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SEC

SERVICE DATE – OCTOBER 12, 2005

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. 42060 (Sub-No. 1)

NORTH AMERICA FREIGHT CAR ASSOCIATION

v.

BNSF RAILWAY COMPANY

Decided: October 11, 2005

By a letter filed on October 7, 2005, North America Freight Car Association (NAFCA) requests an extension of the due date for the filing of its rebuttal evidence, as set by the Board in a decision served on August 2, 2005, seeking to change the deadline from October 17, 2005, to November 7, 2005. NAFCA states that BNSF does not oppose this extension of the procedural schedule.

NAFCA states that the extension is needed because the witnesses in this case are occupied with the effects of the two recent hurricanes that struck the Gulf Coast. Additionally, its counsel is undergoing certain medical treatments that will require his absence from his office at times. NAFCA further states that its witnesses and counsel are engaged in preparing statements for the October 19, 2005 hearing in The 25th Anniversary of the Staggers Rail Act of 1980: A Review and Look Ahead, STB Ex Parte No. 658. Given these issues, NAFCA explains that it would be extremely difficult to produce a final rebuttal document, subject to review by its witnesses, before November 7, 2005.

The request is reasonable. Accordingly, the request to extend the procedural schedule will be granted.

It is ordered:

1. NAFCA's request to modify the procedural schedule, as established in the August 2, 2005 decision, is granted.
2. Complainant's rebuttal statement is due November 7, 2005.

3. This decision is effective on its date of service.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary