



Surface Transportation Board
Washington, D.C. 20423-0001

February 20, 2020

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The Honorable Denver Riggleman
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The Honorable Trey Hollingsworth
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Dear Members of Congress:

Thank you for your letter regarding Association of American Railroads—Petition for Rulemaking, Docket No. EP 752, and the report issued by the Board’s Rate Reform Task Force (RRTF). We appreciate knowing your views on these important matters. Your letter has been entered into the docket for EP 752 and posted to our website.

As you know, in November 2019, the Board issued a decision in EP 752 soliciting information on whether and how particular cost-benefit analysis approaches might be more formally integrated into the agency’s rulemaking process. In December 2019, we granted a motion to modify the procedural schedule. Opening comments were due on January 31, 2020, and reply comments are due by March 20, 2020. We look forward to thoroughly reviewing all the comments we receive.

We also appreciate your comments regarding the RRTF report, which was issued last April. As we have each publicly stated, a top priority is reforming the Board’s rate review methodologies and processes in order to make them more accessible, efficient, and transparent, including for small rail customers who do not currently believe they have a sufficient rate review option available to them. Consistent with its directive, the RRTF gathered wide-ranging input from the public, including through informal meetings with representatives of rail customers and carriers, as well as academics, practitioners, and other interested parties.

After carefully reviewing the RRTF report, the Board proposed a new rate review option for smaller cases (Final Offer Rate Review, Docket No. EP 755), a streamlined market dominance process that could be used in any rate review proceeding (Market Dominance Streamlined Approach, Docket No. EP 756), and revised regulations to improve the utility of the Waybill Sample reporting that railroads submit to the Board (Waybill Sample Reporting, Docket No. EP 385 (Sub-No. 8)). The Board requested public comment on each of these proposals. The Board also held a two-day public hearing in December 2019 on revenue adequacy issues in the RRTF report (Hearing on Revenue Adequacy, Docket No. EP 761, and Railroad Revenue Adequacy,


Docket No. EP 722). Following the hearing, the record remained open until February 13, 2020, to allow parties to supplement their testimony. We are now considering the testimony and comments received.

Thank you again for your interest in the Board's work. If you or your staff have any questions, please contact us or Ms. Lucille Marvin, the Board's Director of the Office of Public Assistance, Governmental Affairs, and Compliance, at (202) 245-0238.

Sincerely,


Ann Begeman
Chairman


Patrick Fuchs
Board Member


Martin Oberman
Vice Chairman