

Before the
SURFACE TRANSPORTATION BOARD



Finance Docket No. 34502

AMERICAN ORIENT EXPRESS RAILWAY COMPANY
PETITION FOR DECLARATORY ORDER

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Office of Proceedings

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NOTICE OF INTENT TO PARTICIPATE

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Attorney for John D. Fitzgerald

Dated: May 20, 2004

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John D. Fitzgerald,^{1/} for and on behalf of United Transportation Union-General Committee of Adjustment (UTU/GO-386), submits this notice of intent to participate in the entitled matter, in the event the Surface Transportation Board (STB) institutes a proceeding, and states as follows:

1. American Orient Express Railroad Company (AOERC), on April 30, 2004, filed a petition with the STB, requesting that the STB institute a declaratory order proceeding, and that the STB declare AOERC is not subject to the jurisdiction of the STB. (Petition, 2).^{2/}

2. AOERC, which directly or indirectly owns or leases about 60 rail passenger cars, and employs at least 100 persons over the year, in conducting its passenger service, seeks to escape coverage under the Railroad Retirement and Railroad Unemployment

^{1/} General Chairman for United Transportation Union on lines of The Burlington Northern and Santa Fe Railway Company, with offices at 400 E. Evergreen Boulevard, Vancouver, WA 98660.

^{2/} In its conclusion, AOERC seeks a finding that it is not a common carrier by rail subject to STB jurisdiction. (Petition, 43).

Insurance Acts. AOERC frequently utilizes services of Amtrak, and certain freight carriers, for certain AOERC functions, such as locomotives.

3. Railroad personnel represented by UTU/GO-386 have an interest in AOERC, and in rail passenger operations, and in the viability of the railroad retirement and unemployment funding.

4. The Railroad Retirement Board heretofore has ruled that AOERC is a covered employer. The STB should not act to disturb this situation, absent participation by representatives of employees engaged in the operation of Amtrak trains and other rail carriers.

5. UTU/GO-386 does not consider the AOERC petition to be meritorious; however, if a proceeding nevertheless is instituted, UTU/GO-386 desires to participate.


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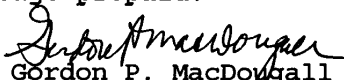
May 20, 2004

Attorney for John D. Fitzgerald

Certificate of Service

I hereby certify I have served a copy of the foregoing upon counsel for AEORC, by first class mail postage-prepaid.

Washington DC


Gordon P. MacDougall