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SEC

SERVICE DATE - FEBRUARY 22, 2002

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. 42060

NORTH AMERICA FREIGHT CAR ASSOCIATION — PROTEST AND
PETITION FOR INVESTIGATION — TARIFF PUBLICATIONS OF THE
BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY

STB Docket No. 42061

RAILWAY PROGRESS INSTITUTE COMMITTEE ON TANK CARS
PETITION FOR INVESTIGATION AND PROTEST PURSUANT TO EX PARTE NO. 328

STB Docket No. 42062

THE CHLORINE INSTITUTE, INC. — PROTEST AND
PETITION FOR INVESTIGATION — TARIFF PUBLICATIONS OF
UNION PACIFIC RAILROAD COMPANY

STB Docket No. 42063

RAILWAY PROGRESS INSTITUTE COMMITTEE ON TANK CARS
PETITION FOR INVESTIGATION AND PROTEST PURSUANT TO EX PARTE NO. 328

STB Docket No. 42064

E. I. DUPONT DE NEMOURS AND COMPANY —
PROTEST AND PETITION FOR INVESTIGATION

Decided: February 20, 2002

In a letter filed February 19, 2002, all of the parties in these proceedings request that the Board extend until April 5, 2002, the effect of the decision in these proceedings served on January 8, 2002 (January 8 decision), which decision continued to hold a prior decision in abeyance. The request will be granted.

In a decision served October 18, 2001 (October 18 decision), the Board ordered that these proceedings be put on hold while parties and interested individuals and organizations negotiate concerning the storage and diversion issues raised relating to the 1986 Agreement prescribed in

Investigation of Tank Car Systems, 3 I.C.C.2d 196 (1986). The parties were directed to give the Board a written report on the progress of the negotiations. In decisions served November 20, 2001, and January 8, 2002, the Board held the October 18 decision in abeyance until January 4, 2002, and February 19, 2002, respectively.

In the February 19, 2002 letter, the parties indicate that they have continued to pursue discussions that could resolve the issues concerning private car charges and procedures. They indicate that both The Chlorine Institute and the Railway Progress Institute Committee on Tank Cars have attained tentative agreements with The Burlington Northern and Santa Fe Railway Company and expect to withdraw their complaints shortly. The parties indicate that additional time to continue discussions would aid in a meaningful exploration of resolving matters. The letter states that the parties will report to the Board if it appears they will not be able to resolve the issues.

The February 19 request will be granted. All parties to these proceedings support extending the effect of the January 8 decision holding the October 18 decision in abeyance, and the request appears to be reasonable.

This action will not significantly affect the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The October 18 decision will be held in abeyance until April 5, 2002. Parties shall inform the Board if they cannot reach a resolution.
2. The time for filing petitions for reconsideration or clarification of the October 18 decision is extended to 20 days after the end of the negotiations.
2. This decision is effective on its service date.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary