

**SURFACE TRANSPORTATION BOARD****Docket No. EP 711 (Sub. No. 2)*****Reciprocal Switching for Inadequate Service*****Summary of Ex Parte Meeting Between CN  
and Surface Transportation Board Member Michelle Schultz****November 28, 2023****ENTERED**  
**Office of Proceedings**  
**December 1, 2023**  
**Part of**  
**Public Record**

CN Attendees: Greg Hartley, Director, Asset Planning and Quality, Network Operations; Kathryn Gainey, Deputy General Counsel; Allison Davis, Sidley Austin LLP

STB Attendees: Michelle Schultz, Board Member; Jessica Caine, Attorney Advisor

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CN thanked Member Schultz for the opportunity to meet to discuss CN's use of metrics. CN also encouraged the Board to hold a technical workshop on the metrics, in which CN would be an active participant.

Mr. Hartley explained that high-level measures are useful for understanding overall fluidity and trends, but do not include enough information to shed light on underlying causes and potential solutions for any developing trends. He explained that as part of CN's efforts to run its network fluidly, CN will do a deep dive into such high-level measures to understand what is going on and why the network is being impacted. As an example, Mr. Hartley explained that while cycle time (the amount of time for cars to move from origin, to destination, and back to origin) is a useful measure that can be used to understand supply chain fluidity at a high level, CN breaks that metric down into multiple components, such as loaded v. empty, online v. offline, on train v. in yard, by commodity, by car type, etc., and that these subcomponents help CN understand factors that could be impacting the high-level metric of cycle time for a particular lane in a particular supply chain.

Mr. Hartley also explained that CN's measures can be impacted by a number of external factors, such as winter conditions, which can vary in severity and location from year to year, but can impact operations and capacity to maintain safety during extreme cold or heat. Member Schultz asked how CN would modify the rule to account for a scenario such as this, and whether the catch-all language of the affirmative defenses section would encompass this scenario. CN responded that additional clarity as to the additional types of defenses that would be considered would be useful, and offered to address the language of affirmative defenses on reply.

Member Schultz and CN then discussed the data available to customers through CN's eBusiness tools. Member Schultz and CN discussed the fact that there are differences in carrier systems, and CN explained that its eBusiness tools are geared toward providing real-time information that offers customers visibility into their supply chain and first mile/last mile service.

CN and Member Schultz thanked each other for their time.