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Before the

SURFACE TRANSPORTATION BOARD

Ex Parte 745

STATUS OF AGENCY LIBRARY

PETITION FOR INVESTIGATION AND
ESTABLISHMENT OF RULES TO GOVERN
PUBLIC ACCESS AND AVAILABILITY OF
AGENCY LIBRARY MATERIALS



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Practitioners

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Preliminary Statement

Thomas F. McFarland, and Gordon P. MacDougall, are practitioners engaged in legal practice with private law firms before the Surface Transportation Board (STB or Board), and have continuously done so for many decades, beginning with the STB's predecessor, the Interstate Commerce Commission (ICC).^{1/} They both rely upon access to the STB's library in Washington, DC, instituted and maintained by the ICC, and carried forward by its successor STB.

Until recently the practitioners have been assisted in their library research by

^{1/} McFarland was admitted to the Assn. Of ICC Practitioners in 1968; MacDougall in 1957. McFarland is located in Chicago, IL; MacDougall in Washington DC. Both had prior employment as house counsel for major railroads, at Chicago, IL, and New York, NY., respectively.



contact with the professional librarian employed by the agency, usually by telephone in the case of McFarland, and usually by visit to the library by MacDougall. McFarland, as a practitioner located in Chicago, rather than direct visit to the library, on occasion has been able to secured the assistance of Washington DC attorneys or traffic counselors situated in Washington to conduct research at the agency library. Practitioner McFarland can be considered representative of similarly situated out-of-town attorneys and practitioners in seeking ICC/STB research assistance, and practitioner MacDougall representative of similarly situated Washington, DC area attorneys.

Expedited Handling Requested

Petitioners request expedited handling so that the Board take immediate action to stay implementation of the STB's disposition authority as published by the National Archives and Records Administration. 82 Fed. Reg. 61336, 61337, item 14, Interstate Commerce Commission. (Dec. 27, 2017). See: *Infra*, at pp. 5-6.

A stay of the STB's request to the Archives that authority be given to destroy certain ICC records for the period 1987-1924 should be granted. Unless stayed, the injury would be irreparable as the materials would be destroyed. The notice date is January 26, 2018. Petitioners and the public stand to be injured in various legal research projects, presently undetermined.

I. FACTUAL CHANGES, AND FUTURE THREATS
TO ADEQUATE LIBRARY FACILITIES HINDER
EFFORTS TO CARRY OUT THE GOALS OF STB
TRANSPORTATION REGULATION.

1. Absence of Adequate Librarian. The STB.'s trained librarian, Christine L. Glaab, died May 14, 2016.^{2/} The librarian possessed extensive experience and contact with Washington DC attorneys, and was well versed in Interstate Commerce law. Prior to her arrival at the agency, the library had deteriorated at the hands of what these practitioners considered to be inexperienced library leadership. For example, issues of Traffic World magazine, the agency's journal of record, for the years prior to 1940, were not carried forward from the agency's Constitution Avenue location to the new agency offices on K Street. This has been a tremendous loss to practitioners doing transportation research, and we also believe to the working of the agency itself.

There is no indication the agency has any intention of replacement for the now departed librarian. Several months ago we witnessed the removal of all issues of the current CFR^{3/} publications from the agency's library other than issues for Title 49 covering the years 2015, 2016. We are advised that anyone searching rules for

^{2/} See: Appendix 1. Washington Post (June 7, 2016).

^{3/} Code of Federal Regulations

other agencies, such as FERC., FMC., FCC, should utilize the internet.^{4/} We cite the CFR situation a mere example. A serious calamity has been removal from the library of the paper supplements, termed "Advance Bulletin," to the Interstate Commerce Acts Annotated (ICAA), subsequent to the last print edition (Vol. 22), issued in 1977. These missing advance bulletins were issued by library staff. The ICAA was mandated by U.S. Senate resolutions in 1927, to be continuous, and for many years was supervised by ICC Commissioner Clyde B. Aitchison. The ICAA advance bulletins were discontinued in mid-1981, long before the person assigned for its preparation reached retirement in 2003. This discontinuance of future advance bulletins from the library was bad enough, but removal of the earlier advance bulletins also has been a tragedy for public use of the library, all contrary to the efforts of the U.S. Senate.

2. Current Library Management Threats. For many years, agency library management was under direction by the Office of General Counsel. The transfer of the library to the present Office of Public Assistance, Government Affairs and Compliance (OPAGAC) has been very unfortunate.

^{4/} Such resort to the internet for CFR pamphlet research is highly unsatisfactory in most instances, since examination of a rule frequently requires reference and consideration of the entire text and scheme for an appropriate analysis and meaning. In particular, many environmental provisions required to be administered by the STB are not found in title 49 CFR.

The OPAGAC staff now in control of the library appears to have every intention of substantially reducing the size of the library holdings, and to remove important documents from public, and from agency view. An example of the widespread destruction of important material is the recent advice, by the National Archived and Records Administration, published in the Federal Register, announcing that certain formal ICC documents during the period 1887-1924^{5/} other than material related to printed decisions, would not warrant continued preservation. 82 Fed. Reg. 61336, 61337 (Dec. 27, 2017).

We are advised other changes to the library facilities are under active consideration—mostly of a discontinuance and removal nature. Large trash dump containers have been seen in the STB library in a ready position, although empty at this time. Our review of the OPAGAC personnel in action who visit the library do not appear qualified to render decisions on document preservation, although their intentions may be laudable. However, they are not immune to the general tenor of other personnel within the agency. As an example, we inquired several years ago, at a luncheon meeting sponsored by a leading transportation attorney organization, from the STB's then General Counsel (who was the speaker, but is now no longer with the agency), why the agency discontinued printing its major

^{5/} The ICC was created in 1887.

decisions, for which the latest volume, 7 S.T.B. 1-1055 (2004), ended December 13, 2004. The response given by the STB's General Counsel was that the monetary savings could better used for employee salaries, although the General Counsel did not claim responsibility for the agency decision on this score.^{6/}

The STB has reduced the public access to its library to the period between 10am-3pm. This action was taken in November 2015, which petitioners understood was in light of the then librarian's illness, but has been made permanent. This limited access to the library is in contrast with the 8:30am-5:00pm period in which the STB is otherwise open for public business. The short library hours are an inhibiting factor for public use.

3. Agency Internal Use Insufficient. We acknowledge that STB personnel will on occasion remove public materials from the library for occasional use without replacement, although an astute and alert librarian will seek prompt return for the use of other agency personnel and for the public. There is a public interest in transparency. There is a tendency, if unchecked, for agency personnel to withhold public information. If the public materials are not in the public library,

^{6/} The former ICC published 377 volumes of its rail reports, apart from numerous separate motor carrier and valuation volumes. The S.B. published 7 volumes of rail reports between 1996 and 2004, although the latter were considerably larger in page content.

the public may not be aware the materials exist.

Moreover, there may be situations where agency personnel wish to shield staff actions from agency Members, or from the public press. We point to ICC staff removal of Traffic World personnel from the news room space maintained by the agency, which occurred in September 1979.^{7/} The late ICC commissioner Joseph B. Eastman highlighted the problem as staff quest for recognition, a solution for which has not yet been reached.^{8/}

4. Statutory Provisions Encourage Public Access. Statutory provisions administered by the STB encourage the availability of information for the provision and regulation of adequate transportation for the public.

Some of these many such provisions are: 49 USC 10101(13), 15; 10502(d); 10704(a)(2); 10708; 10901; 10903(c)(2); 10904; 11101(d)(f); 11144; 11145.

I I. THE STB SHOULD INSTITUTE AN INVESTIGATION
CONCERNING WHETHER TO REVISE OR ESTABLISH
RULES TO GOVERN ACCESS AND OPERATION OF
THE AGENCY'S LIBRARY.

The current status of the STB public library warrants an investigation with

^{7/} See: Appendix 2. Traffic World (September 10, 1979).

^{8/} Eastman, Joseph B., A Primer on Administrative Tribunals, in Selected Papers and Addresses of Joseph B. Eastman 1942-44, at 377 (Simmons-Boardman (1948)

public input. The library is not solely for agency personnel utilization. Various authors have acknowledged the important function of the agency's library.^{9/}The STB is urged to provide notice of such investigation in the Federal Register, with opportunity for comment. The library is utilized by practitioners to provide content information and citations for future documents and future pleadings to be filed with the agency.

The current library rules are published at 49 CFR 1001.1 (2016ed). These rules at present are not being followed in many respects, and are far out-of-date. For this reason alone, a proceeding is warranted to revise, supplement, or otherwise amend these rules. Instead, the present staff emphasis is upon eliminating features of the library and downgrading the facilities available to the public. Moreover, we practitioners question the experience or abilities of OPAGAC personnel to manage the functions of the library.

The present library space is a merger of the traditional library space with the former public docket room, the public docket room being the former separate location in the building for the location and examination of current filings in pending proceedings. The investigation may wish to consider whether merger of

^{9/} For example, see: Sharfman, I.L., The Interstate Commerce Commission (Part IV), 86-87 (Commonwealth Fund, 1937); Leonard, W.M., Railroad Consolidation Under the Transportation Act of 1920, 5 (Columbia Univ. Press, 1946).

the library room with the public docket room should be continued.

CONCLUSION

The Board should institute an investigation into the status of its public library, establish new rules and review present rules to govern public access and availability of agency library materials, and examine other features for the library which may be fit and proper.

Pending outcome of this proceeding, the Board should stay operation of current directives to the National Archives and Records Administration, set forth, supra, at 2, 5, 6.

Respectfully submitted,


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Practitioners

January 24, 2018

DEATH NOTICE

GLAAB



CHRISTINE LEE GLAAB (Age 62)

Of Silver Spring, Maryland. Christine lost her five year battle with breast cancer at home on May 14, 2016.

Christine was born on November 26, 1953 and grew up in the Washington, DC area. She attended Springbrook High School and the University of Maryland where she graduated with a Master's Degree in Library Science in 1975.

She served as a legal librarian for three large DC law firms and ended her professional career as head librarian for the US Government Surface Transportation Board.

She was active in providing books and supplies to the Green Bank Middle School in Pocahontas County, West Virginia. Over a 20 year period she provided thousands of books to the school and county library system. Christine also served as a board member of the Appalachian Forest Heritage Area, an organization that promotes the history and heritage tourism of the area of Eastern West Virginia.

Her hobbies included collecting books and antiques, reading, and restoring an historical house in Cass, West Virginia.

She is survived by her husband of 43 years, John Glaab and a sister, Theresa Anoskey.

At her request, no service was held. Also at her request, donations should be sent to the American Cancer Society in the hope that one day this horrible disease will be eliminated.

TRAFFIC WORLD

THE WEEKLY NEWSMAGAZINE OF TRANSPORTATION MANAGEMENT

September 10, 1979

Interstate
SEP 10 1979

SPS 6363001

NEWSPAPER

SECOND CLASS POSTAGE PAID AT WASHINGTON, D.C.

ICC Favors Specialized Trucking Deregulation

In open conference of agency, five-member majority of Commission approves proposals to deregulate entry into specialized motor freight haulage under 'master certificate' plan, and to provide rate flexibility for all truck lines. **Page 25**

Curbs on 'T.W.' Reporting Imposed by ICC

Commission's managing director, Pierce A. Quinlan, notifies *Traffic World* its news writers will have to vacate Room B-112, the press room they have been using, by Sept. 17 and do their reporting henceforth in small anteroom to Hearing Room A, and Commission's secretary advises reporters they may not remove documents of news value from docket section (Room 1221) and so must write digests of information in those documents in longhand or pay 25 cents a page for Xerox copies. Offer by *Traffic World* to pay rent for space is rejected. **Page 27**

Auto-Train Plans Big Hopper Car Project

Under refinancing agreement with Seaboard Coast Line Railroad, new and wholly owned subsidiary of Auto-Train Corporation, the Railway Services Corporation, enters into agreement with PLM, Inc., a San Francisco railroad car leasing company, providing for assembly, manufacture and sale of 10,000 covered hoppers in next 10 years. **Page 29**

Alexis Begins His Duties as New ICC Member

Former head of economics department of Northwestern University arrives at Commission Sept. 4 for his first day of work in that body, eight days after having been sworn in by judge in Chicago. Commission now has eight members 'on the job.' **Page 30**

NITL, ATA Differ on Intercorporate Hauling

National Industrial Traffic League backs ICC plan to permit intercorporate hauling where parent firm has 80-per-cent ownership but favors ownership threshold of 51 per cent; American Trucking Associations insists on 100-per-cent ownership and argues Commission lacks authority to change existing rules. **Page 55**

Editorial

'T.W.' Runs Into Difficulties at ICC

Many times in years past, friends who were then members of the Interstate Commerce Commission or members of its staff told us that on arrival at their offices on Monday mornings the first "job assignment" they gave themselves was to peruse the latest issue of *Traffic World*. They did that, they told us, because by so doing they could obtain, more quickly and conveniently than in any other way, an overall picture of the activities of the entire Commission.

Likewise, the people who are in, or concerned with, the ICC's jurisdictional sphere—carriers, shippers, receivers, practitioners, lawyers, other transportation regulators, lawmakers, educators and representatives of public-interest groups—have for many years received, as readers of *Traffic World*, essential information about regulatory developments that affect or might affect their operations and earnings.

For more than 60 years ICC members and subordinate executives of the Commission have treated *Traffic World* as a friend and co-worker. They have realized that in the absence of publication in *Traffic World* (the weekly) and *Daily Traffic World*, of the comprehensive reports and summaries of ICC actions and activities that those news organs contain, the Commission would have to spend large amounts of money (for additional employees, postage, etc.) to answer thousands of inquiries from all parts of the country about the cases on its docket and about many other matters.

Now, as reported at greater length in a news article elsewhere in this issue, *Traffic World* is being given, in effect, the "bum's rush" by the Commission. The fact that the existence and services of *Traffic World* mean savings of thousands of dollars a year for the Commission is being overlooked or ignored by the ICC chairman, the Commission's managing director (Mr. Pierce A. Quinlan), and the director of the ICC Office of Communications and Consumer Affairs, Mr. Douglas Baldwin.

In addition to *Traffic World*, all other news media that give heed to the doings of the ICC (notably such daily business papers as the *Wall Street Journal* and the *Journal of Commerce*) are being seriously inconvenienced by the actions of Messrs. Quinlan and Baldwin in moving them out of the comparatively spacious press room (B-112, on the Constitution Avenue side of the ICC basement) to a lamentably ill-equipped and inadequate room (one we are tempted to call a "cubbyhole") outside the Commission's Hearing Room A.

The press people will be handicapped further by an action announced by the ICC secretary, August 24, prohibiting removal of public-referenced pleadings that now are "available for inspection" in the ICC docket section (Room 1221) from that section to the press room, where the typewriters used by the press representatives are located. Those news writers (including, of course, *Traffic World* staff members) will have to copy and hand the information they need from the

documents (petitions, briefs, complaints, finance applications, etc.) that are made "available" in the docket room—unless they want to have Xerox copies made in the docket section. They can have that done for 25 cents a page, and this revenue we are told, will go to a commercial concession holder. At 25 cents per page, we fear the Xerox service will be of no help to us; it would cost us hundreds of dollars per month, if not per week.

We received a memorandum from Mr. Quinlan, written August 10, that gave us the first official notification about termination of our welcome by the ICC. We quote the first five sentences of the memorandum:

"Historically, your firm has occupied space in the ICC for your exclusive use at no cost to you. Federal statutes provide that non-federal activities (CFR Title 41, Chapter 101-21.205 and OMB Circular A-25) will be charged for space occupied by them. Additionally, if the space is required for use by authorized federal tenants then the use of space is to be denied non-federal activities. The role of the ICC has been changing greatly in the past year creating a greater interest by the media beyond the environment of transportation reporting. Due to this, the ICC has created a press room available for all members of the media. . . ."

Those parts of Mr. Quinlan's letter indicate that there has been no press room in the ICC for publications other than *Traffic World*. That is not so. The room used by *Traffic World* in the ICC has always been available to, and used by, reporters for other news media. Those other reporters are no more enthusiastic about the so-called "press room" that Mr. Quinlan says the ICC has "created" than we are.

Mr. Quinlan didn't ask us, before he wrote his "bad news" letter to us, whether we would be willing to pay rent for the space used by our staff people. In his reply to the request for reconsideration addressed to him by our executive vice-president, Richard P. Coleman, Mr. Quinlan said "it will not be possible to allow *Traffic World* to remain at ICC even if there were a charge for the space occupied," and that the ICC "needs the space." Two non-federal organizations having offices in the ICC Building are being allowed to remain there. We are not terribly distressed by the claimed need for space, after having read ICC testimony given a few months ago in a House appropriations subcommittee hearing about reduction of the ICC staff for fiscal year 1980 by 73, below the fiscal 1979 total, and about "contracting out" some work heretofore done by ICC staff people.

We confess that in editorials written within the last year or two we have sometimes expressed disagreement with, or failed to applaud, certain of the actions taken or policies adopted by the ICC chairman and/or those who do his bidding. We hesitate, however, to suggest that the treatment now being given *Traffic World* by the ICC management is in the nature of punishment for failure to "go along" with the programs of the chairman; adoption of such political vindictiveness by a head of an independent, non-political agency is just inconceivable. Or is it?

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h, chairman of the railway Association, vice-president, General Mills, Inc., ice-president of the Traffic League. He 977, of the Harry E. Medallion, presented sity.

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Menlo Park, N.J., ppointment of three sidential posts in its ion. They are:

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Walter T. Scott



Robert E. Fall



Marcus J. Johnson

further growth of the company planned for the 1980s."

Mr. Fall had been general manager responsible for Atlantic and Pacific fleet operations. Since joining Sea-Land in 1961, he has held numerous positions in the company's west coast operations, including that of general manager of Pacific fleet operations. He is a member of the Boston Marine Society, a past director of the Golden Gate Propeller Club and the Apostleship of the Sea, and a past member of the San Francisco Marine Exchange.

Mr. Johnson, formerly general manager of fleeting engineering, has been with Sea-Land for 14 years. Previous positions include: Director of maintenance and repair/marine engineering, manager of vessel operations and port engineer for the Alaska Division, manager of marine warehouse and crane engineer.

Mr. Scott joined Sea-Land in 1958. In 1968, he became executive vice-president of Columbus Line, rejoining Sea-Land in 1973 as director of Sea Operations administration. He became director of chartered vessel operations in 1977.

New York AICCP Meeting

The Metropolitan New York Chapter of the Association of ICC Practitioners will hold a luncheon meeting September 11 at the Traffic Club of New York.

Ernest R. Olson, associate director of the Interstate Commerce Commission's Office of Policy and Analysis, will discuss "Action on the Potomac—Or, What Really Happens Inside the Commission."

Get Out of Present ICC Press Room By Sept. 17, Traffic World Is Told

Agency's 'Ouster Action,' Restrictions on Reporters' Use Of ICC Documents Placed Daily in Docket Section File, and Deficient Press Facility Impede Gathering of News by 'T.W.'

Because the Interstate Commerce Commission, according to its managing director, "needs the space" now used in the agency's building in Washington, D.C., by members of *Traffic World's* staff, new and different "press accommodations" that involve serious impediments to the providing, for *Traffic World* readers, of the thorough coverage of ICC activities heretofore provided for them by this newsmagazine are being made at the Commission.

In a memorandum written August 10 (1979) and addressed to the editor of *Traffic World*, Managing Director Pierce A. Quinlan, of the ICC, gave formal notification that the space now occupied by *Traffic World* staff members in Room B-112 of the ICC Building would have to be vacated by September 17, 1979, "for utilization by the ICC."

A subsequent request for reconsideration by the ICC of that notice, in view of unavailability of space in any of the office buildings located within five or six blocks of the ICC Building, and a suggestion that *Traffic World* was willing to pay a rental fee for the space used by it in the ICC Building, were rejected by Mr. Quinlan.

He and the director of the Commission's Office of Communications and Consumer Services, Douglas Baldwin, stated views to the effect that they were giving *Traffic World* and other press representatives favorable treatment by providing, for their use, a windowless "press room" adjacent to and at the entrance of the Commission's Hearing Room A. This new "press room," formerly used as a cloak room by persons attending or taking part in hearings held in Hearing Room A, is 11½ feet wide and 14½ feet long, has a fire hose and four pay telephones above a narrow waist-high shelf at one of the "long" walls, has eight hooks for coats and hats at the "short" wall opposite the entrance, has five small typewriter tables and two typewriters in the center of the room, a small table in one corner on which are paper, pencils, staples and certain other supplies, a storage closet in one corner, and eight chairs. A chandelier provides fairly adequate lighting.

The problems faced by *Traffic World's* news writers and other press representatives covering ICC activities were aggravated by a "notice to the public" issued on August 24 by the ICC secretary, Agatha L. Mergenovich, worded as follows:

"Effective Monday, August 27, the public reference copy of the Commission's Decision and Pleadings will be available for inspection between 9:30 a.m. and 3:00 p.m. in Room 1221 at the ICC.

"The public is advised that this material cannot be removed from the room. A Xerox machine is available for making copies at 25 cents per page."

The kind of news coverage at the ICC traditionally provided by *Traffic World* would necessitate the making of hundreds of pages of Xerox copies of ICC documents each week, and at 25 cents per page the cost would be prohibitive and the duplicating process excessively time-consuming, particularly if and when copies would be desired by several non-federal workers using the docket section facilities, Room 1221 being the docket section room. Consequently reporters desiring to write articles about any documents made available for inspection in the docket room would have to make notes of the contents of those documents in longhand and then take their notes to the press room for typing of their stories on the typewriters there provided (if and when the typewriters would be available).

Great 'Convenience' Announced

On August 23, Director Baldwin, of the ICC Office of Communications and Consumer Affairs, issued, in the form of an ICC News release, the following "note to editors/reporters":

"For the convenience of reporters covering events at the ICC, the Commission now has desk, phone and typing facilities available in a news room at the main headquarters building, Twelfth Street and Constitution Avenue, N.W. The news room is the ante room immediately to the right of Hearing Room A, main corridor.

"The room is equipped with pay phones, a shelf immediately below the phones for notes, typing tables and typewriters, office supplies and other facilities. It is open for use by any reporter at any time without prior arrangements. No spaces are reserved, however, and we cannot allow the facilities to be used as a 'resident office' for reporters covering the Commission.

"I think you will find the press room a convenient place to work when covering ICC activities."

The memorandum addressed by Mr. Quinlan to the editor of *Traffic World* on

August 10, on the subject of "Space Allocations," follows:

"Historically, your firm has occupied space in the ICC for your exclusive use at no cost to you. Federal statutes provide that non-federal activities (CFR Title 41, Chapter 101-21.205 and OMB Circular A-25) will be charged for space occupied by them. Additionally, if the space is required for use by authorized federal tenants then the use of space is to be denied non-federal activities.

"The role of the ICC has been changing greatly in the past year, creating a greater interest by the media beyond the environment of transportation reporting. Due to this, the ICC has created a press room available to all members of the media. This room will be open during ICC operating hours, and during all scheduled press conferences, and contains pay phones, work tables, typewriters and coat facilities. Use of the room will be monitored by the Office of Consumer Affairs. This is a public room and will be available on a daily basis on a 'first come' basis. No permanent files will be maintained in this facility.

"Coincidental with the opening of this facility (outside of Hearing Room A) on August 27, 1979, you are being formally notified that the space you now occupy in Room B-112 is to be vacated by September 17, 1979, for utilization by the ICC.

"Details for the removal of your personal property, turn in of keys, etc., can be arranged by contacting my Chief of Administrative Services, Mr. Stuart T. Davis, Jr. on 275-7236 at your earliest convenience."

Reconsideration Request

On August 15, Richard P. Coleman, executive vice-president of the Traffic Service Corporation (acting in the absence of the vacationing president of the corporation, E. F. Hamm, Jr.), wrote the following letter to Mr. Quinlan, the ICC managing director:

"Dear Mr. Quinlan:

"As executive vice-president of the Traffic Service Corporation, which publishes *Traffic World*, I wish to reply to your memorandum, dated August 10, 1979, addressed to Joseph C. Scheleen, notifying *Traffic World* that space it now occupies in Room B-112 of the ICC Building must be vacated by September 17, 1979, and that, as a substitute accommodation, limited facilities are being established for the news media.

"I have discussed these matters with Mr. Scheleen and Mr. E. F. Hamm, Jr., president of the Traffic Service Corporation, as well as with Delton Pattie who, on invitation, met with you and Douglas Baldwin, director of the Office of Consumer Affairs, in the absence of Mr. Scheleen, and was given a copy of

the memorandum after a brief discussion of its contents.

"To remove *Traffic World* is, indeed, unwelcomed news. We ask you to reconsider, even if a charge must be levied for the space used. (We understand that the Association of ICC Practitioners will continue to occupy a suite of first-floor rooms in the ICC under a newly-approved rental contract.)

"*Traffic World* relays to the transportation industry information and news about the ICC's day-to-day activities. *Traffic World* is the only member of the news media that covers these activities in depth—a job that requires a sizeable staff of trained people. It has been in existence for more than 70 years and most of that time it has occupied space in the ICC. Carriers, shippers, educators, members of the legal profession and others in the transportation industry depend on this service. Should this service be limited to any measurable degree by inaccessibility to ICC public documents, we doubt if the agency itself would be equipped or even willing to answer the avalanche of inquiries and requests that would be made of it.

"The new press facility, as outlined to me, certainly would not be adequate for *Traffic World*. It is really not a room for the working press, not for organizations that cover the ICC like *Traffic World*, because of its limited size and access (its use monitored by the ICC's Office of Consumer Affairs) and the fact that it will be devoid of such necessities, generally found in the press rooms of most agencies, as full desks with typewriters, direct telephone lines, shelves, storage space, etc.

"One has to be constantly on the ICC's premises to keep up with the agency's activities and receive all copies of its orders, decisions, notices, press releases, etc., as they are handed out. Our people say that the press package each day is grossly incomplete and there must be a continuing watch to obtain items found missing. We must have adequate space and accommodations to handle the numerous pleadings filed with the ICC and made public each day, such as complaints, applications, petitions, exceptions, motions, briefs, etc. Not a day passes that each petition, application or motion is not digested or written in story form.

"The general press pays little attention to these filings, except when their attention is called to those of special importance. Quite often these documents raise questions that require immediate answers through on-the-spot contact with ICC staff officials or via telephone calls with industry representatives. Since these and other filings made with the ICC, including annual reports of carriers, are not allowed out of the ICC building, they must be used on the premises. There are several dead-

lines each day for *Traffic World* copy and the writer must quickly prepare his article or news information for processing and publishing that day.

"It has been acknowledged over the years by ICC Commissioners and staff officials that *Traffic World* lessens the agency's burden. Most say they 'can't get along without it.' However, *Traffic World* would find it most difficult to continue to provide the services it presently provides unless it has adequate facilities within the ICC.

Other Agencies' Facilities

"We find that most government agencies, in the interest of encouraging and aiding in the dissemination of news and information about their activities, as intended by the Congress, do provide adequate facilities for the press. A survey conducted by us shows that only a few have cut back their facilities, while others have enlarged or stand ready to enlarge their facilities. Our survey shows:

"U.S. Department of Agriculture: Two press rooms with about 10 permanent desks for wires, computer terminals, telephones, typewriters, files.

"Department of the Treasury: Six desks, files, typewriters, telephones.

"Federal Trade Commission: Room of the press office, two desks, typewriters.

"U.S. Supreme Court: Ten permanent desks in cubicles; AP and Star have separate offices, as does UPI. Files, telephones, typewriters.

Federal Aviation Administration: Makes space available when needed.

National Transportation Safety Board: Space available as needed.

Department of Justice: Five or six desks, files, telephones, typewriters.

District of Columbia Police Department: Desks, typewriters, lockers, files for regulars.

Capitol Hill: Radio-television, daily press, periodicals all have own galleries, with desks, files, typewriters, telephones.

"Department of Commerce: Five or six desks, with telephones, typewriters.

"Maritime Administration: One desk available but would provide more if needed.

"It is our hope, in writing this reply, that the ICC may have a better understanding of the needs of *Traffic World* in doing an adequate job of covering its activities and will see fit to reverse its decision."

Responding to that letter from Mr. Coleman, Managing Director Quinlan wrote the following letter on August 24:

"Dear Mr. Coleman:

"Thank you for your letter of August 15 with respect to the decision that *Traffic World* will, by September 17, 1979, leave the space it now occupies in Room B-112 of the ICC building.

or *Traffic World* copy and
st quickly prepare his
ews information for
publishing that day.
acknowledged over the
Commissioners and staff
Traffic World lessens the
n. Most say they 'can't
out it.' However, *Traffic*
find it most difficult to
rovide the services it
ides unless it has ade-
within the ICC.

Agencies' Facilities

hat most government
e interest of encouraging
e dissemination of news
about their activities, as
ie Congress, do provide
ities for the press. A
ed by us shows that only
back their facilities, while
larged or stand ready to
facilities. Our survey

rtment of Agriculture:
oms with about 10 per-
; for wires, computer
lephones, typewriters,

t of the Treasury: Six
pewriters, telephones.
ide Commission: Room of
, two desks, typewriters.
me Court: Ten permanent
desks; AP and Star have
s, as does UPI. Files, tele-
riters.

viation Administration:
available when needed.
Transportation Safety
available as needed.

of Justice: Five or six
ephones, typewriters.
Columbia Police Depart-
typewriters, lockers, files

: Radio-television, daily
als all have own galleries,
files, typewriters, tele-

t of Commerce: Five or
telephones, typewriters.
Administration: One desk
would provide more if

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may have a better under-
needs of *Traffic World* in
quate job of covering its
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naging Director Quinlan
wiling letter on August 24:
Joleman:

for your letter of August
ect to the decision that
I will, by September 17,
e space it now occupies in
the ICC building.

reiterate at the outset that it will
not be possible to allow *Traffic World* to
remain at ICC even if there were a
charge for the space occupied. The
Commission needs the space and there is
no jurisdiction for continued private
occupancy. The status of the ICC Prac-
titioners is not analogous to that of
Traffic World.

"No one would deny the importance of
Traffic World's role as a communicator
within the transportation community
and the action that I announced in my
meeting with Mr. Pattie August 10,
reflects our perception of that im-
portance. Nothing that we are doing in
any way impairs your access to ICC
public documents. All we are requiring
is that you not be resident here. Your
access to the news sources, people and
procedures of the Commission will be
unimpaired.

"Whether *Traffic World* experiences
difficulties in covering the Commission
in the manner of other news outlets will,
it seems to me, be determined by your
own operating procedures and by the
way in which you choose to adjust to a
situation that changes your bureau
address but not your news access.

"The press room will be more than
adequate for reproters who need quick
access to typewriters or office supplies.

Occupancy Denied

"Our decision to regain use of Room B-
112 in no way affects your ability to be
on the ICC premises to keep up with the
agency's activities. . . . Your reporters
can spend as much time in this building
as they wish, dealing with the Com-
mission's news sources as has been their
custom. They simply cannot occupy
office space here that is needed for the
work of the federal government.

"If indeed your people 'say that the
press package each day is grossly in-
complete,' then this problem should be
addressed. But the answer to problems
that may occur in the Commission's
service procedures cannot be addressed
by *Traffic World's* occupancy of a
Commission office.

The examples you cite of press
facilities in other agencies strengthen
our position regarding your departure.
The three regulatory agencies you cite
appear to provide space and facilities far
less commodious than those we are
making available.

"You are welcome to make use—on a
non-resident, first-come-first-served
basis—of the press room that will be
provided adjacent to Hearing Room A.
That room will be under the manage-
ment of the Office of Communications
and Consumer Affairs.

"In summary, we will continue to
adhere to the provisions of my initial
correspondence of August 10. Room B-
112 of the ICC building should be
vacated by September 17."

Auto-Train Subsidiary Enters Into Hopper Car Production Pact With PLM

The Auto-Train Corporation, which
recently concluded a refinancing
agreement with the Seaboard Coast Line
Railroad and projected a new stock
financing plan (T.W., Sept. 3, p. 24),
announced September 4 that its new
wholly owned subsidiary, Railway
Services Corporation, has entered into
an agreement providing for the
assembly, manufacture, and sale of
10,000 covered hopper railroad cars over
the next 10 years.

Eugene Kerik Garfield, Auto-Train
president, said the agreement is with
PLM Inc., a San Francisco railroad car
leasing company. Mr. Garfield said
Railway Services is to receive \$6,000
each for assembling the cars, subject to
escalation, for labor and overhead. Over
the life of the contract, he said, Railway
Services expects to obtain minimum
aggregate revenues of \$60 million.

Under the plan announced by Auto-
Train, all of the materials for the first
1,000 cars are to be furnished by PLM.
Railway Services, after assembling the
first 1,000 cars, may, under certain
conditions, undertake the manufacture
of the car bodies to be utilized in the
remaining 9,000 cars. In that event,
Auto-Train said, the resulting price to
PLM could be approximately \$40,000 for
each car, "the significant portion of
which would be passed through invoices
for supplied components."

To build the covered hopper cars,
Auto-Train has leased, with an option to
buy, a Seaboard Coast Line car plant at
Portsmouth, Va. Under its contract with
the SCL, Auto-Train is to "use its best
efforts" to invest about \$750,000 by
November 30 to put the Portsmouth
plant in suitable condition to begin
assembly of the hopper cars. Financing
of this amount is required for the start of
production. For the improvements to the
Portsmouth plant, Auto-Train said it
expects to use a portion of the proceeds
of its proposed public offering of stock
(T.W., Sept. 3, p. 24).

Auto-Train said that, in the event it
assumes responsibility for the
manufacture of the car bodies for the
subsequent 9,000 cars, additional funds
to further modify the Portsmouth
facility would be required. Auto-Train
expressed belief that such funds would
be significantly less than its initial in-
vestment.

Under the terms of the Railway
Services-PLM agreement, either party
has the right to terminate the contract,
without liability, after delivery of 400
covered hopper cars, only if both parties
are unable to finance the purchase of
material necessary for the manufacture
of the rail cars.

Auto-Train said PLM, organized in



Ozburn Joins Rail Ass'n

Kelvin G. Ozburn, Jr., has been a
assistant vice-president—traffic
American Short Line Railroad Assoc
Washington, D.C., P. H. Croft, presic
announced. Mr. Ozburn previously w
years with the Southern Freight Assoc
Atlanta. He will continue to be based in
at 151 Ellis Street, N. E. (Suite 308).



Wilson Freight President

John E. Shore has been elected pres
the Wilson Freight Co., Cincinnati, in
to his duties as chief executive offi
board of directors has announced. C
Gantz continues as chairman of the bo
Shore joined Wilson in 1955 in the tra
gram. He now advances from execut
president. He holds a law degree from
western School of Law.