

ORIGINAL

BEFORE THE
SURFACE TRANSPORTATION BOARD

230015



_____)
 American Chemistry Council,)
 The Chlorine Institute, Inc.,)
 The Fertilizer Institute, and)
 PPG Industries, Inc.,)
)
 Complainants,)
)
 v.)
)
 Alabama Gulf Coast Railway, and)
 RailAmerica, Inc.)
)
 Defendants.)
 _____)

Docket No. NOR-42129

ENTERED
Office of Proceedings
JUN 13 2011
Part of
Public Record

PETITION OF ARKEMA INC. FOR LEAVE TO INTERVENE

COMES NOW Arkema Inc. ("Arkema") 900 First Avenue, King of Prussia, Pennsylvania 19406, and, pursuant to 49 C.F.R. § 1113.7, files this Petition for Leave to Intervene in the above-captioned Complaint proceeding. Arkema seeks to intervene on behalf of Complainants, and seeks the same relief as those Complainants seek herein.

ARKEMA

Arkema is a diversified chemical manufacturer with 24 manufacturing locations in North America and over 2000 North American employees. Arkema is part of the Arkema Group, a €4.4 billion international chemical company with almost 100 facilities operating around the globe. In North America, Arkema makes a variety of different chemical products, and is heavily dependent upon competitive rail service to efficiently operate in the global marketplace. Arkema receives chlorine at its plant located in Axis, Alabama by delivery accomplished by the Alabama Gulf Coast Railroad (AGR). The

special train service set forth in the AGR tariff and the RailAmerica Standard Operating Practice will have a material adverse effect on Arkema and its ability to conduct its business and serve its customers. Arkema therefore has a substantial interest in the outcome of this proceeding.

STATEMENT

Arkema's position in this matter is fully aligned with that of Complainants. Accordingly, Arkema's participation will in no way broaden the issues before the Board, and may indeed add to the development of a fuller and more complete record in this matter. Arkema recognizes that AGR, and to a lesser extent RailAmerica, have altered, and may continue to alter the provisions of the various tariffs and/or practices that are the subject of the Complaint. Arkema also recognizes that minor variations or tweaks in tariff provisions or practices will not change the substance of this proceeding. The issue plainly is whether the acts of RailAmerica and its various subsidiaries including AGR require costly and unnecessary special train service without any showing that such special train service is warranted or justified.

Arkema is fully committed to the safe and secure rail movement of the TIH materials that Arkema uses in its manufacturing processes. However, it is for the federal government under the applicable safety and security laws and regulation to determine and enforce necessary and justified safety and security measures after appropriate public procedures.

Arkema adopts the allegations of the Complaint herein and also adopts the requested relief contained in the Complaint.

WHEREFORE, Arkema respectfully requests that it be permitted to intervene in and made a party to this proceeding pursuant to 49 C.F.R. § 1113.7.

Respectfully submitted,

/s/ Paul M. Donovan

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June 13, 2011

CERTIFICATE OF SERVICE

I hereby certify that I have caused the foregoing document to be served upon all counsel of record electronically.

/s/ Paul M. Donovan
June 13, 2011