



The Chemical Company

239436
FD 35964

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Office of Proceedings
October 23, 2015
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Public Record

October 23, 2015

The Honorable Daniel R. Elliott III
Chairman
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20423-0001

Re: Rail Common Carrier Obligation Enforcement

Dear Chairman Elliott:

BASF Corporation is a global manufacturer of chemicals, innovating to build sustainable technologies that make automobiles more environmentally friendly, homes more energy efficient, food and clean water readily available to a growing population, and more.

In North America, we ship approximately 30,000 railcar loads of material each year, 10% of those being TIH commodities, chiefly Ethylene Oxide. We move this material from our manufacturing facility in Geismar LA to four other production sites and dozens of merchant customers who utilize it as a raw material in the production of household cleaners, detergents, personal care products, and other items used in the daily course of our lives.

While we are fully committed to maintaining only the safest rail operations, we have concern over the status of Positive Train Control (PTC) implementation. We do not believe that rail carriers should be permitted to ignore common carrier obligations as a result of their own non-compliance with PTC requirements, which we see as two distinct and separate issues. Failure to enforce the common carrier obligation and permitting railroads to execute embargos, may lead to operational disruptions, plant shut downs, material shortfalls, and safety risks, for BASF and our many customers.

BASF requests that the Surface Transportation Board take immediate action to uphold the railroad common carrier obligation as it relates to PTC, independent of Congressional action.

We appreciate the Board's consideration of these views, and are grateful that a shipper which has a full understanding of daily operations and resulting customer impact, is given a voice in this matter.

Respectfully submitted,

David J. Eggermann
Fleet Asset Manager
BASF Corporation
100 Park Avenue
Florham Park, NJ 07932
973-245-5730
david.eggermann@basf.com

cc: Ann D. Begeman, Vice Chairman
Deb Miller, Commissioner



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October 26, 2015

Mr. Jeff Herzig
Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20423-0001

Re: Rail Common Carrier Obligation Enforcement

Dear Mr. Harzig:

This is to confirm that all parties of record to FD 35964 have been sent a copy of the comments I submitted to your office on October 23, 2015. Please advise if you require anything further and thank you for the assistance.

Sincerely,

A handwritten signature in cursive script that reads "D. J. Eggermann", followed by a horizontal line extending to the right.

David J. Eggermann
Fleet Asset Manager
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