

SURFACE TRANSPORTATION BOARD

DOCKET NO. EP 762
REVISIONS TO REGULATIONS FOR EXPEDITED RELIEF FOR SERVICE
EMERGENCIES

COMMENTS FROM
MILITARY SURFACE DEPLOYMENT AND DISTRIBUTION COMMAND

This statement is in regard to the Surface Transportation Board (STB) Federal Register Docket Number EP 762, which was decided on April 22, 2022 and published in the Federal Register on May 2, 2022. EP 762 is a notice of proposed rulemaking concerning revisions to the regulations for expedited relief for service emergencies.

On behalf of the Department of Defense (DOD), the Military Surface Deployment and Distribution Command (SDDC) has an ongoing interest concerning the preservation of adequate railroad service for moving military cargo.

Railroads typically prioritize military cargo and collaborate well to solve unique military issues that arise. That said, SDDC realizes that relationships and past performance cannot always overcome friction caused by economic decisions within a corporation or external events outside the control of the carrier. Therefore, from a general national defense preparedness perspective, SDDC endorses the Board's proposed rulemaking in this docket, as shown in Appendix A, and sees the potential for a significant improvement from adding § 1146.2 Accelerated Process.

SDDC recommends that the STB modify language in proposed § 1146.2 Accelerated Process wherein a "threat to national defense" is identified as an emergency where the Accelerated Process is applicable. "National defense" should be added alongside "public health, safety, or food security," in listing the potential threats able to be addressed through this process. The second sentence of § 1146.2 would then read, "Such emergencies exist when there is a clear and present threat to public health, national defense, safety, or food security, or a high probability of business closures or immediate and extended plant shutdowns."

Clearly, the national defense is one very important aspect of the public interest, and the timely deployment of military units to a port or timely movement of critical defense materiel are important to that end.

Dated: 12 May, 2022

Respectfully submitted,
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