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April 14, 2004



BY HAND DELIVERY

The Hon. Roger Nober
Chairman
Surface Transportation Board
1925 K Street, N.W.
Washington, DC 20423

210596

Re: STB Ex Parte No. 647; Allegheny & Eastern Railroad, Inc., et al. –
Petition for Rulemaking – Class Exemption for Expedited Abandonment
Procedure for Class II and Class III Railroads

Dear Chairman Nober:

As you are aware, 65 shortline and regional railroads filed with the Surface Transportation Board a petition for rulemaking in the above-referenced proceeding in May 2003. By decision served August 13, 2003, the Board instituted a proceeding in the matter, indicating its intent to hold oral hearing in Fall 2003. The oral hearing was not held, presumably because the Board has been awaiting a full complement of members. The Board should wait no longer.

As the Board has acknowledged in numerous other matters, it ill-serves the public interest to defer action interminably. In this matter, each day that passes results in additional harm to the industry and the public interest. Rail lines that otherwise might be saved are lost. Resources that should be redirected in a more prudent, business-like manner are exhausted merely because of outdated regulatory inefficiency. The Senate confirmation process takes time, but the public interest does not wait. The Board should now commence this proceeding.

In any event, starting the proceeding at this time is unlikely to pose any disadvantage. Oral hearing in this matter is but one stage of a process that includes notice to the public, request for comments, hearing, analysis and decision. As you know, it is widely anticipated that additional members will join the Board in the near future. Thus, it is likely the Board will be fully staffed by the time the hearing is conducted. Full staffing by the time a decision is

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- 2 -

April 14, 2004

rendered is even more likely. And even if new members have not joined by that time, the public is far better served by the Board's moving forward short-handed than by permanent delay.

Please acknowledge receipt of this letter by date-stamping the enclosed acknowledgment copy and returning it to our messenger.

Very truly yours,



Mark H. Sidman

cc: Service List

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