

**SURFACE TRANSPORTATION BOARD TO DETERMINE REASONABLENESS OF
INDEMNIFICATION PROVISIONS FOR TRANSPORT OF TIH COMMODITIES, INVITES
PUBLIC PARTICIPATION**

The federal Surface Transportation Board announced today that it has begun a proceeding to determine the reasonableness of certain tariff provisions requiring shippers to indemnify Union Pacific Railroad Company (UP) against future liabilities, other than those resulting from UP's negligence or fault, when UP transports toxic by inhalation hazardous (TIH) commodities. The Board has opened the proceeding to participation by the public.

The Board took this action in response to UP's request for a Board declaration on the reasonableness of the indemnification provisions in UP's tariff relating to the transportation of TIH commodities. Those provisions require TIH shippers to indemnify UP against all liabilities resulting from shipper negligence or fault, the negligence or fault of third parties, or from acts of God, among other liabilities, regarding TIH transportation. Responding shippers assert numerous grounds in opposition to UP's request.

The Board announced its initiation of the proceeding and provided information for public participation in its decision in [Union Pacific Railroad Company—Petition for Declaratory Order, STB Docket No. FD 35504](#). That decision may be viewed and downloaded on the Board's website at www.stb.dot.gov.

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