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SERVICE DATE – SEPTEMBER 25, 2009

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 27590 (Sub-No. 3)

TTX COMPANY, ET AL. – APPLICATION FOR APPROVAL OF POOLING OF CAR
SERVICE WITH RESPECT TO FLATCARS

Decided: September 23, 2009

The Board is requesting comments on whether any of the activities pursuant to the Board-approved pooling agreement of TTX Company and its participating railroads (jointly referred to as TTX) require any action or particular oversight by the agency at this time.

BACKGROUND

TTX owns and manages for the benefit of its participating railroads an extensive fleet of flatcars that are used in rail transportation of containers, truck trailers, automobiles, lumber, extra-dimensional loads, and other commodities. TTX was formed in 1955, but it was not until 1974 that its functions were found to be subject to the jurisdiction of our predecessor agency, the Interstate Commerce Commission (ICC). In 1974, the ICC approved TTX's pooling arrangement for a period of 15 years. See American Rail Box Car Co. – Pooling, 347 I.C.C. 862 (1974). Subsequently, the ICC and then the Board approved multi-year extensions of TTX's authority to enter into its pooling agreement, with the most recent extension being for a 10-year term beginning October 1, 2004. TTX Company, et al. – Application for Approval of Pooling of Car Service with Respect to Flatcars, STB Finance Docket No. 27590 (Sub-No. 3) (STB served Aug. 31, 2004) (August 2004 Decision). In that decision, the Board provided a detailed background discussion, which will not be repeated here. See August 2004 Decision, slip op. at 1-9.

In the August 2004 Decision, the Board not only extended TTX's pooling authorization for 10 years but directed what was then the agency's Office of Compliance and Enforcement, now the Office of Public Assistance, Governmental Affairs, and Compliance (OPAGAC), to prepare a monitoring report at the end of year 5 of the 10-year extension authorized in that decision.

COMMENCEMENT OF MONITORING REPORT PROCESS

By this decision and the accompanying Federal Register notice, we are commencing the monitoring report process described in our August 2004 Decision. During the 5-year monitoring

period, OPAGAC has not received any comments related to this proceeding. TTX has filed some reports of changes to car contracts. We are requesting comments on whether any of the activities of TTX pursuant to the Board-approved pooling agreement require any action or particular oversight by the agency at this time. Any commenter wishing to express a concern about any of TTX's activities should fully describe the activity, the concern, and the type of Board action that the commenter believes is appropriate. Instructions for filing comments are provided in the notice.

To facilitate the preparation of the report and the preparation of comments of interested parties, we are also directing TTX and its members to provide the following information for calendar years 2004 and 2008:

1. Fleet size for each type of flatcar provided by TTX.
2. Utilization rate of each type of flatcar.
3. The number and percentages of non-intermodal flatcars to dedicated shipper, commodity, or agency pools, and the number of these cars that were recalled from such pools on 5-day notice.

We also direct TTX and its members to provide information on the outcome of the Assured Access Cross Functional Working Group's consideration of provision of specialized flatcars for Department of Defense needs.

The information filed by TTX and its members and any public comments that are filed will be reviewed as part of the monitoring process, and the agency will determine whether any further action is appropriate.

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

It is ordered:

1. The Board is commencing the monitoring report process discussed in its August 2004 Decision.
2. TTX and its members must provide the information described above by November 16, 2009.
3. Shippers and other interested parties may file comments with the Board on whether any of TTX's activities pursuant to the Board-approved pooling agreement require any action or particular oversight by the Board at this time. Comments are due by December 31, 2009.
4. The notice accompanying this decision will be published in the Federal Register.

5. This decision and notice will be served on all parties appearing on the service list in STB Finance Docket No. 27590 (Sub-No. 3).

6. This decision is effective on September 25, 2009.

By the Board, Chairman Elliott, Vice Chairman Nottingham, and Commissioner Mulvey.

Anne K. Quinlan
Acting Secretary