

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. 42090

WTL RAIL CORPORATION–PETITION FOR DECLARATORY RELIEF

Ex Parte No. 230 (Sub-No. 8)<sup>1</sup>

IMPROVEMENT OF TOFC/COFC REGULATION–  
WTL RAIL CORPORATION PETITION FOR PARTIAL  
REVOCATION OF EXEMPTION

Decided: February 15, 2005

On December 14, 2004, WTL Rail Corporation (WTL) filed a petition under 5 U.S.C. 554(e) and 49 U.S.C. 721 seeking a declaratory ruling from the Board that: (1) certain practices of CSX Transportation, Inc. (CSXT) constitute an unreasonable practice in violation of 49 U.S.C. 10702 and 10704(a)(1); and (2) CSXT's refusal to use WTL's trailers as part of its 48-foot trailer fleet jeopardizes CSXT's ability to fulfill its car service obligations under 49 U.S.C. 11121-22. WTL seeks a cease and desist order. WTL also asks that the Board compel CSXT to use WTL's trailers and set a "default" rate for trailer compensation in the event the parties are unable to reach terms through negotiation. WTL concurrently filed a petition under 49 U.S.C. 10502(d) and 49 CFR 1121.1, et seq. for partial revocation of the class exemption adopted in Improvement of TOFC/COFC Regulation, 364 I.C.C. 731 (1981).

By decision served on February 8, 2005, CSXT and CSX Intermodal (CSXI) were granted an extension until February 15, 2005, to respond to WTL's petitions.

In a letter filed on February 14, 2005, WTL requests that these proceedings be held in abeyance for 30 days, which would be until March 17, 2005. WTL states that it and CSXT and CSXI jointly desire to initiate settlement discussions and requests that the proceedings be held in abeyance to permit those discussions to go forward. WTL also states that the parties will report back to the Board on March 15, 2005, as to the status of those discussions and as to when CSXT and CSXI replies, if any, should be due. WTL further states that it is authorized to represent that CSXT and CSXI concur in this request.

The request to hold the proceedings in abeyance is reasonable and will be granted.

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<sup>1</sup> These proceedings are not consolidated. A single decision is being issued for administrative convenience.

It is ordered:

1. These proceedings are held in abeyance until March 17, 2005.
2. This decision is effective on the date served.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams  
Secretary