

SERVICE DATE – FEBRUARY 17, 2023

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. EP 730 (Sub-No. 1)

ROSTER OF ARBITRATORS—ANNUAL UPDATE

Digest:¹ The Board revises its roster of arbitrators who are available to resolve rail rate and practice complaints through the Board's arbitration process.

Decided: February 16, 2023

The Board's regulations at 49 C.F.R. part 1108 establish a voluntary and binding arbitration process to resolve rail rate and practice complaints that are subject to the Board's jurisdiction. A panel of arbitrators (or, if the parties agree, a single arbitrator) shall be selected from a roster maintained by the Board. 49 C.F.R. § 1108.6(a). The Board's rules provide a process for maintaining the roster of arbitrators and provide that the roster will be updated every year. 49 C.F.R. § 1108.6(b).

To begin its annual update of the roster, by decision served December 20, 2022, the Board sought applications from all interested persons who wished to be considered for inclusion on the roster. The Board also requested that current arbitrators who wished to remain on the roster notify the Board of their continued availability and confirm that their biographical information on file with the Board remains accurate and, if not, provide any necessary updates. The Board received notifications of continued availability from two arbitrators and five submissions from applicants requesting to be added to the roster.

The Board has assessed the applicants' qualifications in light of the criteria at 49 C.F.R. § 1108.6(b). Based on this assessment and a review of the notifications of continued availability, the Board adopts a revised roster and, where appropriate, updates the arbitrators' biographical information. Three arbitrators who did not notify the Board of their continued availability have been removed from the roster. The revised roster of arbitrators is appended to this decision.

¹ The digest constitutes no part of the decision of the Board but has been prepared for the convenience of the reader. It may not be cited to or relied upon as precedent. See Pol'y Statement on Plain Language Digs. in Decisions, EP 696 (STB served Sept. 2, 2010).

The roster will be published on the Board's website, pursuant to § 1108.6(b). The Board will continue to update the roster annually and may modify the roster at any time through a no-objection vote.

It is ordered:

1. The Board adopts the revised roster of arbitrators appended to this decision.
2. This decision is effective on the day of service.

By the Board, Board Members Fuchs, Hedlund, Oberman, Primus, and Schultz.

ROSTER OF ARBITRATORS

The following is the list of persons available and qualified to be arbitrators based on the criteria established under 49 C.F.R. § 1108.6. The information provided herein is based on applications filed by each arbitrator. These applications are available on the Board's website (www.stb.gov) under Docket No. EP 730 (Sub-No. 1). The roster will be updated every year and may be modified by the Board at any time through a no-objection vote.

Bradley A. Areheart

- Professor of Law, University of Tennessee College of Law, P.O. Box 31242, Knoxville, TN 37930, (865) 299-2822, brad.areheart@tennessee.edu
- Teaches courses including Labor Law, Disability Law, Employment Law, Employment Discrimination, and Contracts. Past experience litigating disputes including government contracts, government relations, and cases in the aviation and railway industries.
- Served as the sole arbitrator on over 50 consumer, commercial, employment, and labor arbitrations. Presided over arbitration in the transportation industry. Member of the National Mediation Board (NMB) and the Federal Mediation and Conciliation Service's (FMCS) roster of arbitrators for labor disputes; the expedited arbitration panel for U.S. Air Force Base Warner Robins and American Federation of Government Employees; several state-level labor rosters; and the Employment, Commercial, and Consumer panels for the American Arbitration Association (AAA). Serves as a public arbitrator for FINRA and as a court-approved arbitrator for the U.S. District Courts for the Eastern District of Tennessee and the Western District of Texas.
- Trained with three members of the National Academy of Arbitrators on labor and employment matters and has received extensive training on arbitration from AAA, FMCS, and FINRA.
- Fee: \$1,500 per diem for labor matters, \$325/hour for employment and commercial matters. Actual travel and out of pocket expenses are billed as incurred.

David C. Barrett, Jr.

- Managing Partner, Barrett, Easterday, Cunningham & Eselgroth LLP, 7259 Sawmill Road, Dublin, OH 43016, (614) 210-1840 and (701) 354-4878, dbarrett@farmlawyers.com
- Represents agricultural producer and agribusiness clients in matters including corporate governance, commercial transactions, commercial civil litigation, mediation, and arbitration; former member of the National Grain and Feed Association (NGFA) (in-house legal counsel, national secretary).
- Administrator of the NGFA Arbitration System; worked to establish the NGFA Rail Arbitration Rules for arbitration of specified rail issues; represented producer and agribusiness firms in arbitration before NGFA and the American Arbitration Association; member of the arbitration panel maintained by the National Futures Association; served as a mediator in a variety of cases, including court-ordered mediation cases in Ohio; completed the London-based Grain and Feed Trade Association's *Gafta* Trade Foundation Course on international grain contracts and arbitration.
- Fee: \$465/hour + costs and expenses incurred in serving as an arbitrator.

Paul H. Lamboley

- Attorney/Arbitrator/Mediator/Consultant, Law Office of Paul H. Lamboley, 50 W. Liberty Street, Suite 950, Reno, NV 89501, (775) 786-8333, phlamboley@aol.com
- Former Commissioner of the Interstate Commerce Commission; former law practice concentrated on transportation, antitrust, energy, environment, commercial and trade-related issues.
- Serves as a neutral (arbitrator, mediator, referee, hearing officer, short trial judge) in a full-time alternative dispute resolution (ADR) practice; panel memberships for arbitrator and/or mediator appointments include NMB, National Association of Railroad Referees, Surface Transportation Board, and AAA.
- Fee: \$325/hour or \$2000 per eight-hour day or part thereof, unless otherwise determined. No charge for travel time to and from sites nationwide, charge will be actual cost of travel or IRS mileage rate.

Michael T. Loconto

- Arbitrator, Loconto ADR, 32 Tennyson Street, Boston, MA 02132, (617) 331-2112, mtl@locontoadr.com
- Specialized in labor and employee relations, worked as in-house counsel in the private sector for two institutions of higher education, and in the public sector for a major metropolitan city.
- Experience with economic regulations in labor law and a number of transportation-related ventures in municipal government, private bus transport, and project labor agreements with the building and construction trades.
- Trained as an arbitrator with FMCS Institute and AAA on remote mediation practices, and with two members of the National Academy of Arbitrators on labor, employment and pension and benefits matters. Member of the FMCS roster of arbitrators for labor disputes and several private organization rosters for employment and commercial ADR services across industries. Provides arbitration, mediation, and factfinding services through more than 20 state and local agencies.
- Fee: \$1,850 per diem for labor matters, \$350/hour for employment and commercial matters. Travel and out-of-pocket expenses billed as incurred; \$200/hour for travel time in excess of two hours/day.

Ross B. Russell

- Managing Attorney/Owner, Law Offices of Ross Russell, PC, and Russell ADR Group, 100 N. 6th Street, Suite 701, Waco, TX 76701, (254) 307-0019, rrussell@therusselllawfirm.com
- Presided over 525 arbitrations and 225 mediations in cases involving business contracts, transportation contracts, joint operating agreements, intellectual property disputes, real property disputes, international shipping and commerce, tax rate disputes, business valuation, securities law disputes, commodities law disputes, and health care disputes, among others.
- Serves on various domestic and international arbitration panels and lists. Member of the International Bar Association (Arbitration Committee), American Bar Association (Dispute Resolution Committee), Chartered Institute of Arbitrators, AAA, Asian Institute

for ADR, Bali International Arbitration and Mediation Centre, Prime Dispute, and others.

- Fee: \$375/hour + expenses. Remote arbitration available.

John M. Scheib

- Partner, Gentry Locke Attorneys, 919 E. Main Street, Suite 1130, Richmond, VA 23219, (757) 916-3511, scheib@gentrylocke.com
- Provides legal support to Virginia businesses and transportation clients, including railroads, on a wide range of issues including, including regulatory, legislative, and government relations issues; commercial contracts; business and transactional matters; antitrust issues; litigation strategy; and Board issues.
- Former Chief Legal Officer and Vice President of Law at Norfolk Southern Corporation, providing representation in matters before the Board; intercarrier arrangements, and all commercial matters involving railroad customers; experience with rate cases, unreasonable practice matters, line rationalization issues, carrier-shipper disputes, intercarrier disputes, and trackage rights agreements and disputes. Participated in numerous arbitrations and mediations, including Board-sponsored mediations, and in industry negotiations with National Industrial Transportation League in attempt to create mediation and arbitration procedures.
- Former Chief of Staff at the Board, including serving on team that created ADR processes. Former Counsel, Railroad Subcommittee, Transportation and Infrastructure Committee, U.S. House of Representatives.
- Fee: Between \$450-\$625/hour, depending on the matter, or as otherwise agreed with the parties.

Greg E. Summy

- Of Counsel, Wood Rogers Vandeventer Black PLC, 101 West Main Street, 500 World Trade Center, Norfolk, VA 23510, (757) 408-1038, gsummy@vanblacklaw.com
- Member of the Transportation Practice Group.
- Former Deputy General Counsel with Norfolk Southern Corporation, Associate General Counsel with North American Van Lines, and Corporate Counsel with Lee Way Motor Freight. Served as president of Transportation Lawyers Association and Chair of the Transportation Section of the Virginia Bar Association.
- Experience in regulatory proceedings, matters concerning transportation contracts between railroads and customers, disputes between railroads and customers, joint facility agreements, public-private partnerships, and disputes among railroads. Served as arbitrator in disputes concerning railroad transportation.
- Fee: \$400/hour + expenses.