

**Surface Transportation Board  
Ex Parte 711 (Sub-No. 2)—Reciprocal Switching**

307525

Summary of Ex Parte Meeting held on November 15, 2023, between  
American Forest & Paper Association  
and Member Schultz

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Office of Proceedings  
November 21, 2023  
Part of  
Public Record

**American Forest & Paper Association (“AF&PA”) Attendees:**

- David Ross, Manager, Government Affairs, AF&PA
- Maria Komourdjian, Director of Transportation, Resolute Forest Products
- John Cribb, Manager, Sylvamo
- Matthew Chaiken, Government Relations Associate, Sylvamo
- Bruce Ridley, Senior Vice President, Packaging Corporation of America
- Ross Corthell, Vice President of Transportation, Packaging Corporation of America
- Mona Moorman, Domtar
- Julie Alsup, Director, International Paper
- Tyne Brownlow, International Paper
- Shannon Wiley, International Paper
- Karyn Booth, Thompson Hine LLP
- Richard Couch, Thompson Hine LLP

**STB Attendees:**

- Member Michelle A. Schultz
- Jessica Caine

**Meeting Summary:**

The meeting began with introductions. AF&PA and its members thanked the STB Attendees for the opportunity to meet and discuss the Board’s proposed rule and the issues in this proceeding.

AF&PA acknowledged that the Board’s Reciprocal Switching Notice of Proposed Rulemaking (“NPRM”) was a step in the right direction to address inadequate rail service and that it also supports additional regulatory changes to increase competition in rail service more broadly. AF&PA proposed that the Board partially revoke the exemption for paper and forest products to allow shippers of those commodities access to the reciprocal switch rule. AF&PA added that its members also typically ship these exempt commodities under rail transportation contracts.

AF&PA stated that the forest and paper products industry has experienced rail service reliability and car supply challenges for years. AF&PA emphasized that the exempt status of most paper and forest products minimizes options to address these challenges. One AF&PA member expressed concern that the NPRM metrics are based on extremely poor rail performance.

Member Schultz asked what the impact would be if a shipper petitioned for a reciprocal switch and revocation of exemption simultaneously. AF&PA responded that the shipper would have to first litigate the revocation which adds costs and burdens. AF&PA expressed concern that

railroad filings intend to narrow accessibility to the reciprocal switching rule even further by asserting that only after revocation was granted could railroad data be used to determine whether the metrics have been met.

Member Schultz asked about railroad data and if shippers maintain similar data. AF&PA noted that service metric data was a prerequisite to filing a complaint, and that there are likely standardization issues regarding the data maintained by railroads versus shippers. AF&PA continued stating that the railroad data could be maintained and provided in a different manner than the shipper's data, and added that many smaller shippers lack the capacity to keep sufficient railroad data. One AF&PA member added that the data railroads and shippers kept could also be different. AF&PA noted the importance of having access to individual shipper data maintained by the railroad, prior to the shipper filing a petition, to eliminate any discrepancies between the data maintained by the rail and shipper.

Regarding the metrics in the NPRM, one AF&PA member stated that its rail service was episodic and highly variable, whereby it experiences inadequate service, followed by improvements, followed by inadequate service for varying periods of time. Because of this, the member expressed concern with measuring the 60% service reliability metric over consecutive 12-week periods as proposed in the NPRM. AF&PA recommended that the Board consider a graduated reliability metric both early and late deliveries which would further incentivize railroads to meet their own OETAs.

Another AF&PA member observed that the 60% service reliability metric as proposed in the NPRM was not the threshold of good service. Rather, the metric was the floor at which point the STB would take action.

AF&PA stated that its members have experienced substantial rail service challenges as documented in other STB proceedings and they have a need for the inadequate service remedy proposed in the NPRM. AF&PA members want to benefit from the NPRM and believe that exemption revocation would be consistent with the rail transportation policy and the public interest. Accordingly, AF&PA stated that requests the Board partially revoke the exemptions for forest and paper products. Member Schultz stated she understood and looked forward to seeing the point addressed in AF&PA's reply comments.

The meeting concluded with each side thanking the other for participating in the meeting.