

July 21, 2005

214383

*Via Hand Delivery*

The Honorable Vernon A. Williams
Secretary
Surface Transportation Board
1925 K St. N.W.
Washington, D.C. 20423

RE: STB Finance Docket No. 42060 (Sub-No. 1), *North America Freight Car Association v. BNSF Railway Company*

Dear Secretary Williams:

Enclosed please find the original and ten (10) copies of the National Industrial Transportation League's "Petition to Establish a Date for Filing of its Brief as Amicus Curiae" for filing in the above-referenced proceeding. Also enclosed is one diskette with a copy of the Petition in PDF format.

An extra copy of this Petition is enclosed for time and date stamping and return to our offices.

If you have any questions regarding the foregoing, then please do not hesitate to contact me.

Sincerely,

Nicholas J. DiMichael
Michael H. Higgins
Counsel for the National Industrial Transportation League

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Office of Proceedings

JUL 22 2005

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Public Record

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

DOCKET NO. 42060 (SUB-NO. 1)

NORTH AMERICA FREIGHT CAR ASSOCIATION

v.

BNSF RAILWAY COMPANY

**THE NATIONAL INDUSTRIAL TRANSPORTATION LEAGUE'S
PETITION TO ESTABLISH A DATE FOR FILING OF ITS BRIEF
AS AMICUS CURIAE**



Pursuant to 49 C.F.R. § 1117.1, the National Industrial Transportation League ("NITL"), requests that the Board amend the procedural schedule in this docket by setting Monday, August 15, 2005, as the date by which NITL must submit its brief as *amicus curiae*.¹ NITL has consulted with the respective counsel for Complainant, North America Freight Car Association ("NAFCA") and Defendant, BNSF Railway Company ("BNSF"), and neither party objects to NITL's request.

Additionally, NITL submits that the filing date that it has proposed herein will not disrupt the procedural schedule in this case, delay a decision, or otherwise place an undue burden upon the Board or the parties.

¹ On June 9th, 2005, NITL submitted its "Petition to Withdraw as Intervenor and to Participate as Amicus Curiae," which remains pending at this time.

WHEREFORE, NITL respectfully requests that the Board grant the request contained herein, setting Monday, August 15th, 2005 as the date by which NITL must submit its brief as *amicus curiae*.

Respectfully submitted,

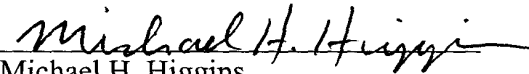

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Counsel for
The National Industrial Transportation League

Dated: July 21, 2005

CERTIFICATE OF SERVICE

I hereby certify that I have this day served copies of The National Industrial Transportation League's "Petition to Establish a Date for Filing of its Brief as Amicus Curiae" upon all parties of record in this proceeding by hand delivery.


Michael H. Higgins

July 21, 2005