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**BEFORE THE
SURFACE TRANSPORTATION BOARD**

**Docket No. EP 759
Demurrage Billing Requirements**

**REPLY COMMENTS OF
THE NORTH AMERICA FREIGHT CAR ASSOCIATION**

Pursuant to the Notice of Proposed Rulemaking served by the Surface Transportation Board's ("STB" or "Board") in this docket on October 7, 2019 ("NPRM"), the North America Freight Car Association ("NAFCA") hereby submits these comments in reply to some of the opening comments filed by other interested parties in this proceeding. NAFCA has been authorized by the National Grain and Feed Association ("NGFA") to inform the Board that the NGFA supports the positions set forth herein.

In its opening comments, NAFCA recommended that the Board apply similar invoicing requirements and policies to accessorial charge invoicing, by either adopting formal rules or by including clear guidelines on accessorial invoicing practices in the final version of the proposed Policy Statement issued in EP 757. NAFCA also recommended that the Board revise proposed 49 C.F.R. §1113.4(b) to state with more specificity what "appropriate" action a railroad must take ensure the accuracy and applicability of demurrage charges. Other commenters concurred with this general recommendation. *See, e.g.,* Comments of CSX Transportation, Inc. at 11, and Comments of American Fuel & Petrochemical Manufacturers at 7-8. In addition to reiterating these recommendations, NAFCA supports the following additional recommendations made by other parties in their opening comments:

1. The recommendation of the National Industrial Transportation League (NITL) that the Board should open a rulemaking to adopt fair and reciprocal dispute resolution procedures. Comments of NITL at 10.
2. The recommendation of the Western Coal Traffic League (WCTL) and Seminole Electric Cooperative (Seminole) that, for the reasons they state, the Board should permit additional participants to provide comments in accessorial and demurrage disputes before the Board if such participation will not broaden the issues or negatively impact the procedural schedule. Joint Comments of WCTL and Seminole at 8-9.
3. The recommendation of the American Iron and Steel Institute (AISI) that the Board's final rules should require railroads, upon request from the invoiced party, to promptly provide all pertinent supporting information and documentation to verify that the charges are accurate, valid, and warranted. Comments of AISI at 8-9, 11.

In conclusion, NAFCA continues to strongly support the Board's efforts to address the current serious imbalances that have been created by railroad demurrage and accessorial billing practices and dispute resolution procedures. NAFCA urges the Board to press forward with finalizing the rules it has proposed in this docket, with the modifications suggested by NAFCA and other interested parties.

Respectfully submitted,



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