

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

ENTERED
Office of Proceedings
September 27, 2023
Part of
Public Record

Docket No. EP 711 (Sub-No. 2)

RECIPROCAL SWITCHING FOR INADEQUATE SERVICE

**FREIGHT RAIL CUSTOMER ALLIANCE REPLY
TO MOTION OF ASSOCIATION OF AMERICAN RAILROADS
TO EXTEND THE COMMENT PERIOD**

The Freight Rail Customer Alliance ("FRCA") strongly opposes the motion that the Association of American Railroads ("AAR") filed September 23, 2023, to extend the comment period in EP 711 (Sub-No. 2), *Reciprocal Switching for Inadequate Service* (STB served Sept. 9, 2023).

The AAR's claim that it "recognizes and appreciates the Board's desire to proceed expeditiously" (AAR at 1) is belied by its request to triple the length of the comment period. The "only novel and significant change in an important aspect of freight rail regulation" (*id.*) proposed by the Board is that shippers would have more readily available remedies when railroad service suffers, as it has done so in recent years by the railroads' own admissions. The remedies proposed should have been in place long ago and are modest compared to the harm that the railroads have inflicted. Rather than seek delay, the railroads should be grateful that the Board is not adopting the more ambitious measures that it previously proposed in EP 711 (Sub-No. 1).

The railroads already have far greater data and available resources than other stakeholders in this proceeding. The railroads should not be allowed to leverage that substantive advantage into a procedural one, especially in a proceeding to address railroad service that is frequently delayed and otherwise deficient and inadequate.

The Board's press release that accompanied its decision stated that "Stakeholders can expect prompt action on this proposal." The railroads should not be allowed to undermine that statement through a filing submitted a little over two weeks after issuance of the proposal itself. The fact that railroads have all too frequently been able to extract such delay in the past (AAR at 5) is no reason to allow them to do so here.

Respectfully submitted,



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