

# BELLY OF THE BEAST

## GOVERNMENT CASTLES

by Frank N. Wilner

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Until 1996, the Interstate Commerce Commission was the nation's oldest regulatory agency and it never suffered from shabby digs. The architect of the Old Executive Office Building designed its original home in 1887. The building sported one of Washington's first elevators. In 1934, Franklin Roosevelt built the ICC an eighty-three thousand square foot, seven-story marbled home on Constitution Avenue. Called a "Greek temple" by *Railway Age* magazine, it provided a private dining room and a chef, plus a well-stocked saloon for commissioners and their guests.

Commissioners' personal suites, with private showers, were larger even than the offices of the congressional leadership. As the recent chief of staff to one of those commissioners, I occupied an adjacent private office more spacious and splendid than that of the chairman of the House Transportation and Infrastructure Committee.

The agency's more important pronouncements were decided in one of two exquisite hearing rooms. One seats 304 people and its distressed-wood paneling, crystal chandeliers, and glass cupolas evoked greater astonishment than FDR's New Deal spending.

Substantial truck and railroad deregulation, beginning in 1980, eliminated most of the ICC's functions, six of its eleven commissioners, and all but a few hundred of its once almost three thousand bureaucrats. In December 1995, Congress abolished the ICC, but instead of shifting its functions to other agencies such as the Departments of Justice, Labor, or Transportation, it reinvented the agency as the 126-employee Surface Transportation Board.

The General Services Administration proclaimed that the demoted STB lacked sufficient political clout to remain even in a corner of the ornate palace that was the former ICC Building.

Although the STB retains an independent agency status, for administrative purposes, it was made a subsidiary of the Department of Transportation, which itself is housed in a conspicuously inconspicuous building overlooking railroad tracks. As the ICC skulked into oblivion, the reincarnated STB expended its predecessor ICC's last political nickel to avoid cohabitation with the DOT. The GSA agreed to allow the STB to locate elsewhere in Washington.

Owing to the Reagan-initiated government downsizing, the District of Columbia is awash with excess federal real estate, but the STB preferred to rent from the private sector. Rejecting hundreds of lower-priced alternatives, the STB chose new quarters amidst Washington's most prosperous law and lobbying firms and the swankiest restaurants.

The STB relocated to the highest floors of a corner building boasting a full-time concierge who is available to assist tenants with such troubling details as theater tickets, limousine rentals, dinner reservations, and hair-styling appointments. Board members still enjoy private baths, and there is an adjacent cappuccino bar offering stressed bureaucrats caffeine restoratives.

But the jewel of the new quarters is the two-story hearing room. It has an outside balcony, wall coverings reminiscent of a Vanderbilt dwelling, a judicial bench befitting the World Court, polished wood, church pew seating more decorative than a tele-

vangelist might choose, stereo sound that would interest writers from *Rolling Stone* magazine, closed-circuit video that Hugh Heffner might envy, and a control booth so jammed with computer hardware that it requires special cooling.

The STB moved into its new quarters in March 1997. As of October, the hearing room has not been used, even once. For sure, it is a scheduled stop on the official tour. Some guests pause to photograph it from every angle. Otherwise, its doors remain locked. You see, the STB doesn't hold hearings any longer. Well, at least not the sort of hearings that might be held in that hearing room. Virtually all decisions of the Surface Transportation Board are reached by notation voting.

The STB's pedestrian public gatherings, such as minor decisions in rail merger proceedings, are issued from rented hearing rooms at the Federal Energy Regulatory Commission across town. As for the upcoming oral argument and final decision in the pending Conrail merger, it will attract hundreds more observers than the hundred or so plush seats of the new hearing room can accommodate. Alternative rented space will be required.

And did I mention that when the STB made its decision to move into those posh quarters and construct its ornate hearing room, Congress was already considering a merger of the STB with the Federal Maritime Commission? If that marriage is sanctioned by the 105th Congress, the STB will have to cancel its lease and move, for the two agencies cannot fit into the STB's quarters even if the hearing room and the board members' private baths are converted to office space.