

SERVICE DATE - JUNE 2, 1997

SURFACE TRANSPORTATION BOARD¹

DECISION

No. 41670

SHELL CHEMICAL COMPANY AND SHELL OIL COMPANY
v.
CP RAIL SYSTEM²

Decided: May 27, 1997

In a motion filed May 14, 1997, complainants Shell Chemical Company and Shell Oil Company indicate that they have reached agreements and resolved their controversies with defendant CP Rail System, including Soo Line Railroad Company. Accordingly, complainants request that the complaint be dismissed with prejudice as to that defendant.

The request is reasonable and will be granted.

It is ordered:

1. The motion to dismiss is granted and the complaint is dismissed with prejudice as to defendant CP Rail System, including Soo Line Railroad Company.

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), which was enacted on December 29, 1995, and took effect on January 1, 1996, abolished the Interstate Commerce Commission (ICC) and transferred certain functions and proceedings to the Surface Transportation Board (Board). Section 204(b)(1) of the ICCTA provides, in general, that proceedings pending before the ICC on the effective date of that legislation shall be decided under the law in effect prior to January 1, 1996, insofar as they involve functions retained by the ICCTA. This decision relates to a proceeding that was pending with the ICC prior to January 1, 1996, and to functions that are subject to Board jurisdiction pursuant to 49 U.S.C. 10701. Therefore, this decision applies the law in effect prior to the ICCTA, and citations are to the former sections of the statute, unless otherwise indicated.

² Twenty-three other railroads are defendants in this proceeding. The Atchison, Topeka and Santa Fe Railway Company/Burlington Northern Railroad Company, Norfolk Southern Railway Company, and Kansas City Southern Railway Company have already been dismissed as defendants.