

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

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

UNITED STATES RAIL SERVICE ISSUES—PERFORMANCE DATA REPORTING

Comments of the American Chemistry Council

March 2, 2015

The American Chemistry Council (ACC) submits these comments in response to the Notice of Proposed Rulemaking served by the Surface Transportation Board (the Board) on December 30, 2014.

Introduction

ACC represents the leading companies engaged in the business of chemistry. ACC members apply the science of chemistry to make innovative products and services that make people's lives better, healthier and safer. ACC is committed to improved environmental, health and safety performance through Responsible Care®, common sense advocacy designed to address major public policy issues, and health and environmental research and product testing. The business of chemistry is an \$812 billion enterprise and a key element of the nation's economy. It is the nation's largest exporter, accounting for twelve percent of all U.S. exports.

ACC member companies have been significantly impacted by rail service problems. These issues are not limited to one or two railroads, and they are not rooted solely in weather or other short-term conditions. While railroads have made notable improvements in recent months, long-term systemic challenges remain. ACC supports the Board's efforts to improve the collection and reporting of service metrics to provide more useful and actionable data on the performance of Class I railroads. ACC participated in the Board's April public hearing on EP 724 in Washington, D.C., and appreciates the opportunity to comment on its proposed permanent reporting requirements.

ACC Recommendations

ACC supports several additional requests that would assist the Board and the public in gaining a more complete and accurate assessment of the railroad performance. Specifically, the Board should:

- Add resource counts to the list of reported data elements, such as count of locomotives and count of crews (or crew starts, or operations employees, or engineers, etc.), by region. This is a critical component which allows for the formation of important cause

and effect correlations. With this addition, interested parties and the Board's staff might see, for example, that a consistent week-over-week reduction in train speed in a region happens to correlate with a week-over-week reduction in locomotives in that region. This would more rapidly bring transparency to a regional locomotive shortage, and perhaps more rapidly incent railroads to make a correction.

- Require railroads to provide information on the underlying reasons for trains being held, either for power or the availability of crews. Both of these factors have significant impact on the other metrics to be reported. These data elements would enable the Board to focus on the underlying causes of service difficulties.

In addition, ACC encourages the Board to explore ways to establish in this docket criteria under which additional steps could be taken to address future changes in service parameters. Rather than wait for another public hearing, the Board could determine in advance when performance in a certain key service data element falls - for instance - 20% below its 3-month rolling average, more detailed reporting would be required. This would enable the shipping community to benefit from relevant information that the Board itself has determined to be appropriate.

Conclusion

ACC appreciates this opportunity to provide comments on the proposed rule on rail service metrics. Our members look forward to reviewing what other stakeholders have to say, and to submitting replay comments in this rulemaking.

Respectfully submitted,



Thomas E. Schick
Senior Director
American Chemistry Council
700 Second St., NE
Washington, DC 20002
202-249-6408
tom_schick@americanchemistry.com