

SURFACE TRANSPORTATION BOARD**Ex Parte 711 (Sub-No. 2)****Summary of Ex Parte Meeting Between Norfolk Southern Railway Company Part of****and Surface Transportation Board Vice Chairman Karen Hedlund****November 30, 2023****ENTERED**
Office of Proceedings
December 1, 2023**Public Record**Norfolk Southern Attendees:

- Tom Zoeller, General Counsel Markets and Regulation
- Hanna Chouest, Deputy General Counsel
- Randy Noe, AVP Regulatory Affairs
- Raymond Atkins, Counsel to Norfolk Southern

STB Attendees:

- Karen Hedlund, Vice Chairman
- Charles Vance, Attorney Advisor

Meeting Summary:

Norfolk Southern began the meeting by thanking Vice Chairman Hedlund and staff for meeting. Vice Chairman Hedlund likewise thanked the Norfolk Southern team.

Norfolk Southern expressed its appreciation to the Board for the direction it is taking in EP 711 (Sub-No. 2) and indicated that its comments are intended to offer constructive improvements to the Board's proposal without disrupting the overall framework. One suggestion offered by Norfolk Southern was to require a pre-complaint cure period so that railroads would have an opportunity to address service concerns brought to their attention by a shipper before a complaint is brought to the STB.

Next, Norfolk Southern focused on adding flexibility to the rule to allow railroads to introduce additional evidence to flesh out whether opening a switch is an appropriate remedy in a particular case. Citing the example from its written comments where a railroad could trigger one or more of the metrics by operationalizing safety enhancements over its network, Norfolk Southern encouraged the Board to avoid driving railroads to bad public policy outcomes by making the metrics-driven approach of the proposed rule too rigid. Norfolk Southern also referenced a number of technical proposals in its written comments, such as methods to improve data quality and to better ensure that the triggering metrics demonstrate actual market failure.

Finally, Norfolk Southern raised the issue of contract traffic. Norfolk Southern encouraged limiting the proposed rule to matters within the Board's jurisdiction. In Norfolk Southern's view, that would require excluding contract traffic from the scope of the rule.

Norfolk Southern thanked Vice Chairman Hedlund and staff for the opportunity to discuss the Board's proposal in EP 711 (Sub-No. 2), and Vice Chairman Hedlund thanked the Norfolk Southern team for meeting with her and offering its perspective.