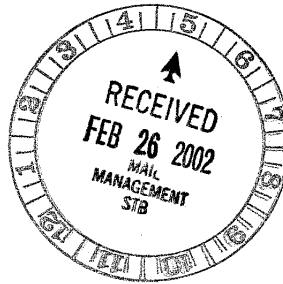


204857

February 26, 2002

BY HAND

The Honorable Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001



MAYER
BROWN
ROWE
& MAW

1909 K STREET, N.W.
WASHINGTON, D.C. 20006-1101

MAIN TEL (202) 263-3000
MAIN FAX (202) 263-3300
www.mayerbrownrowe.com

ROBERT M. JENKINS III
DIRECT TEL (202) 263-3261
DIRECT FAX (202) 263-5261
rmjenkins@mayerbrown.com

Re: North America Freight Car Association -- Protect and Petition
for Investigation -- Tariff Publications of the Burlington
Northern and Santa Fe Railway Company -- Docket No.
42060

Dear Secretary Williams:

Please find enclosed an original and ten (10) copies of the Joint Statement of the Chlorine Institute and The Burlington Northern and Santa Fe Railway Company.

I would appreciate it if you would date-stamp the enclosed extra copy of the Joint Statement and return it to the messenger for our files.

Sincerely yours,



Robert M. Jenkins III

ENTERED
Office of the Secretary

FEB 27 2002

Part of
Public Record

RMJ/bs

Enclosures

MAYER, BROWN, ROWE & MAW IS A U.S. GENERAL PARTNERSHIP. WE OPERATE IN COMBINATION WITH OUR ASSOCIATED ENGLISH PARTNERSHIP IN THE OFFICES LISTED BELOW.

BRUSSELS CHARLOTTE CHICAGO COLOGNE FRANKFURT HOUSTON LONDON LOS ANGELES MANCHESTER NEW YORK PALO ALTO PARIS WASHINGTON
INDEPENDENT MEXICO CITY CORRESPONDENT: JAUREGUI, NAVARRETE, NADER Y ROJAS, S.C.

204857

BEFORE THE SURFACE TRANSPORTATION BOARD

DOCKET NO. 42060



**NORTH AMERICAN FREIGHT CAR ASSOCIATION—PROTEST AND
PETITION FOR INVESTIGATION—TARIFF PUBLICATION OF THE BURLINGTON
NORTHERN AND SANTA FE RAILWAY COMPANY**

ENTERED
Office of the Secretary
FEB 27 2002
Part of
Public Record

**JOINT STATEMENT OF THE CHLORINE INSTITUTE AND
THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY**

In its Decision served October 17, 2001, in Docket No. 42060 and related proceedings, the Board provided for industry-wide negotiations – pursuant to the agreement (the “1986 Agreement”) prescribed in Investigation of Tank Car Systems, 3 I.C.C.2d 196 (1986) – regarding the storage and diversion charge issues raised in the proceedings. The Board directed the parties to provide a written report on the progress of these negotiations by January 16, 2002. (Decision at 3.) On November 5, 2001, the Chlorine Institute, Inc. and the Burlington Northern and Santa Fe Railway Company (BNSF), along with other named parties and intervenors,¹ filed a joint request with the Board asking that the proceedings be held in abeyance for 45 days to enable them to try to resolve amicably the issues without reopening the 1986 Agreement. The Board granted this request on November 20, 2001. The Chlorine Institute and BNSF have voluntarily negotiated a resolution of their dispute and submit this Joint Statement to the Board regarding the results of their negotiations.

BNSF adopted its new private car storage tariff to help alleviate congestion on its system and to improve asset utilization. Storage charges give BNSF’s customers an incentive to

¹ The North America Freight Car Association, the National Industrial Transportation League, the Railway Progress Institute Committee on Tank Cars, the Union Pacific Railroad Company, the BP Corporation North America Inc., E.I. du Pont de Nemours and Company, and the U.S. Clay Producers Traffic Association, Inc.

minimize their use of storage. Storage charges also help BNSF cover the capital costs associated with maintaining track space to hold cars on its lines.

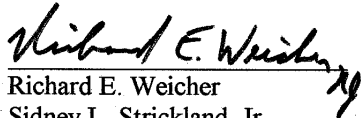
The Chlorine Institute recognizes that BNSF must address congestion on its rail system. The Institute is concerned, however, about the effect such charges may have on its members who use private tank cars to ship chlorine, caustic soda or caustic potash on BNSF's system. The Institute notes that its members that ship and store cars on BNSF's system are not identically situated and, therefore, the effect of BNSF's storage charges on individual shippers will differ depending upon the shipper's particular situation. Consequently, the Chlorine Institute believes the concerns of particular members about the effects of BNSF's storage charges are best addressed on an individual rather than a collective basis.

BNSF agrees that the specific needs of individual shippers are best addressed through direct discussions and, if possible, agreements with individual shippers. BNSF has agreed, therefore, to establish a system within BNSF that is specifically dedicated to individual discussions with any of the Institute's members that wish to negotiate individual agreements with BNSF regarding their storage needs. They will be able to contact a designated BNSF employee who will be responsible for coordinating such negotiations. This employee will be responsible for gathering the appropriate people from BNSF's business and marketing groups who have the authority to reach individual shipper agreements. BNSF is committed to conducting these discussions in good faith, taking into account the circumstances of individual shippers, with the purpose of alleviating congestion and improving asset utilization on its system, and covering the costs associated with empty car storage.

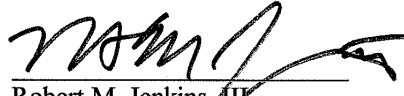
In exchange for BNSF's commitment to negotiate in good faith with individual members of the Chlorine Institute and to establish a process within BNSF for such negotiations, the

Chlorine Institute has agreed to withdraw its Notice of Intent to Participate or Alternatively
Petition to Intervene filed August 7, 2001, in Docket No. 42060.

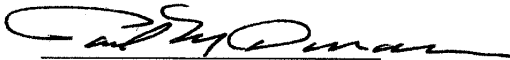
Respectfully submitted,



Richard E. Weicher
Sidney L. Strickland, Jr.
THE BURLINGTON NORTHERN AND
SANTA FE RAILWAY COMPANY
2500 Lou Menk Drive
Fort Worth, TX 73131



Robert M. Jenkins, III
Nicole H. Fradette
MAYER, BROWN & PLATT
1909 K Street, N.W.
Washington, DC 20006



Paul M. Donovan
LAROE, WINN, MOERMAN
& DONOVAN
3900 Highwood Court, N.W.
Washington, DC 20007

Dated: February 26, 2002

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Motion to Dismiss of The Burlington Northern and Santa Fe Railway Company has been served by first class mail on counsel for North America Freight Car Association, Andrew P. Goldstein, Nicholas J. DeMichael, counsel for the National Industrial Transportation League, Henry M. Wick, counsel for U.S. Clay Producers Traffic Association, Inc., Fritz R. Kahn, counsel for BP Corporation North America Inc., Sandra J. Dearden, consultant for Diversified CPC International Inc., Frederic Wood, counsel for E.I. DuPont de Nemours, William McCurdy, counsel for E.I. DuPont de Nemours and all parties of record in Docket No. 42061, Docket No. 42062, Docket No. 62063, and Docket No. 42064 this 25th day of February 2002.


Nicole S. Trachte