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SERVICE DATE – LATE RELEASE FEBRUARY 17, 2010

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. 42117

CARGILL, INC.; EXXON MOBIL CORPORATION; JONES-HAMILTON CO.; PPG INDUSTRIES, INC.; REAGENT CHEMICAL AND RESEARCH, INC.

v.

ABERDEEN AND ROCKFISH RAILROAD COMPANY; BALTIMORE AND OHIO CHICAGO TERMINAL RAILROAD COMPANY; BNSF RAILWAY COMPANY; BOSTON AND MAINE CORPORATION; BUFFALO AND PITTSBURGH RAILROAD, INC.; CANADIAN NATIONAL RAILWAY; CANADIAN PACIFIC RAILWAY; CEDAR RAPIDS AND IOWA CITY RAILWAY COMPANY; CENTRAL WASHINGTON RAILROAD COMPANY; CSX TRANSPORTATION INC.; ELGIN, JOLIET AND EASTERN RAILWAY COMPANY; GARY RAILWAY COMPANY; INDIANA & OHIO RAILWAY COMPANY; IOWA, CHICAGO & EASTERN RAILROAD CORPORATION; IOWA NORTHERN RAILWAY COMPANY; KANSAS CITY SOUTHERN RAILWAY COMPANY; MAINE CENTRAL RAILROAD COMPANY; MONTANA RAIL LINK, INC.; NEW YORK, SUSQUEHANNA AND WESTERN RAILWAY CORP.; NORFOLK SOUTHERN RAILWAY COMPANY; PAN AM RAILWAYS INC.; PORTLAND TERMINAL COMPANY; ROCHESTER AND SOUTHERN RAILROAD, INC.; SANDERSVILLE RAILROAD COMPANY; SPRINGFIELD TERMINAL RAILWAY CO.; UNION PACIFIC RAILROAD COMPANY; ASSOCIATION OF AMERICAN RAILROADS; RAILINC

Decided: February 17, 2010

On January 29, 2010, Cargill, Inc., Exxon Mobil Corporation, Jones-Hamilton Co., PPG Industries, Inc., and Reagent Chemical and Research, Inc. (collectively, complainants) filed a complaint against Aberdeen and Rockfish Railroad Company; Baltimore and Ohio Chicago Terminal Railroad Company; BNSF Railway Company; Boston and Maine Corporation; Buffalo and Pittsburgh Railroad, Inc.; Canadian National Railway; Canadian Pacific Railway; Cedar Rapids and Iowa City Railway Company; Central Washington Railroad Company; CSX Transportation Inc.; Elgin, Joliet and Eastern Railway Company; Gary Railway Company; Indiana & Ohio Railway Company; Iowa, Chicago & Eastern Railroad Corporation; Iowa Northern Railway Company; Kansas City Southern Railway Company; Maine Central Railroad Company; Montana Rail Link, Inc.; New York, Susquehanna and Western Railway Corp.; Norfolk Southern Railway Company; Pan Am Railways Inc.; Portland Terminal Company; Rochester and Southern Railroad, Inc.; Sandersville Railroad Company; Springfield Terminal Railway Co.; Union Pacific Railroad Company; Association of American Railroads (AAR); and Railinc (collectively, defendants). Complainants request that, pursuant to 49 U.S.C. 10702, 10704, 11121, 11122, 11701, and 11704, the Board determine the reasonableness of certain rail

practices and prescribe reasonable rail practices for the future. Complainants also filed a petition for mediation simultaneously with their complaint.

On February 12, 2010, AAR filed a request for an extension of time for AAR and the other defendants to answer the complaint and petition for mediation.<sup>1</sup> Specifically, AAR requests that defendants have until March 18, 2010, to reply. AAR states that good cause exists for the Board to grant the extension, given recent severe weather conditions in the Washington, DC region, which AAR states has interfered with efforts to retain counsel, delayed counsel's efforts to investigate allegations in the complaint, and limited counsel's opportunity to coordinate and consult with clients regarding the petition for mediation.

AAR states that complainants have authorized AAR to represent that complainants do not oppose its motion for an extension. Good cause exists to grant AAR's request. Accordingly, defendants' answers to the complaint and petition for mediation will be due by March 18, 2010.

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

It is ordered:

1. The request of AAR to extend the reply due date is granted.
2. Answers to the complaint and petition for mediation will be due by March 18, 2010.
3. This decision is effective on its service date.

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

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<sup>1</sup> AAR is granted leave to file this request less than 10 days before the due date. 49 CFR 1104.7(b).