

BEFORE THE
SURFACE TRANSPORTATION BOARD

232570

Ex Parte No. 699

ASSESSMENT OF MEDIATION AND ARBITRATION PROCEDURES

ENTERED
Office of Proceedings
July 19, 2012
Part of
Public Record

NOTICE OF INTENT TO PARTICIPATE

Pursuant to the Board's Decision served in this proceeding on June 28, 2012, The National Industrial Transportation League ("NITL" or "League") hereby notifies the Board of its intent to participate in the hearing to be held on August 2, 2012. Mr. Curt H. Warfel, Sourcing Manager-Bulk Transport NAM for Akzo Nobel Inc., and Ms. Karyn Booth, General Counsel to NITL, will present the testimony on behalf of the League. NITL requests 20 minutes to present its oral testimony.

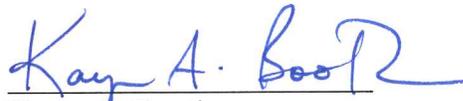
The NITL's testimony will be based on its written opening and reply comments filed in this proceeding on May 17, 2012 and June 18, 2012, respectively. Specifically, Mr. Warfel will address:

- The League's long standing support for private resolution of commercial disputes and the important benefits that can result from increased use of mediation and arbitration.
- The League's support for the Board's proposal to expand its authority over mediation.
- The League's general support for the Board's arbitration proposal, including the proposed opt-out structure for Class I and II railroads.
- The League's desire for the Board to expand and refine the scope of matters subject to arbitration and the relief that may be awarded under the proposal, which may increase the use and feasibility of the arbitration program.

The testimony of Ms. Booth will focus on the legal and technical issues raised in this proceeding including:

- The Board's authority to adopt its voluntary arbitration program.
- The League's views as to the number of sitting arbitrators and process for arbitrator selection.
- Appeals of arbitration decisions and the standard of review.
- Publication of arbitration decisions.

Respectfully submitted,



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