



Surface Transportation Board
Washington, D.C. 20423-0001

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Office of the General Counsel

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Meeting under Section 5, STB Reauthorization Act

Office of Proceedings
January 17, 2020

November 6, 2019

Part of
Public Record

Present: Members Begeman, Fuchs, and Oberman
Staff Rachel Campbell, Allison Davis, Ellen Erichsen, Amanda Gorski, Craig Keats, Lisa Novins, Valerie Quinn, Onika Williams, Scott Zimmerman

Topic: Docket No. NOR 42166, Alonzo Benton v. CSX Transportation

Summary of the Matters Discussed, Prepared by General Counsel Craig Keats:

At this meeting, staff briefed Board Members on the motion of CSX Transportation, Inc. (CSXT) to dismiss the complaint filed against it by Alonzo Benton. The complaint arises out of federal district court tort litigation brought by Mr. Benton against CSXT alleging that Mr. Benton was injured as a result of CSXT's negligence. Mr. Benton stated that he filed at the STB after CSXT sought to dismiss the federal court action on the ground that, under the preemption provisions of 49 U.S.C. § 10501, his claims must be brought before the Board rather than the court.

Staff and Board Members discussed the following issues:

1. The nature of Mr. Benton's claims.
2. The Board's jurisdiction.
3. The recent district court case granting in part and denying in part CSXT's motion to dismiss.