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BEFORE THE
SURFACE TRANSPORTATION BOARD

CARGILL, INC.)
EXXON MOBIL CORPORATION)
JONES-HAMILTON CO.)
PPG INDUSTRIES, INC.)
REAGENT CHEMICAL AND RESEARCH, INC.)

v.)

ABERDEEN AND ROCKFISH RAILROAD COMPANY)
BALTIMORE AND OHIO CHICAGO TERMINAL)
RAILROAD COMPANY)
BNSF RAILWAY COMPANY)
BOSTON AND MAINE CORPORATION)
BUFFALO AND PITTSBURGH RAILROAD, INC.)
CANADIAN NATIONAL RAILWAY)
CANADIAN PACIFIC RAILWAY)
CEDAR RAPIDS AND IOWA CITY RAILWAY COMPANY)
CENTRAL WASHINGTON RAILROAD COMPANY)
CSX TRANSPORTATION INC.)
ELGIN, JOLIET AND EASTERN RAILWAY COMPANY)
GARY RAILWAY COMPANY)
INDIANA & OHIO RAILWAY COMPANY)
IOWA, CHICAGO & EASTERN RAILROAD CORPORATION)
IOWA NORTHERN RAILWAY COMPANY)
KANSAS CITY SOUTHERN RAILWAY COMPANY)
MAINE CENTRAL RAILROAD COMPANY)
MONTANA RAIL LINK, INC.)
NEW YORK, SUSQUEHANNA AND WESTERN)
RAILWAY CORP.)
NORFOLK SOUTHERN RAILWAY COMPANY)
PAN AM RAILWAYS INC.)
PORTLAND TERMINAL COMPANY)
ROCHESTER AND SOUTHERN RAILROAD, INC.)
SANDERSVILLE RAILROAD COMPANY)
SPRINGFIELD TERMINAL RAILWAY CO.)
UNION PACIFIC RAILROAD COMPANY)
ASSOCIATION OF AMERICAN RAILROADS)
RAILINC)

Docket No. NOR 42117

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JAN 29 2010

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Public Record

PETITION FOR MEDIATION

Come now Cargill, Inc., Exxon Mobil Corporation, Jones-Hamilton Co., PPG Industries, Inc., and Reagent Chemical and Research, Inc. (hereinafter each a "Complainant" and collectively "Complainants"), and file this Petition for Mediation. Contemporaneous with this Petition, Complainants have filed a Complaint against Defendants, various railroads and other persons, pursuant to 49 U.S.C. 10702, 10704, 11121, 11122, 11701 and 11704, and 49 C.F.R. Part 1111, requesting, *inter alia*, that the Surface Transportation Board ("STB" or "Board") determine the reasonableness of certain rail practices and prescribe reasonable rail practices for the future. Complainants alleged that, with respect to the calculation of "mileage equalization" charges set forth in Freight Tariff RIC 6007-Series (the "Tariff"), Item 187 and Item 190, Defendants have charged Complainants unreasonable amounts due to interpretations and applications of the Tariff that were not justified either by the Tariff or decisions of the Board's predecessor, the Interstate Commerce Commission ("ICC") and that are unlawful.

Specifically, Complainants alleged: (a) that the Defendants' interpretation of the term "railroad convenience" under the Tariff is unreasonable and unlawful, is inconsistent with and not supported by the agency's precedent, and constitutes an unreasonable practice in violation of the statute; (b) that the Defendants' reliance upon "railroad convenience" under the Tariff to justify including in the mileage equalization calculation excess empty miles based upon routing protocols that by default routinely return empty cars to the origin via a longer route than the preceding loaded movement is unreasonable and unlawful, is inconsistent with and not supported by the Tariff and the agency's precedent, and constitutes an unreasonable practice in violation of the statute; and, (c) the Defendants' failure to exclude from the mileage equalization calculation empty miles due to mandated repair, inspection or retrofit programs is unreasonable and

unlawful, is inconsistent with and not supported by the agency's precedent, and constitutes an unreasonable practice in violation of the statute. See Complaint, ¶¶ 44-46.

In their Complaint, Complainants also stated that they have communicated with the Association of American Railroads ("AAR") on this matter, but that discussions with the AAR had failed to resolve the matter. See Complaint, ¶¶ 43.

Request for Mediation

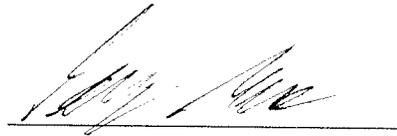
Complainants recognize that their Complaint is not one of the categories of actions at the Board for which mediation is required. Nevertheless, Complainants believe that this proceeding would particularly benefit from Board-mandated mediation. This Complaint involves numerous defendants, including all of the nation's Class I railroads, several Class II and III railroads, and their agents designated in the Tariff, RailInc and the AAR, for administration and application of the Tariff. This Complaint involves substantial past and growing amounts of money for the Complainants on an ongoing basis potentially over many years, resulting from charges levied by the railroads through Tariff. Although representatives of Complainants had both written and oral communications regarding this matter with the AAR, as set forth in the four Appendices to the Complaint; and some of the individual Complainants have communicated with several of the railroads named in the Complaint regarding this matter; the number of entities involved made it difficult to discuss this matter in a comprehensive or structured manner.

Complainants are aware that the Board has had recent success in mediating complex disputes between rail carriers and their customers in the context of litigation initiated at the Board. See, STB Docket No. 42112, *E.I Dupont de Nemours v. CSX Transportation Company*, decision served May 11, 2009. Under such mediation, the Board requires persons with decision-making ability to participate, which the Complainants are prepared to meet. Complainants

believe that any mediation in this case, in order to be successful, would have to involve decision-makers from all key railroad defendants, who are vested with authority to negotiate and agree upon a settlement on behalf of the entire group of Defendants.

Accordingly, Complainants respectfully request the Board to order mediation in this matter, beginning no less than thirty days after the date of the Board's order requiring such mediation, and to last no longer than 30 days, unless the Complainants and Defendants agree to extend the mediation period.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jeffrey O. Moreno", is written over a horizontal line.

Jeffrey O. Moreno
Nicholas J. DiMichael
Thompson Hine LLP
1920 N St. N.W.
Suite 800
Washington, D.C. 20036
(202) 331-8800

January 29, 2010

CERTIFICATE OF SERVICE

I hereby certify that I have caused the Petition for Mediation to be served by facsimile, first class mail, postage prepaid and/or express overnight courier, this 29th day of January 2010, on:

1. The following parties have been served by facsimile and first class mail:

<p>Garland Horton President Aberdeen and Rockfish Railroad Co. P.O. Box 917, Aberdeen, NC 28315</p>	<p>R.B. Culliford Senior Vice President and General Counsel Boston and Maine Corporation Maine Central Railroad Co. Pan Am Railways Portland Terminal Co. Springfield Terminal Railway Co. 1700 Iron Horse Park No. Billerica, MA 01862-1692</p>
<p>David Collins Suite 200, 1200-C Scottsville Road Rochester, NY 14624 <i>For Buffalo and Pittsburg Railroad Inc. Rochester and Southern Railroad, Inc.</i></p>	<p>Allison M. Fergus General Counsel and Secretary Buffalo and Pittsburgh Railroad Inc. c/o Genesee & Wyoming Inc. 66 Field Point Road Greenwich, CT 06830</p>
<p>Sean Finn Executive Vice President Corporate Services, and Chief Legal Officer Canadian National Railway 935 de La Gauchetiere St. West, Montreal, QC H3B 2M9</p>	<p>Joe McGovern Chief Operating Officer Cedar Rapids and Iowa City Railway Company 2330 12th Street SW Cedar Rapids, IA 52404</p>
<p>Kevin Burke Vice President and General Manager Cedar Rapids and Iowa City Railway Company 2330 12th Street SW Cedar Rapids, IA 52404 (319) 786-3686 (phone) (319) 786-3671 (fax)</p>	<p>Nicholas B. Temple President Central Washington Railroad Company 111 University Parkway, Ste 200 Yakema, WA 98901 (509) 453-9166 (phone) (509) 452-9346 (fax)</p>
<p>Elgin, Joliet and Eastern Railway Company c/o Sean Finn Executive Vice President Corporate Services, and Chief Legal Officer Canadian National Railway 935 de La Gauchetiere St. West, Montreal, QC H3B 2M9</p>	<p>Gary Railway Company c/o Thomas Kelly President Transtar Inc. 1200 Pennsylvania Avenue Suite 300 Pittsburgh, PA 15222</p>
<p>James H. Danzl General Manager Marketing Gary Railway Company One North Buchanan Street Gary, Indiana 46402</p>	<p>Indiana & Ohio Railway Company c/o Scott Williams, Senior Vice President and General Counsel Rail America Inc. 7411 Fullerton St.</p>

	Suite 300 Jacksonville, FL 32256
Ryan Ratledge General Manager Indiana Ohio & Railway Company 2856 Cypress Way Cincinnati, OH 45212	Iowa, Chicago & Eastern Railroad Corporation c/o Vern G. Graham President Dakota, Minnesota, and Eastern Railroad Corporation 140 N. Phillips Ave. Sioux Falls, SD 57104
Daniel R. Sabin President Iowa Northern Railway 122 North 2nd Street P.O. Box 640 Greene, IA 50636	William Wochner Senior Vice President and Chief Legal Officer Kansas City Southern Railway Company 427 West 12th Street, Kansas City MO 64121-9335
Thomas Walsh President Montana Rail Link, Inc. PO Box 16390 101 International Way Missoula, Montana 59808-6390	Nathan Fenno President New York, Susquehanna and Western Railway Corp. One Railroad Avenue Cooperstown, NY 13326
Hugh M. Tarbuton President Sandersville Railroad Company P.O. Box 269 Sandersville, GA 31082	Louis P. Warchot Senior Vice President Law & General Counsel Association of American Railroads 50 F Street, N.W. Washington, D.C. 20001
E. Allen West President and Chief Executive Officer Railinc Highwoods Centre at Weston 7001 Weston Parkway, Suite 200 Cary, NC 27513	

2. The following parties have been served by overnight courier:

Cindy Sanborn President Baltimore and Ohio Chicago Terminal Railroad Company c/o CSX Transportation Inc. 500 Water Street Jacksonville, FL 32202	Roger Nober Executive Vice President Law & Secretary BNSF Railway Company 2650 Lou Menk Drive P.O. Box 961057 Fort Worth, TX 76161-0057
James H. Gallegos Vice President and General Counsel BNSF Railway Company 2650 Lou Menk Drive, P.O. Box 961057 Fort Worth, TX 76161-0057	Paul Guthrie Vice President Law Canadian Pacific Railway Suite 500 Gulf Canada Square 401 9th Avenue SW Calgary, AB T2P 4Z4
E.M. Fitzsimmons, Sr. Vice President Law, General Counsel & Corporate Secretary	James A Hixon Executive Vice President- Law and Corporate Relations

CSX Transportation Inc. 500 Water Street Jacksonville, FL 32202 <i>For CSX Transportation Inc. and Baltimore and Ohio Chicago Terminal Railroad Company</i>	Norfolk Southern Railway Company Three Commercial Place Norfolk, VA 23510-2191
Mike Hemmer Senior Vice President- Law and General Counsel Union Pacific Railroad Company Stop 1580 1400 Douglas Street Omaha, NE 68179	



Jeffrey O. Moreno