

SURFACE TRANSPORTATION BOARD
WASHINGTON, D.C.

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Docket No. EP 714

INFORMATION REQUIRED IN NOTICES AND PETITIONS CONTAINING
INTERCHANGE COMMITMENTS

PETITION FOR CLARIFICATION

Submitted By

THE AMERICAN SHORT LINE AND REGIONAL RAILROAD ASSOCIATION

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This Petition for Clarification is in response to the Board's Decision of September 5, 2013 announcing its Final Rule in this docket. The American Short Line and Regional Railroad Association has been clear in its prior submissions throughout this proceeding that the Board's proposal, now a final rule, for additional information in Exemption Notices and Petitions for line acquisitions involving interchange commitments is unnecessary; unlikely to add any meaningful new guidance for the public or the Board, as Board Member Begeman noted in her Dissent; and will definitely have an adverse effect on the vitality of the small railroad industry. The modest deletion of a few of the most egregious proposed requirements from the final rule, which were frankly speculative and unknowable in any event, do not lessen ASLRRRA's concern about the chilling

effect the remaining new requirements will have on the ability of small railroads to complete new line acquisitions or the utility the new requirements will have for the Board or the shipping public.

Now that the rule is final, ASLRRA has one more concern that was not addressed in the Decision. Not only is the rule likely to have a chilling effect on the willingness of incumbent carriers to spin off redundant or low density lines, but the additional delay which may accompany a review of the additional new information now required by the Board will create a second threat to the completion of these transactions when Petitions to the Board are required. Swift and predicable closings have always been a necessary component of successful spin-offs. ASLRRA therefore petitions the Board to clarify its Final Rule by assuring potential parties to these transactions that the review of this additional new information where required by the Board as a predicate to approval will not create new delays in the approval process. Without such a statement, the uncertainty about the ability to close transactions without delay will alone assure the demise of any new small railroad acquisitions from former Class I lines.

Respectfully submitted,

American Short Line and Regional Railroad Association by

Keith T. Borman



Vice President & General Counsel

Date: September 23, 2013

CERTIFICATE OF SERVICE

I hereby certify that I have caused the foregoing Petition for Clarification to be served by sending copies by e-mail or U.S. Mail on September 23, 2013 to all parties on the service list.

Keith T. Borman

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