

SURFACE TRANSPORTATION BOARD

Memorandum

209724

DATE: December 23, 2003

TO : Joe Collins
Section of Facilities Management

ENTERED
Office of Proceedings

DEC 23 2003

FROM *MF*: Melvin F. Clemens, Jr., Director
Office of Compliance and Enforcement

Part of
Public Record

SUBJECT : FINANCE DOCKET NO. 27590, TTX COMPANY, et.al., FOR APPROVAL OF
THE POOLING OF CAR SERVICE WITH RESPECT TO FLAT CARS

This is to make available for inclusion in the above docket, the original and two copies of the Notice to the Secretaries of TTX Company Pool Participants, of Supplement No. 190 to TTX Company Form A Car Contract, which was effective October 17, 2003 and amends Supplement No. 175. Please ensure that this notice, which was filed with this office, is committed to the public docket identified above. Thank you.

Attachments

ENTERED
Office of Proceedings

DEC 23 2003

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Public Record

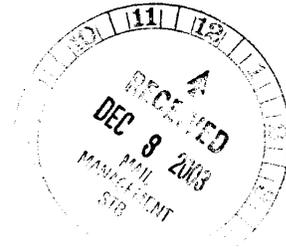


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December 5, 2003



Mr. Melvin Clemens
Office of Compliance and Enforcement
Surface Transportation Board
1925 K. Street, N.W.
Washington, DC 20423-0001

Re: Finance Docket No. 27590, TTX Company, et al.

Dear Mr. Clemens:

I enclose for filing in the above-captioned docket a copy of Supplement 190 to the TTX Company Form A Car Contract, which is effective October 17, 2003.

Supplement No. 190, which amends Supplement 175, establishes a monthly entitlement methodology for the redistribution of intermodal cars bearing the prefix DTTX.

A copy of this letter and Supplement have been enclosed. Please stamp the acknowledgment copy with the filing date and return it to the messenger.

Very truly yours,

PBL/jfh
Enclosures

RECEIVED
SURFACE TRANSPORTATION
BOARD
2003 DEC -8 P 12:43
OFFICE OF COMPLIANCE
AND ENFORCEMENT
SURFACE TRANSPORTATION
BOARD

SUPPLEMENT NO. 190
TO TTX COMPANY FORM A CAR CONTRACT
AMENDING SUPPLEMENT NO. 175
(Effective October 17, 2003)

Pursuant to action taken by the TTX Board of Directors on October 17, 2003, Supplement No. 175, effective August 1, 2000, to the Form A Car Contract, is hereby amended to establish a monthly entitlement methodology for the redistribution of intermodal cars bearing the prefix DTTX ("Cars"). The provisions of Supplement No. 175 remain unchanged with respect to all other intermodal cars bearing the prefixes shown under the definition of "Platform" in Supplement No. 175. This Supplement No. 190 shall be in effect from October 17, 2003 until otherwise amended, superseded or cancelled.

Terms as defined in Supplement No. 175 shall be so defined in this Supplement No. 190 unless otherwise redefined herein.

The following paragraphs of Supplement No. 175 are hereby modified to read in full as follows:

I. A. USE CALCULATION FOR DTTX CARS

1. A Carrier's percent of use calculation for DTTX Cars ("Use Calculation"), as depicted in Exhibit A to this Supplement No. 190, shall be equal to Carrier's weighted three-month Usage Factor as a percent of the weighted three-month Usage Factor of DTTX Platforms by all signatories to this agreement during the most recent three-month period.
2. A Carrier's weighted three-month Usage Factor for DTTX cars shall be equal to the total of Carrier's Platform Factors for DTTX cars for the prior three months where the most recent month is weighted by a factor of three (3), the first prior month weighted by a factor of two (2), and the second prior month weighted by a factor of one (1). The weighted three-month Usage Factor for all DTTX Cars shall be equal to the total of Platform Factors for all Carriers for DTTX cars during the prior three months where the most recent month is weighted by a factor of three (3), the first prior month weighted by a factor of two (2), and the second prior month weighted by a factor of one (1).
3. A Carrier's monthly Platform Factor shall be equal to its Platform Factor from the prior month, plus Carrier's proportionate share of new DTTX Platforms added to the fleet during the current month, adjusted for idle Cars and for the effects of Cars not ordered during the current month.
4. In order to implement the methodology described in this Supplement 190, the Use Calculations described herein will be calculated by starting with

each Carrier's Percent of Utilization entitlement, as described in Supplement No. 175, as of January 1, 2003, for DTTX cars only. A Platform Factor will then be calculated for each Carrier, each month, through August 2003 using the elements described in paragraph No. I-3 above. The Platform Factors for the months of June, July, and August, 2003 will be used to generate a Use Calculation for each Carrier which will then be phased-in over a four week period beginning October 17, 2003.

5. Once each week, TTX Company shall use the most current Use Calculation as the basis to notify Carrier of: (1) its percent of use, and (2) during periods of surplus, its current Platforms-on-line requirement or during periods of shortage, its proportionate share or entitlement for DTTX Platforms.

Paragraph IV-2-a:

- a. The average number of serviceable Platforms actually on Carrier's lines, adjusted upward by one Platform for each Platform not yet received on active Disposition Instructions (DI's) and adjusted downward by one platform for each Platform not yet delivered on active DI's.

All references to "Utilization Calculation" in Supplement No. 175 shall be changed to read "Use Calculation" and shall be defined as indicated above as they relate to DTTX Cars.

All references to paragraph "I-3" in Supplement No. 175 shall refer to paragraph "I-5" above as they relate to DTTX Cars.

Except as otherwise provided herein, all provisions of Supplement No. 175 remain in full force and effect with regard to the redistribution of intermodal cars bearing the prefix DTTX.

TTX COMPANY

By:

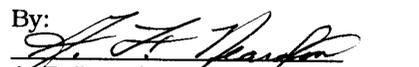

A. F. Reardon, President
and Chief Executive Officer

Exhibit A to Supplement 190

PLATFORM-BASED MONTHLY ENTITLEMENT METHODOLOGY
FOR THE REDISTRIBUTION OF DTTX CARS

PERCENT OF USE CALCULATION

The process to calculate a carrier's Percent of Use for the month of July, for example, can be described as indicated below:

	April		May		June	
	Platforms	% of Use	Platforms	% of Use	Platforms	% of Use
Beginning Fleet (Previous month's Platform Factor)	100		104		107	
New cars added	5		6		4	
Idle adjustment	-3		2		-2	
"Cars not ordered" adjustment	2		-5		3	
Ending Fleet (Platform Factor)	104	25.00	107	25.48	112	26.23

1. Calculate the Platform Factor for the Carrier's DTTX cars for the month of June as follows:

Beginning fleet (Previous month's Platform Factor)	107
Add New Cars added during June	+4
Apply idle car adjustment	-2
Apply adjustment for effect of platforms not ordered in June	+3

Ending Platform Factor for June	112

2. Calculate the weighted three-month Usage Factor:

April Platforms times 1	104 * 1 =	104
May Platforms times 2	107 * 2 =	214
June Platforms times 3	112 * 3 =	336

		654

3. Calculate the equivalent three-month weighted Usage Factor for the entire DTTX fleet on member railroads:

April Platforms times 1	416 * 1 =	416
May Platforms times 2	420 * 2 =	840
June Platforms times 3	427 * 3 =	1,281

		2,537

4. Determine the Carrier's Percent of Use (result of 2 divided by result of 3 above x 100), and thus entitlement, to be used in the weekly allocation process for the month of July:

$$654 / 2,537 * 100 = \boxed{25.78\%}$$