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Before the

SURFACE TRANSPORTATION BOARD

Ex Parte 704 (Sub-No. 1)

REVIEW OF COMMODITY, BOXCAR, AND TOFC/COFC EXEMPTIONS

REPLY COMMENTS

Gordon P. MacDougall
1025 Connecticut Ave., N.W
Washington DC 20036
Attorney for Samuel J. Nasca

March 1, 2021

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Samuel J. Nasca, for and on behalf of SMART/ Transportation Division, New York State Legislative Board (SMART/TD-NY, submits these reply comments, in response to the Surface Transportation Board (STB or Board) decision served September 30, 2020, revised decision served December 11, 2020, in the captioned proceeding.

SMART/TD-NY, named in the September 30 decision, 4n.8, has been a participant since the outset of this proceeding in the year 2010, with filing by its predecessor, United Transportation Union-New York State Legislative Board, at the same location in Albany NY. See: Ex Parte 704, Nasca, Jan. 31, 2011 (ID 228720); Feb. 11, 2011 (ID228817;hearing).

SMART/TD-NY has reviewed the many and voluminous comments, filed on or about January 29, 2021 by many parties having frequent controversies at the STB. Moreover, much additional material has been filed under seal, and oral (unrecorded) representations have been conducted. The Board's staff new proposal, in its present form, is opposed by virtually all the major public participants in the transportation industry dealing with the STB.

SMART/TD/NY, and its predecessor, among other rail employee organizations, have been active in numerous exemption proceedings. It does not favor the new staff proposal.

Respectfully submitted,

/s/ Gordon P. MacDougall

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Washington, DC 20036
Attorney for Samuel J. Nasca

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