

STB Ex Parte No. 646, *Rail Rate Challenges in Small Cases*

Thank you, Chairman Nober. Good Morning, and let me add my welcome to our panelists and those attending the hearing today. I would also like to thank the Board staff for their assistance in preparing for this hearing, and would like to add that I believe everyone here at the Board is truly committed to working through the issues before us.

As we proceed today, I would like to note that the courts have ruled out several approaches to rail rate challenges, and we therefore must come to a consensus that will satisfy not only the parties before us, but also the courts. In that regard, the SAC approach, though it may well pass muster, may also work to exclude the vast majority of shippers who would seek relief. Because justice too costly is justice denied, we must do our best to find an appropriate solution. I look forward to hearing some creative suggestions from today's witnesses.