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February 11, 2005

Hon. Vernon Williams
Secretary
Surface Transportation Board
1925 K Street NW
Washington, DC 20423-0001

Re: Docket 34662

Please accept this letter respectfully supporting the position of CSX Transportation in their dispute with the District of Columbia in banning hazardous material rail traffic through this municipality. DSM Chemicals North America, Inc. believe that this action by the City Counsel to be irrational and contrary to federal laws.

The U.S. Constitution, Article 1, Section 8, Clause 3 provides that Congress has the overriding power "to regulate Commerce with foreign Nations, and among the several states, and with the Indian Tribes" thereby granting full authority over such issues as interstate traffic on the railroads to be regulated by the Federal government, not a local municipality. Legislation or rulings by state or local governments may not replace or be in dispute with laws drafted and authorized under the power of the federal government.

We believe this action by the local government of the District of Columbia is not in the best interest of commerce in our nation. If this action were to be allowed to stand and become a legitimate ruling, then this action would most certainly spread to other municipalities where eventually the shipment of hazardous materials by rail would cease to exist.

Hazardous material shipments via rail have had a wonderful safety record. Of the 1.7 million carloads of hazardous materials shipped annually, 99.996 percent arrive safely. Forcing this traffic off of our railroads and into trucks, which we believe would be the net result if this action were to be left unimpeded, would cause an exponentially larger safety hazard to a much larger percentage of the population, not to mention the increase in the volume of trucks on our already overcrowded highways.

Additionally, the adverse economic impact such an action would place on the railroads, shippers of hazardous materials, ourselves included, and ultimately the general public would promulgate severe pressure on the national economic well being.

Sincerely,



Wex Woodard
Manager, Physical Distribution



Greg Strasma
Logistics Cost Analyst