

BEFORE THE
SURFACE TRANSPORTATION BOARD

EX PARTE No. 647

**CLASS EXEMPTION FOR EXPEDITED ABANDONMENT PROCEDURE
FOR CLASS II AND CLASS III RAILROADS**

**MOTION OF THE RAIL LABOR DIVISION
TRANSPORTATION TRADES DEPARTMENT, AFL-CIO
AND ITS AFFILIATED ORGANIZATIONS TO POSTPONE HEARING**

The Rail Labor Division of the Transportation Trades Department AFL-CIO (“RLD”) and its affiliated organizations¹ hereby request that the planned hearing in this matter be postponed for four weeks to August 31, 2004, with written testimony due on August 24, 2004.

In support of this motion, the RLD and its affiliated organizations state that although the Board issued a decision in E.P. 647 on July 22, 2004 announcing the planned hearing, the RLD and its affiliated organizations first learned of the planned hearing after a notice was published in the Federal Register on July 27, 2004. Obviously, the RLD and its affiliated organizations could not possibly have filed a notice of intent to participate before July 26th when the public notice of the planned hearing was issued on July 27th. The RLD and its affiliated organizations also note that the petition that gave rise to the notice of hearing was filed in May of 2003. Given that the

¹ American Train Dispatchers Department; Brotherhood of Locomotive Engineers and Trainmen; Brotherhood of Maintenance of Way Employees; Brotherhood of Railroad Signalmen; International Association of Machinists and Aerospace Workers; International Brotherhood of Boilermakers, Blacksmiths, Forgers and Helpers; International Brotherhood of Electrical Workers; National Council of Firemen and Oilers SEIU; Sheet Metal Workers International Association; Transportation • Communications International Union; Transport Workers Union of America

petition has been pending for over 15 months there is no reason why a hearing need be held, and testimony filed, on such short notice.

The RLD and its affiliated organizations submit that they have a substantial interest in the subject matter of the petition as many railroad workers could be affected by abandonments under the proposed class exemption and by other transactions that are likely to occur if the class exemption is adopted. The RLD and its affiliated organizations further submit that shippers and communities are likely to be affected by the proposed rule change, but many of their representatives also seem to have been unaware of the recent notice. Because the Board did not give adequate notice to the public of the planned hearing, and because any harm to the petitioners by a short delay in the hearing after the matter has been pending over a year, is outweighed by the need for proper notice to the public, the RLD and its affiliated organizations respectfully request that the planned hearing in this matter be postponed for four weeks to August 31, 2004 with written testimony due on August 24, 2004

Respectfully submitted,

/s/
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/s/
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July 30, 2004

CERTIFICATE OF SERVICE

I hereby certify that I have this day caused copies of the forgoing Motion of the Rail Labor Division Transportation Trades Department, AFL-CIO and its Affiliated Organizations to Postpone Hearing in the above-referenced matter to be served by facsimile transmission on:

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Date: July 30, 2004

/s/
Richard S. Edelman