

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 27590 (Sub-No. 3)

TTX COMPANY, ET AL. — APPLICATION FOR APPROVAL
OF POOLING CAR SERVICE WITH RESPECT TO FLATCARS

Decided: June 22, 2004

By application filed January 6, 2004, TTX Company (TTX) and certain participating railroads filed an application to extend for 15 years TTX's flatcar pooling authority, which the Board's predecessor, the Interstate Commerce Commission (ICC), originally granted in 1974, extended in 1989, and extended again in 1994. Unless further extended, TTX's current pooling authority under the ICC's 1994 order will expire on October 1, 2004.

In a notice of pooling application and request for public comments served and published in the Federal Register on February 5, 2004 (69 FR 5662-63), the Board prescribed a procedural schedule for this proceeding. The Board directed that comments on the application must be filed by March 22, 2004, with applicants' rebuttal due by April 21, 2004. A decision on the merits is due to be issued by September 1, 2004.

Subsequently, the U.S. Department of Defense, Military Surface Deployment and Distribution Command (DOD), and the National Industrial Transportation League (NITL) requested that the due date for comments in this proceeding be extended until April 12, 2004. In response to the extension requests, TTX asked for a commensurate extension of time to file its rebuttal in the event that DOD's and NITL's requests were granted. In a decision served on March 10, 2004, the Board extended the due dates for comments and TTX's rebuttal until April 12, 2004, and May 12, 2004, respectively. The Board's decision did not affect the September 1, 2004 decision due date.

In their written comments, several interested parties have expressed a desire to have the Board hold a public hearing/oral argument in this proceeding to permit a more complete exchange of views on the merits of TTX's application. In its rebuttal in support of the application, TTX indicates that it does not object to the Board's scheduling an oral argument in this proceeding, provided that it would be comparable in scope and structure to oral arguments that the Board recently has held in other cases.

The Board will hold an oral argument in this proceeding on July 7, 2004, beginning at 10:00 a.m., in Room 760 (the Board's Hearing Room) at the Board's headquarters in the Mercury Building, 1925 K Street, N.W., Washington, D.C.

Any party wishing to speak at the oral argument should file with the Board, as soon as possible but no later than June 28, 2004, an original and 10 copies of a written notice of intent to speak, along with the name and title of the party's intended speaker, and a requested time allotment. Each such party should also file with the Board, as soon as possible but no later than July 2, 2004, an original and 10 copies of a summary (not to exceed 3 pages) of the specific points the speaker will address. The required filings should refer to STB Finance Docket No. 27590 (Sub-No. 3) and should be addressed to:

Surface Transportation Board
1925 K Street, N.W.
Washington, DC 20423-0001

Re: STB Finance Docket No. 27590 (Sub-No. 3)

The Board will issue, by or before July 1, 2004, a decision setting a schedule for the oral argument. The schedule will provide, among other things, that TTX will open, and that it may reserve part of its time for rebuttal if it so chooses.

Persons speaking at the oral argument are encouraged to use their time to call attention to the points they believe to be particularly important. The purpose of oral argument is not to restate the written comments previously submitted, but to summarize and emphasize the key points of a party's case, and to provide an opportunity for questions that the Board may have regarding the matters at issue in this proceeding.

If a party wishes to enhance its argument by using projector-adaptable visual displays and/or handouts, it may do so. Staff will be available to demonstrate the Hearing Room's projection system on July 6, 2004, from 2 p.m. to 4 p.m. Please call (202) 565-1618 to make arrangements.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. Oral argument in this proceeding will be held on Wednesday, July 7, 2004, beginning at 10 a.m., in the Surface Transportation Board Hearing Room (Room 760), at 1925 K Street, N.W., Washington, D.C.

2. Any party wishing to speak at the oral argument should file with the Board, as soon as possible but no later than June 28, 2004, an original and 10 copies of a written notice of intent to speak, along with the name and title of its intended speaker, and a requested time allotment.

3. Each such party should also file with the Board, as soon as possible but no later than July 2, 2004, an original and 10 copies of a summary (not to exceed 3 pages) of the specific points the speaker will address.

4. This decision is effective on the date of service.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary