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

Re: STB Docket No. 42060, (Sub-No. 1),
North America Freight Car Association v. The Burlington Northern and
Santa Fe Railway Company.

Dear Secretary Williams:

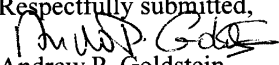
We are in receipt of a letter filed earlier today with the Board by Defendant, The Burlington Northern and Santa Fe Railway Company ("BNSF"), urging the Board to adopt a procedural schedule without allowing Complainant North America Freight Car Association ("NAFCA") an opportunity to reply to the Motion of BNSF for adoption of its proposed procedural schedule.

BNSF's request of date is improper, as it asks the Board to ignore the provisions of its own rule, 49 C.F.R. § 1104.13(a), granting a party an unqualified right to "file a reply ... addressed to any pleading within 20 days after the pleading is filed with the Board, unless otherwise provided." The Board has not "otherwise provided" for the disposition of any motion in this proceeding without a reply.

BNSF claims that replies are unnecessary because "the parties have already addressed each other's positions in their respective motions." NAFCA has not addressed all of the assertions made by BNSF in its motion.

Rule 1104.13(a) allows a party 20 days in which to file a reply. NAFCA does not intend to take the full 20 days to reply, but does wish an opportunity to direct comments to some of the fallacies in BNSF's motion, as provided in that Rule. If BNSF does not wish to reply to NAFCA's motion, BNSF is not compelled to do so, but that is no reason for the Board to ignore its own rules and to deprive NAFCA of an opportunity to reply to BNSF's motion.

Respectfully submitted,


Andrew P. Goldstein

Attorney for
North America Freight Car Association

cc: All Parties