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SERVICE DATE – LATE RELEASE JULY 7, 2011

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. NOR 42129

AMERICAN CHEMISTRY COUNCIL, THE CHLORINE INSTITUTE, INC., THE FERTILIZER INSTITUTE, AND PPG INDUSTRIES, INC. v. ALABAMA GULF COAST RAILWAY AND RAILAMERICA, INC.

Decided: July 7, 2011

On April 15, 2011, American Chemistry Council, The Chlorine Institute, Inc., The Fertilizer Institute, and PPG Industries, Inc. filed a complaint against Alabama Gulf Coast Railway (AGR) and RailAmerica, Inc. (RA) (together, defendants) requesting that the Board determine that RA's Standard Operating Practice for handling Toxic Inhalation Hazards (TIH) and Poison Inhalation Hazards (PIH) is an unreasonable practice under 49 U.S.C. § 10702 and a violation of the common carrier obligation under 49 U.S.C. § 11101.

On June 13, 2011, Arkema Inc. (Arkema) filed a Petition for Leave to Intervene. On July 5, 2011, defendants filed a request seeking a 7 day extension of time, until July 12, 2011, to respond to Arkema's petition, stating that the intervening holiday weekend has delayed their response. Defendants indicate they are authorized to state that Arkema concurs with the requested extension.

Defendants' request for an extension of time is reasonable and will be granted. Defendants' reply to the Petition for Leave to Intervene will be due on July 12, 2011.

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

It is ordered:

1. Defendants' request for an extension of time is granted.
2. Defendants' response to Arkema's Petition for Leave to Intervene is due on July 12, 2011.
3. This decision is effective on its service date.

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