

TRANSPORTATION UPDATE

STB Discontinues Dockets

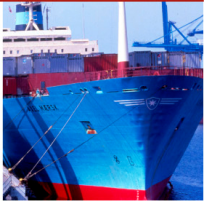
On January 19, the Surface Transportation Board (STB) formally terminated the following 10 proceedings, many of which have been pending for several years:

- STB Ex Parte No. 431 (Sub-No. 3), *Review of the STB's General Costing System*
- STB Ex Parte No. 646, *Rail Rate Challenges in Small Cases*
- STB Ex Parte No. 657, *Rail Rate Challenges Under the Stand-Alone Cost Methodology*
- STB Ex Parte No. 658, *The 25th Anniversary of the Staggers Rail Act of 1980: A Review and Look Ahead*
- STB Ex Parte No. 671, *Rail Capacity and Infrastructure Requirements*
- STB Ex Parte No. 672, *Rail Transportation of Resources Critical to the Nation's Energy Supply*
- STB Ex Parte No. 677, *Common Carrier Obligation of Railroads*
- STB Ex Parte No. 683, *Passenger Rail Investment and Improvement Act of 2008*
- STB Ex Parte No. 688, *Policy Alternatives to Increase Competition in the Railroad Industry*
- STB Ex Parte No. 690, *Twenty-Five Years of Rail Banking: A Review and Look Ahead*

Hazardous materials shippers should take particular note of one proceeding that is **not** in this list. The board stated that it has chosen to keep open until further notice STB Ex Parte No. 677 (Sub-No. 1), *Common Carrier Obligation of Railroads—Transportation of Hazardous Materials*. A decision in that proceeding has been rumored since last August.

The STB described each of these as information-gathering proceedings in which the record has long been closed and their purpose has been met. In order to bring administrative finality to these proceedings and to avoid the appearance that they are ongoing matters, the board decided to issue this decision.

It was noted that many parties had used these proceedings as a vehicle to ask the STB to take a wide variety of actions. However, the board declared that these proceedings were never intended to be a vehicle for such requests or to produce a decision on any particular controversy. Instead, the board instructed any party that seeks specific action to file the appropriate action through a petition for rulemaking, a petition for declaratory order or a formal complaint.



For the sake of clarity, the STB declared that any similar future proceedings will be automatically discontinued once the record closes, unless the board announces otherwise prior to the close of the record. This clarification is intended to prevent parties from developing the kinds of expectations of formal STB action that arose in the above proceedings and prompted this decision.

FOR MORE INFORMATION

Please contact a member of our **Transportation** practice group with any questions:

Karyn A. Booth, Group Leader	202.263.4108	Karyn.Booth@ThompsonHine.com
Sandra L. Brown	202.263.4101	Sandra.Brown@ThompsonHine.com
Nicholas J. DiMichael	202.263.4103	Nick.DiMichael@ThompsonHine.com
Jeffrey O. Moreno	202.263.4107	Jeff.Moreno@ThompsonHine.com

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