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BEFORE THE SURFACE TRANSPORTATION BOARD

November 3, 2020

Ex Parte No. 704 (Sub-No. 1)

Part of
Public Record

Review of Commodity, Boxcar, and TOFC/COFC Exemptions

**THE ASSOCIATION OF AMERICAN RAILROADS' PETITION FOR TECHNICAL
CONFERENCE**

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November 3, 2020

Petition

Pursuant to 49 C.F.R. § 1117.1, the Association of American Railroads (“AAR”) respectfully requests that the Surface Transportation Board (“STB” or “Board”) schedule a staff-supervised technical conference concerning the Board’s request for public comment on a complex new approach for evaluating market conditions in the railroad industry. A technical conference would provide an important opportunity for Board staff to clarify and discuss the approach and its methodology with stakeholders in advance of formal comments.¹

On September 30, 2020, the Board issued a decision requesting comments on an approach developed by Board staff “for possible use in considering class exemption and revocation issues,” including in considering whether to revoke existing class exemptions for: “(1) crushed or broken stone or rip rap; (2) hydraulic cement; (3) coke produced from coal; (4) primary iron or steel products; and (5) iron or steel scrap, wastes, or tailings.” Decision, *Review of Commodity, Boxcar, and TOFC/COFC Exemptions*, EP 704 (Sub No. 1), at 1 (STB served Sept. 30, 2020). The new approach’s stated aim would be to attempt to evaluate market conditions for the transportation of particular commodities, “taking into account a variety of metrics related to or indicative of rail transportation competition” and “a variety of new quantitative and qualitative data and analyses.” *Id.* at 6.

Board staff have expended significant time and effort to analyze data and design this approach to evaluate market conditions. In light of the complexities of the proposed approach, the voluminous work papers, and the importance of these issues, the Board and all interested stakeholders would benefit from an informal and collaborative discussion of the methodology in

¹ AAR will separately file a petition requesting that the Board extend the deadlines for opening and reply comments in response to the Board’s proposed approach by 60 days, regardless of whether the Board schedules a technical conference.

a technical conference held prior to the submission of formal comments. *Cf., e.g., Railroad Cost Recovery Procedures – Productivity Adjustment*, EP 290 (Sub-No. 4), at 3–4 (STB served Feb. 24, 2017). The conference would provide an opportunity for STB staff to further explain the proposed methodology, respond to questions from stakeholders, and identify potentially beneficial analyses and evidence. AAR respectfully requests that the Board schedule the technical conference for early December to both provide sufficient time for stakeholders to prepare for the conference and allow for the upcoming Thanksgiving holiday.

For the foregoing reasons, AAR respectfully requests that the Board schedule a technical conference for early December 2020.

Dated: November 3, 2020

Respectfully submitted,

/s/ Cynthia E. Richman

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