

ORIGINAL

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July 10, 2008



Anne K. Quinlan
Acting Secretary
Surface Transportation Board
Washington DC 20423

Re: Ex Parte No. 677 (Sub-No. 1)
Common Carrier Obligation of Railroads-
Transportation of Hazardous Materials

Dear Secretary:

I enclose original and 10 copies of Statement of Jay L. Schollmeyer, to be introduced at the hearing presently scheduled for July 22, 2008.

Unfortunately, Mr. Schollmeyer will be unable to be present. He asks that his statement be received.

Very truly yours,

Gordon P. MacDougall

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Public Record

ORIGINAL

Before the
SURFACE TRANSPORTATION BOARD

Ex Parte No. 677 (Sub-No. 1)

COMMON CARRIER OBLIGATION OF RAILROADS-
TRANSPORTATION OF HAZARDOUS MATERIALS



STATEMENT OF

JAY L. SCHOLLMMEYER

July 22, 2008

My name is Jay L. Schollmeyer, with offices at 400 East Evergreen Boulevard, Vancouver, WA. I serve as General Chairman for United Transportation Union-General Committee of Adjustment (UTU/GO-386), representing train and engine service personnel employed by Burlington Northern Railway Company (BNSF).

My employment with BNSF, and its predecessors, commenced in 1974, in the MofW department; beginning 1978, I transferred to the Operating department, and held successive positions from Brakeman to Conductor.

I have been a member of the UTU since 1978, becoming Local Chairman in 1996. Subsequently, I was elected Vice General Chairman for the General Committee of Adjustment, serving in that capacity from 1999 through 2007. I was elected General Chairman, effective January 1, 2008, upon the elevation of John D. Fitzgerald to the position of UTU Vice President.

From my experience in BNSF's Operating department, services as Brakeman and Conductor, along with assisting my General Committee of Adjustment (UTU/GO-386) in arbitration, agreements, and research projects, I have become fully familiar with issues involving rail carriers and their obligations to the public, particularly concerning the obligation to provide rail service.

Of course, BNSF's service obligations to the public are of concern to railroad employees, in both MofW and train/engine operations. Rail service provides the primary basis for employment opportunities and compensation levels; and rail service may also accord certain minimum employee protective conditions in situations involving rail carrier abandonments and discontinuances.

Institution of Proceeding. This Notice of Public Hearing was dated and issued June 4, 2008, and is said to have been inspired by the hearing held April 24-25, 2008, on the subject of the common carrier obligation. Ex Parte No. 677, Common Carrier Obligation of Railroads. However, a formal written request for the proceeding was made by the Board's Railroad-Shipper Transportation Advisory Council (RSTAC), by letter dated May 19, 2008.^{1/} The RSTAC letter urged the STB to separate consideration of issues involving dangerous chemicals (toxic and poisonous inhalation hazard materials) from the broader proceeding involving the railroads' common carrier obligation. RSTAC said the TIH issues are not closely related to other common carrier obligation issues.

^{1/} The RSTAC members on letter were Rick Webb (Watco Companies), Reilly McCarren (Arkansas & Missouri Railroad Co.), Terry J. Voss (SVP Transportation, Ag Processing Inc.), Roger Fray (West Central Cooperative), John Levine (Pinsley Railroad Company), Charles N. Marshall (Farmrail System, Inc.), Bruce Ridley (Packaging Corporation of America), and Connie Thede (Muscatine Power & Water).

Indeed, I question whether TIH transportation issues are genuine common carrier obligation matters, and I have doubts concerning whether the Board itself, is the proper agency to resolve TIH issues among the many interested parties. Moreover, it appears that other agencies of the federal government may be equipped to deal with safety, railroad routing practices, insurance, liability caps, and other related matters. Frankly, railroad employees may not have the greatest of confidence with Board resolution of proceedings where railroad employees may be participants, based upon my experience in connection with employee economic protection. In any event, I suggest at least some participation with other government agencies may prove helpful.

I wish to thank the Board for permitting me to participate in this hearing, and to file this statement.

Dated at
Vancouver WA
July 22, 2008

JAY L. SCHOLLMAYER