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• DANIEL R. ELLIOTT, III
Associate General Counsel

UPS NEXT DAY AIR

August 2, 2004

Vernon A. Williams, Secretary
Surface Transportation Board
Office of the Secretary
1925 K Street, N.W.
Washington, DC 20423-0001

ENTERED
Office of Proceedings

AUG 03 2004

Part of
Public Record



Re: STB Ex Parte No. 647

Dear Mr. Williams:

Please find enclosed the original and 10 copies of the United Transportation Union's Notice of Intent to Participate and Request to Postpone the Hearing or for An Extension of Time in the above-captioned matter. In accordance with prior Board orders, we have also enclosed a disk in WordPerfect format.

Thank you for your cooperation.

Sincerely,

Daniel R. Elliott, III
Assistant General Counsel

Enclosure

cc: C. J. Miller, III, General Counsel

21719

Before the
SURFACE TRANSPORTATION BOARD

STB Ex Parte No. 647



ENTERED
Office of Proceedings

AUG 03 2004

Part of
Public Record

ALLEGHENY AND EASTERN RAILROAD et al.
– PETITION FOR RU7LEMAKING CLASS
EXEMPTION FOR EXPEDITED
ABANDONMENT PROCEDURE FOR CLASS II
AND CLASS III RAILROADS

UNITED TRANSPORTATION UNION'S
NOTICE OF INTENT TO PARTICIPATE
AND REQUEST TO POSTPONE THE HEARING
OR FOR AN EXTENSION OF TIME

Pursuant to the Surface Transportation Board's Notice in the July 27, 2004 Federal Register, United Transportation Union ("UTU") files this notice of its intent to participate in the hearing currently scheduled for August 11, 2004. Associate General Counsel Daniel R. Elliott, III, will represent UTU and 20 minutes is requested for counsel to speak.

Although UTU files this Notice of Intent to Participate, it should be noted the notice to participate provided by the Board is unduly short. In fact, the notice issued on July 27, 2004, requested that any notice of intent to participate be filed with the Board by July 26, 2004 one day before the notice was even issued. This obviously is improper and creates a serious question as to whether interested parties or the public have any notice at all of this proceeding, are confused by this notice, or have otherwise been dissuaded from participating due to this improper notice.

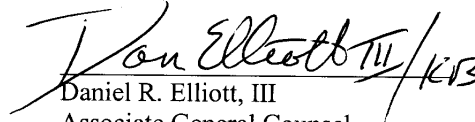
Further, the notice requested that any written testimony be filed by August 3, 2004, only five (5) business days after the issuance of the notice. The hearing is to take place only six (6) business days later. These extremely short time frames have put all interested parties, including UTU who has

an interest in this matter, at an extreme disadvantage in making a thorough and appropriate response to the carriers' filing. From the filing, it appears that the carriers' wish to extinguish a long standing policy regarding abandonment of lines by Class II and Class III railroads. This change should not be hastily done without adequate time for the affected parties and the public to review and prepare comments. Eleven business days is simply not sufficient time to adequately address the major issues involved here.

Accordingly, UTU is asking that the hearing be postponed and reset at least 45 days from the current date and that the submission of written comments be set five (5) days prior thereto in order to allow all parties sufficient time to review and prepare.

Alternatively, in the event the Board will not move the hearing date, UTU requests up until August 10, 2004, to file its written testimony.

Respectfully submitted,

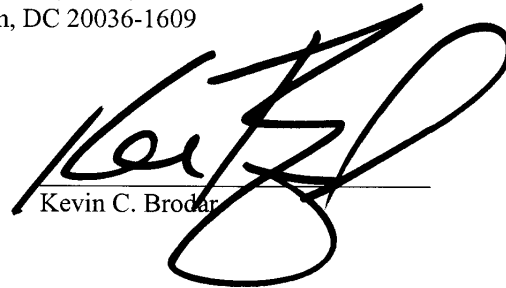
A handwritten signature in dark ink, appearing to read "Dan Elliott III / KRB", is written over the typed name and title.

Daniel R. Elliott, III
Associate General Counsel
United Transportation Union
14600 Detroit Avenue
Cleveland, Ohio 44107
(216) 228-9400

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing United Transportation Union's Notice of Intent to Participate and Request for an Extension of Time has been served this 2nd day of August, 2004 via first-class, postage pre-paid mail upon the following:

Mark H. Sidman
Weiner, Brodsky, Sidman & Kider
1300 19th Street, N.W., 5th Floor
Washington, DC 20036-1609



Kevin C. Brodar