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November 12, 2019
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Before the
SURFACE TRANSPORTATION BOARD

Docket No. EP 755✓

FINAL OFFER RATE REVIEW

Docket No. EP 665 (Sub-No. 2)

EXPANDING ACCESS TO RATE RELIEF

COMMENTS

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Samuel J. Nasca, for and on behalf of SMART-Transportation Division-New York State Legislative Board (SMART/TD-NY), pursuant to the Board's Decision dated September 11, and served September 12, 2010, submits these comments in each of the captioned proceedings.

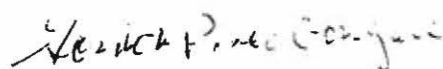
SMART/TD-NY concurs in the October 21, 2019 comments from the Association of American Railroads (AAR) with respect to opposition to the "baseball arbitration" for final Offer Rate Review suggested in Ex Parte 755. This rate proposal is another proposed adoption of a scheme adopted in Canada for certain major rate disputes, which nevertheless would be wholly inappropriate in

the United States.

Moreover, SMART/TD-NY does not believe the proposed "baseball arbitration" would serve to expand access to rate relief under Ex Parte 665 (Sub-No. 2) proposals.

These two proceedings also are related to other matters in pending proceedings at this STB, as suggested by agency Staff, and others, in Rate Reform Task Force (RRTF), and elsewhere, where SMART/TD-NY is or will be a participant. SMART/TD-NY anticipates its further developments of the issues in Ex Parte 755 & Ex Parte 665 (Sub-No. 2).

Respectfully submitted,



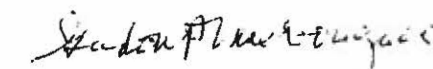
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Certificate of Service

I hereby certify I have served a copy of the foregoing upon all parties of record by first class mail postage-prepaid.

Washington DC


Gordon P. MacDougall