



**BEFORE THE
SURFACE TRANSPORTATION BOARD**

203805

STB DOCKET NO. 42060 (Sub-No. 1)

NORTH AMERICA FREIGHT CAR ASSOCIATION

v.

**ENTERED
Office of the Secretary
OCT 25 2001
Part of
Public Record**

THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY

**PETITION FOR LEAVE TO INTERVENE
OF
E.I. DUPONT DE NEMOURS AND COMPANY**

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Attorneys for:
E.I. du Pont De Nemours
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Dated: October 25, 2001

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Petitioner, E.I. du Pont de Nemours and Company ("DuPont"), pursuant to 49 C.F.R. § 1112.4, submits this Petition for Leave to Intervene in STB Docket No. 42060 (Sub-No. 1), *North America Freight Car Association v. The Burlington Northern and Santa Fe Railway Company*, and in support of its petition states, as follows:

1. DuPont is a \$26 billion diversified chemical and life sciences corporation with over 200 manufacturing sites and almost 100,000 employees worldwide. Each year, DuPont and its affiliates ship in excess of 70,000 rail shipments, representing over \$220 million in railroad freight revenues, in a private fleet of over 9,000 rail cars. These shipments are the foundation of DuPont's diverse, global supply chains, and directly produce \$5.5 billion of North American sales and exports. Seventy-five percent (75%) of this traffic has no other transportation alternative to rail, either because of safety considerations or sheer volume.

2. DuPont's utilization of its extensive fleet of private railroad cars will be directly affected by the new storage and diversion charges, issued by The Burlington Northern and Santa Fe Railway Company ("BNSF"). The storage charges, which are applicable to empty private

cars held on BNSF tracks, and the diversion charges issued by BNSF, which are applicable to empty private cars, will have substantial economic consequences for DuPont, primarily in the form of increased costs, amounting to hundreds of thousands of dollars. Thus, DuPont has a significant interest in the subject-matter and outcome of this proceeding.

3. DuPont supports measures designed to improve the efficiency of the rail network. However, DuPont believes that the storage and diversion charges proposed by BNSF will adversely affect its own rail operations and those of other shippers. DuPont believes that the storage and diversion charges constitute: unreasonable practices under 49 U.S.C. § 10702; a failure to furnish adequate car service and to establish, observe, and enforce reasonable rules and practices on car service in violation of 49 U.S.C § 11121(a); a violation of 49 U.S.C. § 10745; and, a violation of 49 U.S.C. § 10746. Therefore, DuPont supports the Complaint of the North America Freight Car Association ("NAFCA") that the Board should initiate an investigation into the rules and charges of BNSF Private Car Storage Book 6005, including Item 1300, and the relevant demurrage rules and charges set forth in BNSF's Demurrage Book 6004-A, effective July 1, 2001.

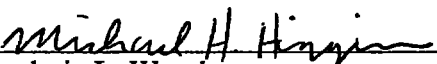
4. DuPont's intervention will neither broaden the issues raised in this proceeding, nor delay its disposition.

WHEREFORE, petitioner, E.I. du Pont de Nemours and Company, asks that it be granted leave to intervene and to participate fully in this proceeding.

Respectfully submitted,

E.I. du Pont de Nemours and Company

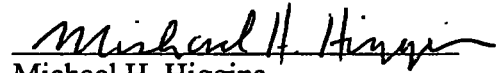
By its attorneys,


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October 25, 2001

CERTIFICATE OF SERVICE

I hereby certify that I have served on this 25th day of October, 2001, a copy of the foregoing Petition for Leave to Intervene of E.I. du Pont de Nemours and Company by first-class mail on all parties of record.


Michael H. Higgins