

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

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DOCKET NO. EP 704 (Sub-No. 1)

REVIEW OF COMMODITY, BOXCAR AND TOFC/COFC EXEMPTIONS

**PETITION OF THE
AMERICAN SHORT LINE AND REGIONAL RAILROAD ASSOCIATION
FOR EXTENSION OF COMMENT DEADLINE**

ASLRRA is a non-profit trade association representing the interests of approximately 600 short line and regional railroad members and railroad supply company members in legislative and regulatory matters. Short lines operate 50,000 miles of track in 49 states, or approximately 30% of the national freight network, connecting manufacturers, businesses and farmers in communities and small towns to larger markets, urban centers, and ports. Our railroad members operate in 49 states and in some cases account for the state's entire rail network. Class II and III railroads play a vital role in maintaining rail service over hundreds of miles of light density lines throughout the country that in many cases were candidates for abandonment by their former Class I owners. These small railroads have short lengths of haul, high fixed costs, and large capital needs for infrastructure investment, including the task of upgrading bridges and track to handle heavier freight cars. They also face pervasive competition from trucks, barges, and transloading operations for freight traffic.

On September 30, 2020, the Surface Transportation Board (STB or 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.

Pursuant to 49 C.F.R. § 1110.6, ASLRRA respectfully 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 Given the technical nature of the proposed approach and the limited resources of our small business members, the current comment deadline of December 4, 2020 does not allow our members sufficient time to analyze the proposed approach and the underlying data and prepare responsive comments. Alternatively, should the Board decline to grant the request for a staff-supervised technical conference, ASLRRA respectfully requests that the Board extend the deadline for opening comments by 60 days and reply comments to 30 days after initial comments are due.

Respectively submitted,

A handwritten signature in black ink that reads "Sarah Yurasko". The signature is written in a cursive, flowing style.

Sarah G. Yurasko
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November 11, 2020

¹ ASLRRA has separately filed comments in this Docket supporting the Association of American Railroads’ petition requesting that the Board schedule a technical conference for early December.