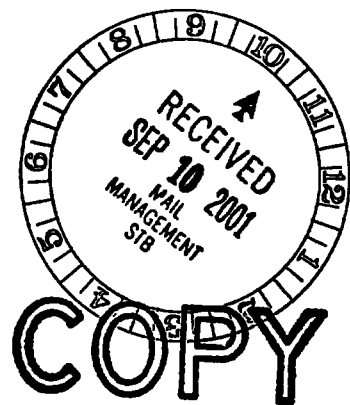


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**BEFORE THE
SURFACE TRANSPORTATION BOARD**

**ENTERED
Office of the Secretary**

SEP 10 2001

**Part of
Public Record**

STB Docket No. 42060

**NORTH AMERICA FREIGHT CAR ASSOCIATION – PROTEST AND PETITION FOR
INVESTIGATION OF DEPARTURES FROM THE PROVISIONS OF EX PARTE NO.
328– TARIFF PUBLICATIONS OF THE BURLINGTON NORTHERN AND SANTA FE
RAILWAY COMPANY**

STB Docket No. 42060 (Sub-No.1)

**NORTH AMERICA FREIGHT CAR ASSOCIATION v. THE BURLINGTON
NORTHERN AND SANTA FE RAILWAY COMPANY**

STB Docket No. 42061

**RAILWAY PROGRESS INSTITUTE, INC. - PROTEST AND PETITION FOR INVES-
TIGATION OF DEPARTURES FROM THE PROVISIONS OF EX PARTE NO. 328–
TARIFF PUBLICATIONS OF THE BURLINGTON NORTHERN AND SANTA FE
RAILWAY COMPANY**

**NOTICE OF U.S. CLAY PRODUCERS TRAFFIC ASSOCIATION, INC.
OF
INTENT TO PARTICIPATE
OR ALTERNATIVELY
PETITION TO INTERVENE**

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Dated: September 7, 2001

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Counsel for U.S. Clay Producers
Traffic Association, Inc

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Docket No. 42060

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**NOTICE OF U.S. CLAY PRODUCERS TRAFFIC ASSOCIATION, INC.
OF
INTENT TO PARTICIPATE
OR ALTERNATIVELY
PETITION TO INTERVENE**

1. INTRODUCTION.

The U.S. Clay Producers Traffic Association, Inc. ("USCPTA" or "Clay Producers") is a trade association with a history of participation in all precedential Interstate Commerce Commission proceedings concerning important issues affecting the provision of private tank and hopper cars. Clay Producers request permission to participate as a party of record in these proceedings involving the investigation of certain private tank and hopper car charges published by Burlington Northern and Santa Fe Railway Company ("BNSF"), as well as any other proceeding initiated to investigate similar private car storage charges imposed by other railroads.

Clay Producers believe that with respect to tank cars, BNSF's publication of charges in Private Car Storage Book 6005, effective July 1, 2001, are an unjustified departure from the national uniform system of tank car compensation and can not be implemented unless BNSF files a "Departure Tariff" and demonstrates that such charges are warranted by "special circumstances", as defined by case law. It also agrees with the positions espoused by the North America Freight Car Association concerning the unreasonableness of charges imposed on private hopper cars.

2. STATEMENT OF INTEREST OF CLAY PRODUCERS

U.S. Clay Producers Traffic Association, Inc. (Clay Producers) is a non-profit association of producers of clay engaged in producing and shipping clay in all modes of transportation from the relatively concise geographic location of clay deposits in Georgia, South Carolina and Tennessee origins to numerous industries throughout the United States, Canada, Mexico, and the world. The association was formed to provide information to members concerning transportation of clay by railroads, motor carriers and by water, as a forum for discussion of developments and information concerning regulation by governing authorities, and to represent the interests of its members in transportation matters before regulatory agencies, such as this Board.

The principal clay shippers represented in this proceeding and their respective offices are:

IMERYS	Sandersville, GA
Engelhard Corporation	McIntyre, GA
H.C. Spinks Clay Co., Inc.	Paris, TN
J. M. Huber Company.	Edison, NJ
Oil-Dri Corporation of America	Ochlocknee, GA
Thiele Kaolin Company	Sandersville, GA
Unimin Corporation	New Canaan, CT
Wilkinson Kaolin Associates, Ltd.	Gordon, GA

Clay Producers utilize a fleet of over 6,600 private owned or leased tank and hopper cars to move approximately 11 million tons of clay annually from a relatively concise geographic area in Georgia, South Carolina and Tennessee to customers located throughout the United States, Canada, Mexico, and the rest of the world. Clay Producers represent over 95% of the clay

4. **CONCLUSION.**

Clay Producers intend to participate in any investigation which the Board may initiate in these matters, or should the Board so require, Clay Producers hereby petitions for leave to intervene in any such investigation.

Respectfully submitted,



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Attorneys for
US CLAY PRODUCERS
TRAFFIC ASSOCIATION, INC.

Dated: September 7, 2001

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Notice Of U.S. Clay Producers Traffic Association, Inc. Of Intent To Participate Or Alternatively Petition To Intervene was served this 7th day of September, 2001, by U.S. First-Class mail upon the following counsel:

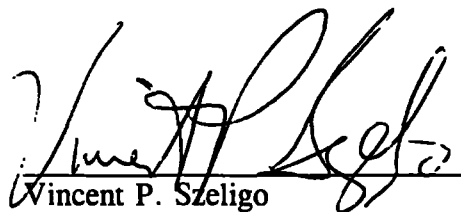
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