

SURFACE TRANSPORTATION BOARD¹

DECISION

Docket No. 41494
(Suspension Case No. 71651)

DEMURRAGE PROVISIONS AND CHARGES, BURLINGTON NORTHERN RAILROAD

Decided: February 14, 1997

By decision served December 7, 1994, the ICC instituted an investigation into the lawfulness of Burlington Northern Railroad Company's (BN) tariff ICC BN 6004, to consider whether that tariff constituted an unreasonable practice in violation of 49 U.S.C. 10701. By petition filed February 3, 1997, as corrected on February 7, 1997, The Burlington Northern and Santa Fe Railroad Company (BNSF), the successor to BN, and all of the protestants to the tariff state that they have reached a voluntary Settlement and Release Agreement that ends this controversy.

All of the parties request that this proceeding be dismissed with prejudice to the filing of a complaint by protestants against the tariff matters involved here so long as the January 24, 1997 tariff provisions remain unchanged and BNSF satisfies all conditions and terms of the Settlement and Release Agreement. Accordingly, the proceeding will be dismissed with prejudice.

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

It is ordered:

1. This proceeding is dismissed with prejudice.
2. This decision is effective on its service date.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary

¹ The ICC Termination Act of 1995, Pub. L. No. 104-88, 109 Stat. 803 (ICCTA), abolished the Interstate Commerce Commission (ICC) and transferred certain functions and proceedings to the Surface Transportation Board (STB), effective January 1, 1996. This decision relates to a proceeding that was pending with the ICC prior to January 1, 1996, and to functions that are subject to the STB's jurisdiction pursuant to 49 U.S.C. 10701.