

BEFORE THE SURFACE TRANSPORTATION BOARD

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EX PARTE NO. 659

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PUBLIC PARTICIPATION IN CLASS EXEMPTION PROCEEDINGS

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COMMENTS OF THE RAIL CONFERENCE,  
INTERNATIONAL BROTHERHOOD OF TEAMSTERS

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May 15, 2006

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The Rail Conference of the International Brotherhood of Teamsters<sup>1</sup> ("RC" or "Rail Conference") respectfully submits the following brief comments on the Board's Advanced Notice of Proposed Rulemaking, served on March 10, 2006.<sup>1</sup>

The Board acknowledges that its goals in this proceeding are limited in scope. The Board's ultimate goal is public notice of proposed exempt transactions before the transaction consummates. Under present rules, public notice in the Federal Register occurs after the transaction has consummated. Additionally, the Board's rules do not adequately address issues regarding the timing of petitions to stay pending exempt transactions.

The Rail Conference believes the Board's desire to expand public notice of exempt transactions and provide better structure

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<sup>1</sup> The Rail Conference consists of the Brotherhood of Maintenance of Way Employees Division ("BMWED") and the Brotherhood of Locomotive Engineers and Trainmen ("BLET"), two autonomous Divisions within the International Brotherhood of Teamsters. Both BMWED and BLET previously filed notices of appearance in this proceeding and they are consolidating their comments under the umbrella of the Rail Conference.

to petitions to stay proposed exempt transactions are laudable and important goals. While an exempt transaction is, by definition, a type of transaction the Board routinely approves; a transaction's exempt status does not mean it will not have an effect on labor, shippers and the communities served by a line of railroad. Many of us in Rail Labor can remember the infamous "midnight filings" at the former Interstate Commerce Commission where an entity filed its seven (7) day notice of exemption at 11:59 PM on Friday to make the exemption effective at 12:01 AM on the following Saturday. The Board's proposed time lines regarding public notice and a deadline for filing petitions to stay an exempt transaction will provide some structure and due process to a previously anarchic system.

The Rail Conference supports the Board's proposed change to the regulations governing exempt transactions.

Respectfully submitted,

A handwritten signature in cursive script, reading "Donald F. Griffin". The signature is written in dark ink and is positioned above the printed name and title.

Donald F. Griffin  
Director of Strategic Coordination  
and Research

May 15, 2006