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April 4, 2002



Honorable Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, DC 20423

Re: Docket No. 42060, North America Freight Car Association -- Protest and Petition for Investigation -- Tariff Publications of the Burlington Northern and Santa Fe Railway Company (and related Docket Nos. 42062, 42063, and 42064).

Dear Secretary Williams:

By decision served February 22, 2002, the Board extended until April 5, 2002, the effective date of its decision served on November 20, 2001 so that negotiations between the parties could continue. For the reasons explained below, a 45-day extension of the effective date until May 20, 2002 hereby is sought in Docket Nos. 42060, 42063, and 42064.¹

Docket No. 42060. The Burlington Northern and Santa Fe Railway Company ("BNSF") independently has taken certain tariff actions to partially modify its earlier tariff provisions that are the subject of the protest and petition in this Docket. The new tariff actions by BNSF, which did not take effect until April 1, 2002, do not reflect any settlement agreement with the shipper and private car parties and are being evaluated by them. North America Freight Car Association ("NAFCA"), the Petitioner in Docket No. 42060, has a meeting scheduled to take place on May 1, 2002 to consider the BNSF actions. Other interested parties are likewise in the process of considering those actions.

¹ On March 20, 2002, a decision was served terminating a related proceeding, Docket No. 42061, Railway Progress Institute Committee on Tank Cars -- Petition for Investigation and Protest Pursuant to Ex Parte No. 328, as a result of negotiations concluded in that case. Further, it is understood that The Chlorine Institute, Inc. will not seek any extension of time in Docket No. 42062 due to the progress of its negotiations with Union Pacific Railroad Company ("UP") in that case.

NAFCA believes that it would be premature for it to express a final or conclusive view regarding the subject BNSF tariff matters prior to its May 1 meeting. At the conclusion of that meeting, NAFCA (and other parties) may determine to seek additional negotiations with BNSF, to withdraw its protest and petition, or may advise the Board and the parties that it regards further negotiations as a futile effort. To allow these choices to be made and implemented, NAFCA and certain other interested shipper parties request the Board to extend the present April 5 effective date until May 20, 2002.

The U.S. Clay Producers Traffic Association, Inc. ("USCPTA"), a party that petitioned to intervene in Docket No. 42060, has reached a tentative agreement with BNSF, expects to withdraw its petition upon finalization of a joint agreement with BNSF, and requests a 45-day extension for that purpose.

BNSF does not join in the extension request, but states that it will interpose no objection.

Docket No. 42063. The Railway Progress Institute Committee on Tank Cars ("RPI") has reached a tentative agreement with UP and expects to withdraw its petition upon finalization of that agreement. In the meantime, both RPI and UP request a 45-day extension to permit their tentative agreement to be concluded.

Docket No. 42064. Among the proponents of an investigation in this proceeding, E. I. du Pont de Nemours and Company ("DuPont") has been the most active in pursuing negotiations with UP. Other interested parties have awaited the outcome of those negotiations. The outcome of this process remains uncertain. DuPont and the shipper/private car interest that have indicated an intent to participate in this proceeding also seek a 45-day extension in order to evaluate the prospects for further negotiations with UP and to determine their interests in continuing the proceeding before the Board. UP neither supports nor opposes that request.

Accordingly, the undersigned, on behalf of the parties they represent, respectfully request the Board to extend the effectiveness of its earlier decisions holding these proceedings in abeyance for an additional 45 days, or until May 20, 2002.

Respectfully submitted,



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cc: BNSF Counsel