



ASSOCIATION OF
AMERICAN RAILROADS

232567

Law Department
Louis P. Warchot
Senior Vice President-Law
and General Counsel

ENTERED
Office of Proceedings
July 18, 2012
Part of
Public Record

July 18, 2012

Ms. Cynthia T. Brown
Chief, Section of Administration
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20423

Re: STB Docket No. EP 699, *Assessment of Mediation and Arbitration Procedures*

Dear Ms. Brown:

Pursuant to the Notice of Proposed Rulemaking ("NPR") served on March 28, 2012 and the decision served by the Board on June 28, 2012, the Association of American Railroads ("AAR") provides this notice of its intent to participate in the public hearing scheduled in this proceeding on August 2, 2012.

The AAR will be represented by the undersigned, Louis P. Warchot, Senior Vice President - Law and General Counsel. A time of ten minutes is requested for the AAR's testimony.

In summary, the AAR's testimony will focus on the following points contained in the AAR's previous written testimony: (1) the AAR's support for the Board's efforts to facilitate voluntary private resolution of disputes; (2) concerns regarding the Board's statutory authority to adopt the "opt-out" arbitration program proposed in the NPR; (3) alternatives to the proposed program that would be more likely to facilitate arbitration of disputes; and (4) suggestions to help overcome the challenges facing the Board in implementing a successful arbitration program.

If the Board establishes panels of witnesses for the hearing, the AAR requests that it be placed on a panel with other railroads that will be appearing.

Respectfully submitted,

Louis P. Warchot
Counsel for the Association of
American Railroads