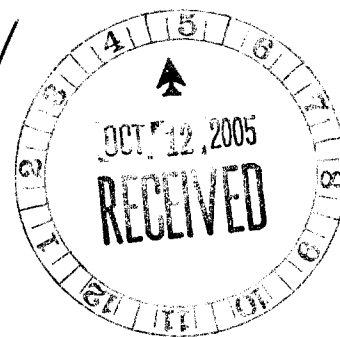


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Before the
SURFACE TRANSPORTATION BOARD

Finance Docket No. 34502

AMERICAN ORIENT EXPRESS RAILWAY COMPANY
PETITION FOR DECLARATORY ORDER

REPLY TO MOTION FOR EXPEDITED HANDLING

ENTERED
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GORDON P. MacDOUGALL
1025 Connecticut Ave., N.W.
Washington DC 20036

Attorney for John D. Fitzgerald

Due Date: October 24, 2005

Before the
SURFACE TRANSPORTATION BOARD

Finance Docket No. 34502

AMERICAN ORIENT EXPRESS RAILWAY COMPANY
PETITION FOR DECLARATORY ORDER

REPLY TO MOTION FOR EXPEDITED HANDLING

John D. Fitzgerald,^{1/} for and on behalf of United Transportation Union-General Committee of Adjustment, GO-386 (UTU/GO-386), makes this reply to the motion for expedited handling, filed October 4, 2005, by American Orient Express Railway Company LLC. (AOER). The AOER motion attaches part of correspondence between AOER and the Railroad Retirement Board (RRB), a federal agency,

UTU/GO-386 submitted pleadings in the instant proceeding, on May 20, July 13, and August 12, 2004. We will not burden the record with redundant matter. However, we are amazed that AOER continues to opportune the Surface Transportation Board (STB), for the STB to become involved in an on-going RRB proceeding, absent direct invitation by the RRB. Of course, the STB's staff has encouraged such inappropriate OERC overtures, and we already have suggested in our pleadings that the STB should remove the power of its staff to institute declaratory proceedings, and that the STB should revert to prior practice in this regard.

^{1/} General Chairman for United Transportation Union, on lines of BNSF Railway Company, with offices at 400 E. Evergreen Blvd., Vancouver, WA 98660.

There is no basis for granting expedited handling for this declaratory proceeding; indeed, the proceeding should be dismissed as improvidently instituted.

Respectfully submitted,


GORDON P. MacDOUGALL
1025 Connecticut Ave., N.W.
Washington DC 20036

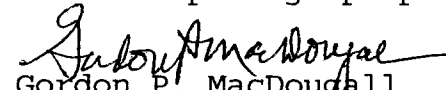
October 12, 2005

Attorney for John D. Fitzgerald

Certificate of Service

I hereby certify I have served a copy of the foregoing upon all parties of record by first class mail postage-prepaid.

Washington DC


Gordon P. MacDougall