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## Rail Transportation

### Railroad Regulation and Litigation

The core of Steptoe & Johnson LLP's railroad practice is the representation of rail carriers in complex commercial disputes before the Surface Transportation Board (STB), in federal and state courts and in arbitration proceedings. Major representations have included complex merger and acquisition proceedings of industry-wide significance, high-stakes rail rate and contract litigation and arbitration proceedings, major rail construction/environmental cases, and cases involving the preemption of state law.

We are recognized as a leading firm in virtually every major area of rail litigation and regulatory activity, and our experience in high-profile cases has given us a thorough understanding of the complex and evolving issues in rail transportation law. We are experienced in rail safety matters overseen by the Federal Railroad Administration and advise clients in matters involving rail safety and security issues. The firm also has substantial experience dealing with the interface of railroad and port interests.

Our lawyers have litigated numerous high-profile rail rate cases at the STB and have participated actively in all recent rulemaking proceedings affecting rail rate regulation. We have been instrumental in securing STB approval for a number of significant rail transactions, including mergers and acquisition of carriers, creation of new short-line railroads, and sales of rail lines. We advise on the structuring of these transactions as well as the strategy for securing regulatory approval. The breadth of the firm's business practice enables us to augment our regulatory advice by advising on the finance, securities, and tax aspects of rail control transactions.

Our attorneys also regularly assist clients in rail construction cases before the STB, and have handled some of the largest and most controversial proceedings in which rail clients have sought regulatory and other approvals to construct new rail lines. Steptoe attorneys have experience not only in the process for obtaining regulatory approval for new construction, but also in the environmental review process and specifically the application of the National Environmental Policy Act and the National Historic Preservation Act to such projects. In addition, we also have experience in the law of eminent domain as it applies to rights of way needed for new rail lines, and in related federal preemption issues.

Steptoe's attorneys have litigated a wide range of rail-related issues in the state and federal courts, including antitrust claims, contract claims, and constitutional challenges to state legislation. Well known for the depth and quality of our appellate litigation practice, we regularly handle cases in the Federal Courts of Appeals and have participated in a number of Supreme Court cases involving rail issues, including state taxation of railroads, creation of short-line carriers, FELA

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issues, and state sovereign immunity.

Step toe regularly assists rail carriers and other participants in the industry in business and financial planning. We have been involved in the corporate restructuring of various carriers and carrier holding companies. We counsel carriers, investors, and rail equipment companies on the regulatory impact of proposed corporate actions. Firm attorneys have experience with railroad retirement tax issues and rail labor law matters, as well as issues pertaining to the pooling of rail equipment and equipment recordation.

### Noteworthy

- Received a #1 Ranking in *Chambers USA 2008 - 2011: America's Leading Business Lawyers; Transportation: Rail* (Nationwide)