

SURFACE TRANSPORTATION BOARD

STB Finance Docket No. 34495

BUCKINGHAM BRANCH RAILROAD COMPANY — LEASE —
CSX TRANSPORTATION, INC.

Decision No. 4

Decided: October 5, 2004

On September 29, 2004, the Brotherhood of Maintenance of Way Employees (BMWE) filed a request asking that the Board hear oral argument in this proceeding. BMWE contends that oral argument would be helpful to the Board in its review of this case. On September 30, 2004, Buckingham Branch Railroad Company (BBRR) and CSX Transportation, Inc. (CSXT), filed a response opposing the oral argument request. BBRR and CSXT contend that oral argument is not necessary because all of the issues before the Board have been fully addressed in the pleadings of the parties. BBRR and CSXT suggest, however, that, if there is to be an oral argument, it should be scheduled for the week of October 12, 2004, and it should be held at the offices of the Board.

While the issues before the Board have been fully addressed in the pleadings of the parties, an oral argument might be useful in illuminating these issues, and might assist the Board in arriving at a well reasoned decision in this proceeding. The request for an oral argument will therefore be granted, and an oral argument will be held in this proceeding on Wednesday, October 13, 2004, beginning at 10:00 a.m., in Room 760 (the Board's Hearing Room) on the 7th floor at the Board's headquarters in the Mercury Building, 1925 K Street, N.W., Washington, DC.

Any party wishing to speak at the oral argument should file with the Board — no later than 5:00 p.m. on Thursday, October 7, 2004 — a written notice of intent to speak. The notice: should indicate the name (and title, if any) of the person who will be speaking on behalf of the party; should include a requested time allotment; and should be accompanied by a written summary (not to exceed 3 pages) of the specific points the party wishes to discuss at the oral argument.

Because BBRR and CSXT are the applicants in this proceeding, their representative(s) will open, and may (if they so choose) reserve part of their time for rebuttal.

If a party wishes to enhance its argument by using projector-adaptable visual displays and/or handouts, it may do so. Staff will be available to demonstrate the Hearing Room's

projection system on Tuesday, October 12, 2004, from 2 p.m. to 4 p.m. Please contact Beverly Ledbetter in the Board's Office of Proceedings at (202) 565-1618 to make arrangements.

Each party is encouraged to use its oral argument time to call attention to the points it believes are particularly important. The purpose of oral argument is not to restate the written arguments previously made, but to summarize and emphasize the key points of a party's case, and to provide an opportunity for questions that the Board may have regarding any issue in the proceeding.

Instructions for Attendance at Oral Argument

The Board requests that all persons attending the oral argument use the Mercury Building's main entrance at 1925 K Street (on the northeast corner of the intersection of 20th and K Streets). There will be no reserved seating. Please plan to arrive early enough to be seated no later than 9:45 a.m. For security reasons, all persons should be prepared to produce photo identification (such as a driver's license), pass through a metal detector, and submit to an inspection of all briefcases, handbags, and any other bags. Visitors must be cleared through security in the Board's Suite 100 (on the 1st Floor, at the top of the ramp to the left of the main lobby) prior to being escorted to the Hearing Room.

Quiet laptops and tape recorders may be brought into the Hearing Room, but absolutely no provision will be made for the connection of personal computers to Board telephone lines. Cellular telephone use is not permitted in the Hearing Room, or in the rear anteroom. Cellular phones may only be used outside the Hearing Room.

The Board's Hearing Room complies with the Americans With Disabilities Act, and persons needing such accommodations should contact Beverly Ledbetter in the Board's Office of Proceedings at (202) 565-1618 by 5:00 p.m. on Tuesday, October 12, 2004.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. BMW's request for an oral argument is granted. Oral argument in this proceeding will be held on Wednesday, October 13, 2004, beginning at 10:00 a.m., in the Surface Transportation Board's Hearing Room (Room 760), at 1925 K Street, N.W., Washington, D.C.
2. Each party must provide the oral argument information specified above in writing by 5:00 p.m. on Thursday, October 7, 2004.

3. This decision is effective on the date of service.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary