



Surface Transportation Board
Washington, D.C. 20423-0001
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Office of the General Counsel

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Part of
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Meeting under Section 5, STB Reauthorization Act

February 19, 2019

Present: Members Begeman, Fuchs, and Oberman
Member Staff Amanda Gorski, Ellen Erichsen, Lisa Novins
Agency Staff Craig Keats, Rachel Campbell, Allison Davis, Anika Cooper,
Scott Zimmerman, Amy Ziehm, Chris Falcone, John Rackson

Topic: Docket No. NOR 42161, Ameropan Oil Corporation v.
Canadian National Railway Company

Summary of the Matters Discussed, Prepared by General Counsel Craig Keats:

At this meeting, staff briefed Board Members on a complaint by Ameropan Oil Corporation (Ameropan) against Canadian National Railway Company (CN) about CN's alleged reduced level of rail service to Ameropan's facilities from five days per week to two days per week. CN and its corporate subsidiary Illinois Central Railroad Company (IC) moved to dismiss the complaint on the ground that the transportation at issue is governed by a contract between the parties. Ameropan responded in opposition, arguing that the particular matter at issue here – level of service – was not specified in the contract.

Staff and Board Members discussed the following issues:

1. The terms and scope of the contract between the parties.
2. The language of 49 U.S.C. § 10709 and the precedent interpreting it.
3. The arguments made in the parties' filings in support of their respective positions.