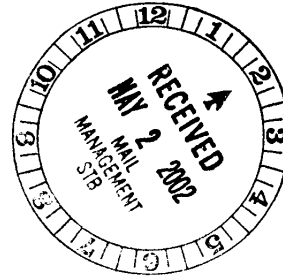


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HOGAN & HARTSON L.L.P.
Columbia Square
555 Thirteenth Street, N.W.
Washington, DC 20004-1109
202/637-5600



M E M O

May 2, 2002

TO: Secretary, Surface Transportation Board

FROM: Latane Montague (202) 637-6567

Re: STB Docket No. 42063

Attached for filing in STB Docket No. 42063 is an original and eleven copies of the Railway Progress Institute's Notice of Settlement and Withdrawal of Petition for Investigation of the Union Pacific Storage Charge Tariff.

Please date stamp one copy of this pleading and return it to the messenger for our files.

ENTERED
Office of the Secretary

MAY 03 2002

Part of
Public Record

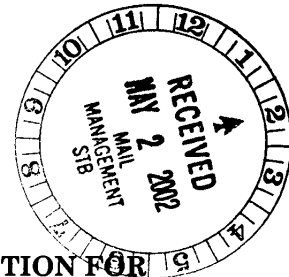
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BEFORE THE SURFACE TRANSPORTATION BOARD

**IN RE EX PARTE NO. 328,
INVESTIGATION OF
TANK CAR ALLOWANCE SYSTEM
(September 23, 1986)**

Docket No. 42063

**TARIFF PUBLICATION OF THE
UNION PACIFIC RAILROAD
COMPANY**



**NOTICE OF SETTLEMENT AND WITHDRAWAL OF PETITION FOR
INVESTIGATION BY
RAILWAY PROGRESS INSTITUTE COMMITTEE ON TANK CARS**

The Railway Progress Institute's Committee on Tank Cars ("RPI-CTC") respectfully submits this notice of settlement and hereby withdraws its Petition for Investigation and Protest of a tariff published by the Union Pacific Railroad Company ("UP").

Pursuant to the Interstate Commerce Commission decision in Ex Parte No. 328, Investigation of Tank Car Allowance System, Section 8, 3 I.C.C. 2d 196, 204 (1986), the RPI-CTC petitioned the Surface Transportation Board ("STB") on September 25, 2001, requesting an investigation of a storage tariff issued by UP. The RPI-CTC petition and protest was docketed as STB Docket No. 42063.

In a decision served October 18, 2001, the Surface Transportation Board ordered that this proceeding be put on hold while parties and other interested individuals and organizations negotiated concerning the issues raised by the RPI-CTC and other petitioners effected by the UP tariff. In STB decisions served November 20, 2001, January 8, 2002, and February 22, 2002, the Board held the October 18 decision in abeyance in order to provide an opportunity for the parties to pursue individual settlement discussions relating to Docket No. 42063 and the other related cases. 1/

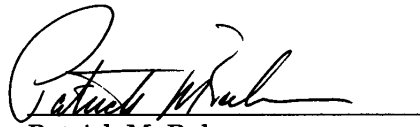
RPI-CTC and UP have now voluntarily negotiated a resolution of the dispute in Docket No. 42063. This resolution has resulted in Supplement 33 to UP's Accessorial Tariff UP 6004. Supplement 33 was issued on April 18, 2002, and became effective on May 1, 2002. Supplement 33 amends Accessorial Tariff UP 6004, Item 4800-series, to specify that its storage charge provisions do not apply to private cars being held on tracks at or adjacent to non-railroad repair facilities for cleaning, lining, relining, maintenance, modification or repair.

1/ Docket No. 42063 is one of five related cases involving storage charges. The primary case is No. 42060.

Accordingly, the RPI-CTC hereby withdraws its Petition for Investigation and Protest originally filed on September 25, 2001, and respectfully requests that Docket No. 42063 be dismissed without prejudice.

Respectfully submitted,

HOGAN & HARTSON L.L.P.

A handwritten signature in black ink, appearing to read "Patrick M. Raher", is written over a horizontal line.

Patrick M. Raher
R. Latane Montague
555 Thirteenth Street, N.W.
Washington, D.C. 20004
202-637-5600

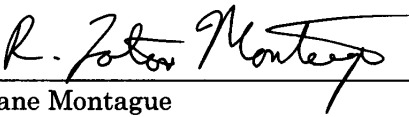
Counsel for Railway Progress Institute

May 2, 2002

CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of May, 2002, I served a copy of the
foregoing Railway Progress Institute's Notice of Settlement and Withdrawal of
Petition to:

Robert T. Opal
General Commercial Counsel
Mayer, Brown, & Platt
1416 Dodge Street,
Room 830
Omaha, Nebraska 68179-0001



R. Latane Montague