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SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. 42115

US MAGNESIUM, L.L.C.

v.

UNION PACIFIC RAILROAD COMPANY

Decided: April 2, 2010

This decision grants the request of US Magnesium, L.L.C. (USM) to dismiss its complaint with prejudice and to discontinue this proceeding.

By a complaint filed on June 25, 2009, USM challenged the reasonableness of rates charged by Union Pacific Railroad Company (UP) for the movement of chlorine by tank car from Rowley, Utah, to Los Angeles, Cal.; Mojave, Cal.; Ontario, Cal.; Santa Fe Springs, Cal.; Saugus, Cal.; Torrance, Cal.; and Henderson, Nev. USM sought relief pursuant to the simplified procedures set forth in Simplified Standards for Rail Rate Cases, EP 646 (Sub-No. 1) (STB served Sept. 5, 2007), aff'd sub nom. CSX Transportation, Inc. v. STB, 568 F.3d 236 (D.C. Cir. 2009), and vacated in part on reh'g, CSX Transportation, Inc. v. STB, 584 F.3d 1076 (D.C. Cir. 2009). USM elected to utilize the simplified stand-alone cost (Simplified-SAC) method, under which the total available rate relief is limited to \$5 million over a 5-year period.

The parties requested a procedural schedule pursuant to 49 C.F.R. § 1111.9(a)(1), and the Board adopted the proposed procedural schedule in a decision served October 22, 2009. In a decision served March 19, 2010, the Board stayed the procedural schedule in order to allow USM and UP to negotiate a settlement.

On March 24, 2010, USM filed a motion to dismiss its complaint with prejudice and discontinue the proceeding. USM states that it has reached a voluntary settlement with UP. USM's motion will be granted.

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

It is ordered:

1. USM's motion is granted. The complaint is dismissed with prejudice, and this proceeding is discontinued.

2. This decision is effective on its service date.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.