (Board) Chairman Linda J. Morgan announced today that the Board has set a procedural schedule in a proceeding in which Amtrak has asked the Board to facilitate its operations over track owned by the Boston & Maine Corporation (B&M) and affiliated railroads. i;½ The Board has also denied B&M's request that it issue subpoenas seeking information from the U.S. Department of Transportation (DOT), the Office of Management and Budget (OMB), and the General Accounting Office (GAO). In 1991, Congress directed Amtrak to institute passenger service between Boston, MA, and Portland, ME, and it appropriated \$30 million to enable Amtrak to rehabilitate the line, which is owned by B&M and its affiliates. i;½ Amtrak and B&M have been negotiating, but have apparently been unable to agree as to the terms and conditions that will govern Amtrak's use of B&M's track. i;½ As a result, the rehabilitation program has not yet begun.

Pursuant to 49 U.S.C. 24308(a), which authorizes the Board to set terms and conditions under which Amtrak may operate over

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track owned by operating railroads, Amtrak sought a Board order directing B&M to allow Amtrak to use its lines, and setting the compensation that Amtrak must pay. i;½ In response, B&M sought (1) to dismiss the proceeding, on the ground that the parties had already agreed as to terms and conditions, and (2) to have the Board issue a subpoena directing OMB, GAO, and DOT to provide information.

Concluding that the parties had not reached agreement, the Board denied the motion to dismiss and, in response to Amtrak's request, established a procedural schedule for the processing of the case. i;½ The procedural schedule calls for final briefs to be due on August 16, 1997.

The Board also denied B&M's request for subpoenas. i;½ It noted that the request for information from DOT and GAO had not been supported, and that the materials sought from OMB -- all information and opinions in OMB's possession regarding Amtrak's financial condition -- were either in the public domain, available from Amtrak, or not relevant to any function the Board is required to perform. i;½ For that reason, the Board also denied B&M's request that it ask the Attorney General to opine on whether the United States would be liable for certain of Amtrak's obligations, should Amtrak itself be unable to meet them.

The Board's decision in STB Docket Finance Docket No. 33381, Application of the National Railroad Passenger Corp. Under 49 U.S.C. 24308(a)--Springfield Terminal Railway Company, Boston and Maine Corporation, and Portland Terminal Company, was issued to the public on May 6, 1997.

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