

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. EP 711 (Sub-No. 1)

RECIPROCAL SWITCHING

Decided: September 1, 2016

On July 27, 2016, the Surface Transportation Board (Board) issued a Notice of Proposed Rulemaking (NPR) proposing rules which would allow a party to seek a reciprocal switching prescription that is either practicable and in the public interest or necessary to provide competitive rail service, in accordance with 49 U.S.C. § 11102(c)(1). The NPR established a procedural schedule under which opening comments are due by September 26, 2016, reply comments are due by October 25, 2016, requests for ex parte meetings are due by October 10, 2016, and ex parte meetings will take place between October 25 and November 14, 2016.

On August 10, 2016, the Association of American Railroads (AAR) filed a request to extend the procedural schedule as follows: opening comments due by October 26, 2016, reply comments due by January 13, 2017, requests for ex parte meetings by January 17, 2016, and ex parte meetings beginning January 30, 2017. The American Short Line and Regional Railroad Association filed a reply on August 15, 2016, supporting AAR's request.

On August 15, 2016, the National Industrial Transportation League (NITL) filed an opposition to AAR's request, but, in the alternative, offered a shorter proposed extension. The American Chemistry Council filed a reply supporting NITL's alternative schedule. On August 18, 2016, the National Grain and Feed Association filed a reply to AAR's request that contained its own proposed extension of the procedural schedule.

There are currently several active rulemakings, at least one of which has a comment period that will overlap with the comment period in this proceeding. See, e.g., Rail Transp. of Grain, Rate Regulation Review, EP 665 (Sub-No. 1) (STB served Aug. 31, 2016); Review of the Gen. Purpose Costing Sys., EP 431 (Sub-No. 4) (STB served Aug. 4, 2016). The Board recognizes that parties need to allocate resources in order to participate meaningfully in these pending rulemakings and will extend the procedural schedule in this proceeding to facilitate that effort. In an effort minimize the need for parties to ask for additional extensions, the Board will adopt AAR's proposed procedural schedule.¹

¹ AAR did not include an end date for ex parte meetings. The Board will include an end date for those meetings and add that date to the revised procedural schedule.

It is ordered:

1. AAR's request to extend the procedural schedule is granted.
2. The procedural schedule is extended as follows: comments regarding the proposed rules are due by October 26, 2016; replies are due by January 13, 2017; requests for meetings with Board Members are due by January 13, 2017; meetings with Board Members will occur between January 30 and February 17, 2017; meeting summaries are to be submitted within two business days of the ex parte meeting; the period for comments on meeting summaries will be set by separate decision.
3. This decision is effective on its date of service.

By the Board, Joseph H. Dettmar, Acting Director, Office of Proceedings.