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June 9, 2015

238572

VIA E-FILING

Cynthia T. Brown
Chief of the Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, SW
Washington DC 20423-0001

ENTERED
Office of Proceedings
June 9, 2015
Part of
Public Record

Re: STB Ex Parte No. 727
Petition of Norfolk Southern Railway Company to Institute a Rulemaking Proceeding to Address Abuses of Board Processes

Dear Ms. Brown:

The Kansas City Southern Railway Company ("KCS") supports Norfolk Southern Railway Company's ("NS's") above-referenced petition for institution of a rulemaking to explore ways to prevent abuse of the Board's processes. KCS believes that the requested proceeding would aid the Board in fulfilling its statutory objectives to "require fair and expeditious regulatory decisions when regulation is required," "reduce regulatory barriers to entry into and exit from the industry," and "provide for the expeditious handling and resolution of all proceedings required or permitted to be brought under this part." 49 USC §10101(2, 7 and 15).

Several years ago, KCS sought an abandonment exemption for a little-used, 4-mile section of track. Certain parties who are frequent participants in Board proceedings pursued an offer of financial assistance to purchase the track; pursued a multitude of unusual arguments through a series of approximately 27 pleadings (to which KCS was required to file numerous replies); and ultimately abandoned the purchase just as the deadline set by the Board to close on the purchase drew near.¹ As a consequence, the Board was required to issue 16 notices and decisions in what should have been a simple abandonment exemption proceeding; KCS's outside counsel costs in the proceeding approximately doubled due to having to file approximately 15 additional pleadings in the OFA; and KCS spent dozens of hours of internal staff time assembling documents, drafting deeds and assignments of agreements, and on other matters, all of which time and money would have been entirely unnecessary had there been more appropriate controls in place to assure against vexatious litigation.

¹ It also appeared that one or more of these parties may have been ghost-writing pleadings for the shipper on the line.

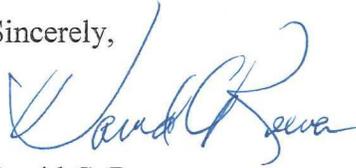
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Accordingly, KCS believes that the Board should grant NS' petition and institute a proceeding to determine whether unnecessary burdens on the Board's constrained resources and on parties litigating before the Board can be appropriately avoided by preventing abuse of the Board's processes.

Sincerely,

A handwritten signature in blue ink, appearing to read "David C. Reeves". The signature is fluid and cursive, with the first name "David" and last name "Reeves" clearly distinguishable.

David C. Reeves

cc: Norfolk Southern Railway Company
Michael F. McBride, Esq.