

Surface Transportation Board
Final Offer Rate Review
Ex Parte No. 755

Summary of Meeting Between Association of American Railroads
and Chairman Begeman

Surface Transportation Board offices
October 22, 2019

248676

Meeting Attendees

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October 28, 2019
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STB

Ann Begeman – Chairman
Amanda Gorski – Attorney-Advisor
Craig Keats – General Counsel
William Brennan – Director, Office of Economics
Chris Diamond – Attorney-Advisor, Office of Proceedings
Adam Kress – Attorney, Office of General Counsel

AAR

Tom Dupree – Partner, Gibson, Dunn & Crutcher LLP
Ian Jefferies – President and Chief Executive Officer
Timothy Strafford – Associate General Counsel & Corporate Secretary

Summary

The meeting began with AAR thanking Chairman Begeman for the meeting and the opportunity to discuss this proceeding. AAR pointed to its letter filed on October 21, 2019, that expressed deep concern with the legality of the proposal for final offer rate review (“FORR”) that was contained in a Notice of Proposed Rulemaking (“NPRM”) issued on September 12, 2019. AAR noted what it considers to be several legal deficiencies in the NPRM proposal including violations of Constitutional due process, the Board’s governing statute, and the Administrative Procedure Act.

Chairman Begeman and STB staff probed these arguments. AAR explained its view that FORR is fatally flawed as a whole. The group also discussed the status of the EP 665 (Sub-No 2) proceeding.

The parties expressed appreciation for the meeting.