

SURFACE TRANSPORTATION BOARD ORDERS CSX TO REDUCE RATES IN 3 SMALL RAIL RATE-COMPLAINT CASES

The Surface Transportation Board (Board) announced today its unanimous decisions ordering rate relief for the E.I. du Pont de Nemours and Company (DuPont) in the three freight rail rate complaint cases filed under the agency's new, small rate-dispute resolution process adopted in 2007. The Board found that CSX Transportation, Inc. (CSX) was charging unreasonably high rail rates and ordered CSX to reduce rates and to pay reparations on six of the seven movements challenged by DuPont.

In announcing the three decisions, STB Chairman Charles D. Nottingham said:

"Today's unanimous decisions demonstrate the Board's dedication to resolving disputes between railroads and their customers in an accessible, affordable, and expeditious manner. Freight-rail customers can rest assured that the Board will take effective action to strike down unreasonably high rail rates."

Decided under the Board's new small rate dispute resolution process (set forth in a rulemaking in September 2007 called *Simplified Standards for Rail Rate Cases*, STB Ex Parte 646 (Sub-No.1)), these three decisions were issued ahead of the agency's deadline. The filing fee to bring cases like these is \$150, and DuPont will be entitled to reparations and reduced rates totaling up to \$1 million per case, or a total of up to \$3 million for the three cases over a five-year period. The exact size of the award to DuPont will depend on the actual number of shipments made by DuPont along the routes subject to the rate challenges.

The Board's decisions will mandate reduced rates charged by CSX to DuPont for rail shipments along six specific routes. The rate reductions vary by route, but range from approximately 5% to 40% of the challenged rates. Relief was awarded on challenges to CSX rates paid by DuPont for the movement of chemicals along the following routes: Heyden, New Jersey to Washington, West Virginia; Heyden, New Jersey to Duart, North Carolina; Amphill, Virginia to Wyandotte, Michigan; Niagara Falls, New York to New Johnsonville, Tennessee; Niagara Falls, New York to Carney's Point, New Jersey; and Pascagoula, Mississippi to Neuse, North Carolina.

The Board issued three separate decisions today, June 30, 2008, in the proceedings entitled [E.I. du Pont de Nemours and Company v. CSX Transportation, Inc., STB Docket Nos. 42099, 42100, and 42101](#). Those decisions are available for viewing and downloading via the Board's Web site at <http://www.stb.dot.gov>, under "E-Library," then under "Decisions & Notices," beneath the date "6/30/08."

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