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SERVICE DATE – MARCH 14, 2022

SURFACE TRANSPORTATION BOARD

DECISION

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

RECIPROCAL SWITCHING

Decided: March 14, 2022

By notice served on December 28, 2021, the Board announced that it will hold a public hearing on March 15 and 16, 2022, concerning the reciprocal switching regulations it proposed in this proceeding. On March 1, 2022, an order was served providing hearing instructions and a list of speakers.

On March 4, 2022, Dr. James Nolan of the University of Saskatchewan submitted a notice of intent to participate in the hearing (requesting 5-10 minutes of time), which he asks for permission to file late. The Chemours Company FC, LLC (Chemours), has also notified the Board that it will not be participating in the hearing. Additionally, a number of parties scheduled to appear at the hearing, including the Association of American Railroads, Canadian Pacific Railway Limited, the Private Railcar Food and Beverage Association, Inc., and the Coalition Associations, have sought adjustments to their speaker lists.

Dr. Nolan's request to participate will be granted, and he will be allotted 10 minutes. The schedule of appearances will be updated to reflect his participation, the withdrawal of Chemours, and the adjustments by the parties mentioned above. A revised schedule of appearances is set forth in the Appendix to this decision.

It is ordered:

1. Dr. Nolan's late-filed notice of intent to participate is accepted.
2. Time for presenting at the hearing is allotted as reflected in the Appendix to this decision.
3. This decision is effective on its service date.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.

APPENDIX
SCHEDULE OF APPEARANCES

<u>Party</u>	<u>Time Allotted</u>
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Speaker

Hon. Amitabha Bose, Administrator, Federal Railroad Administration, U.S. Department of Transportation

Panel I

National Grain and Feed Association	10 minutes
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- Max Fisher, Chief Economist
- Thomas W. Wilcox, Transportation Counsel

Coalition Associations ¹	60 minutes
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- Jeff Moreno of Thompson Hine LLP, counsel
- Karyn Booth of Thompson Hine LLP, counsel

Panel II

BNSF Railway Company	15 minutes
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- Jill K. Mulligan, Vice President and General Counsel, Regulatory
- Adam Weiskittel, Assistant Vice President and Associate General Counsel, Operations
- Stevan Bobb, Executive Vice President and Chief Marketing Officer

Canadian Pacific	10 minutes
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- Tyme Wittebrood, Director of Regulatory Finance
- David L. Meyer, counsel

Union Pacific	25 minutes
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- Jennifer Hamann, Executive Vice President and Chief Financial Officer
- Kenny Rocker, Executive Vice President Marketing & Sales
- Eric Gehringer, Executive Vice President Operations

¹ Each association of the Coalition Associations will have a representative available to answer questions during the hearing: Jeff Sloan for the American Chemistry Council, Michael McBride for The Chlorine Institute, Eamon Monahan for the Corn Refiners Association, Justin Louchheim for The Fertilizer Institute, and Ross Corthell for The National Industrial Transportation League.

- Michael Rosenthal of Covington & Burling LLP

Panel III

Association of American Railroads (AAR) 75 minutes

- Ian Jefferies, President and CEO of AAR
- Michael R. Baranowski, Senior Managing Director at FTI Consulting
- Jonathan Orszag, Senior Managing Director and Executive Committee Member at Compass Lexecon
- Mark Fagan, Lecturer in Public Policy at Harvard Kennedy School, Harvard University
- Debra J. Aron, Vice President in Charles River Associates' Competition Practice
- Benjamin J. Horwich of Munger, Tolles & Olson LLP, counsel for AAR

Panel IV

Private Railcar Food and Beverage Association, Inc. 15 minutes

- Herman Haksteen, President
- Daniel Elliott, counsel

U.S. Wheat Associates 10 minutes

- Dalton Henry, Vice President of Policy

Glass Packaging Institute 5 minutes

- Scott DeFife, President

Industrial Minerals Association - North America 5 minutes

- Chris Greissing, President

Institute of Scrap Recycling Industries, Inc. 10 minutes

- Bobby Triesch, Vice President and Regional General Manager of SA Recycling
- Karyn Booth, counsel

Panel V

American Short Line and Regional Railroad Association (ASLRRA) 30 minutes

- Chuck Baker, ASLRRA President
- Dr. David Clarke, Consulting Engineer
- Doc Claussen, ASLRRA Chairman of the Board

Panel VI

Dr. James Nolan, University of Saskatchewan, Canada 10 minutes

Diversified CPC International, Inc. 15 minutes

- Sandra Dearden of Highroad Consulting, Ltd.

Indorama Ventures 15 minutes

- Hussam Awad, Senior Vice President, Procurement and Supply Chain Head
- Barbara Hagler, North America Logistics Manager
- H. Baker Lane, North America Logistics Manager

Reason Foundation 5 minutes

- Marc Scribner, Senior Transportation Policy Analyst

Panel VII

Norfolk Southern Railway Company 30 minutes

- Cindy Sanborn, Executive Vice President and Chief Operating Officer
- David Sappington, Professor at the University of Florida
- Dr. Mark Israel of Compass Lexecon
- Raymond A. Atkins of Sidley Austin LLP

Canadian National Railway Company, U.S. Rail Operating Subsidiaries 25 minutes

- Rob Reilly, Executive Vice President and Chief Operating Officer
- Bernd Beyer, Vice President and Treasurer
- Andreas Aeppli of Cambridge Systematics
- Kathryn J. Gainey, Deputy General Counsel
- Matthew J. Warren of Sidley Austin LLP, counsel

CSX Transportation, Inc. 30 minutes

- Sean R. Pelkey, Executive Vice President and Chief Financial Officer
- Raymond A. Atkins of Sidley Austin LLP