

**Surface Transportation Board Announces Another Settlement in Disputes Between Railroads & Private Tank Car Owners;
Establishes Procedural Schedule for Remaining Unresolved Matters**

Surface Transportation Board (Board) Chairman Linda J. Morgan announced today a fourth settlement concerning disputes between railroad tank car owners and The Burlington Northern and Santa Fe Railway Company (BNSF) and the Union Pacific Railroad Company (UP) in connection with certain charges levied by those carriers. The Board had directed the parties, in a decision issued to the public on October 18, 2001 (October 18 decision), to try to settle privately the controversy involving five related proceedings. With the settlement announced today, there remains only one case that involves a continuing dispute.

Last year, the North America Freight Car Association (NAFCA), the Railway Progress Institute's Committee on Tank Cars (RPI-CTC), The Chlorine Institute, Inc. (CI) and E.I. du Pont de Nemours and Company (DuPont) asked the Board to declare that certain charges for storing cars or diverting them from their original destinations are improper departures from allowances that had been agreed to for use of the cars because they apply to services that allegedly are already covered by the tank car allowance formula. The Board's October 18 decision directing negotiations related to the tank car allowance formula has been held in abeyance several times, at the request of the parties, to allow them to attempt to resolve the current issues without reopening the allowance formula prescribed in 1986.

During this time, settlements have been reached and proceedings discontinued between RPI-CTC and BNSF in STB Docket No. 42061 (decision issued March 20, 2002); between CI and UP in STB Docket in No. 42062 (decision issued April 12, 2002); and between RPI and UP in STB Docket No. 42063 (decision issued May 15, 2002; see Surface Transportation Board "News" Release Nos. 01-50, issued October 18, 2001, and 02-17, issued May 15, 2002). In the fourth proceeding, STB Docket No. 42064, DuPont indicates that both it and UP have completed negotiations and that when that agreement is reduced to writing and executed, DuPont will withdraw its protest and petition.

The only remaining proceeding is STB Docket No. 42060, involving NAFCA and BNSF. The Board had previously indicated that the time for filing certain petitions in connection with this proceeding would be 20 days after the end of all negotiations, and that the Board would issue a decision establishing when the 20-day period would begin. Accordingly, with negotiations completed in STB Docket No. 42064, the Board today announced that the 20-day period for appropriate filings would end on October 9, 2002.

The Board issued its decision today in the case entitled *North America Freight Car Association--Protest and Petition for Investigation--Tariff Publications of the Burlington Northern and Santa Fe Railway Company*, STB Docket No. 42060. A printed copy of the decision is available for a fee by contacting **D~ 2 D~ Legal Copy Service, Suite 405, 1925 K Street, N.W., Washington, DC 20006, telephone (202) 293-7776**, or via da2dalegal@earthlink.net. The decision also is available for viewing and downloading via the Board's website at <http://www.stb.dot.gov>.

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