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and Feed Association**

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**Before the U.S. Surface Transportation Board**

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**STB Docket No. EP 724 (Sub-No. 4)**

**UNITED STATES RAIL SERVICE ISSUES –  
PERFORMANCE DATA REPORTING**

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**Response to Summaries of *Ex Parte* Discussions with STB Staff**

**Submitted by**

**National Grain and Feed Association**

**December 23, 2015**

The National Grain and Feed Association (“NGFA”) respectfully submits these brief comments in response to the Surface Transportation Board’s (“Board” or “STB”) posting of summaries of *ex parte* communications with stakeholders involved in this proceeding.

The NGFA, established in 1896, consists of more than 1,050 grain, feed, processing, exporting and other grain-related companies that operate more than 7,000 facilities and handle more than 70 percent of all U.S. grains and oilseeds. Its membership includes grain elevators; feed and feed ingredient manufacturers; biofuels companies; grain and oilseed processors and millers; exporters; livestock and poultry integrators; and associated firms that provide goods and services to the nation's grain, feed and processing industry. The NGFA also consists of 26 affiliated State and Regional Grain and Feed Associations, has a joint operating and services agreement with the North American Export Grain Association, and has a strategic alliance with the Pet Food Institute.

The NGFA appreciates the action taken by Board to waive its *ex parte* prohibition in this proceeding for the limited purpose of permitting parties to have discussions with the Board's staff to develop a more complete record regarding technical issues involved in this proceeding. In so doing, the NGFA aligns itself with Commissioner Begeman's statements in the Board's November 9, 2015 decision that the Board in the future should make it possible for the decision-makers – the Board members themselves – to participate with Board staff in such discussions so they, too, are able to ask questions and obtain additional information that may be helpful in rendering fully informed decisions.

We also continue to commend and support the Board for proposing to make permanent the reporting of rail service performance data by Class I rail carriers on a weekly basis, and appreciate the opportunity to discuss the NGFA's specific recommendations with the Board's staff on November 24, 2015. After reviewing the summaries of the *ex parte* meetings posted by the Board's staff, we find nothing that changes our view that it is essential for the Board to provide a common set of standardized rail service performance reporting requirements that are sufficiently granular to allow the Board and rail customers to better track, anticipate and respond to rail service trends and challenges on a more real-time basis as they emerge. Indeed, we believe the summaries of the meetings conducted by the Board staff with the different rail carriers underscore the variance in the type, degree and accessibility of rail service information previously available to rail customers, and reiterates the total inadequacy of relying solely on "macro-level reporting metrics" as proposed by the Association of American Railroads and several of its member carriers.

The continuity in reporting rail service data in a timely, standardized, consistent and sufficiently granular format will provide the necessary baseline data that rail customers, the Board and other policymakers can use to compare service performance trends across time. As the NGFA assured the Board's staff during its meeting, the service data currently required by the STB to be reported are in fact being utilized by rail customers to develop databases and records that will be useful in measuring future service trends and aberrations. There is no way to accomplish this core objective of basic transparency without a requirement to have such data reported, collected, compiled and released on a regular basis.

Thus, the NGFA urges the Board to proceed expeditiously to issue an updated proposal for comment, and reiterates our previously submitted recommendations on the substantive service metrics that should be required to be included in such weekly reports.

In reviewing the STB staff-prepared summaries of the *ex parte* communications with rail carriers, the NGFA wishes to offer the following additional observations and recommendations:

- The NGFA previously recommended that the STB require that data on “industry spot and pull (ISP) reports” be provided to rail customers to enable them to better determine the level of service actually being provided at the local facility level. These data are a valuable indicator in reflecting the delays that can occur between the serving rail yard and the final destination of the shipment. In response, the STB staff noted that this requirement could generate “a significant amount of data” (STB Staff Summary of NGFA meeting at 4). Further, in response to questions posed by STB staff, BNSF questioned the value that “macro-level” “last-mile” performance data would have to a shipper, and that the shipper’s concern would involve its own specific shipment(s). To address these concerns, the NGFA urges the Board to propose that rail carriers be required to provide ISP reports to their individual rail customers upon request, with the Board enforcing compliance through the auspices of its Office of Public Assistance, Governmental Affairs and Compliance.
- As noted in the NGFA’s presentation to STB’s staff, we concur with rail carriers that state an important service metric involves train speed and velocity. (UP at 2 and 3.) Yet, we find ironic that the same carriers oppose a requirement to report the same data on a

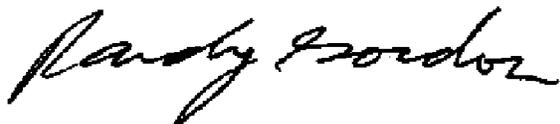
more granular commodity-specific or geographic basis (UP at 3), such as the NGFA's recommendation to require reporting of velocity and cycle times by shipping corridor.

- Finally, the NGFA fundamentally and strongly disagrees with carriers that urge the Board to require reporting of only high-level, macro data limited to train speed/velocity, cars online, terminal dwell time and carloadings. These metrics alone would not be sufficient to enable agricultural or other rail customers, or the Board itself, to detect and respond to service disruptions or anomalies.

In conclusion, the NGFA urges the Board to proceed expeditiously by issuing an updated proposal to require the weekly reporting of a standardized set of rail service performance metrics with sufficient detail and granularity to be useful to rail customers and the Board itself to evaluate future service trends and anomalies.

We commend the Board for its proactive efforts in providing for more transparent rail service performance data reporting through this important proceeding, and would be pleased to respond to any questions the Board may have.

Sincerely,

A handwritten signature in black ink that reads "Randy Gordon". The signature is written in a cursive, flowing style.

Randall C. Gordon  
President