

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB EX Parte No. 698

**ESTABLISHMENT OF THE TOXIC BY INHALATION HAZARD
COMMON CARRIER ADVISORY COMMITTEE**

**COMMENTS OF THE
AMERICAN SHORT LINE AND REGIONAL RAILROAD ASSOCIATION**

The American Short Line and Regional Railroad Association on behalf of its almost five hundred member class II and class III railroads appreciates the opportunity to comment briefly on the Decision of the Board of August 3, 2010 to establish an advisory committee to address issues pertaining to the common carrier transportation of toxic by inhalation materials. Many small railroads throughout the country carry TIH products every day, and because they have a unique stake in the work of the committee as envisioned by the Board, ASLRRA looks forward to active participation in the committee by representatives of the small railroad industry.

With reference to the scope of the committee's mandate ASLRRA urges the Board to create a charter broad enough to explore all the facets involved in the carriage of TIH materials. As we learned in the Board's hearings on the Common Carrier Obligation (Ex Parte 677) and the Transportation of Hazardous Materials (Ex Parte 677 Sub. No 1), no one subject area can be adequately investigated without reference to others, and solutions to problems associated with

TIH transportation inevitably will require a broad multi-disciplinary approach. We believe the Committee must be able to examine all relevant topics: technical issues involved in safely transporting TIH, liability issues, cost factors incorporated in the Uniform Railroad Costing System (URCS) and other rate implications, insurance, product substitution proposals, and policies to protect broader public interests to name a few. Further, small railroads have different concerns and are affected differently in the shipment of TIH than the vastly larger class I railroads, and its representatives need to know that the forum will be broad enough to assure that their unique concerns can be aired thoroughly and legitimately.

A broad charter as ASLRRA advocates inevitably will require a Committee with enough size to assure that its members possess a broad range of subject matter expertise. Therefore, ASLRRA believes it is preferable for the Board to err on the side of inclusion of all constituencies rather than on the side of exclusion for the sake of efficiency. Sub committees will be required on a host of specialized topics if the advisory committee is to dig deeply wherever its examination of the common carrier transportation of TIH must take it, and the committee must be inclusive enough to contain both the personnel and the knowledge base to accommodate multiple projects at one contemporaneously. A larger committee will require more leadership, but the Board has demonstrated in other large committees such as the National Grain Car Council that it is up to the task of productively leading a large advisory body. In sum, ASLRRA commends the Board for establishing a TIH Advisory Committee and urges that it anoint the committee with both a charter and the membership to make a meaningful contribution to the safe, reliable, cost effective and equitable transportation of TIH materials by all common carriers.

Respectfully Submitted,

American Short Line and Regional Railroad Association

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