



DLA Piper LLP (US)
500 Eighth Street, NW
Washington, DC 20004
www.dlapiper.com

Paul A. Hemmersbaugh
paul.hemmersbaugh@us.dlapiper.com
T 202.799.4590

March 6, 2025

VIA E-FILING

309318

Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street SW
Washington, DC 20024

ENTERED
Office of Proceedings
March 6, 2025
Part of
Public Record

Re: STB Docket No. NOR 42144 – *North America Freight Car Association; American Fuel & Petrochemical Manufacturers; The Chlorine Institute; The Fertilizer Institute; American Chemistry Council; Ethanol Products, LLC d/b/a Poet Ethanol Products; Poet Nutrition, LLC; and Cargill Incorporated v. Union Pacific Railroad Company*; STB Docket No NOR 42150 – *Valero Marketing and Supply Company and Valero Rail Partners, LLC v. Union Pacific Railroad Company*; STB Docket No. NOR 42152 – *Tesoro Refining & Marketing Company LLC; Tesoro Great Plains Gathering & Marketing, LLC; and Dakota Prairie Refining, LLC v. Union Pacific Railroad Company*; STB Docket No. NOR 42153 – *Arkema Inc. v. Union Pacific Railroad Company*.

Dear Chief. Brown:

The Chlorine Institute, on behalf of its members, submits this letter to express its support for the Petition for Reconsideration of the STB's Decision in Docket No. NOR 42144 (served Jan. 15, 2025) ("Petition") filed today by the North America Freight Car Association and other Complainants in STB Docket Nos. NOR 42144, 42150, 42152, and 42153. The Chlorine Institute ("CI") was a complainant in NOR 42144, and participated in that decade-long proceeding.

CI supports and agrees with the Petition. Among other things, the Decision failed to meaningfully consider and address Complainants' evidence regarding obstacles to recovering repair move costs. And, it failed to rule on whether Complainants had met their burden of showing that UP failed to provide compensation for Item 55-C. Complainants' evidence met that burden, and the Board should revise its Decision to find that the empty repair move charges were therefore prohibited and void *ab initio*. As a result, the Board should further rule that UP owes reparations to Complainants for the erroneously assessed charges from their initiation to the date of the Board's determination of this Petition.

We thank the Board for its consideration of this Petition.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Paul Hemmersbaugh', written in a cursive style.

Paul A. Hemmersbaugh
Counsel to The Chlorine Institute

cc: All Parties of Record

Certificate of Service

I, Douglas Lavey, hereby certify that on this 6th day of March 2025, I filed the foregoing document electronically via the Board's e-filing system, and satisfied the service requirement by causing a copy of this Support Statement to be served by US Mail, postage prepaid or by more expedited means upon all parties of record in the identified proceeding.

/s/ Douglas Lavey
Douglas Lavey