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**American
Chemistry
Council**



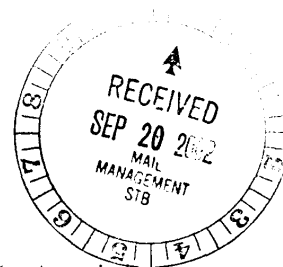
September 20, 2002

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

ENTERED
Division of Proceedings

SEP 20 2002

Part of
Public Record



Re: Docket No. 42060 (Sub-No. 1), North America Freight Car Association v.
The Burlington Northern and Santa Fe Railway Company.

Dear Secretary Williams:

The American Chemistry Council (the "Council") represents the leading companies engaged in the business of chemistry and plastics, which is a \$455 billion enterprise and a key element of the nation's economy. The business of chemistry is America's number one exporter, with more than \$80 billion in exports in 2001. Council members represent more than 90 percent of the productive capacity of basic industrial chemicals in the United States. The Council was known formerly as the Chemical Manufacturers Association.

Although chemicals and plastics are transported by various modes, in many instances they must move by rail due to product characteristics, distance, customer preference, shipment size, and other factors. The chemical and plastics industries therefore depend on railroads for the safe and efficient delivery of a wide array of raw materials and finished products. Each year, about 150 million tons of chemicals, plastics, and allied products are shipped by rail, providing railroads with approximately \$5 billion in freight revenue.



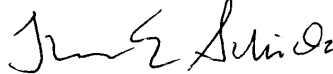
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The Council's members invest directly in the nation's rail infrastructure by maintaining their own tank car and covered hopper car fleets (with an estimated replacement value of \$7 billion) and other specialized facilities and equipment. Many, if not virtually all, of the cars operated by Council members are affected by the practices of The Burlington Northern and Santa Fe Railway Company ("BNSF") that have been challenged by North America Freight Car Association ("NAFCA") in this proceeding..

The Council accordingly desires and seeks leave to participate in this proceeding in support of the position of NAFCA. The Council will determine the extent of its active participation at a later date. Although this proceeding has not yet been set for handling under the modified procedure, and thus is not subject to the provisions of 49 C.F.R. § 1112.4, the Council nevertheless suggests that its participation in this proceeding is consistent with that rule, inasmuch as participation (1) will not unduly disrupt the schedule for filing verified statements because no such schedule has been issued, and (2) will not unduly broaden the issues raised in the proceeding because the Council contends to support the position of NAFCA. At present, the Council notes that this case has been pending before the Board for more than a year and is awaiting disposition of a Motion to Dismiss filed by BNSF. The Council urges the Board to rule promptly on that motion and to allow this litigation to go forward.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Tom E. Schick", written in a cursive style.

Thomas E. Schick
Counsel

cc: All Parties of Record