

27975
SEC

SERVICE DATE - JULY 25, 1997

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. 42003

APL LAND TRANSPORT SERVICES, INC.

v.

THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY

Decided: July 22, 1997

On June 6, 1997, APL Land Transport Services, Inc. (APL), a supplier of flatcars used in intermodal transportation, filed a complaint against The Burlington Northern and Santa Fe Railway Company (BNSF) alleging that, between June 1, 1994, and December 31, 1996, BNSF did not pay market-based compensation for use of APL cars. The complaint further alleges that between January 1996 and May 1997, BNSF misappropriated APL cars and failed to observe requirements in the private car mileage tariff, ICC PHJ 6007-J. On July 10, 1997, BNSF filed its answer to the complaint.

In a letter dated July 18, 1997, APL indicates that, pursuant to 49 CFR 1111.9 (a), the parties conferred by telephone on July 11, 1997, and propose the following procedural schedule:

November 25, 1997	Discovery completed
January 6, 1998	APL's opening evidence
February 20, 1998	BNSF's reply evidence
March 23, 1998	APL's rebuttal evidence
April 22, 1998	If necessary, APL and BNSF will file briefs

The proposed schedule is reasonable and will be adopted.

It is ordered:

1. The parties must comply with the procedural schedule set forth in this decision.
2. This decision is effective on the date of service.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary