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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 EXTENSION OF
COMMENT DEADLINES**

Kathryn D. Kirmayer
Timothy J. Strafford
J. Frederick Miller Jr. (*admitted in MD*)
Association of American Railroads
425 Third Street, SW
Suite 1000
Washington, DC 20024
(202) 639-2100

Thomas H. Dupree Jr.
Cynthia E. Richman
Matt Gregory
Gibson, Dunn & Crutcher LLP
1050 Connecticut Avenue NW
Washington, DC 20036
(202) 955-8500

David L. Meyer
Law Office of David L. Meyer
1105 S Street NW
Washington, DC 20009
(202) 294-1399

*Counsel for the Association of American
Railroads*

November 3, 2020

Petition

Pursuant to 49 C.F.R. § 1110.6, the Association of American Railroads (“AAR”) respectfully requests that the Surface Transportation Board (“STB” or “Board”) extend the deadlines for opening and reply comments in response to the Board’s proposed new approach for evaluating market conditions in the railroad industry by 60 days. Alternatively, AAR requests that the Board reset the deadlines so that they fall 60 and 90 days after a staff-supervised technical conference concerning the proposed approach.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.

Given the technical nature of the proposed approach, the voluminous work papers, the need for data-intensive analysis, and the importance of these issues, the current comment deadline of December 4, 2020 does not allow stakeholders sufficient time to analyze the proposed approach and the underlying data and prepare responsive comments. Accordingly, AAR respectfully requests that the Board extend the deadline for opening comments by 60 days,

¹ AAR has separately filed a petition requesting that the Board schedule a technical conference for early December.

and reply comments to 30 days after initial comments are due. Alternatively, if the Board schedules a technical conference, the Board could reset the comment deadlines to 60 and 90 days after the conference. This would allow stakeholders sufficient time to analyze and respond to the Board's proposed approach, the work papers, and the underlying data, and, potentially, discussions with STB staff at a technical conference.

For the foregoing reasons, AAR respectfully requests that the Board extend the deadline for opening comments by 60 days, with reply comments due 30 days later. Alternatively, AAR requests that the Board reset the opening and reply comment deadlines to fall 60 and 90 days following a technical conference.

Dated: November 3, 2020

Respectfully submitted,

/s/ Cynthia E. Richman

Thomas H. Dupree Jr.

Cynthia E. Richman

Matt Gregory

Gibson, Dunn & Crutcher LLP

1050 Connecticut Avenue NW

Washington, DC 20036

(202) 955-8500

David L. Meyer

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