

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. 42052

UNION PACIFIC RAILROAD COMPANY–PETITION FOR DECLARATORY ORDER–
UNILATERALLY IMPOSED INTERCHANGE CHARGES

Decided: July 20, 2007

By petition for declaratory order filed on February 14, 2000, Union Pacific Railroad Company (UP) asked the Board to issue an order to resolve a dispute over the right of a rail carrier to impose charges unilaterally against other carriers for events that may occur when cars are interchanged. The Board instituted a proceeding by notice served and published in the Federal Register on June 13, 2000. By decision served on December 10, 2001, the Board requested that the Association of American Railroads convene a meeting with railroads, shippers, and other involved parties to address the issue. This proceeding was held in abeyance by decision served on January 14, 2002.

On December 19, 2006, UP filed a motion requesting that this proceeding be dismissed without prejudice. On January 8, 2007, Indiana Harbor Belt Railroad Company (IHB) filed a reply opposing UP's motion. In a decision served on June 21, 2007 (June 21 decision), the Board denied UP's motion and directed all remaining interested parties to submit briefs summarizing their positions and apprising the Board of any new or changed circumstances by July 23, 2007. On July 16, 2007, UP and IHB filed a joint petition seeking an extension of the deadline in which to file the requested briefs (to September 21, 2007). The joint petition states that an extension is necessary to afford the parties time to negotiate a possible resolution of the remaining issues in this proceeding. The request for an extension is reasonable and unopposed. Accordingly, the parties' joint petition will be granted. All interested parties may submit briefs in accordance with the June 21 decision by September 21, 2007.

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

It is ordered:

1. The joint petition for an extension of the deadline for filing briefs in this proceeding is granted.
2. All remaining interested parties shall submit briefs summarizing their positions, and shall apprise the Board of any new or changed circumstances by September 21, 2007.

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

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary