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March 6, 2002

BY MESSENGER

The Honorable Vernon A. Williams
Secretary
Surface Transportation Board
1925 K St., N.W.
Washington, DC 20423-0001



ENTERED
Office of the Secretary
MAR 07 2002
Part of
Public Record

Re: STB Docket No. 42061 -
Railway Progress Institute Committee On Tank Cars
Petition for Investigation and Protest

Dear Secretary Williams:

Enclosed please find an original and eleven (11) copies of the Railway Progress Institute Committee on Tank Cars' Notice of Settlement and Withdrawal of Petition and Protest in STB Docket No. 42061.

Please date-stamp one of the copies of the Notice of Settlement and return it to the messenger for our files.

Sincerely,

R. Latane Montague

Enclosures

cc: All Parties of Record

BEFORE THE SURFACE TRANSPORTATION BOARD

IN RE EX PARTE NO. 328,
 INVESTIGATION OF
 TANK CAR ALLOWANCE SYSTEM
 (September 23, 1986)

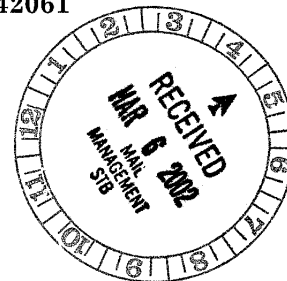
TARIFF PUBLICATION OF THE
 BURLINGTON NORTHERN AND
 SANTA FE RAILWAY COMPANY

Docket No. 42061

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NOTICE OF SETTLEMENT AND WITHDRAWAL OF PETITION FOR
 INVESTIGATION BY
 RAILWAY PROGRESS INSTITUTE COMMITTEE ON TANK CARS

The Railway Progress Institute's Committee on Tank Cars ("RPI-CTC") respectfully submits this notice of settlement and hereby withdraws its Petition for Investigation and Protest of a tariff published by the Burlington Northern and Santa Fe Railway Company ("BNSF").

Purs
 No. 328, Investig
 204 (1986), the Rl
 June 27, 2001 req
 RPI-CTC petition

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original

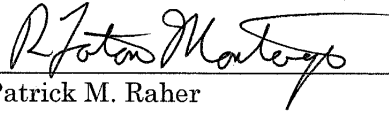
In a decision served October 18, 2001, the Surface Transportation Board ordered that this proceeding be put on hold while parties and other interested individuals and organizations negotiated concerning the issues raised by the petition of the RPI-CTC and other petitioners effected by the BNSF tariff. In STB decisions served November 20, 2001, January 8, 2002, and February 22, 2002, the Board held the October 18 decision in abeyance in order to provide an opportunity for the parties to pursue individual settlement discussions relating to Docket No. 42061 and the other related cases. 1/

RPI-CTC and BNSF have now voluntarily negotiated a resolution of the dispute in Docket No. 42061. This resolution has resulted in an amendment to BNSF Private Car Storage Book 6005 that excludes its application to private cars being held outside repair facilities. Accordingly, the RPI-CTC hereby withdraws its Petition for Investigation and Protest originally filed on June 27, 2001, and respectfully requests that Docket No. 42061 be dismissed without prejudice.

1/ Docket No. 42061 is a one of five related cases involving the BNSF storage charges. The primary case is No. 42060. The other related cases are: Nos. 42062, 42063, and 42064.

Respectfully submitted,

HOGAN & HARTSON L.L.P.

A handwritten signature in black ink, appearing to read "R. Latane Montague", is written over a horizontal line.

Patrick M. Raher
R. Latane Montague
555 Thirteenth Street, N.W.
Washington, D.C. 20004
202-637-5600

Counsel for Railway Progress Institute

March 6, 2002

CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of March, 2002, I served by hand a copy of the foregoing Railway Progress Institute's Notice of Settlement and

Withdrawal of Petition to:

Robert M. Jenkins, III
Mayer, Brown, & Platt
1909 K Street, N.W.
Washington, DC 20006-1101



R. Latane Montague