

ILLINOIS HOUSE OF REPRESENTATIVES

DISTRICT OFFICE:

528 HENRY STREET
ALTON, ILLINOIS 62002
618/465-5900
618/465-5150 FAX

CAPITOL OFFICE:

269-S STRATTON BUILDING
SPRINGFIELD, ILLINOIS 62706
217/782-5996
217/558-0493 FAX

EMAIL: DVBEISER@SBCGLOBAL.NET



DAN BEISER
STATE REPRESENTATIVE
111TH DISTRICT

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November 29, 2016

EP 711 (Sub-No. 1)

The Honorable Daniel R. Elliott III
Chairman
United States Surface Transportation Board
395 E Street, SW
Washington, DC. 20423-0001

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ENTERED
Office of Proceedings
December 12, 2016
Part of
Public Record

The Honorable Debra Miller
Vice Chairman
United States Surface Transportation Board
395 E Street, SW
Washington, DC. 20423-0001

The Honorable Ann D. Begeman
United States Surface Transportation Board
395 E Street, SW
Washington, DC. 20423-0001

Dear Chairman Elliott and Surface Transportation Board Members:

The railroad industry is a critical part of our country's economic success, and the success of the state of Illinois. Several of the current proceedings underway at the Board, if not handled with utmost caution and deliberation, could result in significant unintended consequences for the health and efficiency of the nation's rail network.

Recently, however, the Board has advanced several new regulatory proceedings that it has framed as providing additional avenues for shippers to seek regulatory oversight and relief. These efforts include a proposal to require one railroad to open up its line to a competitor through switching in certain instances.

Taken together, these proposals have the potential to dramatically change the regulatory regime that has been successful in allowing a safe and efficient freight rail system to develop. Excessive regulatory involvement in routing, rates, and other railroad operations were hallmarks of the faltering rail system prior to the Stagger's Railroad Act of 1980. Railroads have relied on that regulatory system to complete mergers and enhance single line service for the benefit of the entire rail system's operations. Since 1980, to preserve the existing, successful system, Congress repeatedly has considered and rejected legislation advancing many of the same concepts that are in the Board's regulatory

proposals. Any significant policy change in favor of the greater regulation like that which bankrupted many railroads in the 1970's is the prerogative of Congress, not a regulatory agency.

It is critical that these proposals should they progress through the regulatory process, be grounded in sound, well-established economic principles and supported by data-driven empirical analysis of their impact. All stakeholders in the rail network have relied on the current structure in making investment decisions, and all shippers will feel the impacts of any changes. At a time when freight traffic is only expected to grow in this country – by nearly 60 percent by 2040 – doing anything that would weaken the nation's railroads' abilities to meet the transportation needs of the country could have dire consequences for our economy.

Thank you for your careful consideration of this important matter.

Respectfully yours,

A handwritten signature in black ink that reads "Dan Beiser". The signature is written in a cursive style with a large, stylized "D" and a dot over the "i".

Dan Beiser
State Representative 111th District