

SERVICE DATE – MARCH 23, 2009

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. 42106

AMEROPAN OIL CORPORATION—PETITION FOR DECLARATORY ORDER—
REASONABLENESS OF DEMURRAGE CHARGES

Decided: March 23, 2009

On March 19, 2008, Ameropan Oil Corporation (AOC) filed a petition for declaratory order to resolve a dispute over demurrage charges assessed by Illinois Central Railroad Company (IC), as referred to the Board by the United States District Court for the Northern District of Illinois, on March 13, 2008, in Illinois Central Railroad Company v. Ameropan Oil Corporation, No. 1:07-CV-03833. By decision served on May 29, 2008, the Board adopted a procedural schedule under the Board's modified procedure provisions at 49 CFR part 1112.

On July 11, 2008, IC requested that the Board mediate this dispute and hold this matter in abeyance for a 90-day period, to which IC agreed in writing.¹ By decision served on July 22, 2008 (July 2008 decision), the Board provided a 90-day period for non-binding mediation and indicated that the Board would designate a staff member to serve as mediator. The July 2008 decision also held the procedural schedule in abeyance for 90 days, until October 20, 2008, while the parties pursued a mediated agreement. By decision served on November 12, 2008, at the joint request of the parties, the time for mediation was extended for 60 days, until December 19, 2008, and the procedural schedule was held in abeyance during that time. Most recently, by decision served on December 22, 2008, at the joint request of the parties, the time for mediation was extended for an additional 90 days, until March 19, 2009, and the procedural schedule was held in abeyance during that time.

On March 18, 2009, IC filed a request to extend the time to mediate until April 20, 2009. IC explains that the parties have met with the Board-designated mediators in this matter and that IC has provided AOC with a comprehensive arrangement to resolve this matter, which includes provisions for storage track space and the resolution of outstanding demurrage charges and future charges. IC states that AOC is seriously considering the offered arrangement. IC also indicates that both parties consent to this extension request and that the request is not opposed by the Board's mediators.

¹ The Board's regulations provide for the use of alternative dispute resolution (ADR), including mediation, in cases such as this upon the mutual consent of the parties. See 49 CFR 1109.1.

The request is reasonable and will be granted. Accordingly, the time for mediation will be extended until April 20, 2009, and the procedural schedule will be held in abeyance until then.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The request to extend the time to mediate is extended until April 20, 2009.
2. The procedural schedule is held in abeyance until April 20, 2009, while ADR procedures are ongoing.
3. This decision is effective on the date of its service.

By the Board, Anne K. Quinlan, Acting Secretary.

Anne K. Quinlan
Acting Secretary