

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. 42060 (Sub-No. 1)

NORTH AMERICA FREIGHT CAR ASSOCIATION

v.

BNSF RAILWAY COMPANY

Decided: August 2, 2005

In order to resolve certain discovery disputes between BNSF Railway Company (BNSF) and the National Industrial Transportation League (NITL) and American Chemistry Council (ACC), NITL and ACC seek to withdraw as intervenors and participate as *amici curiae* in this proceeding. NITL states that neither BNSF nor the North America Freight Car Association (NAFCA) object to its request. Therefore, NITL's request to withdraw and participate as *amicus curiae* will be granted. ACC states that it has no reason to believe that BNSF will object to its request. The same reasoning would presumably apply to NAFCA. ACC's request will therefore also be granted.

NITL also filed a petition requesting that the Board amend the procedural schedule to include a due date of August 15, 2005, for filing a brief as *amicus curiae*. NITL states that neither party objects to its request. The request is reasonable, and it will be extended to others who may participate as *amici curiae*. Accordingly, the request to include a due date for briefs filed by *amici curiae* will be granted.

It is ordered:

1. NITL's request to withdraw as intervenor and participate as *amicus curiae* is granted.
2. ACC's request to withdraw as intervenor and participate as *amicus curiae* is granted.
3. The remaining procedural schedule in this proceeding is modified as follows:

August 15, 2005 *Amici Curiae* briefs due

September 16, 2005 Reply statement of BNSF due

October 17, 2005 Rebuttal statement of NAFCA due

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

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary