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Before the
SURFACE TRANSPORTATION BOARD

Finance Docket No. FD-34502

AMERICAN ORIENT EXPRESS RAILWAY COMPANY
PETITION FOR DECLARATION ORDER

MOTION FOR EXPEDITED HANDLING

ENTERED
Office of Proceedings
OCT 4 2005
Part of
Public Record

ROBERT BERGEN
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Express Railway Company LLC

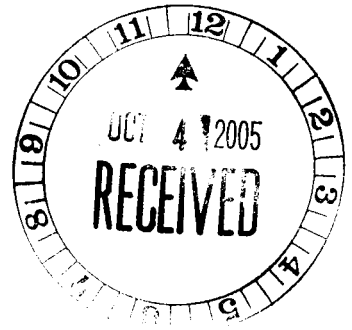
Dated: September 29, 2005

Before the
SURFACE TRANSPORTATION BOARD

Finance Docket No. FD-34502

AMERICAN ORIENT EXPRESS RAILWAY COMPANY
PETITION FOR DECLARATORY ORDER

MOTION FOR EXPEDITED HANDLING



This submission is made by Petitioner American Orient Express Railway Company LLC ("AOERC") to the Surface Transportation Board (the "Board") to request expedited handling of its Petition for Declaratory Order originally submitted to the Board on April 30, 2004. The Board's familiarity with the facts and history of this matter is assumed. This request is prompted by the letter dated August 30, 2005 received from the Railroad Retirement Board ("RRB"), which is attached as Exhibit A to this Motion.

The RRB previously stayed Petitioner's reporting requirements pending its decision on Petitioner's application for a re-determination of its initial coverage decision. The RRB has now granted to AOERC an additional stay of 90 days until November 28, 2005, after which time the RRB will issue its final coverage determination with respect to AOERC's status as a covered employer.

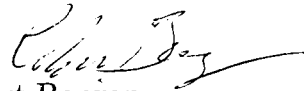
As stated in AOERC's original petition, the scope of the Board's jurisdiction over AOERC is the only issue on which the question of coverage depends. Given

that this is an issue as to which the Board has a primary interest. Petitioner believes it would be most appropriate for the Board to render an order on the matter.

Based on the fact that this is the final stay that the RRB will grant to AOERC, after which the RRB will issue its own ruling, we respectfully request that the Board act immediately to resolve this matter by **NOVEMBER 28, 2005**.

Dated: New York, New York
September 29, 2005

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Robert Bergen", with a long horizontal flourish extending to the right.

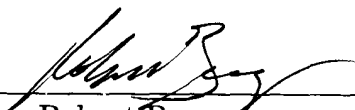
Robert Bergen
HOLLAND & KNIGHT LLP

Attorneys for Petitioner AOERC

Certificate of Service

I hereby certify I have served a copy of the foregoing by first class mail postage-prepaid upon the following:

Law Offices of Gordon P. MacDougall 1025 Connecticut Ave, N.W. Washington, D.C. 20036	American Association of Private Railroad Car Owners, Inc. Paul L. DeVerter II Chief Mechanical Officer 1301 McKinney St. – Suite 5100 Houston, Texas 77010
Daniel R. Elliott, III Associate General Counsel United Transportation Union 14600 Detroit Avenue Cleveland, Ohio 44107	George Francisco, Chair Rail Labor Division 888 16 th Street, Suite 650 Washington, D.C. 20006
Beatrice Ezerksi Secretary to the Board Railroad Retirement Board 844 North Rush Street Chicago, Illinois 60611	


Robert Bergen

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EXHIBIT A



UNITED STATES OF AMERICA
RAILROAD RETIREMENT BOARD
844 NORTH RUSH STREET
CHICAGO, ILLINOIS 60611-2092

AUG 30 2005

BOARD MEMBERS:

MICHAEL S. SCHWARTZ, CHAIRMAN
V.M. SPEAKMAN, JR., LABOR MEMBER
JEROME F. KEVER, MANAGEMENT MEMBER

Mr. Robert Bergen
Holland & Knight LLP
195 Broadway
New York, New York 10007-3189

Re: Reconsideration of
*American Orient Express Railway
Company, LLC*
Board Coverage Decision 01-20

Dear Mr. Bergen:

This is in reply to your letter dated June 24, 2005, requesting that the members of the Railroad Retirement Board extend the stay granted in the above entitled matter.

As you know, by letter of July 1, 2004, I notified you that the Board agreed to stay reconsideration of the status of American Orient Express as an employer covered by the Railroad Retirement and Railroad Unemployment Insurance Acts pending issuance of a declaratory order by the Surface Transportation Board in American Orient Express Railway Company, Petition for Declaratory Order, STB Finance Docket No. FD 34502. At that time, the Board determined to grant your request for a stay through the earlier of December 31, 2004, or ten days following the date on which the STB issues a declaratory order deciding the status of American Orient Express as subject to STB jurisdiction. However, no STB decision has been issued to date. You now request that the Board extend the stay in its reconsideration of BCD 01-20 until 30 days following the date an STB decision is issued.

In view of the circumstances in the case, the Board has determined to extend the stay of its reconsideration for an additional 90 days from the date of this letter, unless an STB decision is rendered prior to that time. On the earlier of the tenth day following the STB decision or the end of the 90 day period, the Board will proceed to issue a decision in the matter. Further, the Board will for the same period suspend enforcement of the company's obligations under the Railroad Unemployment Insurance Act and reporting requirements under the Railroad Retirement and Railroad Unemployment Insurance Acts.



This grant of stay continues to be conditional upon the status of the STB proceeding. You ***must*** therefore provide to the Board a copy of all material filed by American Orient Express in the STB proceeding, and all documents, notices or other material served upon American Orient Express by the STB or by any other source or party. Any filing by American Orient Express must be sent to the Board concurrent with filing with the STB, or within 10 days of the date such document is served upon American Orient Express, if filed by another source or party. Failure to comply will result in termination of the stay of proceedings before the Board.

The Board will disfavor further requests to stay its decision following expiration of the 90 day period granted today.

Sincerely,

A handwritten signature in cursive script that reads "Beatrice Ezerski".

FOR THE BOARD

Beatrice Ezerski

Secretary to the Board