February 20, 2020

The Honorable Sam Graves  
Ranking Member  
House Transportation and Infrastructure Committee  
United States House of Representatives  
1135 Longworth House Office Building  
Washington, DC 20515

The Honorable Doug LaMalfa  
House Transportation and Infrastructure Committee  
United States House of Representatives  
322 Cannon House Office Building  
Washington, DC 20515

The Honorable Ken Buck  
United States House of Representatives  
2455 Rayburn House Office Building  
Washington, DC 20515

The Honorable Roger Williams  
United States House of Representatives  
1708 Longworth House Office Building  
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The Honorable Jodey Arrington  
United States House of Representatives  
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The Honorable Lloyd Smucker  
House Transportation and Infrastructure Committee  
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The Honorable Russ Fulcher  
United States House of Representatives  
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The Honorable Ron Estes  
United States House of Representatives  
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The Honorable Paul Cook  
United States House of Representatives  
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The Honorable Mike Gallagher  
House Transportation and Infrastructure Committee  
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The Honorable Ron Wright  
United States House of Representatives  
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The Honorable Will Hurd  
United States House of Representatives  
317 Cannon House Office Building  
Washington, DC 20515

The Honorable John Carter  
United States House of Representatives  
2110 Rayburn House Office Building  
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<table>
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<th>Name</th>
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<tr>
<td>The Honorable Cathy McMorris Rodgers</td>
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<td>The Honorable Ann Wagner</td>
<td>United States House of Representatives 2350 Rayburn House Office Building Washington, DC 20515</td>
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<td>The Honorable Kevin Brady</td>
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<td>The Honorable Michael Burgess, M.D.</td>
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<td>The Honorable Greg Pence</td>
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<td>The Honorable John Curtis</td>
<td>United States House of Representatives 125 Cannon House Office Building Washington, DC 20515</td>
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The Honorable Garret Graves  
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The Honorable Dan Crenshaw  
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The Honorable Billy Long  
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The Honorable Mark Meadows  
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The Honorable Carol Miller  
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The Honorable Dan Newhouse  
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The Honorable John Rutherford  
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The Honorable Paul Gosar, D.D.S.  
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The Honorable Randy Weber  
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The Honorable Kay Granger  
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The Honorable Brian Babin  
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The Honorable Lance Gooden  
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The Honorable Michael Waltz  
United States House of Representatives  
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The Honorable Mark Walker  
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The Honorable Doug Lamborn  
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2371 Rayburn House Office Building  
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The Honorable David P. Roe, M.D.  
United States House of Representatives  
102 Cannon House Office Building  
Washington, DC 20515
Dear Members of Congress:

Thank you for your letter regarding Association of American Railroads—Petition for Rulemaking, Docket No. EP 752, and the report issued by the Board’s Rate Reform Task Force (RRTF). We appreciate knowing your views on these important matters. Your letter has been entered into the docket for EP 752 and posted to our website.

As you know, in November 2019, the Board issued a decision in EP 752 soliciting information on whether and how particular cost-benefit analysis approaches might be more formally integrated into the agency’s rulemaking process. In December 2019, we granted a motion to modify the procedural schedule. Opening comments were due on January 31, 2020, and reply comments are due by March 20, 2020. We look forward to thoroughly reviewing all the comments we receive.

We also appreciate your comments regarding the RRTF report, which was issued last April. As we have each publicly stated, a top priority is reforming the Board’s rate review methodologies and processes in order to make them more accessible, efficient, and transparent, including for small rail customers who do not currently believe they have a sufficient rate review option available to them. Consistent with its directive, the RRTF gathered wide-ranging input from the public, including through informal meetings with representatives of rail customers and carriers, as well as academics, practitioners, and other interested parties.

After carefully reviewing the RRTF report, the Board proposed a new rate review option for smaller cases (Final Offer Rate Review, Docket No. EP 755), a streamlined market dominance process that could be used in any rate review proceeding (Market Dominance Streamlined Approach, Docket No. EP 756), and revised regulations to improve the utility of the Waybill Sample reporting that railroads submit to the Board (Waybill Sample Reporting, Docket No. EP 385 (Sub-No. 8)). The Board requested public comment on each of these proposals. The Board also held a two-day public hearing in December 2019 on revenue adequacy issues in the RRTF report (Hearing on Revenue Adequacy, Docket No. EP 761, and Railroad Revenue Adequacy,
Docket No. EP 722). Following the hearing, the record remained open until February 13, 2020, to allow parties to supplement their testimony. We are now considering the testimony and comments received.

Thank you again for your interest in the Board’s work. If you or your staff have any questions, please contact us or Ms. Lucille Marvin, the Board’s Director of the Office of Public Assistance, Governmental Affairs, and Compliance, at (202) 245-0238.

Sincerely,

Ann Begeman
Chairman

Patrick Fuchs
Board Member

Martin Oberman
Vice Chairman