



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

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Office of Proceedings

Meeting under Section 5, STB Reauthorization Act March 15, 2019

February 4, 2019

Part of
Public Record

Present: Members Begeman, Fuchs, and Oberman
Member Staff Amanda Gorski, Ellen Erichsen, Lisa Novins
Agency Staff Craig Keats, Rachel Campbell, Allison Davis, Anika Cooper,
Danielle Gosselin, Scott Zimmerman, Ted Hunt, Sarah Fancher, Chris
Falcone, Dave Navecky, Barbara Miller

Topic: FD 36168, Oakland Global Rail Enterprise, LLC – Petition for
Declaratory Order

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

At this meeting, staff briefed Board Members on a request by Oakland Global Rail Enterprise, LLC (OGRE) for a declaratory order that OGRE does not need authority under 49 U.S.C. § 10901, which applies to construction of new lines, to pursue a project regarding track at the former Oakland Army Base in Oakland, Cal. (Base). OGRE contends that construction authority is not needed because the project involves rehabilitation of an existing rail line rather than construction of a new one. The City of Oakland and the Port of Oakland have both filed responses to OGRE's filings. In this meeting, staff briefed Board Members and answered a series of questions about the proceeding and the pleadings filed.

Staff and Board Members discussed the following issues:

1. The positions of the parties and the information they have provided concerning the proposed project and future use of the track on the Base.
2. The Interstate Commerce Commission's 1943 decision authorizing acquisition of track on the Base.
3. The jurisdictional nature of the track (line of railroad, excepted track, or private track) on the Base.
4. Whether acquisition authority was required when the track was acquired.
5. Whether construction authority is required for any part of OGRE's proposed project.