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Public Record

Hon. Ann D. Begeman, Acting Chairman
Surface Transportation Board
395 E. Street, S.W.
Washington, D.C. 20423

Hon. Deb Miller, Member
Surface Transportation Board
395 E. Street, S.W.
Washington, D.C. 20423

Hon. Daniel R Elliott, III, Vice Chairman
Surface Transportation Board
395 E. Street, S.W.
Washington, D.C. 20423

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Washington, D.C. 20423

Dear Chairman Begeman, Vice Chairman Elliott, and Member Miller:

Under the Surface Transportation Board Reauthorization Act of 2015 you have made significant progress in fulfilling the mandates of the new law to help enhance the efficiency of the STB. Your periodic reports to Congress reflect that progress.

Included as a component of that progress are proposed regulations to improve the process for Offers of Financial Assistance and to protect it against abuse. Docket EP-729 was initiated for that purpose and the milestones last reported to Congress on January 3, 2017 have all been met. These proposed regulations are designed to help accomplish the strategic goals of providing timely, efficient and decisive regulatory process to all.

We are responsible for submitting one of the only six comments on the proposed regulations before the deadline of January 3, 2017. We are also mindful that you have been asked to defer further consideration of pending rules concerning your regulation of railroads' business practices until such time as President Trump has nominated, and the United States

Senate has confirmed, suitable new candidates for the STB, and until you have gathered sufficient economic data for a full complement of five Commissioners to make wise decisions in the best interests of all regulated parties.¹ The Senators' concerns for the adoption of economic regulations do not appear to touch these proposed regulations for the STB's own internal process, and the regulated community has indicated strong support for their adoption. Therefore, we respectfully urge you to act now and adopt the regulations proposed in Docket EP-729 while other, and more complex matters, await further action by the President and the United States Senate to increase your membership to a full complement of five members.

Thank you.

Very truly yours,

WATERS, McPHERSON, McNEILL, P.C.

BY:



DANIEL E. HORGAN

cc: See attached service list

¹ December 13, 2016 letter from Senators Daines, Rubio, Moran, Blunt and Sullivan. Source: STB.gov >E-library >correspondence >congressional correspondence >2016 >December

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