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BEFORE THE
SURFACE TRANSPORTATION BOARD

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Ex Parte No. 724 (Sub-No. 4)

United States Rail Service Issus – Performance Data Reporting

COMMENTS

submitted by

THE NATIONAL INDUSTRIAL TRANSPORTATION LEAGUE

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The National Industrial Transportation League (League or NITL) respectfully submits these Comments in response to the Notice of Proposed Rulemaking (NPR) issued by the Surface Transportation Board (STB or Board) in a decision served December 30, 2014 in this proceeding. The League was founded in 1907 and represents companies engaged in the transportation of goods in both domestic and international commerce. The majority of the League's members include shippers and receivers of goods; however, third party intermediaries, logistics companies, and other entities engaged in the transportation of goods are also members of the League. Rail transportation is vitally important for League members, and many League members depend upon efficient and effective rail service for the transportation of their goods.

In its NPR, the Board noted that the agency has been closely monitoring the rail industry's performance since service problems began to emerge in late 2013, and that service problems have impacted the transportation of a wide range of commodities. In response, the Board has held two public hearings, at which shippers and others noted the lack of publicly available information related to rail service, and requested access to more and better data. In response, on October 8, 2014, the Board ordered all Class I railroads and the Class I railroad

members of the Chicago Transportation Coordination Office (“CTCO”) to file reports on a weekly basis, containing specific performance data. See, U.S. Rail Service Issues – Data Collection, EP 724 (Sub-No. 3), served October 8, 2014 (Interim Data Order). In this proceeding, the Board is proposing to make permanent, with a few changes, the weekly service reporting requirements that the agency instituted last October. The Board indicated in its NPR that the permanent collection of this data would “improve the Board’s ability to identify and help resolve future regional or national service disruptions more quickly . . .” and would also benefit rail shippers “by helping them to better plan operations and make informed decisions based on publicly available, near real-time data . . .” NPR, p. 2. The Board asked for comments from the public on its proposed rules.

LEAGUE COMMENTS

The League supports the Board’s proposed rules, and offers some suggestions below. The League believes that the Board’s proposal will provide the Board and the shipping public with useful information about the operation of the nation’s rail system, without unduly burdening the nation’s carriers. Significantly, the Board issued its Interim Data Order on October 8, 2014, and the railroads were able to comply with that order just two weeks later, a timetable that strongly indicates that the information asked for in the order was readily available. The Board’s modifications to the Interim Data Order information in its NPR deletes certain information required in the Interim Data Order and adds only one new easily-obtained item, namely, a quarterly listing of all work-in-progress, major rail infrastructure projects. See, NPR, p. 4. Thus, it appears that the burden of collecting and submitting this information on the nation’s rail carriers is minimal.

The League proposes herein a few suggestions to improve the Board's proposal even further.

In its NPR, the Board notes the importance of Chicago in the nation's rail system. See, NPR, pp. 2 and 3. The League believes that the Board's focus on Chicago is entirely appropriate and important. The Board has proposed, in Section 1250.3(b), that the carriers report on car volume in various Chicago area yards. The League also notes that the Board has, in proposed Section 1250.3(a)(2), asked that the carriers report weekly average terminal dwell time, but only for each carrier's system. The League believes that the reporting for Chicago would be improved if the Board received information not only on system average terminal dwell, but also dwell time in Chicago. Car volume will give indirect information on how long cars might be held in Chicago, but directly asking for information on terminal dwell in Chicago would provide more specific information that would permit the Board to monitor the situation in Chicago more effectively and could help shippers better understand and plan for shipment deliveries and potential delays.

In its NPR, the Board noted that the Canadian Pacific urged the Board to require the Belt Railway of Chicago (BRC) and the Indiana Harbor Belt Railroad (IHB) to report "appropriate metrics" on a weekly basis, given the importance of the Chicago Terminal and the key position that these two smaller carriers occupy in that terminal. See, NPR, p. 6 and CP Comment, U.S. Rail Service Issues – Data Collection, EP No. 724 (Sub-No. 3), filed October 22, 2014, p. 1. The League believes that the CP's suggestion in general has merit. However, it is also clear that the metrics for these two Chicago short lines should be more limited and perhaps different from the metrics that the Class Is are required to report in proposed Section 1250. The League urges the

Board to work with both the nation's Class I rail carriers as well as the BRC and the IHB, to develop appropriate metrics for those two carriers.

However, aside from information related to Chicago and the reporting by State of certain information related to orders of specified commodities in proposed Section 1250.3(a)(8), the Board's proposed data reporting lacks any geographic information that might reveal where there are problem areas in the system. Yet, many of the "expressions of concern" cited by the Board on page 2 of its NPR specifically asked the Board to obtain information related to key rail corridors. See, e.g., Letter of the National Grain and Feed Association, May 6, 2014, p. 2 (information related to the "heavy grain corridors of the Pacific Northwest and Texas Gulf"); Letter of the Western Coal Traffic League, March 13, 2014, p. 4 (information related to "performance over key corridors"); petition of WCTL, March 24, 2014, p. 8 (specifying key corridors); September 4, 2014 hearing transcript in EP 724, p. 288 (citing need for information related to "heavy grain corridors of the PNW and Texas Gulf"); and September 4, 2014 statement by David Wanner for information related to certain rail corridors, p. 5.

Accordingly, the League suggests that the Board add a metric that would require each Class I railroad to provide information on average train speed over key corridors, or by region. In order to obtain such geographic information without unduly burdening carriers, the Board may wish to consider scheduling meetings between its staff and the staff of individual Class I rail carriers, to explore how the various carriers monitor service information over key corridors, and to enter into agreements with individual carriers to have them provide relevant information. It would be particularly helpful if the carriers would also provide information on service goals in these key corridors, so that the actual average train speed could be compared to the carrier's service targets.

Additionally, the League notes that the Board's proposed service metrics seek relatively little information on cars and trains in manifest service. Yet, carload shippers are some of the most important on the carriers' systems, and the service requirements for manifest trains are complex and extremely important to shippers. The League suggests that the Board amend its proposed regulations to require Class I carriers to report "average miles per day for railcars handled in manifest train service." This metric would be a useful extension of two of the metrics that the Board is already proposing.

Specifically, in proposed Section 1250.3(a), the Board would require the carriers to provide "system-average train speed by the following train types for the reporting week." One of the "train types" listed is "manifest." Thus, the Board's current proposal would require system-average train speed for manifest trains. However, the Board's proposed metric for manifest system-average train speed is specifically restricted to train speed "between terminals." See proposed Section 1250.3(a)(1). Thus, the metric as proposed would not provide a view as to the total time for manifest service. However, in proposed Section 1250.2(a)(2), the Board seeks information on "terminal dwell time." But that information is not divided by train types. Thus, the Board simply needs to require carriers to report on terminal dwell by various train types, including manifest service, and combine that information with its current request for system-average train speed for manifest trains. The League believes that carriers may already possess dwell time information by train type, since proposed Section 1250.3(a)(4) already asks for dwell time for a variety of unit trains.

In proposed Section 1250(a)(3), the Board is requesting the carriers to report weekly average cars on line by various car types. The League believes that this metric might be even more useful if the carriers would further divide the weekly average cars on line by various car

types, by loaded and empties for each car type. Such a further specification could permit the identification of particular problems on the system.

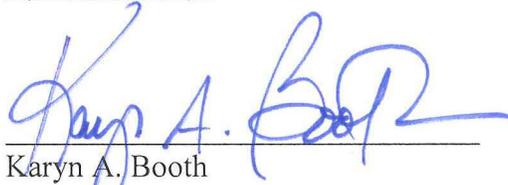
Finally, the NPR notes that The Fertilizer Institute submitted a letter asking the Board to require separate reporting with regard to fertilizer shipments. See, NPR, p. 7, citing to letter of The Fertilizer Institute, pp. 1-2, in U.S. Rail Service Issues – Data Collection, Ex Parte 724 (Sub-No. 3), filed October 24, 2014. Fertilizer is a substantial commodity transported by the nation’s rail carriers, and the information related to the commodities broken out under the Board’s proposals (grain, ethanol, coal, etc.) in proposed Section 1250.3(a)(4) and (6) would not shed light on the status of service with respect to fertilizer. The League supports TFI’s request.

The League appreciates this opportunity to make its views known the Board.

Respectfully submitted,

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