



LAW OFFICE OF THOMAS W. WILCOX, LLC
1629 K. STREET, NW SUITE 300
WASHINGTON, DC 20006

(202) 508-1065 (O)

(202) 365-8409 (C)

TOM@TWILCOXLAW.COM

WWW.TWILCOXLAW.COM

305162

ENTERED
Office of Proceedings
August 18, 2022
Part of
Public Record

August 18, 2022

By E-Filing

Ms. Cynthia T. Brown
Chief, Section of Administration
Surface Transportation Board
395 E Street, SW
Washington, D.C. 20423

Re: STB Docket EP 768, *Petition for Rulemaking to Adopt Rules
Governing Private Railcar Use by Railroads*

Dear Ms. Brown:

This letter is submitted on behalf of the Petitioners¹ in this proceeding for the purpose of informing the Board and participating parties of a minor issue concerning the analysis of Car Location Message (“CLM”) Event Sighting Codes data that was submitted with Petitioners’ Opening Comments by the Verified Statement of Mr. Mathew R. Johnson, Vice President of Technology and Information Services of AllTranstek (“Johnson V.S.”). The issue came to light during the process of Petitioners furnishing the data underlying the analysis to the Association of American Railroads pursuant to its request. Specifically, it was discovered that out of the 89,851 total railcars for which CLM data was provided to AllTranstek by the study participants, 121 of the railcars were actually either railroad-owned railcars that a study participant erroneously labeled private railcars or were railcars not in the Umler® database because of a data transmission matter.

The removal of these 121 railcars from the CLM data analyzed by Mr. Johnson translates into slight reductions in the (1) total individual CLM Events² (59,186,977 to 59,014,506); (2) total

¹ North America Freight Car Association, The Chlorine Institute, The National Grain and Feed Association, and the National Oilseed Processors Association.

² An Event is a period of idle time under the applied criteria. Johnson V.S. at 4.

Law Office of Thomas W. Wilcox, LLC

Ms. Cynthia T. Brown
August 18, 2022
Page 2

Trips³ collected (956,811 to 953,749); (3) total Trips with at least one Event over 48 hours (526,537 to 525,625); and (4) total Trips with at least one Event in excess of 72 hours (297,889 to 297,481). See Petitioners' Opening Comments at 6-8; and Johnson V.S. at 6-8. However, the removal of the 121 railcars from the study also resulted in slight increases in the respective percentage of Events where a private railcar was held for more than 48 hours or 72 hours. Private railcars held for more than 48 hours increased from 56.37% to 56.38%, or .01%, and private railcars held for more than 72 hours increased from 31.32% to 31.34%, an increase of .02%. See Johnson V.S. at 6. This indicates the 121 railcars removed from the sample were not being delayed as long as the private railcars in the shippers' fleets.

Please do not hesitate to contact me if you have any questions. I certify I have served a copy of this letter by email to all parties on the official service list.

Sincerely,



Thomas W. Wilcox
An attorney for Petitioners

³ The study defines Trip as "a collection of sighting data points that are sorted and organized in order from the origin to the destination of the railcar." *Id.* at 2.