

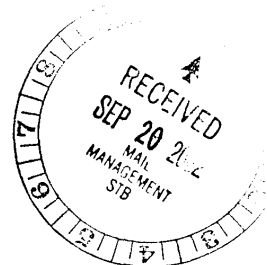
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September 20, 2002

Honorable Vernon A. Williams  
Secretary  
Surface Transportation Board  
1925 K Street, N.W.  
Washington, DC 20423

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Office of Proceedings  
SEP 20 2002  
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Public Record



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

Dear Secretary Williams:

The American Chemistry Council (the "Council") represents the leading companies engaged in the business of chemistry and plastics, which is a \$455 billion enterprise and a key element of the nation's economy. The business of chemistry is America's number one exporter, with more than \$80 billion in exports in 2001. Council members represent more than 90 percent of the productive capacity of basic industrial chemicals in the United States. The Council was known formerly as the Chemical Manufacturers Association.

Although chemicals and plastics are transported by various modes, in many instances they must move by rail due to product characteristics, distance, customer preference, shipment size, and other factors. The chemical and plastics industries therefore depend on railroads for the safe and efficient delivery of a wide array of raw materials and finished products. Each year, about 150 million tons of chemicals, plastics, and allied



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products are shipped by rail, providing railroads with approximately \$5 billion in freight revenue.

The Council's members invest directly in the nation's rail infrastructure by maintaining their own tank car and covered hopper car fleets (with an estimated replacement value of \$7 billion) and other specialized facilities and equipment. All of the tank cars operated by Council members operate pursuant to the provisions of Ex Parte No. 328, and Council members therefore have a direct and vital interest in the application and interpretation of Ex Parte No. 328 provisions.

The Council accordingly desires to participate in this proceeding in support of the position of North America Freight Car Association ("NAFCA"). The Council will determine the extent of its participation at a later date. At present, the Council urges the Board to establish a date for the filing of petitions for reconsideration of the Board's October 18 decision in this proceeding.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Thomas E. Schick", written in a cursive style.

Thomas E. Schick  
Counsel

cc: All Parties of Record