

Law Department

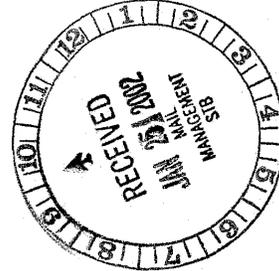
UNION PACIFIC RAILROAD COMPANY

1416 DODGE STREET  
ROOM 830  
OMAHA, NEBRASKA 68179-0001  
FAX (402) 271-5610



204584

January 24, 2002



Via UPS Next Day Air

The Honorable Vernon A. Williams  
Secretary  
Surface Transportation Board  
1925 K Street, N.W.  
Washington, D.C. 20423-0001

Re: Docket No. 42052; Union Pacific Railroad Company – Declaratory  
Order – Unilaterally Imposed Interchange Charges

Dear Mr. Williams:

Enclosed for filing in the above proceeding is an original and one (1) copy of  
UP's Notice of Intent to Participate in the meetings requested by the Board in its decisions  
served December 10, 2001 and January 14, 2002.

Please acknowledge receipt of the enclosed materials by returning a stamped  
copy of this letter in the self-addressed, stamped envelope enclosed for this purpose.

Very truly yours,

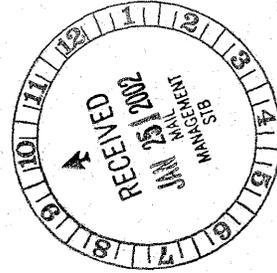
Robert T. Opal  
General Commerce Counsel  
Phone: (402) 271-3072  
Fax: (402) 271-5610

ENTERED  
Office of the Secretary  
JAN 25 2002  
Part of  
Public Record

cc: Dennis J. Starks, Esq.  
Association of American Railroads

Encs.

BEFORE THE  
SURFACE TRANSPORTATION BOARD



DOCKET NO. 42052

UNION PACIFIC RAILROAD COMPANY  
- DECLARATORY ORDER -  
UNILATERALLY IMPOSED INTERCHANGE CHARGES

204584

UNION PACIFIC RAILROAD COMPANY'S  
NOTICE OF INTENT TO PARTICIPATE

ENTERED  
Office of the Secretary

JAN 25 2002

Part of  
Public Record

Union Pacific Railroad Company ("UP"), the Petitioner in the above proceeding, hereby notifies the Board and the Association of American Railroads ("AAR") that it intends to participate in the meetings requested by the Board in its decisions served December 10, 2001 and January 14, 2002 in the above proceeding. As required by the January 14 decision, UP is providing the following information:

**A. Identification of UP's Representative**

Jeffrey H. Koch  
Vice President - Field Operations  
Union Pacific Railroad Company  
1416 Dodge Street  
Room 1206  
Omaha, NE 68179  
Phone: (402) 271-5423  
Fax: (402) 271 6319  
E-Mail: JHKOCH@UP.COM

**B. Representative's Operational Experience**

Mr. Koch has had management positions in the railroad industry since 1968, beginning with the Penn Central Transportation Company. In 1971, he joined the Chicago and North Western Railway, holding a variety of operating management positions including AVP-Division Manager of CNW's Illinois and Eastern Divisions. In 1990, Mr. Koch became Vice President-Transportation for CNW, a position he held until the UP-CNW merger in 1995. For most of his career at CNW, he has been heavily involved with Chicago terminal operations. In his current position, Mr. Koch is responsible for overseeing terminal operations throughout the UP system including Chicago. He has represented UP on the Chicago Rail Planning Committee, comprised of officials from both the line haul and terminal railroads serving the Chicago, which was established to discuss and resolve Chicago interchange and terminal issues.

**C. Summary of UP's Position and Recommendations**

UP's position is that it is impermissible for a railroad to unilaterally establish interchange standards and attempt to enforce those standards through unilaterally established "penalty" charges. Further, if this practice were to become common, it would be counterproductive, as it would lead to imposition of reciprocal or counter charges by other railroads, with each railroad trying to compel conduct which is individually advantageous to it. UP believes that interchange standards, and any penalties for failure to meet those standards, should be established by agreement of the railroads involved, so that they fairly accommodate the concerns of all parties to the interchange. When so

established, the standards and associated penalties can be an important tool for improving fluidity and reducing terminal congestion.

While we are not opposed to an industry-wide effort on this issue, we believe that specific interchange standards and related penalties are best made on a bilateral basis or on a multi-lateral basis by the railroads serving a common terminal, since interchange issues vary from location to location. Accordingly, we believe the appropriate role of industry-wide rules is to permit and facilitate the making of these agreements, rather than to attempt to establish specific industry wide standards and penalties. However, it may be appropriate for industry rules to provide some "default" standards, and applicable penalties that would apply if no agreements are in place, but these would, by their nature have to be fairly general.

Respectfully Submitted,

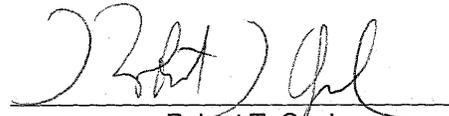
A handwritten signature in black ink, appearing to read "Robert T. Opal", written in a cursive style.

Robert T. Opal  
Union Pacific Railroad Company  
1416 Dodge Street, Room 830  
Omaha, Nebraska 68179  
(402) 271-3072

**CERTIFICATE OF SERVICE**

I certify that I have this date served two copies of the foregoing notice on the Association of American Railroads by UPS Overnight Mail with postage prepaid.

Dated at Omaha, Nebraska this 24th day of January, 2002.

  
Robert T. Opal