

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Docket No. EP 711 (Sub-No. 1)

RECIPROCAL SWITCHING

**PRFBA REPLY IN OPPOSITION TO MOTION OF THE ASSOCIATION OF
AMERICAN RAILROADS TO EXTEND THE PROCEDURAL SCHEDULE**

Private Railcar Food and Beverage Association, Inc. (“PRFBA”) respectfully opposes the motion of the Association of American Railroads (“AAR”) to delay the procedural schedule in the above-captioned proceeding, including the hearing that the Surface Transportation Board (“Board”) has scheduled for March 15-16, 2022.

The AAR’s use of such a motion to delay a proceeding that has been before the Board since 2011 is especially unwarranted. Additional delay is the last thing that is needed as AAR has been aware that this matter would be a Board priority for quite some time.

Competitive switching was part of President Biden’s Executive Order (EO 14306) on competition issued July 9, 2021, and Chairman Oberman noted the importance of competitive access in his statement released the same day. The AAR’s opposition and that of its supporters was immediate. *E.g.*, <https://www.aar.org/news/biden-order-could-undermine-rail-viability-service/> (July 9, 2021); and <https://www.forbes.com/sites/roslynlayton/2021/07/16/bidens-executive-order-gets-consolidation-wrong/?sh=13b9bcf53987> (July 16, 2021). Furthermore,

AAR had sufficient concern about the possibility of action to have held ex parte meetings with individual Board Members back in September and October of 2021. Moreover, in a news release on November 11, 2021, the Board announced the date for this hearing and the reasons for it that mirror the December 28, 2021 decision formally notifying the public of the hearing. In short, the AAR has been on notice for some time.

The AAR's claim that an extension is needed to give it more time to obtain waybill data also seems to be a nonissue. AAR obviously has unique access to extensive rail data unavailable to any other parties in this proceeding. To complain that it is somehow being harmed by not having this information soon enough is not a reason to further delay this important hearing.

For the reasons stated, PRFBA respectfully opposes the AAR motion for an extension of time and asks that it be denied.

Respectfully submitted,

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