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ENTERED

Office of Proceedings
November 19, 2015
Part of
Public Record

November 19, 2015

VIA E-FILING

Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20423

Re: STB Docket No. NOR 42144, *North America Freight Car Association, et al. v. Union Pacific Railroad Company*

Dear Ms. Brown:

On October 28, 2015, the Complainants in this case filed a Petition to Expedite Procedure ("Petition"), which in part summarized the elements of their Complaint against the Union Pacific Railroad Company ("UP"), and asked the Board to expedite its consideration of a Motion to Dismiss the Complaint or to Make Complaint More Definite filed by UP on April 20, 2015. Complainants asserted in their reply to UP's motion that it should be denied in its entirety.

The Petition asserts in pertinent part that an expeditious decision on the motion is necessary because UP's enforcement of the empty tank car tariff charges at issue in this case since January 1, 2015 has resulted in substantial, ongoing charges being assessed the rail shippers and other parties who supply UP railroad tank cars for transportation. This letter is for the purpose of informing the Board that on November 10, 2015, UP announced that effective January 1, 2016 it will increase the already substantial charges for empty tank car movements to repair shops under Tariff UPRR 4703 by 3.5%. See attached UP Announcement, dated November 10, 2015.

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The ongoing assessment of these challenged tariff charges, and now UP's announcement that it intends to increase them, highlights the need for the Board to rule on Complainants' Petition and the pending motion, so this case can proceed to the discovery and evidentiary phases.

Respectfully submitted,

A handwritten signature in blue ink that reads "Thomas W. Wilcox". The signature is written in a cursive style with a large initial 'T'.

Thomas W. Wilcox
for Complainants

Enclosure

cc: Counsel for Defendant (served via email)



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UPRR 4703 Items 1100-1200 Announcement

Announcement Number: CH2015-12

Categories: All Chemicals

Posted Date: November 10, 2015

UPRR 4703 Items 1100-1200 Announcement:

Valued Customers:

Effective January 1, 2016, Union Pacific will adjust the mileage-based charges in UPRR 4703 (Items 1100 – 1200) for empty private equipment. With the exception of empty tank cars moving to and from repair facilities, rates for empty private equipment will increase 5%. Rates for empty tank cars moving to and from repair facilities will increase 3.5%. To accomplish these changes, Union Pacific is moving the mileage-based charges for the movements of empty private tank cars to and from repair facilities into Item 1200 of UPRR 4703.

Specific rates will be updated and available in our [Price & Document Inquiry System](#) by December 1st.

Additional Links:

[Tariff UP 6004](#) (See Item 55-series for the movements of empty tank cars to and from repair facilities that are subject to the mileage-based charges in UPRR 4703.)

[UPRR Fuel Surcharge Page](#)

Mileage will be based off of PC Miler. See [Route and Mileage Inquiry](#) to view mileages.

If you have any questions please contact your Union Pacific representative.