

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. 42052

UNION PACIFIC RAILROAD COMPANY–PETITION FOR DECLARATORY ORDER–
UNILATERALLY IMPOSED INTERCHANGE CHARGES

Decided: October 12, 2007

By petition for declaratory order filed on February 14, 2000, Union Pacific Railroad Company (UP) asked the Board to issue an order to resolve a dispute over the right of a rail carrier to impose charges unilaterally against other carriers for events that may occur when cars are interchanged. The Board instituted a proceeding by notice served and published in the Federal Register on June 13, 2000. By decision served on December 10, 2001, the Board requested that the Association of American Railroads convene a meeting with railroads, shippers, and other involved parties to address the issue. This proceeding was held in abeyance by decision served on January 14, 2002.

On December 19, 2006, UP filed a motion requesting that this proceeding be dismissed without prejudice. On January 8, 2007, Indiana Harbor Belt Railroad Company (IHB) filed a reply opposing UP's motion. In a decision served on June 21, 2007, the Board denied UP's motion and directed all remaining interested parties to submit briefs summarizing their positions and apprising the Board of any new or changed circumstances by July 23, 2007. By decision served on July 20, 2007, the Board granted UP's and IHB's joint petition to extend the filing deadline until September 21, 2007.

On September 20, 2007, UP filed a letter informing the Board that it had reached a settlement agreement with IHB covering the issues involved in this proceeding. UP renews its request to dismiss this petition for declaratory order. In a letter filed on September 21, 2007, IHB confirms its settlement agreement with UP, and concurs in the request for dismissal. The request will be granted.

It is ordered:

1. UP's request is granted and its petition for declaratory order is dismissed.
2. This proceeding is terminated.

3. This decision is effective on its date of service.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary