

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. 42093

BP AMOCO CHEMICAL COMPANY
v.
NORFOLK SOUTHERN RAILWAY COMPANY

Decided: June 28, 2005

Pursuant to 49 U.S.C. 10701(d), 49 CFR Part 1111, and the Board's rate guidelines set forth at Rate Guidelines – Non-Coal Proceedings, 1 S.T.B. 1004 (1996), BP Amoco Chemical Company (BP) filed a complaint against Norfolk Southern Railway Company (NS), alleging that certain common carrier rates charged by the railroad to haul paraxylene from Decatur, AL, to Kingsport, TN, are unreasonable. NS responded to the complaint. Both parties advised the Board that they were amenable to pursuing a negotiated settlement of the dispute with the assistance of a Board-appointed mediator.

The Board issued an order on June 6, 2005, providing guidance to the parties and setting forth a procedural schedule. In accordance with the parties' requests, and in keeping with the provisions of 49 CFR 1109 (alternative dispute resolution), the Board provided for a 30-day mediation period and designated Board staff to mediate the dispute. To accommodate mediation, the Board held the procedural schedule in abeyance. On June 14, 2005, during the mediation period, BP appealed a Board staff decision granting it limited access to the costed Waybill Sample.

By letters dated June 23, 2005, and June 24, 2005, BP and NS have advised that the Board's mediation resulted in the parties to this rate proceeding reaching a settlement. BP requests that its complaint be dismissed with prejudice. BP's request will be granted. Further, BP's appeal seeking additional access to the costed Waybill Sample will be dismissed as moot.

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

It is ordered:

1. BP's request to dismiss its complaint with prejudice is granted.

2. BP's appeal seeking additional access to the costed Waybill Sample is dismissed as moot.

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

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary