

The Senate of West Virginia
Charleston



SENATOR ROBERT H. PLYMALE
5th SENATORIAL DISTRICT

241996
EP 711 (Sub No. 1)
ENTERED
Office of Proceedings
October 31, 2016
Part of
Public Record
STATE CAPITOL, ROOM 204-W
304-357-7937

October 26, 2016

Mr. Daniel Elliott
Chairman
U.S. Surface Transportation Board
395 E Street SW
Washington, DC 20423

Mrs. Deb Miller
Vice Chairman
U.S. Surface Transportation Board
395 E Street SW
Washington, DC 20423

Mrs. Ann D. Begeman
Board Member
U.S. Surface Transportation Board
395 E Street SW
Washington, DC 20423

Dear Chairman Elliott, Vice Chairman Miller and Member Begeman:

My name is Bob Plymale and I am a member of the West Virginia Senate representing Cabell and Wayne Counties. Transportation is an issue near and dear to my heart and one that I have a broad experience in as well. For further background, I have enclosed along with this letter a transcript of testimony I gave on April 11, 2007, to the Surface Transportation Board during the public hearing on rail capacity and infrastructure.

I am writing today to convey my concern about the Surface Transportation Board's proposed railroad access regulations, which would undermine the resilience of the American economy by diminishing the strength of the rail industry. In particular, I worry that these proposed regulations will reduce future investments and harm West Virginia and other similar states.

It is critically important that businesses have reliable and uninterrupted access to efficient freight transportation to ensure products are able to compete nationally and globally. The proposed regulations, which would require railroads to provide their competitors with access to their rail lines, would compromise the efficiency of the national rail system and slow the overall movement of goods across the nation.

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Businesses, especially small businesses, rely on swift, predictable shipping options to meet their customers' requirements. By recommending that railroads comply with these regulations, the STB is likely to jumpstart a chain reaction that constricts business activity. This is not just discriminatory toward the railroads, it is also unfair to the businesses, small and large, that form the backbone of the American economy. When those businesses suffer, so do the local communities that surround them.

I urge the board to carefully consider the potentially disruptive effects of these proposed regulations and the impact they would have on businesses across the nation. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in cursive script that reads "Bob Plymale".

Robert H. Plymale
West Virginia State Senate

Enclosure: Ex Parte 671, April 11, 2007, Plymale Testimony Transcript

cc: Senator Joe Manchin
Senator Shelley Moore Capito
Congressman Evan Jenkins

Ex Parte 671
April 11, 2007 Public Hearing
Testimony of Robert Plymale

Source:

<https://www.stb.gov/stb/audiomee.nsf/71c35e25bd34f1f68525653300425877/b170d247a154c051852572bc0056ad48?OpenDocument> (starting around 28 minutes of clip 10).

Transcript of Senator Plymale's Testimony

Thank you very much and Commissioners thank you very much for this opportunity.

Let me start briefly, and I know we're the last and you've had a long day, we've been here the same amount of time and we appreciate that.

One thing I'll say is I come from a couple of different perspectives here. I'm also in the State Senate in West Virginia, having served 15 years. I've done the transportation budget. I'm the education chair now. So, the policies your talking about we deal with polices on a pretty regular basis as well.

In my real life job, I call it, because we're a citizens legislature as you know, I am the Director of the Rahall Transportation Institute. Previously, I've had 25 years experience as a sales manager, as an export manager in the lumber industry. And, let me just say that we are one of the ten national centers that, Chairman Nottingham you are very well aware of that and our role and what the UTCs bring to the table. We're one of the few that I think have a unique role. We have a national maritime enhancement institute, which we are the maritime side of this, all of this is under the wing of RTI. We have the Federal Highway Funding, we also have FRA funding, and we combine those things to look at a multimodal aspect, which I don't think a lot of institutes have initially done, but I think we are moving to that, if you look at congestion and many of the things we have to face with that. Also, our location is quite unique. When you look at the location in Huntington, West Virginia, obviously named after Collis P. Huntington, and we all know the significance in rail. I will also tell you we are the number one inland port in the country. The sixth largest nationally as well, basically that is coal tonnage as you all well know.

But, today I would like to reflect and start on talking about some of the roles we think we have and how it's played into this. First, during the twentieth century the transportation industry almost matured: bigger, faster, and more robust networks. However, the end of the century brought significant escalation in the cost to expand, particularly in highways there is environment and land use, we do land use plans. We've done this in the Koch field areas and many things like that. We are significantly involved in using public-private within Mingo County, West Virginia, where we're using mining while your building roads and we have done that significantly where your saving twenty million dollars a mile in things like this, so we've been involved in a number of these areas. From the rail, you've had similar concerns with the significant increase in containers. I used to on average ship 25 containers a week internationally, I do a lot of international travel, and with the logistics of that you all are right, other ports have different concerns. We are going to be doing a delegation to China, in either September or November to start looking at some of the issues they face and how that faces the inland ports and

the inland situations, like we have at the intermodal facility at Pritchard. The maritime, you know, if you look at the reports the reports say we have to build a port the size of Oakland to meet the capacities. We also go back to those environmental and land use issues to face that, are we going to be able to do that? So what does that bring you to there? It brings you to increasing the efficiencies. There is a greater need for the coordination of the well articulated and adequately researched private and public investment. These investments will not be sufficient under traditional investment strategies that are used now. In terms of whether you're talking about the Highway Trust Fund or anything like that, we have to look at them pretty creatively in West Virginia, and Chairman Nottingham your very well aware of our work in the Heartland Corridor, I will be getting to a few of those things. Ultimately, when you consider the emerging freight capacity crisis, the scope and expense of the highway construction that will be necessary under any case and the progress that has been made in forging the effective partnerships between public entities and rail carriers, it would seem that policies that further enhance rail's role as a great solution by increasing both public and private rail infrastructure investment are very much desirable.

Now, I want to talk a little more about the federal role, I also will get into a few things we've done on a safe policy that once again if you have a well articulated role that you all know about and you're in charge of from the federal side, we can mirror those things on the state level to make sure we get the proper investments and those investments are made in conjunction with what is going on, on the federal side. There are sometimes rail infrastructure projects with the operational and economical impacts that are highly localized. In such cases the responsibility for design, execution, and funding, fall on the carrier, community, and regional governments. However, the network nature of the railroad service production suggests that most projects of any real magnitude will affect a wide array of freight purchasers and providers across a geographic span that is far greater than a specific area which a physical construction takes place. For example, the Rahall Appalachian Transportation Institute was instrumental in the studies across us that ultimately resulted in the Heartland Corridor initiative. This initiative directly involves the state of West Virginia, Virginia, Ohio, Kentucky, and will result in a substantial improvement in the intermodal rail service between the heartland of America, or mid-Ohio and Indiana and other areas. However, within the study process it became immediately clear that the intermodal users throughout the eastern seaboard and the Mid-West will benefit from transportation efficiencies that the Heartland Corridor will generate. When the benefits of the potential project became dispersed over a wide geographic area, now remember from the Appalachian region when we do cost-benefit analysis we never sack up because we don't have the population and different things like this, but if you do not invest in infrastructure we'll never compete, we're always going to drag the rest of the country down and you look at our per capita income in West Virginia is quite significantly lower than anybody else. When the potential benefits became dispersed over a wide geographic area, only the federal government can ensure the project is valued properly within the context of the national transportation goals. And only the federal government can assure that the full range of those receiving benefits are asked to help with the funding. Thus, when it becomes the overall policy and leadership it is critical that the federal policy makers step to the forefront and encourage additional investments in railroad capacity. There are perhaps three ways this can happen. First, and perhaps most importantly, the federal government can provide the planning context and the analytical criteria for project evaluation. And this has been talked about much today in terms of what you would do. In this regard the projects of regional significance program represents the emerging effort. As the

future federal Surface Transportation Board legislation is developed, however, we would hope that similar provisions would contain far more guidance in additional mechanisms for coordinating the consideration of geographically different but functionally related projects. In this way, these potential projects could be evaluated simultaneously against a set of nationally determined set of freight transportation objectives. Second, the federal policy makers could develop a set of criteria allocating funding, you've all talked about that distinctly. And finally, the federal government, through the Federal Railroad Administration, is currently engaged in guiding the scientific research that will help define the future technology that might be available to glean additional railroad capacity from existing network components. To this extent, to the extent that this is physically possible, fiscally possible, excuse me, this role should be expanded. Doing so will help ensure that the most efficient new technologies are available sooner rather than later and at prices that allow for more rapid implementation. RTIs experience as a UTC are common to the other universities, then there are clearly at least three important roles that these universities within the process of guiding executive and executing public investment in transportation. First, universities can help provide the hard scientific research mentioned above. Second, universities can serve as the trust and reliable source for the planning in policy research that is necessary to validate proposed public investments, these investments can include, but are not limited to the new expansion of infrastructure and new facilities systems and software. Finally, the universities can serve as a valuable resource in the creation of new human capital in training and education.

I would like to, and I know my time is up here, to finish with a few concluding remarks. We have been involved in a number of things and I would like to say that we have really worked really close with CSX, Norfolk Southern, and BNSF in a number of things and as an example one of the roles we do is that we work closely with the FRA to develop a non-invasive equipment for examining the condition of railroad track ballast and sub-ballast through the use of ground penetrating radar, or GPR. The same work has brought about numerous advances in the use of GPS as a method of substantially reducing the surveying and mapping costs. To date, the on track GPS equipment and associated methodologies have been tested and to some degree adopted by Norfolk Southern, CSX, and BNSF. In BNSF's case, in New Mexico, we did an analysis on an area which they were having some problems and what we had predicted was that there were some problems; about three weeks after that they did have a landslide in that area so the predictability is pretty good. Also in looking at the Birmingham Yard with CSX we did an analysis there, the same analysis that they do to try to gauge their tracks and to know what is in their sub-service and what kind of maintenance they need to do. We were, that takes eight to ten weeks on the ground, we did it in 30 hours and we were as accurate or more accurate than they were in the past. So, we think we have a role in this respect and look forward to your alls decisions and how you move with this. Thank you.