

Date: October 11, 2017

Case: In Re: Public Listening Session on CSX Transportation, Inc.'s Rail Service Issues



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Before the
SURFACE TRANSPORTATION BOARD

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In re: :
PUBLIC LISTENING SESSION :
ON CSX TRANSPORTATION, INC.'S : DOCKET NO. EP 742
RAIL SERVICE ISSUES :
-----X

Wednesday, October 11, 2017

Washington, D.C.

The above-entitled matter came on for hearing before the Surface Transportation Board on Wednesday, October 11, 2017, pursuant to notice, at the Hearing Room of The Surface Transportation Board, 395 E Street, SW, Washington, D.C., at 9:30 a.m., when were present:

THE SURFACE TRANSPORTATION BOARD:

ANN D. BEGEMAN, Acting Chairman

DEB MILLER, Vice Chairman

1 APPEARANCES:

2 RAILROAD

3 CSX TRANSPORTATION, INC.

4 E. HUNTER HARRISON, CSX PRESIDENT AND CEO

5 CINDY SANBORN, CSX COO

6 ROBERT FRULLA, CSX SENIOR VICE PRESIDENT

7 NETWORK OPERATIONS

8

9 SHIPPER REPRESENTATIVE

10 EDWARD HAMBERGER, ASSOCIATION OF

11 AMERICAN RAILROADS, PRESIDENT AND CEO

12 SHIPPERS

13 PANEL 1

14 CARGILL INC.

15 BRAD HILDEBRAND, VICE PRESIDENT

16 THE CHEMOURS COMPANY

17 KEVIN ACKER, STRATEGIC RELATIONSHIP AND

18 CATEGORY MANAGER FOR RAIL

19 F. EDDIE JOHNSTON, FEDERAL GOVERNMENT

20 AFFAIRS MANAGER

21 COLLUM'S LUMBER PRODUCTS, LLC

22 WILLIAM SCOTT, VICE PRESIDENT

1 APPEARANCES (Continued):

2 CRISTAL

3 LISA A. POWERS, N.A. DISTRIBUTION MANAGER

4

5 DOW CHEMICAL COMPANY

6 GREG JOZWIAK, CORPORATE VICE PRESIDENT,

7 INTEGRATED SUPPLY CHAIN

8

9 PANEL 2

10 KELLOGG COMPANY

11 SHARRON MOSS-HIGHAM, SENIOR VICE PRESIDENT

12 OF OPERATIONS AND DISTRIBUTION SNACKS

13

14 MURRAY ENERGY CORPORATION, ET AL.

15 ROBERT EDWARD MURRAY, EXECUTIVE VICE

16 PRESIDENT, MARKETING AND SALES

17

18 OCCIDENTAL CHEMICAL CORPORATION

19 ROBIN BURNS, VICE PRESIDENT -- SUPPLY

20 CHAIN

21

22

1 APPEARANCES (Continued):

2 OLIN CHLOR ALKALI PRODUCTS

3 TOM TIRABASSI, DIRECTOR OF NORTH AMERICAN
4 LOGISTICS

5

6 PACKAGING CORPORATION OF AMERICA

7 BRUCE RIDLEY, VICE PRESIDENT, EH&S AND
8 OPERATIONAL SERVICES

9

10 AMERICAN CHEMISTRY COUNCIL

11 CAL DOOLEY, PRESIDENT AND CEO

12 SHIPPER REPRESENTATIVES

13

14 PANEL 3

15 ALLIANCE OF AUTOMOBILE MANUFACTURERS

16 DAVE SCHWIETERT, EXECUTIVE VICE PRESIDENT,
17 FEDERAL GOVERNMENT RELATIONS & PUBLIC POLICY

18

19 AMERICAN FOREST & PAPER ASSOCIATION

20 JULIE LANDRY, DIRECTOR OF GOVERNMENT

21 AFFAIRS

22

1 APPEARANCES (Continued):

2 THE FERTILIZER INSTITUTE

3 JEFFREY MORENO, COUNSEL

4

5 PANEL 4

6 NATIONAL GRAIN AND FEED ASSOCIATION

7 RANDALL C. GORDON, PRESIDENT

8

9 THE NATIONAL INDUSTRIAL TRANSPORTATION LEAGUE

10 MARY PILEGGI, CHAIRMAN, BOARD OF DIRECTORS

11 FOR NITL AND SOURCING & LOGISTICS MANAGER,

12 FLUOROPRODUCTS FOR THE CHEMOURS COMPANY

13

14 NATIONAL MILK PRODUCERS FEDERATION

15 CLAY DETLEFSEN

16

17 PRIVATE RAILCAR FOOD AND BEVERAGE ASSOCIATION

18 BARBARA A. CATANEO, SECRETARY OF THE BOARD

19 OF DIRECTORS

20

21

22

1 APPEARANCES (Continued):

2 RAIL CUSTOMER COALITION

3 HERMAN J. HAKSTEEN, MEMBER THROUGH THE
4 PRIVATE RAILCAR FOOD AND BEVERAGE ASSOCIATION
5 LABOR, PASSENGER RAIL, AND SHORT LINES

6 PANEL 5

7 AMERICAN SHORT LINE AND REGIONAL RAILROAD
8 ASSOCIATION

9 LINDA BAUER DARR, PRESIDENT
10 NATIONAL ASSOCIATION OF RAILROAD PASSENGERS

11 JIM MATHEWS, PRESIDENT & CEO

12

13 NATIONAL RAILROAD PASSENGER CORPORATION (AMTRAK)

14 CHRIS JAGODZINSKI, ASSISTANT VICE
15 PRESIDENT, OPERATIONS

16 SMART TRANSPORTATION DIVISION

17 JOHN RISCH, NATIONAL LEGISLATIVE DIRECTOR
18 RAILROAD

19 CSX TRANSPORTATION, INC.

20 CINDY SANBORN, CSX COO

21 ROBERT FRULLA, CSX SENIOR VICE PRESIDENT

22 NETWORK OPERATIONS

1 P R O C E E D I N G S

2 (9:30 a.m.)

3 MS. BEGEMAN: Good morning everyone.

4 Thank you for joining us for today's public listening
5 session regarding service on the CSX Transportation
6 Rail Network. The Board has been closely monitoring
7 the performance of CSX since the summer, after
8 learning of growing rail service problems resulting
9 from operating changes at CSX.

10 The Board's Rail Customer and Public
11 Assistance Office, in particular, has been very busy
12 and I want to thank the RCPA staff for their efforts
13 working with shippers and CSX to help resolve service
14 issues and ensure critical deliveries to the extent
15 possible.

16 Through the Board's communications with
17 CSX both formally through letters and more informally
18 through phone calls, the Board's foremost objective
19 has been to ensure that rail service problems are
20 addressed as quickly as possible.

21 Some time has passed since the original
22 date of this session was planned -- we postponed it

1 due to Hurricane Irma. It is our hope that we will
2 hear of considerable improvements today from both
3 CSX and its customers, as well as imminent solutions
4 to any of the remaining challenges.

5 We also expect to hear that mistakes along
6 the way such as a lack of communication between CSX
7 and shippers are not going to be repeated going
8 forward. While the format today may appear
9 hearing-like, it is really only for organizational
10 purposes. We want to hear from all of the
11 participants that signed up.

12 We want to have a dialogue, we want to
13 listen, we hope that you will listen. We don't plan
14 to use the timers but the day will go quickly and I'm
15 not using the gavel so don't do anything to change
16 that plan. We will hear first from CSX about its
17 operating plan changes and its ongoing service
18 recovery efforts.

19 We will then hear from rail shippers and
20 stakeholders to hear about their service experiences
21 with CSX and then CSX will have an opportunity to
22 respond. For scheduling purposes around 11:45 we'll

1 assess where we are with the number of speakers and
2 determine whether we should take an hour break for
3 lunch or not or if we could just forge ahead and
4 finish in the early afternoon.

5 Thank you again for coming today and I'll
6 look forward to hearing from each of you that is
7 participating. I'll now turn to my colleague, Vice
8 Chairman Deb Miller for any of her comments.

9 MS. MILLER: Thank you very much Ann and
10 again I want to say welcome. This is an important
11 discussion and I'm happy to see so many people in the
12 room. I think that everyone here has the same
13 outcome in mind which should make this is a very
14 productive day. We want a great transportation
15 system that serves shippers so that our economy can
16 grow and that's what we're trying to be sure is
17 happening and that things are moving well.

18 I hope people in their discussions today
19 will be candid and along with that I want to say we
20 really wanted to do this in a very informal way.
21 That becomes difficult, but we do want to have as
22 much dialogue and discussion back and forth as we can

1 do today and we're going to try to do that by
2 listening very carefully to what everybody says and
3 following up with questions when we think that would
4 be appropriate or helpful.

5 So with that I think we should just get
6 started, thank you Ann.

7 MS. BEGEMAN: Great. Our first panel is
8 CSX. Appearing for CSX is their President and CEO
9 Mr. Hunter Harrison, Cindy Sanborn, Chief Operating
10 Officer and Bob Frulla who is the Senior Vice
11 President of Network Operations. Thank you very much
12 for coming today.

13 MR. HARRISON: Thank you Madam Chairman
14 for the opportunity. Thank you Commissioner Miller
15 for your input so far in trying to tackle some
16 problems that we all share, I think in common.

17 The first thing I want to make perfectly
18 clear that I'm extremely proud of and there are some
19 things that I'm not so proud of but the railroad is
20 back running better than it ever has.

21 MS. BEGEMAN: Excuse me, Mr. Harrison.
22 I'm not sure if your microphone is on. There's a

1 button right there. Is the red light on?

2 MR. HARRISON: The red light is on, okay.
3 Usually it's not a problem, but I'm proud to report
4 that in spite of the fact of the problems we've had
5 and we talked about during the summer and the end of
6 the summer, that we expected and hoped to be back to
7 "normal operation" shortly after Labor Day and
8 there's a lot of hard work that's gone into that, a
9 lot of dialogue with shippers and a lot of hard work
10 I think we can say.

11 And I'm a railroader of 50 years. I've
12 been accused of being too hands on but I've never
13 been more hands on than this recent summer with
14 trying to restore this railroad to where it should be
15 without its reputation being tarnished.

16 The third thing is this -- if I don't
17 accomplish anything else today I want to apologize to
18 our valued shippers. Whatever problems we've had --
19 we've had internally, we made some mistakes. This is
20 not a failure of precision scheduled railroading.
21 I've been doing this for 50 years. That operating
22 plan kept Illinois Central from being the third major

1 bankruptcy in the mid 70's.

2 It literally turned around Canadian
3 National. It now is the gold standard and had a huge
4 impact on Canadian Pacific. So it's a tried and true
5 system. Now people might say well what happened to
6 it? Well what happened to it wasn't the system, it
7 wasn't the architecture, it wasn't the model, it was
8 the execution and that gets to the people part.

9 So I think that hopefully to give you
10 today some confidence that we're moving in the right
11 direction, that the ideas are right. I'd like to
12 offer just a little context on how this operating
13 system evolved.

14 Contrary to popular belief early in my
15 rail career and I hate to even say when because it
16 dates me even worse than my physical appearance, but
17 I started reading about this concept of car schedules
18 in 1972.

19 If I remember correctly the research was
20 done from a grant from the FRA and they did too good
21 a job. It scared the railroads to death and it went
22 away and got put away in some file. I was in a

1 middle manager level position and didn't have a lot
2 of influence in the direction of the company that I
3 was with -- at that time was Burlington when it was
4 going.

5 But I was fascinated by the concept. And
6 then as I moved on up in my career I came to the
7 reality that what we were doing was wrong in rail.
8 We were running predominantly on volume and volume
9 alone. So volume drove us. The big measures of
10 efficiency were how full are the trains -- are you
11 96% of capacity, 98% of capacity -- where are you
12 there?

13 So we had no form of service because we
14 didn't know when the capacity was coming -- the
15 volume was coming. And, at the same time we're
16 hearing complaints, issues brought up. We hear the
17 same thing today and I have some sympathy with it
18 from the operating crafts saying we don't know when
19 we're going to work.

20 Well if we don't know when we're going to
21 run the trains, you don't know when you're going to
22 work. And it kind of dawned on me well if we don't

1 know when we're going to run the trains people don't
2 know when they're going to work, how do customers
3 know when they're going to get their goods? And the
4 answer was they didn't know.

5 Now, to move away from volume and that
6 concept -- and rails at that time had really -- were
7 just growing out of deregulation from Staggers. At
8 that point in time we learned that there might be
9 another way. And so the research said that if we
10 would -- we knew the markets better than we thought
11 -- predictability.

12 If we went out and looked in the market
13 and saw what the competition was doing, saw what the
14 price was, understood the markets we were trying to
15 serve, we could be a pretty good forecaster of trains
16 and the need for the trains in the starts.

17 And if we could predict that, then we
18 could predict people's quality of life and we could
19 predict when goods are going to get there. The
20 second heavy point that if I'm going to make today.
21 Precision scheduled railroading needs -- gives each
22 car, each individual car, a plan door to door in

1 hours.

2 So, you know, we don't talk internally so
3 much of -- one biggest measurement we have is did the
4 car make its plan that we quoted to the customer, 97
5 hours, 83 hours, from door to door, gateway to
6 gateway, whatever you would like.

7 Well as we put that in we said we're going
8 to have better service, we could think of maybe
9 gaining market share and maybe gain a little better
10 price which sometimes kind of seeps into service
11 issues. But we went with that model of modeling
12 based on if the driving force in precision scheduled
13 railroading was to provide service.

14 If you didn't have service you had
15 nothing. And it all started there. Second, value we
16 developed with this -- we had to control the cost,
17 well we did because we wanted to stay in business
18 and be able to make a buck.

19 Now there's a -- we learned, a very
20 delicate balance and you will always in business
21 fight this your careers, between cost and service.
22 Cost of the service and the product. This was

1 approached in the opposite words in precision
2 scheduled railroading is control costs. Not an axe,
3 not going in and swinging at heads, but to control
4 costs relative to revenues.

5 If you could keep that balance, provide
6 that level of service, you're on to something.

7 The third big thing -- and the issue that
8 when I'm interviewed they constantly harp on was the
9 success this model has had. What's the one -- if you
10 had to name one thing that made a significant change
11 and that was clearly asset utilization.

12 We believe, I believe, that you can't
13 improve something unless first of all you give it
14 recognition and second, you measure it. Well we in
15 the rail industry at that period of time did not
16 have measurements for asset utilization.

17 And so as we took this model out of the --
18 what some people then called them, minor leagues with
19 Illinois Central and did a merger with Canadian
20 National and started to install that operating plan,
21 I knew that I needed personally, as going in as the
22 new operating Chief, I needed a victory, a success --

1 something that said there's something to this guy
2 besides talk.

3 And we installed scheduled railroading in
4 September of '98 and 14 months later we had reduced
5 the locomotive fleet 35% and people said, you know,
6 if we could do that with locomotives, certainly we
7 can do it with cars and certainly we could do it with
8 other assets, and then all the accompanying costs.

9 Well if you have in that case 650 less
10 locomotives you don't need as many parts, labor,
11 material. The same way with car fleet so it became a
12 very successful operating model producing low
13 operating ratios, good cash flow, and it became very
14 successful in the market I think it's fair to say.

15 The fourth portion of this is which we
16 sometimes don't pay the appropriate attention to is
17 just simply don't get anybody hurt while you're doing
18 this. Now we can be very sophisticated and we can
19 talk about risk management and loss control and
20 programs and processes and so forth.

21 I have got blood all over my hands from
22 injuries in this industry that should have been

1 avoidable. And I take these issues of safety --
2 never fall to the wayside with us and they always
3 will be.

4 And the fifth thing is the key and it's
5 where we slipped and it's where we recognize to some
6 degree the vulnerability of the system and that's the
7 people because people do it. I could write all the
8 great architecture, I could put the x's and o's up
9 there. If I don't have anybody that can patch it and
10 catch it I could throw it away.

11 The people execute and in the rails
12 they've done the best -- are the ones that execute
13 day in and day out and we so many times overlook
14 that. Now we ran into a situation, right or wrong,
15 coming out of a proxy battle which is not the best
16 environment to start.

17 And shortly before my arrival to CSX, we
18 had taken 1,000 -people out of the work force. It
19 didn't create real high morale. There's a little bit
20 of protectionism so we overlooked the people's side
21 of the ledger and didn't execute the way we should
22 have.

1 Hence we got -- at one time if you look
2 back when we really kicked in April/May, we were
3 producing record numbers and then this was continuing
4 and we went through some resistance, push-back --
5 other areas that were causing significant problems.

6 We got a little ahead of ourselves with
7 the plan and we got into this slippage. We created a
8 situation which is embarrassing to me with my little
9 bit of reputation that I had certainly got tarnished
10 with the service we provided over this three month
11 period which once again I want to apologize about.

12 And that's one reason I refrained a little
13 bit from talking too much about metrics. Because
14 when you talk to the guy at the bakery, he doesn't
15 care about our train speed, he cares about getting
16 his flour so he can make the pastries for his
17 customers. And sometimes I think we lose sight of
18 that.

19 The last two things I would tell you about
20 this precision scheduled railroad concept -- I kind
21 of look at it as a recipe and we try to say we season
22 those five values, those five main ingredients if you

1 will with two things.

2 And that's passion. We say love what you
3 do, do what you love or go do something else, and a
4 high degree of integrity. If you question our
5 integrity you might have to meet us out behind the
6 school yard. That's something we take -- having said
7 all of this today, we have made numerous changes but
8 the most significant change we made are some
9 personnel changes.

10 We have -- and across the board. We found
11 people within our organization, within CSX that were
12 extremely talented railroaders that had a lot to
13 offer. They had got covered up with what I call mud.
14 They just got stuck down in the organization.

15 And we have taken a host of them and
16 washed them off, put them in more responsible
17 positions and they're producing phenomenal results.
18 We had gone externally and brought in 12-15 people
19 there. And we've done some of the traditional -- on
20 the campus that you would think of.

21 We're going through -- I'm sure you'll
22 probably ask, we have for now and maybe forever, I'm

1 not sure what the market is going to bring. You know
2 we've rationalized the humps to 14 to 4 I think that
3 we're going to end up with which is where we are now.

4 We did close one and made a mistake.
5 That's one thing about this model that I haven't been
6 able to program in, there's no mistakes. And we
7 rectified that mistake, the team did. We are in the
8 process of going from 9 dispatching officers to 1
9 which will be Jacksonville.

10 MS. BEGEMAN: When is that planned?

11 MR. HARRISON: Well the first ones came in
12 last week.

13 MS. SANDBORN: We'll have three offices
14 moved in Jacksonville by the end of October.

15 MR. FRULLA: Four of our operating units
16 will be in Jacksonville by the end of October. We'll
17 bring the other ones in at the first of the year.

18 MS. BEGEMAN: Thank you.

19 MR. HARRISON: So that will be done and
20 you know, we have some -- certainly, some other
21 things internally but everything has been talked
22 about. It's only to enhance the products further

1 and/or create additional efficiencies as we go
2 forward.

3 MS. BEGEMAN: So if I could ask?

4 MR. HARRISON: Sure.

5 MS. BEGEMAN: It sounds when you've
6 contrasted sort of, or you gave sort of the
7 background on your experience at CN over the course
8 of a good number of a little over a year or so, you
9 know, then, you know, reducing the size of the
10 locomotives -- your fleet by 33%. And I contrast
11 this sort of like with what appears to have happened
12 during this implementation where not to you know, be
13 completely, you know, off base on it.

14 But it seems like it happened overnight,
15 obviously it wasn't -- it was over the course of a
16 few months but it seems that the implementation of
17 your new operating plan has occurred much more
18 quickly in this situation. Do you agree that it
19 did?

20 And if so, is that what has caused or
21 contributed to some of the service difficulties?

22 MR. HARRISON: Well, they're different

1 issues. We have had -- I mean we've got locomotives
2 stored, 500 stored. We've got something like 30,000
3 less freight cars and I think it's a story there that
4 you should be aware of.

5 Any given day, this morning I think we had
6 a 180 -- 138,000 cars online.

7 MS. BEGEMAN: 138 did you say?

8 MR. HARRISON: 138,000 online. And of
9 those 138 -- round numbers, 70,000 are private cars
10 owned by customers. About 17,000 of them were
11 foreign line cars that had been brought on with goods
12 from another rail.

13 So, you know, we have not -- once again
14 this is not about a lack of assets. We've got people
15 furloughed. Those fiscal issues were totally
16 different than anything that was faced up.

17 MS. BEGEMAN: And I wasn't really asking
18 about the assets -- the number, so to speak, but
19 really the timing of the implementation. You were
20 very forthcoming that you think one of the missteps
21 along the way is a lack of a good communication with
22 your employees so that they knew what they needed to

1 do.

2 And maybe there wasn't enough time -- in
3 hindsight, what would you have done differently?

4 MR. HARRISON: Well in hindsight I
5 wouldn't have gone from a, you know, -- it's hard to
6 take this out of the context of how it began -- this
7 episode began. And, you wouldn't start any company
8 with a proxy battle where one side is saying, "This
9 guy's no good."

10 And the other guy is saying, "This guy is
11 a superstar." And you get all kinds of combinations
12 in between. So just to be bluntly honest about it --
13 I didn't walk in to CSX with a red carpet waiting,
14 okay? I was there clearly -- I think it was one
15 reason and there were shareholders, right or wrong it
16 was shareholders.

17 And a week before I got there 1,000 people
18 were taken out. So it wasn't the best place to start
19 from and you know, I had -- it was me and the team
20 that I inherited. There were some lovely,
21 hard-working, dedicated -- two of them sitting here
22 beside me railroaders that had spent their whole life

1 at this.

2 But at the same time there were few that
3 weren't looking for this to be successful and caused
4 some issues. So, you know, I would just try to get
5 off to a better start initially. And if I had gone
6 back and tried to say what -- you know, I'm CSX now okay,
7 we're a team. If we were a team back at the first
8 year this would have been planned differently.

9 But I don't want to -- I'm not necessarily
10 offering that as an excuse for what happened this
11 summer. What happened this summer is maybe I got
12 people over induced and they thought they could do
13 more maybe than they could and we got ahead of
14 ourselves maybe with the closing of the hump yards.

15 And we had a little bit of bad luck. We
16 had a -- people tend to forget, we had a horrific
17 derailment on the side of a mountain. Shame on us,
18 I'm not blaming it on anybody else and we had a case
19 now that's still under investigation in South
20 Carolina.

21 I think sabotage derailment where a road
22 grader or bulldozer was put on the track and covered

1 with pine sapling and our train came around and hit it.
2 Those caused re-routes and so people were saying
3 some of the cars got rerouted, but they got rerouted
4 because there was no other place to go. So once
5 again, could we have communicated better? --
6 Possibly.

7 We had an incident with some inappropriate
8 behavior -- some employees at a very important
9 gateway that we had to let 9 people go overnight.
10 Now, you know, all of those little things along the
11 way kind of set back and took the momentum from us.

12 But I think if you'd have me, I'd like to
13 come back in six months, three months, a year and say
14 where are we today and where are we in six months, I
15 think, we'll take our place where we belong.

16 MS. BEGEMAN: Yes, we'll take you up on
17 your offer.

18 MS. MILLER: Absolutely, we'd love to have
19 you back. Mr. Harrison, I'd like to ask a couple of
20 question about precision railroading and I have heard
21 precision railroading referred to as kind of a fancy
22 term for cost cuttings and reducing service.

1 I really like the way you described sort
2 of the five values of precision railroading, those
3 all resonated with me. I appreciated that you began
4 with the issue that the driving force is service yet
5 still what you will hear people saying sort of on the
6 sidelines is that the net result of what happens is
7 that costs are reduced and service is reduced and
8 it's the shippers who kind of get the short end of
9 the deal.

10 And I'd like to hear you address that?

11 MR. HARRISON: I disagree. I would invite
12 anybody to go back at any of the places I've been
13 since I became CEO in '92 I believe. Look at the
14 agenda, look at my remarks and you'll see every time
15 it starts with service, cost control, asset
16 utilization, and so forth.

17 In spite of the fact that we had a case in
18 Canada for example -- Canadian National was a client,
19 it was spun off from the government -- with due
20 respect that's not a good culture to come from. And so
21 people were viewed differently. Their work habits
22 and the culture was totally different.

1 So if someone had a demurrage bill they
2 sent it to Ottawa, and they'd send it back to
3 Montreal and say make the voter and constituent
4 happy. You know we went through a lot at Canadian
5 National. We grew revenue okay? At Canadian Pacific
6 we grew revenue. You know there's nothing wrong with
7 having the best service and the lowest cost, they're
8 compatible.

9 And people that think this is all about
10 cost -- I assure you, you can't be successful in
11 business and not have a good product and not be
12 sensitive to your customer. I don't know how to do
13 that.

14 MS. MILLER: I want to ask another
15 question related generally to the concept of
16 precision railroading. Again, one of your values is
17 the issue of asset utilization. You made the point
18 that, you know, you have to recognize something and
19 measure it if you are going to properly utilize it
20 and I completely agree.

21 And one of the things I have appreciated
22 about the railroad industry is how very metric driven

1 it is. And I think it provides huge benefits. One
2 of the things I've wondered as I've heard you this
3 morning and sort of talking about the evolution of
4 precision railroading in your own career, I can
5 imagine in those very early days at Illinois Central
6 and then merging with Canadian National that there
7 were huge improvements that needed to be made in the
8 arenas of asset management and measuring and
9 reporting data.

10 What I wonder is if those things that
11 created such huge gains in Canadian National and
12 perhaps even in Canadian Pacific don't apply as
13 strongly today to a more -- I'll just use the term
14 modern progressive railroad that is much more steeped
15 in metric-driven decision-making.

16 You know, if there's -- you can't get as
17 much benefit now in today's environment that you
18 might have been able to get in an environment 20-25
19 years ago.

20 MR. HARRISON: That's fair. I mean it's
21 degrees. I'm not taking sides here, I'm just -- how
22 we're viewed today. If you read about CSX, okay, as

1 the worst operating railroad in North America, okay?

2 Now that's not a place I want to be.

3 And that has rested with the organization
4 for several years. I mean you can look at it, you
5 can -- whatever you trust through reports, analysts,
6 you know, the neutrals to really say what are the
7 opportunities?

8 Certainly there's not the opportunities
9 the same at CSX as there was at CN. Every railroad
10 is different. It has its own culture, its own
11 challenges, but there are places that we were and
12 are lacking that we are catching up fast on.

13 And so this is not to my earlier point on cost,
14 this is not about slash and burn. You know once again I
15 cannot understand rational people thinking that you
16 can be successful over your career between three or
17 four years and not be sensitive to the customer or
18 the top line.

19 You have to -- and we talk about it
20 internally is this -- none of us like to be called
21 the worst. No organization likes that. No
22 individuals who have pride do that and that's why

1 this organization I feel extremely confident is going
2 to bounce back, it's going to bounce back fighting
3 and you will see us, okay?

4 Do you know who the gold standard is now
5 in North America? The Canadian railroads, they're
6 way ahead of everybody. We're going to make --
7 they're going to be looking in the rearview mirror as
8 we go by. That's what this company can accomplish.

9 We're going to gain back CSX internally.
10 Our customers are going to gain back, our employees
11 are going to gain back, everybody wins. Everybody
12 wins. You know, I get asked the question all the
13 time. You know you get three constituencies that
14 you effectively deal with. You have got employees,
15 you have got customers and you have got owners,
16 shareholders. You know, which one drives you?
17 That's an awful tough decision.

18 Because I can tell you this right or
19 wrong, in a capitalist society you don't please the
20 owner or the shareholder or they don't get some
21 return, you're probably not going to be there very
22 long. So you have to give the owner something back

1 or you're not going to be able to track capital and
2 do the things you need to do.

3 Now, you have to serve the customer
4 because you're not going to be able to have returns
5 for the shareholder if you don't get the business
6 from the customer in the appropriate way. Now, all
7 of us that are employees, we need to recognize
8 employee contributions.

9 We need to reinforce. We talked about
10 there's got to be consequences for your actions, both
11 good and bad. You know, if you do something
12 outstanding you ought to get recognized, hug your
13 neck, give you a plaque for the wall, give you a
14 bonus or something, recognition.

15 At the same time if you don't do your job
16 -- people accuse me of this. I don't apologize for
17 this. I have zero tolerance for safety rules. If a
18 person knows exactly what the rule is, okay and they
19 flagrantly step across and violate the rule, I have
20 no two strikes, three strikes, you're out.

21 I'm not going to allow that individual to
22 jeopardize another employee's life. Because you

1 don't want to go -- you know the worst experience,
2 two times in my career, you go to the door of a
3 fatality and explain to the mother and kids their
4 father is not coming home.

5 And the second is laying a tower with a
6 man with his leg chewed off at the groin area with
7 your hands in blood -- you know I care about those
8 things. I care about this business. I care about
9 this company. This railroad industry we have today
10 is like -- it's just so much different than when I
11 entered it as a kid in the '60's.

12 The '60's and '70's were embarrassing. It
13 was regulated, nobody made money. You talked about
14 infrastructure, you talk about service -- it was
15 horrible. Stagger's came along and some things
16 happened. In this industry I think, and I'm a little
17 bit of a historian, has never been on such strong
18 underpinnings.

19 You know from top to bottom, I still don't
20 want to be at the bottom. So, you know, we're going
21 to work very diligently and make some things happen
22 here, very positive things.

1 MS. MILLER: So, if you come back in six
2 months or a year or whatever and hopefully the
3 railroad is operating the way you want it to operate,
4 what will success look like or what is the metric
5 that you will use to say yes, now we're there. This
6 is where we need to be.

7 MS. BEGEMAN: And where are we
8 now?

9 MR. HARRISON: Well I kind of have
10 to look at, reach out if you will -- one, you know
11 we've got a lot of internal measurements guidelines
12 that we look at and they're kind of moving targets.
13 And some day one is very important, it will move.

14 So the one thing is the plan, every car is
15 going to have a plan. I'm not sure we're going to
16 get it all implemented in the six months but we'll be
17 awful close. Every car will have a plan. We hold
18 ourselves out to do the plan, 90% of the time.

19 MS. BEGEMAN: Does the customer's, I
20 guess, service needs have a role as you develop that
21 plan? Like I need it 7 days a week or I need it at
22 11 o'clock, how do their service needs come into

1 play?

2 MR. HARRISON: Well we put it in a
3 blender.

4 MS. BEGEMAN: You what?

5 MR. HARRISON: We put it in a blender.

6 MS. BEGEMAN: Oh.

7 MR. HARRISON: If we blend the mix to try
8 to decide when we run a train. You know here's the
9 issue we have. Let's say we have a market that
10 there's 100 cars a day coming out of there and let's
11 say 60% of it is a full train, but you know, we have
12 to run a train every day.

13 One customer wants to leave at 900, one
14 wants to leave at 2100. One says Thursday how about
15 holding the train back. You can't run trains like
16 that. That flies in the face of the plan which has a
17 domino effect which affects every other customer.

18 So we think our job is to design service.
19 We listen to the customer, we listen to the market,
20 we gather all the intelligence we can gather and then
21 we put together the product and we put it on the
22 shelf and we help you buy it.

1 But we cannot have -- with due respect,
2 each individual customer design their own schedule.
3 Now, they -- if they're 7 day service they have 7 day
4 service, if they need to be serviced 7 days. You
5 know if you look at a graph in the rail industry and
6 a lot of all of this it goes like this, okay?

7 It's almost a bell curve. The left side
8 is Sunday/Monday and the right side is the outset.
9 If you could level that playing field out, billions
10 of dollars in savings, billions in infrastructure
11 cars and equipment and everything.

12 We now -- I don't know the past. We
13 operate 365, 7/24 all days, whatever, we're there.
14 Now, some of our customers aren't, which is their
15 decision to make, they shut down 4, 5, 6, 7 days and
16 then we have a blip and they come back and want to
17 catch up front.

18 We have a challenge today as we sit here.
19 We've got two customers embargo because they're not
20 unloading the cars and this happens to be
21 automobiles. Well, until they unload them we can't
22 pull. Until we pull them we can't get back to get

1 another load and the people on the other end are
2 saying, where are my empties?

3 So, you know, a lot of the pooling, those
4 types of things, I don't think they're going to work
5 in the next generation. But, that's a very sensitive
6 subject.

7 MS. MILLER: So, just to kind of follow-up
8 an interesting discussion but I don't -- it doesn't
9 sound like really you would say this is the metric
10 I'm most concerned about, this is what I'm watching
11 and when it reaches this point, you know, that's
12 going to be success from your perspective.

13 MR. HARRISON: No, we have those
14 certainly.

15 MS. BEGEMAN: Can you tell
16 us what some of them are?

17 MR. HARRISON: Yeah, I'm trying to get the
18 best example here to help, dwell time for example.
19 In dwell time you're not trying to get dwell time as
20 low as you can go, you're trying to make your plan.

21 MS. BEGEMAN: Make it what did you say?

22 MR. HARRISON: Make a plan.

1 MS. BEGEMAN: Oh.

2 MR. HARRISON: The car has a design time
3 to dwell at this yard to make the next train. Don't
4 hurry up and rush to get dwell time down just to sit
5 and wait. It's like my wife approaches a boulevard
6 sign, there's no traffic, you know. It's 50 miles an
7 hour -- and she runs up to the bottom of the stop and
8 50 miles an hour and the other cars pulling up
9 beside.

10 She wastes breaks, energy so we don't
11 hurry up and wait. If dwell time is here, we're
12 good. If it gets here and we're out of the plan it's
13 bad. Train speed is another issue. We have a unique
14 concept generally speaking railroads set priorities
15 on meets of trains by the class of train.

16 So -- and like it or not, the fact remains
17 that railroads give intermodal trains priority. So
18 what we do is schedule the meet and if the local --
19 if you think the slow boat to China is two hours late
20 and the intermodal train is two hours early, the
21 local is going to get the railroad.

22 And I don't think any of the railroads did

1 that, we did. Because we're just trying to make the
2 plan and you know, there's a debate we had internally
3 I should have covered earlier with you -- I went back
4 and researched service in the rail industry as a
5 youngster.

6 And no place did I find where it defines
7 what is good service. It wasn't in the tariff, it
8 wasn't in the contracts, it just made reference to
9 service.

10 MS. MILLER: You mean the definition of
11 good service?

12 MR. HARRISON: Yes. You know some people
13 want one thing, some people want something else.
14 Some people say you raised rates -- that's bad
15 service. We don't look at it that way. And so we
16 said well how do we deal with this animal?

17 One wants an empty clean car. One wants
18 outbound perfection of speed. One wants something
19 else. So here's what we defaulted to. We do what we
20 say we're going to do. So we have either tariffs,
21 contracts, which we are trying to move away from or
22 deals where I come up and shake somebody's hand and

1 say do you want to be switched every midnight shift
2 between 12 and 8, you have got it.

3 So when we say good service -- do what you
4 say you're going to do. If you tell me you're
5 switching it, you're switching it.

6 MS. BEGEMAN: Could I just ask maybe two
7 questions? You mentioned dwell as the example you
8 used as a metric. You have a different measurement
9 of dwell and maybe a different measurement for train
10 speed than what the industry overall reports to AAR.

11 And it seems to me that that is something
12 that the industry should be able to have an agreement
13 on, as far as how they measure something such as
14 "dwell" so there can be consistent reporting by the
15 carriers. Is that something that you and AAR can
16 work on or will work on?

17 Ed, I see you in the audience, luckily
18 there's no one in front of you so --

19 MR. HAMBERGER: Luckily, yeah.

20 MS. BEGEMAN: It just seems that that is
21 something that maybe you could all have some
22 conversations about just to make sure that we're

1 getting the most accurate reporting.

2 MR. HAMBERGER: The conversation is
3 already being scheduled.

4 MS. BEGEMAN: Thank you.

5 MR. HARRISON: Look, we feel like we need
6 to measure things that help us serve the customer in
7 the best way. You know I get a little suspicious
8 sometimes of some number that comes up that everybody
9 agrees on. Let me just tell you it makes a
10 difference -- I'm not taking sides, I'm just telling
11 you fact.

12 When we measure our train speed we do it
13 from A to Z with all times included.

14 MS. BEGEMAN: And I'm not suggesting that
15 I disagree with that.

16 MR. HARRISON: Right. And other railroads
17 -- I'm not saying they're wrong, they decide that
18 they want to look at train speed without the
19 intermediate stops and delays. So they from A to Z
20 they'll go here and they'll have chunks of traffic
21 taken out of time -- taken out for the crew change or
22 work at the terminal to pick up and set out.

1 Well that doesn't give us a good
2 reflection on for example, the things that it carries
3 over to like locomotives or whatever. And I would --
4 look, we're not trying to be a maverick just to be a
5 maverick, okay? There's sound, hopefully reasoning
6 and rationale behind these and we just didn't want to
7 get to reporting two or three different numbers.

8 You know and I can tell you that dwell
9 times starts someplace on time and it starts another
10 place on time. Some cars are dwelled, some cars
11 aren't dwelled -- there are just different views
12 there. It's been our view that if we get to the
13 plan and move a customer's car --

14 MS. BEGEMAN: So as it's ping-ponged, and
15 maybe that's being reduced at this point but in the
16 summertime as cars were sort of ping-ponging
17 throughout the network to create a clear yard so that
18 you could kind of right size things -- are all of
19 those ping-pongs included in your dwell and train
20 speed?

21 MR. HARRISON: If I understand the
22 ping-pong.

1 MS. BEGEMAN: I know it's a new concept to
2 me too.

3 MR. HARRISON: No but the ping-pong of --

4 MS. BEGEMAN: There's a car in Nashville
5 -- which I will say is not clogged, I saw it last
6 week. But as an example, we certainly heard a lot of
7 concerns about Nashville during the summer and
8 shippers have heard or have told us how, you know,
9 they saw their car at one location and then suddenly
10 it ping-ponged to Kentucky and it ping-ponged
11 somewhere else.

12 Your shippers will probably explain it
13 more clearly to you.

14 MR. HARRISON: No, I understand.

15 MS. BEGEMAN: And then suddenly it's back.
16 So will that -- is that all -- I know it's not part
17 of the plan, at least I don't think it is but is that
18 counted in your metrics as far as --

19 MR. HARRISON: Yes and that in fact raises
20 a good point. Part of the ping-ponging -- I don't
21 like the term but I'll accept it.

22 MS. BEGEMAN: I thought it was your term

1 -- I'll try to come up with a new one.

2 MR. HARRISON: It's not. Some of that was
3 reroutes as a result of derailment, you know. Not
4 all of it was, I'm not suggesting that. But I'm
5 suggesting to you is the 9 people that left us okay,
6 that had to be dismissed -- what they did was they
7 said, "You know, we're going to get criticized for
8 delaying cars". They made fictitious movement in the
9 computer but the car was here all the time. They
10 showed it going out to never, Neverland, going 700
11 miles out and 700 miles back and it never moved.

12 So that's some of the push-back. Now I
13 want to be careful about something. Sometimes when I
14 say push-back my friends in the labor organizations
15 -- I'm not pointing the finger at them at all. The
16 reduction that we made right now of the first 1,000
17 that were made, 90 plus percent were management,
18 non-union personnel, okay?

19 So these were non-management personnel
20 that made these movements for example and that's one
21 of the reasons that we put some of these things in is
22 some check and balance to be sure that we don't have

1 games being played.

2 MS. MILLER: I'd like to just for a minute
3 go back to the metrics and make two points -- you
4 don't even necessarily need to respond but I want to
5 reinforce what Chairman Begeman said. One of the
6 concerns I think has been that because this is a
7 network industry, it's part of what makes it so
8 interesting and challenging right?

9 You have private companies operating on a
10 network that then impacts other private companies in
11 terms of what they do and so in some ways while
12 you're all individual, there's also an element where
13 you all have to work together for the entire network
14 to run smoothly.

15 And so I think -- I at least, and perhaps
16 it's misplaced but I was concerned when I heard you
17 were doing a different set of metrics that didn't
18 match up with the other railroads because it does
19 seem like it's important that there is some
20 comparability and the ability not to just look at how
21 is each individual railroad operating but overall is
22 it a smooth network.

1 So I appreciate the fact that Mr.
2 Hamberger indicated that there is some discussion
3 going on and I just want to reinforce I think it's
4 important. And then finally for anybody in the
5 audience I want to say that you know, there are
6 metrics reported to the Board. Those are all
7 comparable and CSX is reporting to us just as we've
8 asked them to so that information is out there in the
9 method that we've asked for it to be reported, we
10 appreciate that.

11 MR. HARRISON: My comments are this -- you
12 know, you've asked us and we have furnished metrics,
13 however you want to say it. I just hasten to add
14 that if people don't really know what they're doing
15 they're going to derive the wrong decisions and wrong
16 conclusions.

17 But, you know, we're going to measure our
18 way and your way and so I mean I think we're all
19 happy.

20 MS. BEGEMAN: I think part of our many
21 challenges and shippers' challenges are we need
22 something to look at rather than just hearing over

1 the phone that things are getting better. And so it
2 gives us something and whether or not it's a clear
3 picture but it's just like one of the many things
4 that we can consider besides, you know, hearing from
5 a railroad, hearing from a customer, hearing from
6 various stakeholders or hearing from short lines, it
7 just sort of helps inform us and interested
8 stakeholders.

9 I just have one last thing that I'd like
10 to ask. In August, besides asking you for metrics we
11 also had asked for basically a plan for the rest of
12 the year that included what you envisioned for the
13 major milestones, and action plans just so that we
14 could try to know what to expect.

15 And I didn't find your response to be
16 responsive, at least what I was expecting or hoping
17 for. And it's not that we want to hold you to do
18 exactly what you said on this date because it is a
19 network, you need to be flexible and fluid but I
20 think we'd all appreciate knowing what you plan, you
21 know, will another hump be closed between now and
22 the end of the year?

1 Or will there be particular corridors that
2 may face more congestion? I'm always worried about
3 Chicago in winter, stay away from there. Don't screw
4 with Avon Yard until the spring if at all. But I
5 would certainly appreciate knowing to the extent that
6 you can tell us maybe that you're just going to
7 continue to restore service before making any more
8 changes?

9 MR. HARRISON: No, let me answer it this
10 way. I tried to give you precision scheduled
11 railroad because that's our plan. That's how we do
12 things. So we're going to continue to do that and
13 implement it. There are no plans right now.

14 MS. BEGEMAN: Well then maybe where hasn't
15 it been implemented?

16 MR. HARRISON: Well it's implemented
17 everywhere but there's still some cold fine-tuning to
18 do and some of that's communication for the
19 customers. A misunderstanding of knowing what the
20 cut-off is, there could be some software issues. I
21 don't think there will be but I'm told it won't but
22 I've been fooled there before. But there's --

1 MS. BEGEMAN: So the worst is over?

2 MR. HARRISON: I'd like to say it a
3 different way. Yeah, the worst is over and the best
4 is right around the corner and I don't want -- I'm
5 not trying to be evasive. I'm just -- so let me
6 answer this way. I told you about the personnel
7 changes we're making. The plan is affectively in --
8 there are a few places it's not fully colored in.

9 If you trace it we've got the plan. There
10 are a few spots that are hanging out but once again
11 nothing of a major issue, you know.

12 MS. BEGEMAN: Then maybe since you're not
13 going to tell me what I'm hoping you will tell me,
14 maybe I could --

15 MR. HARRISON: What do you want me to tell
16 you?

17 MS. BEGEMAN: Well, specificity such as
18 Selkirk -- this is going to happen in November. But
19 if you don't want to do that, could you just commit
20 to once you know what you're going to do and when
21 you're going to do it, can you please communicate
22 that to your customers?

1 MR. HARRISON: I thought I did earlier but
2 look we have no plan okay, to change any more humps
3 in the foreseeable future, if ever, okay. We told
4 you about bringing a dispatching officer in, we told
5 you about hiring personnel. And the rest of it is
6 going to be running through the plan.

7 Now, are there going to be some potential
8 lay-offs? Yeah, I mean we have to run the business
9 but from the customer's standpoint of what they see
10 as service there are not going to be any changes.
11 You know if there were I'd tell you.

12 You know, we've got a couple of things
13 that people are talking to us about and I don't want
14 to sit here and say we're not going to do anything if
15 all of a sudden that crops up and some announcement
16 is made, you know, I don't want to be in that
17 position.

18 So trust me, it's you know, it's run
19 through the plan, do what we are doing today, you
20 know, as I've told all of you and I would hasten to
21 add the customers, you know. If you want to come and
22 see what we're doing please come, you know. We've

1 got the finest operating rail yard in Waycross. I'll
2 put them up against anybody.

3 We've -- the Midwest problems are settled
4 down, Selkirk appears to be there to stay. All
5 indications for the future -- and we have not closed
6 everything. You know, we have one yard that's
7 effectively -- I have to be careful with my terms but
8 it's moth-balled.

9 It's a new yard and the switches are
10 spiked and we have another facility, you know, that
11 could change. So I'm not saying there's not going to
12 be any changes, but they're only going to be
13 positive changes that we're -- that you know we're
14 confident in what's going to be done.

15 MS. MILLER: I want to go back and ask a
16 couple of questions related to Chicago. As Chairman
17 Begeman indicated, you know when things are bad in
18 Chicago, they're bad everywhere. So, you know, one
19 of the things that's always the primary concern is --
20 are things still operating smoothly in Chicago?

21 When you were CEO at CP, CP did not
22 participate in the CTCO process in Chicago where all

1 the railroads come together to coordinate and will
2 CSX continue to participate in CTCO?

3 MR. HARRISON: You know, as we speak, I
4 don't know the status of it but my answer would be
5 probably not.

6 MS. MILLER: And can you explain to us why
7 that is? I would just honestly say to me that feels
8 like, you know, this is the opportunity for the
9 railroads to work together, to both address their
10 concerns and ensure that Chicago operates smoothly
11 and by withdrawing from that process that feels --

12 MR. HARRISON: We never got in.

13 MR. MILLER: In or out, not participating
14 feels like a way to really not agree to cooperate
15 with other railroads.

16 MR. HARRISON: I think when the concept --
17 I've been talking Chicago my whole career. In my
18 view nobody has listened, okay? When the first issue
19 came out about CTO and there were -- and this if I'm
20 remembering correctly, it's over 15 years ago plus
21 going back.

22 And if I'm wrong on that I'll correct it

1 for the record. And there was a budget item put on
2 it that was going to be an order of magnitude
3 something that I said, you know, you could quadruple
4 that and you're not going to get anything in
5 Chicago --

6 MS. MILLER: You're talking about making
7 infrastructure improvements in Chicago?

8 MR. HARRISON: Yeah, what it boiled down
9 to so far has been, you know, it's way
10 over-budgeted, okay? It was doing things that in our
11 view didn't need to be done that weren't going to be
12 effective. We had tried to influence the other
13 railroads with other plans, you know. It got
14 into --

15 MS. MILLER: Excuse me can I ask a
16 question? Even if you don't agree with the
17 infrastructure plan and the dollars that are being
18 spent, and that they're being spent in a way that's
19 going to get, you know, the best improvement -- that
20 still for me doesn't address why there isn't value in
21 working through a cooperative organization where the
22 railroads are working together to be sure that

1 Chicago remains fluid and that each railroad's needs
2 are being recognized and addressed.

3 MS. BEGEMAN: And if I can interrupt if
4 you don't mind, in 2014 in the middle of the service
5 crisis, Dan and I had traveled to Chicago. We spent
6 a day with CSX staff touring the Elsdon line,
7 touring CTCO offices and in my view, being a
8 participant -- yes, maybe you participate by phone
9 but the reason it helps to have a body there is
10 really for the same reason you want to consolidate
11 your dispatchers, as it was explained to me, so that
12 you can just go and talk to someone rather than
13 ringing them up.

14 So I hope that you'll at least reconsider.

15 MR. HARRISON: You know, look, we think
16 that we have corporate responsibility. We have
17 responsibility as a tax-paying citizen to not support
18 projects under the "railroad banner" that we don't
19 think are going to be effective and the dollars being
20 spent the wrong way and if we chuck our dollars in
21 there it's just like we're an advocate of it. And I
22 think that if you go back--

1 MS. BEGEMAN: And we aren't actually
2 talking about a monetary aspect, we're just talking
3 about participation and knowing what's happening that
4 day.

5 MR. HARRISON: That's what I'm talking
6 about, that's exactly what I'm talking about. When
7 everything was -- you know those offices sounded
8 nice, okay, but the people that were in there and I'm
9 not being critical of those people -- they weren't
10 allowed to make any decisions.

11 They said what are they going to pass on
12 and coordinate? We've got computer systems that talk
13 to each other, that's not what's an issue, okay.
14 There were several projects on there and what it
15 turned into -- it turned into not adding rail
16 infrastructure, it started getting into grade
17 crossings in this district and that district and so
18 forth.

19 And we think that we have a
20 responsibility. Look, with due respect to the AAR
21 and we're members of AAR, you have a responsibility
22 not to just be you know, a spokesman and say if they

1 say its right we're there.

2 You have a right to say -- and you should
3 say, here's what should be done in our view.

4 MS. MILLER: I suspect Mr. Harrison that
5 if you all participated, no one would ever accuse you
6 or the organization of simply endorsing what others
7 had indicated.

8 MS. BEGEMAN: Have a say.

9 MR. HARRISON: I understand. Look, we've
10 had -- various -- numerous operating plan
11 suggestions with Chicago which were totally rejected,
12 rightfully so, by the other railroads okay. We said
13 look, if you really want to go -- you know what we
14 suggested is that you take the belt assets, the Belt
15 Railroad of Chicago assets, and the IHB assets and
16 throw them in a big pool and divide up where
17 everybody gets their little piece of the rock they
18 have invested and create one company called Chicago
19 Rail.

20 With a mandate to move rail traffic -- all
21 rail traffic through the Chicago gateway okay, in a
22 non-discriminatory way, the mandate is to move

1 traffic through the city.

2 Now, when the other railroads say no, I
3 lose this competitive advantage I understand they
4 don't want to lose competitive advantage, but let's
5 understand -- be sure we understand what we're
6 looking at.

7 We offered to buy the Belt Railroad, nope,
8 don't want you to have it. I said, we've got a
9 reputation of pretty good operators I'll buy it.
10 Nope. Well, IHB it's not for sale. You know
11 Canadian Pacific's in a position today where they own
12 49% of the IHB and they have virtually no control.

13 So there's other ways to get here and I
14 think there's a possibility there's new leadership at
15 the AAR. There's some leadership I understand that's
16 going to stay a while and help us. I think people
17 are looking at things differently. And I'm hopeful
18 -- look if we could be one big happy family I'm all
19 for it, you know.

20 I mean I'd love to be with you all here
21 but this is not my favorite way to spend the day.
22 I'd much rather be railroading and fixing the

1 problem. But I don't want us to be looked at as
2 we're not an outlier -- just to be an outlier. I
3 think it's fair to say -- I hope it's fair to say
4 that this team that I have been associated with has
5 had a hell of an impact on the railroad network in
6 the U.S.

7 And these are not my quotes, these are
8 other's quotes. "We're the gold standard," okay?
9 And so we've got something to offer and that's why
10 I'm glad to be here to have this dialogue today.

11 I'm learning, you're learning, I think
12 hopefully. I'm not normally -- I haven't had a lot
13 of experience with listening sessions so I'm
14 probably not very good at it.

15 MS. BEGEMAN: You're doing fine.

16 MR. HARRISON: We all want to get, I
17 think, to the same place.

18 MS. MILLER: Yeah I'm sure we do.

19 MR. HARRISON: And that's a satisfied
20 customer.

21 MS. MILLER: Can I switch gears a little
22 bit. I'm going to ask about Amtrak. In the midst of

1 all of this in some ways in terms of letters to us
2 we've probably heard more from shippers who've had
3 concerns but I'm wondering how Amtrak has been
4 affected by the changes at CSX and what sort of
5 dialogue the route is maintaining with Amtrak, VRE,
6 MARC.

7 MR. FRULLA: Amtrak is here today.

8 MS. MILLER: Your microphone might not be
9 on.

10 MR. FRULLA: Amtrak is here today, Chris
11 Jagodzinski is here. He'll talk to the Board later
12 today but we are -- we have a very open dialogue with
13 MARC and VRE and Amtrak and we discussed issues and
14 problems and we handle them directly.

15 MS. MILLER: Yes, I'm sorry could you
16 identify yourself for the reporter?

17 MR. FRULLA: Bob Frulla.

18 MS. MILLER: Thank you and could you just
19 say a little bit more -- as you're looking at metrics
20 and seeing improvements made in how things are
21 operating at a precision railroad, are you seeing
22 improvements in on-time performance for Amtrak as

1 well?

2 MR. FRULLA: We have contracts with Amtrak
3 and contract standards that we strive to meet and we
4 made some real improvements and I don't want to take
5 words from Chris, but we've made some significant
6 improvements in the auto train from Virginia down to
7 Orlando and our on-time performance with that.

8 We're working with them on some of their
9 silver service to improve the on-time performance of
10 that operation.

11 MS. MILLER: And then Mr. Harrison,
12 related to Amtrak, I wanted to ask you a question and
13 this maybe was my perception, perhaps inaccurate, but
14 it seemed when you were the head of Canadian Pacific,
15 that railroad really took a different approach to
16 how it dealt with Amtrak and as a consequence really
17 the on-time performance at CP for Amtrak was really
18 very good.

19 And I'm wondering if you have personally a
20 philosophy that you implemented at CP that you would
21 intend to implement at CSX in relationship to Amtrak
22 trains?

1 MR. HARRISON: I think it's maybe fair to
2 say and Amtrak we need to live up to the contracts.
3 We have contracts as Bob mentioned. We need to do
4 what we say we're going to do. Now, do freight
5 railroaders love Amtrak? No, probably not.

6 And it's, you know, and the groups to some
7 degree clash because it's almost designed that way.
8 You know, you're not, in my view, you're not going to
9 solve the problem with Amtrak and some private
10 partnership, public/private partnership unless
11 there's something in it for somebody.

12 And if in spite of the fact that maybe
13 some carriers, I just said to people at CP we're
14 doing what we say we're going to do and we didn't
15 have much of an issue there at CN. And we also
16 adhered to that at Illinois Central -- I think if I
17 could say this, this country is big, big for
18 transportation purposes.

19 I've said all I can say about Chicago and
20 I'm telling you in this day and age that we live in
21 it's just -- I don't even want to think about it but
22 we better address those issues. We're trying to do

1 too much. There's not the infrastructure in certain
2 parts that would deal with this.

3 You can't have at Chicago a commuter
4 traffic growth to take up infrastructure and eminent
5 domain against CP when four years ago people were
6 arguing that they didn't have enough infra-structure
7 and wanted to shoot them.

8 People say don't haul that hot stuff by my
9 front door. Well, we've got a common carrier
10 obligation so you know, we have got common carrier,
11 we've got a lot of potential lack of
12 infra-structure, we've got the Chicago and other and
13 it's just the concentration in Chicago.

14 But, you know, if you're going to do
15 commuter rail, they want to grow obviously by the
16 actions I've just described. Metra wants to grow.
17 Every railroad today wants to go through Chicago.
18 Now if the railroads and another proponent of ours is
19 going back, wanted to cooperate and work together you
20 wouldn't pick one gateway like Chicago to run
21 everything through.

22 Why not Memphis, Tennessee? Why not New

1 Orleans? Why not Jackson? Why not St. Louis? Why
2 not some of these country gateways? It's about
3 money. Now, I'm happy, you know, to say look we
4 ought to do something maybe at the Mississippi River,
5 but to try to pile everything into Chicago we're just
6 asking for trouble with all that concentration there.

7 You know, I'll offer this to you. We
8 tried to make a case, we created sponsored -- if it
9 was wrong-doing, what was called in this industry
10 let's see I'll go back in time but about 2004, a
11 routing protocol that we sponsored this was for
12 Canadian National.

13 And what it basically said to
14 over-simplify is that we're running cars out of
15 routes all over this country every day, every day
16 because of a mentality of long-haul, get the big
17 division of money.

18 And our concept was this. Let's look at
19 every car and say if there was one railroad and it
20 was just for efficiencies, how would it be routed?
21 And that was the routing protocol. That there were
22 values given if you had to go through a terminal -- a

1 congested terminal, but it basically was driven off
2 the route, okay.

3 And we sold that. You think it wasn't a
4 hard sell to sell the four big boys in town here,
5 okay? And we adopted it and we said we'd split the
6 revenues, nobody would be, you know, left out.

7 And it worked for us like a charm. Why
8 would the car go from Chicago that's going to
9 Vancouver and be routed through New Mexico? And
10 every time you do that you take up infrastructure,
11 you require more cars and so forth.

12 And so finally, we headed up to 95% of the
13 cars were going on the designed -- this protocol
14 route. And I retired. And I came back -- lured back
15 and I said what about writing protocol.

16 Do you know what people said? What? It
17 just blew up. So we have a lot of ideas.

18 MS. BEGEMAN: Don't retire.

19 MR. HARRISON: What?

20 MS. BEGEMAN: Don't retire.

21 MR. HARRISON: One more time. My wife is
22 done with retirement parties.

1 MS. BEGEMAN: All right, well thank you.
2 This actually has gone a little longer than we had
3 planned and it was a very useful conversation, I
4 think. We're also very anxious to hear from the
5 shippers and other stakeholders.

6 I know you're interested in hearing what
7 they have to say. I know you're going to be sitting
8 behind them. Please don't throw anything if you
9 disagree. So our first panel -- again it's for
10 organizational purposes -- we'll hear from Cargill,
11 the Chemours Company, Collum's Lumber Products,
12 Cristal, and Dow Chemical Company.

13 MR. HILDEBRAND: Good morning.

14 MS. BEGEMAN: Good morning.

15 MR. HILDEBRAND: Commissioners Begeman and
16 Miller, my name is Brad Hildebrand -- I'll get up a
17 little closer. I'm the Vice President and Global
18 Rail and Barge Lead for Cargill, Incorporated.
19 Thanks for making me the lead-off.

20 MS. BEGEMAN: We've heard from you before
21 so we know what to expect, in a good way.

22 MR. HILDEBRAND: In a good way. So

1 Cargill provides food, agriculture, financial,
2 industrial products and service to the world. We
3 have a total of 20 processing facilities and
4 elevators located on the CSX railroad.

5 Cargill sells grains and grain products to
6 a number of customers in the eastern United States.
7 We also provide markets through our producer
8 customers to sell their grain and oil seeds. I
9 appreciate the opportunity to speak with you today on
10 behalf of Cargill and the many customers that we
11 serve.

12 In my remarks I would like to describe
13 some of the issues that we have seen with the CSX's
14 service and the impact that it's had on Cargill and
15 our customers. I would also like to reach out to the
16 FCD as well as to the CSX to make sure everyone is
17 doing their part to restore the reliability of
18 service that is necessary to handle not only the
19 harvest upon us, but our business operations going
20 forward.

21 Since the beginning of June we have
22 experienced a number of service interruptions at our

1 CSX service locations. These disruptions have
2 resulted in Cargill plant closures, plant slowdowns
3 as well as numerous operational challenges for our
4 customers.

5 CSX service issues have also impacted our
6 producer customers as they market their grains and
7 oil seeds to Cargill. As you can see failures by the
8 railroad have implications for our producer as well
9 as our downstream customers.

10 Over the summer and continuing into this
11 fall we have been forced to move hundreds of trucks
12 monthly to CSX destinations in order to keep our
13 customer's production lines operating.

14 These are additional costs that Cargill
15 and our customers have borne while the CSX under the
16 leadership of E. Hunter Harrison implements what he
17 has dubbed as precision scheduled railroading and
18 we've heard lots about that today.

19 As mentioned earlier our troubles with the
20 CSX started back in June as tank cars loaded with
21 corn sweetener from our plant in Dayton Ohio were
22 parked for up to two weeks. Our cars were parked to

1 keep traffic away from the Cincinnati Yard while the
2 CSX changed their operating plan and rolled out a new
3 operating system.

4 These changes were all part of the CSX's
5 effort to implement PSR. The inability to get loaded
6 cars moving during this period resulted in our
7 customer running out of sweetener and having to shut
8 down production lines.

9 The delays forced us to ship trucks long
10 distances and defer production from our plants in the
11 west in order to avoid running more customers out of
12 our products. In early August the temporary closure
13 of the CSX Avon Yard in Indiana resulted in cars
14 getting backed up, heading in to our soybean plant in
15 Sidney, Ohio.

16 These delays forced us to shut the plant
17 down on August 13th when we ran out of empty cars to
18 load soybean meal. Customers that would normally
19 receive meal from this plant via rail had to truck
20 meal into their mills in order to feed their chickens
21 and turkeys.

22 After seeing their system almost seize up,

1 the CSX decided to reopen Avon as a hump yard to
2 alleviate the congestion in the network. To your
3 earlier point, we're also seeing cars ping-pong -- my
4 words, ping-pong around the CSX's network as they
5 move trains out to make room for cars in congested
6 yards.

7 Empty cars are being routed in many
8 different ways as they head back to our plants. It
9 becomes very difficult to plan production and fulfill
10 our obligations when we cannot rely on consistent
11 transit times.

12 These are just a few examples of the
13 issues that we have faced since June. The CSX
14 announced in the Wall Street Journal this week that
15 transitional issues are resolved. Transitional
16 issues are resolved.

17 They would have you believe that things
18 are actually better than in 2016. Let me assure you
19 that our service and that of our customers is
20 certainly not better than what it was prior to the
21 current management taking over.

22 While we would agree that we have seen an

1 improvement in their transit times since August, we
2 are only back to average relative to the past 9
3 months, back to average. I would caution people that
4 one month does not a trend make.

5 What has not improved -- and has actually
6 gotten worse at some locations is local switch
7 service. The first mile and last mile service is
8 probably more important to us than how fast our cars
9 run between points A and B.

10 If crews do not show up or do not bring us
11 the cars that we need to run our plants consistently,
12 we have to slow or shut down plants, turn away
13 farmers and truck products to our customers.

14 So you ask why is this happening? In many
15 cases we have seen local crews reduced and jobs
16 eliminated. The crews that remain are being asked to
17 switch market customers on a given shift and in some
18 cases we are being told that the days a week that
19 we're actually being serviced is being cut back.

20 This means that any hiccup in the CSX
21 results in us having to either slow our processing
22 rate or shut the plant down all together. Cargill

1 shut the Sidney, Ohio soybean plant down on September
2 30th and again on October 1st due to lack of cars.

3 The CSX blamed this on a locomotive
4 failure. This past Monday -- this past Monday, the
5 Lafayette Indiana swiping plant was down in the
6 morning because the local crew could not pull our
7 loads because they ran out of hours.

8 The local crews that serve us are doing
9 the best jobs that they can. As Mr. Harrison pointed
10 out, these are good people. They're hard-working
11 people, we have very good relations with these
12 people. But they're being asked to do more work than
13 they are capable of doing with the resources that
14 they are being given.

15 Mr. Harrison has publicly stated that we
16 the shippers need to bear some pain and suffering for
17 the changes that are being rolled out. I would like
18 to ask you, where in business today would a company
19 put their customers through this type of pain in
20 order to implement a supposed new and improved
21 operating model?

22 As a shipper, precision scheduled

1 railroading means having to accept less service and
2 adjusting our operations to accommodate how the CSX
3 has structured the railroad. In a nutshell, PSR
4 means having to do less with less.

5 This is why we need a strong governing
6 body to ensure that the CSX is doing everything in
7 their power to restore service and reliability to the
8 network. Cargill applauds the actions taken by the
9 STB to hold the CSX accountable and require them to
10 report on their progress.

11 We would request that the STB ask the CSX
12 for a detailed plan on their changes and how they are
13 going to keep our service from deteriorating both
14 short-term and long-term. We would also ask that you
15 keep the weekly calls in place until the railroad has
16 demonstrated consistent and sustainable service
17 levels for a significant period of time.

18 We also request to make the minutes of
19 these conversations public for all stakeholders to
20 view. For the CSX I would ask that you restore our
21 local service to the level that enables us to run our
22 plants at the desired rate.

1 We ask that you add some resources back to
2 your network to enable some resiliency. We also ask
3 that before you reduce switching at any of our plants
4 that you first reach out, communicate the plan
5 changes with us.

6 In some cases we may be able to
7 accommodate fewer switches. Finally, please restore
8 the faith and trust that you can provide a level of
9 service that is worthy of shippers providing you
10 business. Cargill is counting on you, our customers
11 are counting on you.

12 I thank you for the time and the
13 opportunity to speak on behalf of Cargill and our
14 customers. This concludes my comments.

15 MS. BEGEMAN: Thank you, Brad. Kevin?

16 MR. ACKER: Good morning Chairman Begeman
17 and Vice Chairman Miller. My name is Kevin Acker and
18 I'm a Strategic Relationship and Category Manager for
19 Rail at the Chemours Company in Wilmington, Delaware.

20 In my role I am responsible for 115
21 million dollar annual enterprise that provides rail
22 transportation services to my internal clients and

1 our external customers. I'm a 15 year rail customer
2 representing two Fortune 500 companies and a 15 year
3 veteran of two Class One rail carriers, having held
4 positions in marketing, sales and transportation.

5 I'm grateful to the Board for holding this
6 Listening Session and I appreciate the opportunity to
7 share our experience over the last five months and
8 offer suggestions to mitigate the impact of future
9 sweeping network interruptions.

10 Chemours is a 5.4 billion dollar commodity
11 chemical company that owes its success to its
12 unwavering commitment to its customers. For us to
13 provide best in class service to our customers we
14 demand best in class service from each business
15 partner along our lengthy supply chains.

16 When a link in one of those supply chains
17 is broken we take extraordinary measures to protect
18 our customers. Chemours is dependent on a North
19 American rail network to satisfy the needs of its
20 customers.

21 We rely on CSX and 53 other rail carriers
22 for the safe and efficient delivery of inbound raw

1 materials and outbound finished goods. A full 96% of
2 our rail business is captive. We are local to --

3 MS. MILLER: Excuse me, what was the
4 percentage again?

5 MR. ACKER: 96 -- we are local to CSX at
6 our single largest rail service site at New
7 Johnsonville, Tennessee. On an annual basis this
8 site receives 4,000 cars of inbound raw materials
9 and ships 1,600 cars of outbound finished product.

10 The events over the last five months have
11 cost Chemours dearly. We are a 7 day a week customer
12 at New Johnsonville and CSX has failed to provide
13 scheduled service 53% of the time between May 1st and
14 August 31st.

15 We altered production schedules to
16 compensate for lack of delivery. We reduced run
17 rates and changed formulations to keep our plant
18 running. We've had to ship and receive four trucks
19 for each rail car that was hopelessly delayed and we
20 have asked our customers to do the same.

21 To date we have spent an excess of 1.3
22 million dollars in trucking to assure delivery of

1 critical raw materials for production and to supply
2 finished product at a time of peak cycle demand. And
3 we will continue to supplement route shipments with
4 truck until we regain our confidence that CSX can
5 deliver the service our customers demand.

6 In August, we experienced transit time
7 increases of between 57 and 187% in six key customer
8 lanes versus full year 2016. These increases not
9 only stress the fleet of rail cars, they also add a
10 substantial working capital burden.

11 September showed improvement over August
12 but we're still not back to full year 2016 transit
13 times or better as we're told it will be as a result
14 of precision scheduled railroading. And I'm hopeful
15 October will show further improvements in transit
16 time as well.

17 Communication between CSX and Chemours has
18 improved greatly since June but it's largely due to
19 the full engagement of our CSX account team and their
20 senior management.

21 It's still not clear to me what, if any,
22 proactive role the customer service group has in

1 resolving customer's issues and that concerns me. I
2 believe the customer service team plays a vital role
3 in assuring the operating plant is being executed and
4 service issues are resolved promptly.

5 Since September 1st there has been only
6 one occasion when CSX failed to service our new
7 Johnsonville site and they did the right thing. They
8 called our plant representative, explained the
9 challenge and asked our permission to skip a service
10 day -- that's what partners do.

11 CSX is a partner of Chemours, a strategic
12 partner. We simply will not succeed without them
13 operating at their level best. The last five months
14 have been a very costly disappointment to us and I
15 hope we've turned a corner.

16 CSX knows there's still much work to do to
17 deliver the caliber of service we're paying for and I
18 firmly believe they are committed to getting this
19 right.

20 We at Chemours fully support a consistent
21 reliable and cost-effective railroad which we're told
22 is what precision scheduled railroading will deliver.

1 We expect CSX will want to share the benefits of PSR
2 in terms of lower costs to its customers, so its
3 customers can remain competitive in the markets they
4 serve, grow their businesses and therefore grow CSX.

5 If the implementation of this unilateral
6 action by CSX has taught us one thing it's that the
7 Board clearly has a role in protecting the business
8 interests of rail shippers. To mitigate similar
9 network meltdowns in the future I believe the Board
10 should more closely monitor the performance measures
11 from all the carriers to proactively identify
12 possible network disruptions and respond to them
13 immediately.

14 I believe the Board should require the
15 rail carriers to file a flight plan so to speak. If
16 a carrier intends to implement a significant change
17 to its operating plan, I believe that flight plan
18 must include in detail, how it intends to notify its
19 customers of the impending change, how the change may
20 impact the customer, what the benefit of the change
21 is to the customer and what the management of change
22 process will be.

1 For example, how it intends to resolve
2 implementation issues, who the appropriate customer
3 contacts will be and what the escalation process will
4 be. On behalf of the Chemours Company I would like
5 to again thank you for this opportunity to share our
6 experience to date with CSX's implementation of
7 precision scheduled railroading and to reiterate,
8 Chemours fully supports a more efficient, higher
9 velocity and less costly rail network, thank you.

10 MR. SCOTT: Thank you Chairman, Vice
11 Chairman for taking time to hear my --

12 MS. BEGEMAN: Microphone.

13 MR. SCOTT: I'm Bill Scott, Vice President
14 of Collum's Lumber Products in Allandale, South
15 Carolina. We're a family owned saw mill, third
16 generation with the fourth generation waiting to
17 take over.

18 We manufacture yellow pine, dimensional
19 lumber and make utility poles. We currently employ
20 roughly 250 local residents and in the process are
21 extending our production and adding to our work
22 force. Indirectly, Collum's impacts another 100 to

1 150 employers and their employees within the logging
2 industry.

3 At our current production rate we make
4 about 109 million board feet of lumber annually
5 meaning we are larger than average southern yellow
6 pine saw mill. I've been handling CSX in our
7 facility for 35 years.

8 I have seen the service go from a CSX
9 agent at your door to having to call someone in
10 Jacksonville, Florida who is looking at a computer
11 screen that knows nothing about your local facility
12 or your local rail line.

13 I've had my service cut from daily service
14 to three times a week by a prior train master. The
15 reason for this cut was our volume did not warrant
16 the daily switches. Our volume was down because
17 CSXT's inability to provide car.

18 At our facility we use chip hoppers and
19 southern bean flat cars. We place the order for our
20 flat cars and we always order at least twice what we
21 need to get anywhere close to what we actually need
22 to fill our customer's orders.

1 CSX's order systems reset at midnight on
2 Sundays. For example if we order two cars in a week
3 we do not get these two cars by Sunday midnight, the
4 order goes to zero even if it is CSX's fault the car
5 did not arrive. So you have to order multiple weeks
6 to get the cars you need.

7 We have had our car in our service yard in
8 Augusta, George and vanish over the weekend. I have
9 called my agent who cannot find these cars. This has
10 happened numerous times and has this has caused us
11 unnecessary expense. I have had to move and store
12 lumber because of the cars not arriving as well as
13 affecting our production schedules because we have to
14 alter them due to deliveries.

15 There have been times we have had to put
16 these orders on trucks to get the product to the
17 customer. Our customer's want to cancel the order,
18 this puts more trucks on an already crowded highway
19 and increases our costs that we did not plan for in
20 making the deal with the customer.

21 I have ordered cars that have sometimes
22 taken two weeks to arrive. It's gotten to the point

1 where I always call a few days after I order a car to
2 get the cars moving toward me. If I don't the order
3 never seems to be filled.

4 I have had CSX customer service reps call
5 me and want to do more business. I then inform them
6 of the current situation and perceived the problems
7 and you never hear from them again.

8 On the ship up situation we always have a
9 standing order which means a preset number of cars
10 are delivered every switch. When CSX actually
11 changed my switch to three days a week I was always
12 short cargo on Mondays and Wednesday but on Fridays I
13 would get loaded up with cars so they could charge me
14 demurrage over the weekend.

15 This situation got so bad my customers
16 elected to lease their own cars so they did not
17 directly use CSX's cars and my customers could
18 control the car flow. The whole feeder chip that we
19 use today is owned or leased by my customers.

20 This has been a very brief history of what
21 CSX's service has been since the mobile agent concept
22 was phased out. More recently provided CSX --

1 service provided by CSX has continued to be sub-par.

2 On or about June 8th I called to talk to
3 my train master about a missing flat car. He
4 informed me that he had been transferred to
5 Nashville, Tennessee and I needed to talk to the
6 yard master in Augusta for further issues.

7 But he would find out about the car and
8 call me back, which he did. On June 12th I called
9 the yard master in Augusta to find out where the
10 train was. He told me he had been fired. I then
11 called my old train master and he finally found out a
12 day later who I needed to talk to.

13 Only on June 14th I finally got in touch
14 with the two new train masters, Alan and Charlie.
15 Alan informed me he had been on vacation the previous
16 week, came to work on Monday and this was put on him.
17 He knew nothing about the customers, their needs but
18 would do the best he can.

19 Needless to say their service was horrible
20 for approximately two weeks due to their internal
21 personnel transfer. In late June CSX changed my
22 service dates without informing me of the change

1 which caused me a lot of confusion around the trucks
2 to avoid CSX's inability to provide service.

3 This also caused cancellation of flack
4 orders I hadn't placed for two weeks. I have had --
5 I have this on CSX email which I will submit for the
6 record, who took it upon himself to cancel the cars
7 because my switch had basically been changed without
8 telling me anything.

9 My customers were expecting these orders
10 to ship and the car disappeared because of problems
11 with both customers and themselves. My customers
12 have been told expected arrival dates with these
13 cars. Having to go back and tell them of the change
14 to put it mildly, they were not happy.

15 Two weeks later they changed the service
16 again without my knowledge, back to their original
17 service schedule and we had to go through the same
18 issue again where that left us without cars.

19 This is merely one specific incident of
20 which there are many but we don't have the time. It
21 would take me days to discuss. CSX seems to have a
22 total disregard to customer service and business

1 relations.

2 They seem to do what they want, when they
3 want regardless of impact on your business. When you
4 try to call someone you will get their voicemail and
5 it's a rarity to receive a call back.

6 The lack of response for this organization
7 is CSX is having an ongoing negative implication to a
8 family-owned business. I do hope the Board and CSX
9 see what proper actions to correct this problem.

10 I will also be submitting a statement for
11 the record. Thank you for your time I will be happy
12 to answer any questions.

13 MR. JOZWIAK: Chairman Begeman and Vice
14 Chair Miller, my name is Greg Jozwiak and I am the
15 Corporate Vice President of Integrated Supply Chain
16 at Dow, Dupont Material Science.

17 Thank you for holding this Listening
18 Session today to discuss CSX rail issues. Many
19 shippers, including Dow have experienced significant
20 impact to their supply chain as a result of CSX
21 implementing its new precision rail operating model.

22 Dow makes significant use of rail

1 transportation and is a captive shipper with over
2 12,000 annual rail shipments covering 23 states and
3 over 300 locations on this railroad. The CSX
4 precision rail operating model has negatively
5 impacted captive shippers with the closing of yards,
6 laying off of people and idling locomotives.

7 CSX implemented these measures without
8 considering their impact to captive customers without
9 providing adequate notice and without establishing a
10 clearly defined process for addressing service
11 issues.

12 We've been very surprised that
13 improvements were not made based on similar problems
14 experienced during the implementation of precision
15 railroading at Canadian Pacific. The size and
16 complexity of the CSX network suggests the potential
17 for even greater problems.

18 As a CSX customer -- captive customer, Dow
19 has taken on the burden of obtaining adequate service
20 and has experienced increased transit and dwell times
21 and increased transportation costs with the new
22 model.

1 An example of Dow's service problems from
2 implementation occurred at Dow's Carrollton, Kentucky
3 plant which produces materials used in electronics,
4 personal care and the construction industry.

5 Without any notice the CSX Cincinnati
6 terminal ground to a halt with rail car congestion
7 that prevented cars from flowing into the Carrollton
8 plant which is a captive facility. For several
9 weeks Dow pursued daily communication with CSX to
10 provide specific car information and require delivery
11 dates to avoid shutting the plant down.

12 It was Dow's perseverance with CSX that
13 enabled Carrollton to operate at reduced rates until
14 the improvement and the congestion at the Cincinnati
15 yard. Unfortunately, service issues spread across
16 other Dow facilities.

17 Dow customers have also been impacted due
18 to the high variability of service. In August, Dow's
19 calculation of CSX's performance indicated average
20 dwell times at major switching locations ranging from
21 53 to 312 hours compared to baseline for railroad
22 dwell of 24 to 30 hours at interchange.

1 That service variability forced Dow to use
2 alternate transportation modes at much higher costs
3 and this is to ship products to our captive customers
4 in the southeast and Midwest. As a captive shipper,
5 Dow needs continued STB oversight of the CSX
6 railroad operating model.

7 I would like to ask the STB to consider
8 the following first around communication and
9 transparency. Dow needs times and continued flow of
10 information from CSX on operational changes that are
11 likely to impact service.

12 We have been burdened with providing
13 significant rail car dwell information to CSX and
14 they have not taken a proactive approach to address
15 service issues. We also need transparency. For
16 instance, what CSX's intentions are for the number of
17 location of hump yards?

18 I think even today we've heard that there
19 may be no more changes and we also heard that there
20 also may be changes. The second is around meaningful
21 service metrics and visibility. Dow supports the
22 STB's efforts to continue to collect and report

1 specific service metrics for CSX.

2 However, CSX has created new service
3 metrics for dwell and train speed that appear to
4 lower dwell time and increase train speed but are
5 inconsistent with historical and industry standard
6 metrics.

7 Dow would like the STB to expand the
8 collection of industry standard rail car dwell
9 methodology for CSX as reported in EP 724 to include
10 Chicago, Illinois, Montgomery, Alabama and Russell,
11 Kentucky. Effective metrics are imperative to allow
12 data supply chain to manage service variability.

13 Third, around emergency service relief --
14 although the STB has established rules for obtaining
15 expedited relief from service emergencies to
16 temporary relief for railroad service inadequacies,
17 the reality is the expedited procedures take too
18 long.

19 We need a service remedy counted in days
20 not weeks or months. Dow asks the Board to consider
21 a timely rule-making to develop a more realistic
22 expedited process to obtain alternate emergency

1 service based on poor rail service.

2 In summary, Dow remains very concerned
3 with the effectiveness and the resiliency of the CSX
4 precision rail service model and its ability to meet
5 the service needs of our captive plants and our
6 customer locations.

7 We are committed to work with both CSX and
8 to SDB to arrive at a workable solution. Thank you
9 for allowing us to speak at the CSX Transportation
10 Rail Service Issued Public Listening Session.

11 MS. POWERS: Chairman Begeman and Vice
12 Chair Miller my name is Lisa Powers, I am with
13 Cristal and the reason I wish to speak is that CSX's
14 current service delays and changes are significantly
15 impacting Cristal's continued ability to do business.

16 The viability of Cristal's business is
17 dependent upon production of titanium dioxide also
18 known as CR2 which is used in paints, plastics and
19 pigment and paper. And titanium tetrachloride which
20 is a peat stock that goes into making titanium sponge
21 metal.

22 Our ability to ship our products by rail

1 along with local rail switches placed raw materials
2 at our manufacturing sites is critical. I apologize
3 for that -- uninterrupted rail transportation and
4 local rail service is critical to our continued
5 delivery of our many products for various uses.

6 I would like to highlight several areas in
7 which CSX's communication practices have directly
8 impacted Cristal's ability to do business. After
9 nearly 20 years CSX at the end of September gave
10 Cristal 30 day notice on the cancellation of leased
11 track space with a threat and embargo on our cars if
12 not removed within those 30 days.

13 This places additional financial burden on
14 not only Cristal, but other local businesses to
15 source and repair sufficient track space to store our
16 cars. CSX provided a one week notice of rate
17 increases and repeatedly demonstrated an
18 unwillingness to negotiate until Cristal escalated
19 the issue higher in the CSX organization.

20 Changes in the work practices at the local
21 yard have resulted in wrong and/or missed services to
22 the Cristal plant's last plant production and TIH

1 cars not properly secured. While CSX may site
2 improving draw times as a metric, Cristal is
3 frequently now raising inquiries on inbound chlorine
4 as the cars make numerous moves between yards, passed
5 the local yard and back again to your ping-pong term
6 earlier.

7 Increasing and inconsistent transit times
8 have forced Cristal to increase targeted raw material
9 inventories by nearly 50%. Year to date transit
10 times to our primary customers are up 18 to 39% over
11 2016 and Q3 has been the most severe at 24 to 70%
12 increase over 2016 times.

13 The increasing transit times place
14 customers at risk and cause Cristal to lose service
15 in the tank trucks. The on-time delivery rate to our
16 customers is 71% year to date versus 2016 at 79%, and
17 that's using historical transit times.

18 But if you look at CSX's reported transit
19 times based on what they say they should be --
20 on-time deliveries are anywhere from 44 to 63% this
21 year to our customers.

22 Due to the increase in transit times on

1 inbound and outbound material and the need to service
2 customers with tank trucks versus rail cars, the cost
3 impact to Cristal is approximately \$700,000 year to
4 date.

5 When Cristal raises service issues with
6 our account representative, we are repeatedly
7 reminding that the tariff language allows CSX to not
8 guarantee service and cannot be subject to financial
9 compensation to customers who are forced to use their
10 service.

11 Lastly we are concerned about the
12 potential closure of the CSX Ashville, Ohio yard.
13 The Ashville switch yard needs to remain open to
14 support local manufacturing. Cristal urges you to
15 help resolve the service issues many customers are
16 experiencing with CSX.

17 By doing this you will play a critical
18 role in alleviating commercial burdens throughout the
19 TIO2 industry and the U.S. economy resulting in the
20 current state of real transportation on the CSX
21 network will bring comfort that Cristal will not have
22 to face shutting its doors to its customers and it

1 will allow the industry to continue providing the
2 needed material for consumer goods to the public.
3 Thank you for your time and attention.

4 MS. BEGEMAN: Mr. Johnston did you want to
5 chime in, please?

6 MR. JOHNSTON: I would love to chime in.
7 I was a little late getting the microphone moved. I
8 thank Mr. Scott for moving along and filling the gap,
9 but good morning Acting Chairman Begeman, Vice Chair
10 Miller. I'm Eddie Johnston, Federal Government
11 Affairs Manager for the Chemours Company.

12 Thank you again for holding this Listening
13 Session. I want to say at the outset here that I
14 appreciate Mr. Harrison attending this session today
15 in person. His presence and his remarks are a sign
16 that he realizes the severity of the problems his
17 customers have experienced and accepts accountability
18 for them.

19 I was heartened to hear Mr. Harrison say,
20 "If you don't have service, you have nothing." But
21 let's be clear -- merely resolving this year's CSX
22 service problems will provide cold comfort to many

1 rail customers.

2 The root problems that have led us to this
3 point run deeper and broader than Mr. Harrison or
4 CSX. I'm here today because what rail customers like
5 Chemours have suffered since spring is unacceptable.
6 It must come to an end.

7 Mr. Harrison has rightly acknowledged this
8 but getting CSX back on track isn't enough. We must
9 have policy change so it never happens again. The
10 subject of today's session is not an isolated
11 incident, it's already been mentioned as a matter of
12 fact.

13 In 2013-14, rail customers suffered
14 extensive failures in the upper Midwest. Farmers
15 paid the highest price. The cause -- railroads
16 operating in the region had reduced capacity,
17 eliminated train crews and idled locomotives.

18 The result -- they were unable to respond
19 to a record harvest and cold winter weather, both
20 predictable events to this region of the country.
21 The immediate cause of 2017's failure on CSX is to me
22 strikingly similar.

1 System capacity has been reduced, there
2 have been deep personnel cuts, yards have been
3 closed, train crews eliminated and locomotives taken
4 out of service. Once again rail customers are
5 paying the price.

6 Now don't get me wrong efficiency
7 improvements and better asset utilization are
8 laudable goals. None of us want wasteful or
9 inefficient railroads, but how do rail customers fit
10 into this picture?

11 An efficient rail system that fails rail
12 customers when they need it most is, well simply, a
13 failure. The experiences of 2013-14 and now 2017 are
14 more than failures of particular railroads. They
15 reveal an underlying failure in the federal policy
16 that governs the freight rail industry.

17 Failure to address that underlying cause
18 will predictably produce another system-wide failure.
19 Writing about the Second World War, Winston Churchill
20 described it as the unnecessary war. The clouds of
21 war had gathered for many years while the Western
22 democracies did nothing.

1 Instead of enforcing the 1918 armistice
2 and holding Germany to its terms they sought to
3 appease until a re-armed Germany thrust the world
4 into a conflict never before imagined. In the same
5 way this years' service failure was unnecessary.

6 The storm clouds had been gathering for
7 some time. Railroad consolidation, growing monopoly
8 power exercised by the railroads reduced rail system
9 capacity and declining resiliency and finally,
10 statements by this Board that the status quo just
11 doesn't work for rail customers.

12 Even after that warning shot in 2013-14
13 the United States government remained focused on
14 maintaining outdated policies that protect
15 financially healthy railroads from market forces and
16 common sense regulation.

17 For nearly 40 years freight rail policy
18 has been governed by the Stagger's Act of 1980. A
19 stated goal of that legislation memorialized in the
20 statute itself was to provide a regulatory process
21 that balances the needs of carriers, shippers and the
22 public. Do we have a regulatory process that

1 achieves that balance or one that for nearly 40 years
2 has subordinated the needs of rail customers to those
3 of the freight railroads?

4 I met recently with a Congressional
5 staffer who asked, "How much of my business I get
6 shifted to the NS as a result of CSX service
7 failures?" At the time I thought the question
8 insensitive if not impertinent.

9 Didn't he know that I can't -- that I
10 simply don't have that choice like the majority of
11 American farmers, miners and manufacturers I'm a
12 captive rail customer. You heard Mr. Acker say
13 earlier that 96% of Chemours' loaded shipments are
14 captive. I can't give my business to another
15 railroad.

16 Upon reflection I realized though that
17 this staffer's question gets to the heart of the
18 problem. He has choices for all his transactions.
19 He has choices about what to buy and who to buy them
20 from. If he becomes dissatisfied he just takes his
21 business elsewhere -- we call that competitive free
22 markets.

1 He was right on reflection to think that a
2 rail customer receiving core service should be able
3 to buy service from another railroad. That's the way
4 it is in the real world but not in the rail world.

5 The Stagger's Act anticipated this dilemma
6 and explicitly allowed for reciprocal switching where
7 structural competition was absent. Reciprocal
8 switching is no panacea. I concede that, yet in
9 nearly 40 years federal regulators have never
10 approved a reciprocal switch, not one.

11 Lacking competitive market forces to
12 balance the needs of railroads and their customers we
13 must rely on that regulatory process that those who
14 wrote and passed Stagger's recognized would be
15 needed.

16 As you consider the testimony you hear
17 today I have five questions for the Board to
18 deliberate and act on. Doing so will help you make
19 reforms that will give us -- in Vice Chairman
20 Miller's words, "A great transportation system that
21 serves rail customers so we don't repeat recent
22 experience." That may not be a direct quote but I

1 think it's close.

2 First, how will the Board reform its
3 policies, practices and procedures to balance the
4 needs of railroads, rail customers and the public as
5 stipulated in the Stagger's Act?

6 Secondly, how will the Board oversee the
7 service railroads deliver to their customers in a way
8 that provides meaningful early warning when service
9 failures are beginning to develop?

10 May I suggest you appoint a panel of rail
11 customers to advise the Board on metrics that may
12 give that insight? Build on the suggestion made by
13 Secretary Perdue by expanding and including other
14 sectors of the economy.

15 Third, how will the Board proactively and
16 pre-emptively intervene before rail customers are
17 harmed by poor service from their rail suppliers? I
18 believe Congress gave you the authority to do that in
19 2015.

20 Fourth, how will the Board hold railroads
21 accountable for service failures including making
22 restitution to rail customers who incur damages?

1 And fifth, how will the Board unleash the
2 power of competitive market forces by fostering
3 greater rail to rail competition through reciprocal
4 switching and other pro-competitive policies?

5 Rail customers like Chemours are anxious
6 for your actions, for your answers and for your
7 actions. In conclusion, rail customers need a rail
8 system that works for them. Federal policies that
9 consistently put railroads first don't work for rail
10 customers.

11 Policies that are out of date and out of
12 touch with today's realities are holding back
13 American farmers, American miners and American
14 manufacturers. I encourage the STB to use what you
15 hear today to make common sense changes to prevent
16 future rail service failures. The time has come for
17 action -- action that looks to the future rather than
18 being mired in the past.

19 Thank you again for holding this session
20 and thank you for allowing me the opportunity to
21 speak.

22 MS. BEGEMAN: Thank you all for your

1 candid views on giving us an overview of what your
2 experience has been over the last few months. I also
3 think both of us appreciate that you also offered
4 ideas, suggestions -- some of them more reasonable
5 than others -- but really, all of them really
6 thoughtful and much appreciated.

7 If I could start with you Brad, your
8 company is quite large, are you also served by CN and
9 CP?

10 MR. HILDEBRAND: Absolutely.

11 MS. BEGEMAN: So could you -- and I don't
12 mean you to compare it in terms of service -- but
13 they have precision scheduled railroading which has,
14 you know, the kinks have been worked out I guess is
15 one way to reference it. Are you experiencing
16 similar angst with those carriers?

17 Did you go through the same type of
18 challenges during the implementation? Could you
19 comment on what your experience was?

20 MR. HILDEBRAND: Yeah, thank you. So yes,
21 we've experienced similar sort of pains with both the
22 CN/CP as they were rolling out and implementing VSR.

1 I would say today that things have stabilized on
2 those two railroads from my perspective.

3 We still see isolated instances of poor
4 service so it's no panacea but clearly more stable
5 than currently what we're experiencing with the CSX.
6 And I'll go back and harken to my point about the
7 local service is really where we're feeling it. It's
8 that first mile/last mile.

9 And again, for us that's kind of where the
10 rubber meets the road. I liken it in a football game
11 you know you can move the ball between the 20's all
12 well and good but when you get to the red zone boy
13 you better punch it in.

14 And that first mile/last mile is really
15 the red zone for us. You have got to be able to
16 perform. And if you can't perform then call us --
17 let us know. Under the former management at CSX
18 that was something that they really stressed. We
19 don't see that today.

20 MS. MILLER: Brad, I want to follow up on
21 that. So you've said that your service is stable on
22 CP and CN and not what you're experiencing here today

1 but do you have enough historic experience to say
2 whether or not the service you get now on CN is
3 better as a consequence of precision railroading? I
4 mean is the sense that once you get through the
5 transitional process something stabilized, that in
6 fact the service is better, is more dependable?

7 MR. HILDEBRAND: Yeah, so it's comparing a
8 little of apples to oranges Commissioner Miller
9 because the CN clearly is under new management since
10 Mr. Harrison has retired. They've taken a little
11 different approach although they're still, I'm sure,
12 operating in a similar sort of fashion but they have
13 tried to be a little more accommodating I would say,
14 working with us on a couple of different things --
15 certainly a lot more aggressive than what they have
16 been in the past with the management.

17 So it's a little hard to compare apples to
18 apples to say what Mr. Harrison left is where we're
19 at today. I think it has morphed into something
20 under the new management there at the CN and clearly
21 like I said they're much more aggressive on coming to
22 us, looking for our business, trying to do what they

1 can to price themselves competitively which is music
2 to my ears. It's nice to see for a change and doing
3 what they can to handle our business.

4 CP is still kind of, you know, working
5 their way through this and I would say they're still
6 in kind of a transition phase right now of
7 stabilizing things but again coming back to us as
8 customers and saying hey what do we need to do to get
9 more of your business.

10 So again, a lot more seemingly
11 accommodating than what they have been.

12 MS. BEGEMAN: Mr. Acker if I could ask you
13 a question, you had made a recommendation of, I think
14 you said, filing a flight plan as an example for if
15 there were going to be major operational changes by a
16 carrier.

17 I'm curious to know -- I mean Chemours is
18 such a large multi-billion dollar company, what do
19 you do at Chemours when you're going to make a change
20 in your operations? Having just been to New
21 Johnsonville to see your facility there -- I mean
22 clearly when you shut it down, well you try not to

1 shut it down of course, but when you have to make
2 some type of operational change or add new capacity
3 how do you handle that?

4 Is it that you just have enough other
5 facilities that you can make up for it on the other
6 end or could you give us a sense of what you do to be
7 proactive, that you're wanting the railroads to do?

8 MR. ACKER: Chairman Begeman you've given
9 me the opportunity to speak way out of turn and I
10 love this. I believe what we do at Chemours is we
11 have a formal management of change process. Whenever
12 we are going to do something that's vastly different
13 than what we've done before -- whatever it might be,
14 including the way we move rail cars, we have a formal
15 manager of change process that we follow and review
16 and we get all the constituents on board.

17 And everybody understands what we're
18 trying to accomplish and why, what the risks are,
19 what the impacts are and the timeline in which we
20 expect this to be completed and we measure the
21 results. Is that fair Mr. Johnston?

22 MS. BEGEMAN: So I mean you go out to your

1 customers -- or you post it or you file it?

2 MR. ACKER: This is more in house than it
3 is for our customers outside. I can't really speak
4 to what we would do with our customers outside of the
5 company.

6 MR. JOHNSTON: I think you heard last week
7 when you were in New Johnsonville and that as we've
8 worked through this situation over the last number of
9 months that our sales force has been very actively
10 engaged with that.

11 Now that was something that we didn't
12 institute but they've been very much engaged with our
13 customers talking to them regularly, setting
14 expectations, making adjustments where adjustments
15 needed to be made in those expectations, asking them
16 how desperate are things?

17 Can you wait or do we need to get a
18 delivery to you tomorrow? That's just the way we
19 deal with customers. Unlike the railroads, we have
20 competitors that operate in this country and that
21 operate around the world that are knocking at the
22 door so to speak and we understand very clearly that

1 a failure on our part to satisfy their expectations
2 opens that door for somebody else to take that
3 business and we -- customers are precious to us.

4 And we do extraordinary things sometimes
5 to make sure that they're not impacting either by
6 things we do or things that are thrust upon us as the
7 case may be, is that responsive to your question?

8 MS. MILLER: One of the things Mr.
9 Harrison was explaining was that in precision
10 railroading each car has a plan and so one of the --
11 something I took away, perhaps I misunderstood and
12 can be straightened out later, but one of the
13 measures of success is, you know, are the majority of
14 those cars meeting their plan?

15 And what I'm curious about as shippers, do
16 you know what the plan is for your car? Is that
17 something that you know? Do you have input into the
18 plan?

19 MR. ACKER: I was not aware that each car
20 had its own individual plan. I've not seen a plan
21 for any of the cars we move, that sounds really great
22 to me. I hope somehow we get included in that

1 discussion.

2 MR. HILDEBRAND: So I was aware that it
3 does have a plan or they do have a plan and that they
4 will measure to that. We also track our cars through
5 an independent software third party and we typically
6 will rely on what that estimate is versus the
7 railroad's estimate of when we think this thing is
8 going to roll because we think it is better history.

9 MS. MILLER: So in some ways you've kind
10 of developed your own plan based on sort of the
11 history that you know so that --

12 MR. HILDEBRAND: Absolutely.

13 MR. MILLER: Yeah, Mr. Scott I'm curious
14 would you -- do you know what the plan is for your
15 cars?

16 MR. SCOTT: No, ma'am. I really -- we
17 have a standing order for inbound trip hoppers, it's
18 a certain number every time and I just look at the
19 end route of this report who is going to email me
20 every morning and I just read that accordingly.

21 As far as the flat cars you'll see when
22 they hit the door. They might be in multiple states

1 away and you can follow them until they get to you
2 and the ping-pong -- the term we were talking about
3 earlier, I've seen them in my cars.

4 My chip hoppers are unloaded in Brunswick,
5 Georgia or Charleston, South Carolina. I've seen
6 them in Kentucky, in Virginia, all over the southeast
7 before they come back to me empty. But as far as the
8 system they were talking about, I have no knowledge
9 of it.

10 MS. MILLER: Ms. Powers?

11 MS. POWERS: Similar to Cargill's comments
12 we track our cars through external service so we know
13 typically transit times. You know we see within the
14 CSX system historically which yards you go to so we
15 look at that.

16 As far as a plan for each car and if that
17 plan is changing that's never been communicated to
18 us. We're still tracking through third party
19 logistics provider and our own internal methods so we
20 raise inquiries when we see them going through places
21 that make absolutely no sense to try and get them
22 routed back to the correct way.

1 MS. MILLER: This is maybe a naive
2 question but how do you know when a car's gone
3 someplace, particularly if it's a place that doesn't
4 make sense to you?

5 MS. POWERS: So we get corn in from
6 Buffalo. Ashtabula is only a couple of hours, we're
7 right up on Lake Erie and we'll see the car heading
8 to Cincinnati, that's not a logical move.

9 MS. MILLER: Are you getting that
10 information from the railroad though or from your
11 third party logistic?

12 MS. POWERS: We can see them in a number
13 of places, typically we see it first with our --
14 because our third party logistics provider has those
15 relationships with the railroad so they're tracking
16 all of our cars whether they're on CSX or another
17 railroad and that makes it a convenient place for us
18 to leave them.

19 MS. MILLER: Ah hah.

20 MR. HILDEBRAND: So this isn't an
21 independent tracking tool, this is through Steel
22 Roads which is information that the CSX provides via

1 Rail Link I believe that updates Steel Roads and then
2 the software that we use pulls the information in
3 from Steel Roads.

4 MS. MILLER: I see.

5 MR. HILDEBRAND: So we have an exception
6 report that comes out of this third party software
7 that will tell us if a car has sat for more than two
8 days so then we can call the railroad and say what
9 gives with these cars -- but it comes from the
10 railroad, it comes from the CSX, fed to Rail Link
11 which then through Steel Roads.

12 MS. BEGEMAN: One of the things that I'd
13 just like to offer on CSX's behalf, because we have a
14 number of other panels after you to hear from, but each
15 of you have your own story and it's an important story, and
16 to the extent that you haven't had enough or you
17 don't know -- I mean, I know Cargill, Chemours, Dow
18 -- you know who to, you can ring up Mr. Harrison if
19 you really need to. Mr. Scott, you probably won't
20 take that opportunity but there are a number of CSX
21 employees in this room.

22 I hope that they will make sure that they

1 each individually -- someone that will talk to each
2 of the witnesses who are here today to offer any
3 assistance that they can give because when CSX comes
4 up at the end they're not going to be able to
5 probably go through every single comment that they
6 hear today.

7 But I took Mr. Harrison at his word that
8 he wants service to be good and improved and I think
9 he definitely has the message on customer service.
10 So if -- I don't know later we'll have a show of
11 hands of people, but please CSX team speak with
12 everyone here before you leave, thank you.

13 MS. MILLER: So, can I sort of in a
14 summarizing way and then, I don't know, by nodding
15 your head or whatever, let me know if I got the
16 messaging incorrectly. Broadly, some of you very
17 specifically said service is better now than it was
18 say -- perhaps August might have been sort of the
19 worst -- but I also hear some, skepticism maybe isn't
20 the right word, but you know you're going to hold
21 your judgment until you just get a little more
22 information.

1 Is that sort of a correct takeaway or
2 would some of you say, "Hey, I'm not even seeing
3 better service yet?"

4 MR. HILDEBRAND: I think you need to
5 define what you mean by service. Is it from, you
6 know, spotting at the facility to our customer
7 getting the car when and where they need it or is it
8 when the car gets --

9 MS. MILLER: Well all of those things,
10 right?

11 MR. HILDEBRAND: Yeah, so I would say that
12 again once it hits the road and starts moving and
13 then coming back that velocity and/or the turn times
14 that we're seeing are now average and have improved.

15 I will say that again, local service,
16 whether it be at our facility or our customer's
17 facility is nowhere near where it needs to be and has
18 gotten worse.

19 MS. BEGEMAN: And is that because of
20 crews?

21 MR. HILDEBRAND: Crews.

22 MS. BEGEMAN: Is that the reason?

1 MR. HILDEBRAND: Crews.

2 MS. MILLER: And again, sorry, just to be
3 sure I'm not misunderstanding -- you're saying there
4 aren't enough of them. I mean that's your
5 perception -- that the crews are too skinny?

6 MR. HILDEBRAND: That's correct.

7 MS. MILLER: Uh-huh and Ms. Powers it
8 sounds like you were saying you're not seeing
9 improvement in your service?

10 MS. POWERS: If anything, it has actually
11 gotten worse in September and really October with
12 both the local yard and our inbounds and the accuracy
13 of what their placing at our plants is -- right now
14 it's a very miserable time for dealing with them and
15 especially with the very short notice that we
16 received with cancelling our leased track space and
17 threatening the embargo of our cars.

18 30 days to try and find sufficient track
19 space is very difficult.

20 MS. BEGEMAN: Ms. Powers can you -- where
21 are your locations now?

22 MS. POWERS: We're currently just in

1 Ashville, Ohio. Our company, Cristal, is being
2 acquired by Thermax a competitor of Chemours so we
3 have three sites in Ashville, Ohio.

4 MR. JOZWIAK: From a Dow standpoint we've
5 seen improvement versus where we were at in the
6 summer. It's hard to tell if that's based on -- at
7 least from our standpoint the amount of extra effort
8 that we're putting towards, you know, tracking
9 through a similar system to then anticipate.

10 And we're on heightened alert now so our
11 people are working extra hard to try to understand
12 where the material is and make adjustments. I would
13 say there was improvement in a particular area around
14 the Avon, Indiana yard, the pump yard being put back
15 in service and so that particular area we have seen
16 some improvement -- overall, not at the level of
17 history.

18 MS. MILLER: Um-hmm and Mr. Scott what
19 about you?

20 MR. SCOTT: Well I'll just -- for the last
21 two weeks I'll give you an example. I haven't seen
22 any improvement. Just yesterday the train worked me

1 -- they pulled three cars that were not loaded,
2 pulled them out of my facility before I had a chance
3 to load them, put me to somebody's else's cars and
4 they were loaded, just yesterday.

5 Last week, Monday of last week they
6 brought me 20 cars of which they left 11 and pulled 9
7 on to Charleston, South Carolina. Tuesday the train
8 came and brought zero cars. That's just an example
9 of the last two weeks. I can't say I've seen any
10 improvement.

11 MR. ACKER: Your comments do characterize
12 what we are seeing at our New Johnsonville site.

13 MS. BEGEMAN: Thank you all, we greatly
14 appreciate your comments, thank you.

15 MS. BEGEMAN: We'll now have panel two and
16 after this panel we will break for an hour lunch.
17 The reason we have to take a full hour is, you know
18 how much time it took you just to get in the
19 building, you'll have to leave your badges, you'll
20 have to come back in and go through security so we do
21 apologize but we think that this is certainly a
22 really helpful discussion for us and we don't want to

1 rush it at all.

2 And I believe someone had a scheduling
3 conflict later in the afternoon so Cal I think you
4 were going to join us, please you're certainly
5 welcome. We'll get you a badge later.

6 UNIDENTIFIED SPEAKER: We know who he is
7 it's fine, we're good.

8 MS. BEGEMAN: Well it might help the
9 people who were on the web cam.

10 UNIDENTIFIED SPEAKER: That's true, okay.

11 MS. BEGEMAN: We'll get it in just a
12 moment. All right welcome, thank you. I should
13 actually announce the panel, I apologize. The panel
14 consists of Kellogg Company, Murray Energy
15 Corporation, Occidental Chemical Corporation, Olin,
16 and Packaging Corporation of America, as well as the
17 American Chemistry Council.

18 MS. MOSS-HIGHAM: Good morning my name is
19 Sharon Moss-Higham and I'm the Senior Vice President.

20 MS. BEGEMAN: The mic.

21 MS. MOSS-HIGHAM: Sorry. Good morning my
22 name is Sharon Moss-Higham, I'm the Senior Vice

1 President of Distribution and Operations for the
2 Kellogg Company, a snack supply chain.

3 I want to thank Chairwoman Begeman and
4 Vice Chair Miller for calling this Listening Session
5 and for the opportunity to speak with you today about
6 the service issues our company is experiencing as a
7 result of changes made by the CSX transportation.

8 We acknowledge and appreciate the action
9 the Board has taken to date however we remain very
10 concerned about the impact to our operations as a
11 result of the prolonged degradation and CSX rail
12 service.

13 My remarks today will focus on how the
14 deterioration in service has disrupted our supply
15 chain. As background, Kellogg Company was founded
16 111 years ago by W. K. Kellogg who created an entire
17 industry on a single grain -- corn.

18 And over the years Kellogg has grown to be
19 the world's leading cereal company, the second
20 largest producer of snacks and the leading North
21 American frozen foods manufacturer. Kellogg is a
22 major U.S. employer and makes a wide variety of

1 products at manufacturing facilities across the
2 United States.

3 Like other food companies we rely on
4 numerous suppliers to insure we have the ingredients
5 needed to make the foods people love. Unanticipated
6 service issues jeopardize our production which
7 ultimately may impact our customers and consumers in
8 the form of delayed deliveries and higher costs.

9 Our ingredients are supplied by companies
10 throughout the U.S. many of which are located great
11 distances from our plants. For most of our network,
12 rail service is a faster, more economical and
13 reliable mode of delivery for our ingredients and
14 Kellogg is committed to using rail service as part of
15 its business model.

16 Up until five months ago the rail service
17 we received from CSX was consistent. Unfortunately,
18 the business decisions made by CSX have caused its
19 service to our suppliers and our plants to be slow
20 and unreliable.

21 Specifically, Kellogg has experienced
22 significant increases in train transit times,

1 inefficient car routings and congestion and
2 inconsistent switching operations. This degradation
3 in service has resulted in increased cost and
4 disruption to the Kellogg manufacturing network.

5 In fact, just 10 days ago we were forced
6 to shut down lines at our manufacturing plant in
7 North Carolina. Our Pringles plant has been hit the
8 hardest as a result of the changes CSX is making to
9 its operations and the remainder of my remarks today
10 will focus on the first-hand CSX service issues we
11 continue to experience.

12 To insist on the Board's understanding of
13 the significance of the Kellogg's Pringle plant,
14 which is the biggest plant impacted by CSX, Kellogg
15 is one of Jackson, Tennessee's top employers
16 providing employment to over 1,300 individuals.

17 Kellogg's investment in employment and
18 wages for these individuals total nearly 100 million
19 dollars annually. This plant makes approximately 85
20 million cases of Pringles that are shipped across the
21 world.

22 The ingredients packaging and finished

1 product materials to make Pringles at this plant are
2 sourced from over 100 different suppliers across the
3 United States. The Jackson, Tennessee plant is the
4 only plant that makes Pringles for the United States,
5 Canada, Mexico and most of South America.

6 And regarding rail -- the plant operates a
7 fleet of approximately 300 private rail cars to
8 source over 308 million pounds of bulk ingredients,
9 which are the primary components to make Pringles.

10 The Jackson plant is completely dependent
11 on rail service for the delivery and receipt of the
12 major Pringles ingredients. The plant was built with
13 equipment that receives the dry ingredients through
14 rail cars.

15 The ingredients are pneumatically conveyed
16 from the rail cars directly into the plant. Our
17 Pringles plant is also entirely dependent on CSX for
18 inbound and outbound service east of the Mississippi
19 River.

20 As a result, our primary ingredients are
21 shipped by rail to the Jackson plant exclusively by
22 CSX. Kellogg does not have the option to use a

1 different rail carrier to mitigate the impact of any
2 rail service disruptions.

3 Given our complete and total reliance on
4 rail and CSX it is absolutely critical that they
5 deliver all of our required ingredients through
6 reliable and on-time service. While CSX may have
7 improved service for some customers, it appears they
8 are doing so at the expense of captive customers like
9 Kellogg.

10 By example, they recently terminated two
11 agreements that allowed the Pringle's plant to store
12 full rail cars at an off-site rail yard so that they
13 could use that space for other customers. The
14 termination of this storage facility forced Kellogg
15 to find alternative space for our ingredient cars.

16 Because we are captive to CSX this change
17 will increase our switching costs by at least four
18 times the amount we would have paid under prior
19 agreements. This arrangement will further
20 complicate the logistics of our inbound ingredients
21 due to our increased lead times.

22 Since May CSX service to the Pringle's

1 plant has been plagued by a host of problems
2 including misrouted cars, significant and often
3 unexplained delays of cars, inconsistent and
4 unreliable switching operations and lack of
5 communication from CSX as to the explanation to the
6 problem or how or when it will be fixed going
7 forward.

8 Over the five month period from May to
9 September, Kellogg reported numerous instances of
10 misrouted cars. Examples include: cars in route to
11 Jackson, Tennessee from Illinois turning up in
12 Idaho; cars being routed from Arkansas to Tennessee
13 showing up in Cincinnati; cars in Nashville traveling
14 to Jackson showing up in Kentucky and cars sitting at
15 the plant empty while CSX shows them full in Indiana.

16 Such out of route rail cars cause
17 significant delays in both inbound and outbound
18 shipments. During the same period transit times for
19 cars have increased significantly. Prior to May,
20 2017 our transit time for roughly 100 inbound cars
21 per month averaged between 12 to 16 days depending
22 upon the specific route.

1 However, since mid-May two-thirds of our
2 inbound routes have experienced transit times of at
3 least 17 to 21 days with many routes seeing transit
4 times of 25 days or more. On the outbound side where
5 our empty cars are routed back to our suppliers to be
6 refilled we witnessed a similar increase in transit
7 times where many cars are reported in route for as
8 long as a month.

9 The delays in outbound, empty rail cars
10 actually exacerbates the delay on the inbound side as
11 our suppliers are unable to ship our required
12 ingredients until they receive the cars they need to
13 fill.

14 CSX is not effectively addressing the
15 resolution of these service issues. They have
16 mandated that any problems be reported using their
17 customer hotline or online inquiry system where all
18 of their responses to our inquiries regarding the
19 surface issues have been ad hoc, incomplete and
20 wholly inadequate.

21 In essence, CSX's effort has not been
22 effective to solve the myriad of service deficiencies

1 as they relate to the Pringle's plant. At Kellogg we
2 have a team of highly competent professionals who are
3 well-trained in transportation logistics.

4 Fortunately, this team has been able to
5 prevent a shut-down of the Pringles plant but not
6 without significant cost impact. To keep the plant
7 running Kellogg has been forced to use bulk trucking
8 which is more expensive in two ways.

9 First, bulk trucking is at least three
10 times the cost of rail service and second, all bulk
11 truck deliveries must be trans-loaded to rail cars to
12 supply the plant causing Kellogg to incur additional
13 inefficiencies in incremental cost.

14 As a result of our freight costs for the
15 Pringle's ingredients -- our costs have risen by
16 nearly 20% over the past few months. This cost
17 increase does not include bulk trucking of the most
18 important ingredient for Pringles -- potato flakes.

19 To hedge the supply risk of potato flakes
20 we have increased our inventory on hand where
21 feasible which has also impacted our cost. Should
22 the CSX situation worsen however, even in the

1 slightest, and our potato flakes are implicated, our
2 shipping costs could sky-rocket.

3 Bulk trucking is only a temporary
4 mitigating action it is not a sustainable long-term
5 option for the Pringle's plant.

6 In closing, CSX rail service disruption is
7 jeopardizing the continuity of supply on ingredients
8 to our business. We are concerned that ongoing
9 supply disruption will negatively impact our ability
10 to service our customers and consumers.

11 We very much appreciate the opportunity to
12 bring these issues to the Board's attention and look
13 forward to reaching a constructive solution to
14 Kellogg's problem as a shipper captive to CSX.

15 Thank you Chairwoman Begeman for your
16 earlier comment, I would welcome a call from Hunter
17 Harrison or CSX's official to fix our service issues.

18 MS. BEGEMAN: Mr. Murray?

19 MR. MURRAY: Yes, Madam Chairwoman and
20 Commissioner Miller thank you for holding this
21 hearing and for having me here today. My name is
22 Robert Edward Murray, is that better -- all right, my

1 name is Robert Edward Murray and I'm the Executive
2 Vice President of Marketing and Sales for Murray
3 Energy Corporation.

4 Murray Energy Corporation is a private
5 coal mining sales company and the Murray family is
6 the ownership of Murray Energy. We appear before the
7 Surface Transportation Board today in order to focus
8 the attention of the STB on the unacceptable rail
9 transportation delays which have been experienced by
10 the operating companies of Murray Energy in moving
11 our coal to our electric utility customers on the CSX
12 railroad system.

13 We were forced to file civil litigation as
14 well as take various other actions before the Board
15 to redress this. These delays created significant
16 obstacles, preventing or slowing both the loading of
17 coal by Murray Energy's operating companies and the
18 transportation of coal by CSX to our electric utility
19 customers.

20 As a result, the delays had an extremely
21 negative and substantially damaging impact on the
22 operating success of Murray Energy. Murray Energy is

1 the largest privately owned coal mining company in
2 the United States, operating mines at 12 mining
3 complexes located in three of the major coal
4 producing regions of Northern Appalachia, the
5 Illinois Basin and the Uinta Basin in Utah.

6 Consolidation Coal Company which is a
7 subsidiary of Murray Energy operates coal mines in
8 the Northern Appalachian region. As such,
9 Consolidation Coal has entered into coal supply
10 contracts with various purchasers to supply coal from
11 our five very large mines in West Virginia.

12 Similarly, Foresight Energy LLC, another
13 subsidiary of Murray Energy, operates three large
14 mines in the Illinois Basin through its subsidiary:
15 Sugar Camp Energy, LLC, Foresight Coal Sales, LLC, a
16 subsidiary of Foresight Energy, LLC acts as the
17 contracting agent for Sugar Camp for the purpose of
18 entering into the coal supply contracts and selling
19 coal to various customers.

20 The availability of reliable rail
21 transportation for the delivery of our coal to our
22 customers is absolutely essential for Murray Energy

1 and its subsidiary companies. The timely receipt of
2 coal is of equal importance to our electric utility
3 customers.

4 For much of the last three years Murray
5 Energy has experienced severe and unacceptable delays
6 in transporting its coal to customers due to
7 enumerable service delays and failures by the CSX
8 which I will describe herewith.

9 Over the past several years our staff has
10 proactively engaged CSX personnel at all levels, from
11 the hands-on logistical level to the highest
12 executive levels to express Murray Energy's
13 dissatisfaction with CSX's service inadequacies and
14 to discuss options to remedy this critical situation.

15 Quite frankly, at the outset CSX did not
16 want our input. They didn't want our advice. They
17 didn't want any criticism from Murray Energy. Murray
18 Energy's efforts to communicate with CSX to improve
19 service included daily and weekly meetings or
20 conference calls, daily.

21 Unfortunately these efforts were not
22 initially successful in improving CSX's rail service

1 to our coal mining operations in any significant way
2 but the communication has improved and I'll come back
3 to that.

4 But at the outset it was disastrous -- in
5 fact they could not even organize a daily conference
6 call. They committed to have these daily conference
7 calls and there were times when I was the only one on
8 the call or our employees were the only ones on the
9 call, but that has since improved.

10 In the face of continuing rail service
11 delays --

12 MS. MILLER: Mr. Murray, excuse me.

13 MR. MURRAY: Yes ma'am?

14 MS. MILLER: Just for clarification sake
15 are you saying those daily conference calls started
16 after the precision railroading?

17 MR. MURRAY: That's correct, yes ma'am.

18 MS. MILLER: It didn't pre-date that,
19 okay.

20 MR. MURRAY: That's correct, yes ma'am.

21 In the face of continuing rail service delays Murray
22 Energy could not sit idly by and let CSX continue to

1 harm our company and to alienate our customers. We
2 were forced to take action.

3 As a result on August 11, 2017 certain
4 operating subsidiaries of Murray Energy filed two
5 separate complaints with the STB seeking intervention
6 by the Board to address the service issues.

7 Additionally, on August 17, 2017 we
8 directed a letter to the Board requesting that the
9 Board invoke its emergency powers to address the
10 serious service disruptions.

11 Finally, on August 21st, 2017 several
12 operating companies of Murray Energy requested that
13 the Board institute a formal proceeding to
14 investigate CSX's rail service delays and hold a
15 public hearing on the rail service delays.

16 In addition to the actions before the STB,
17 Murray Energy filed two civil lawsuits against CSX on
18 July 31st, 2017 seeking monetary damages. The first
19 such lawsuit is currently pending in Missouri and the
20 second lawsuit is pending in West Virginia.

21 The following is a summary of certain of
22 the service deficiencies caused by CSX over the past

1 three years and there are seven.

2 Number one -- CSX failing to participate
3 in regular coordination calls with Murray Energy and
4 our customers which I mentioned earlier.

5 Number two -- CSX failing to provide
6 trains in accordance with the schedule agreed to in
7 CSX's own web based reservation system for coal
8 companies, for coal shipments.

9 Number three -- CSX failing to provide
10 crews to operate trains in accordance with the
11 schedule agreed to at CSX's own web based reservation
12 system.

13 Number four -- CSX failing to pull loaded
14 coal trains on schedule.

15 Number five -- CSX arbitrarily delaying
16 trains transporting coal while in route to the
17 customer.

18 Number six -- CSX prioritizing shipments
19 of other goods over the transportation of coal.

20 And finally number seven -- CSX failing to
21 communicate with Murray Energy to coordinate basic
22 information relating to shipments and CSX service

1 problems.

2 In sum, these service issues constituted
3 an abdication by CSX of providing rail service to
4 Murray Energy and the coal industry in general is
5 inconsistent with the exclusive charter and monopoly
6 granted railroads in the United States to ship goods
7 and commodities and interstate commerce under Title
8 49 of the United States Codes Section 111.01 and
9 111.21 sub a, sub 1.

10 The specific remedies requested by Murray
11 Energy in two complaints filed on August 11 before
12 the STB include and there are six such remedies:

13 Number one -- directing CSX to participate
14 in daily coordination calls with our electric utility
15 customers.

16 Number two -- requiring CSX to provide
17 sufficient equipment including the four locomotives
18 needed at their Evansville, Indiana yard and trains
19 to timely transport the coal requested by Murray
20 Energy as scheduled and confirmed by CSX's web based
21 reservation system.

22 Number three -- directing CSX to establish

1 reasonable rules and practices, to complete crew
2 changes so that the departure of crews from the
3 train, occur simultaneously with the next crew
4 arriving at the train.

5 Number four -- directing CSX to establish
6 reasonable rules and practices to prevent the storage
7 of trains on side tracks for periods greater than 24
8 hours.

9 Number five -- directing CSX to establish
10 reasonable rules and practices to meaningful address
11 the service inadequacies experienced by Murray
12 Energy.

13 And number six -- directing CSX to
14 establish reasonable rules and practices to develop
15 an adequate power plan to maintain an uninterrupted
16 supply chain.

17 I believe those are six very reasonable
18 requests. As a direct result of Murray Energy
19 initiating proceedings before the STB and filing
20 these civil lawsuits, senior level executives of
21 Murray Energy and CSX have conferred by telephone and
22 by letter in recent days regarding the resolution of

1 rail service issues being experienced by Murray
2 Energy and for the implementation of service
3 improvements by CSX in areas of communications,
4 equipment and cycle times.

5 These discussions have been conducted in
6 good faith by Murray Energy and by the CSX. And
7 while we are unable to report that progress has been
8 made toward reaching a mutual agreement for the
9 identification and implementation of important
10 service improvements for our coal mines in West
11 Virginia and southern Illinois, there remains a gap
12 between what we believe is necessary to resolve the
13 rail transportation delays experienced by Murray
14 Energy and what CSX is willing to commit to do in
15 order to address those delays.

16 In summary, Murray Energy continues to
17 experience rail transportation delays in loading and
18 transporting coal by CSX's trains to its customers.
19 From a positive standpoint, we have seen certain
20 improvements in recent weeks with the cycle times of
21 CSX trains.

22 And senior level executives of CSX have

1 made assurances to Murray Energy of CSX's continued
2 commitment to continue improvements in the areas of
3 communication and cycle times.

4 However, as I previously noted, there
5 still remains a gap between what we believe is
6 necessary to resolve the rail transportation delays
7 being experienced by Murray Energy and what CSX is
8 willing to commit to do to address them.

9 On behalf of our over 6,000 coal miners
10 and those who depend on our coal mines and coal
11 miners for their lives and livelihoods, I thank you
12 for conducting this hearing and for your attention to
13 this matter and my comments have been submitted in
14 writing to the STB, thank you very much.

15 MS. BEGEMAN: Thank you very much, Miss
16 Burns?

17 MS. BURNS: Good afternoon. Occidental
18 Chemical Corporation or Occi-Chem is a leading
19 manufacturer of chemicals which are the building
20 blocks for a range of products essential to public
21 health and modern life. Occi-Chem employs
22 approximately 4,000 employees and contractors at 22

1 domestic locations -- our products are used in water
2 purification, medical supplies, pharmaceuticals,
3 agricultural chemicals and de-icing applications all
4 vital to the United States economy.

5 Over the past several months Occi-Chem has
6 experienced significant CSX service disruptions at
7 multiple locations. These disruptions include
8 increased transit times, ping-ponging of rail cars
9 and reduced switching.

10 In addition, we have received limited
11 communications and last minute notifications further
12 compounding our operational issues. From June to
13 August we saw our CSX service issue logs more than
14 triple.

15 In June we filed 10 service logs, this
16 number climbed to 33 in July and 37 in August.
17 Shut-down situations accounted for 7 of those logs.
18 During this time we were forced to schedule over 100
19 truck shipments to insure our customers could
20 continue operating.

21 Fortunately, several shut-down situations
22 were avoided. Although we experienced significant

1 CSX service issues across our entire network, the
2 yards that have created the most significant issues
3 were Nashville, Cincinnati, Birmingham, Montgomery,
4 Terre Haute, Indiana and Hamlet, North Carolina.

5 The Nashville yard has been particularly
6 problematic and has created issues for our Chlor
7 Alkali facility in New Johnson, Tennessee. Prior to
8 CSX's implementation of precision scheduled
9 railroading this facility received 7 switches per
10 week.

11 In June and July we received an average of
12 only 2 to 3 switches, this change in switching
13 impacted our plant operations and created significant
14 issues across our supply chain. In late August the
15 number of switches improved to 4 switches per week
16 and finally in September it returned to 7 switches.

17 Although switching services are back to
18 regular weekly levels, the weeks of limited switches
19 have significantly impacted our network. Transit
20 times out of the New Johnsonville plant increased by
21 9 days per trip or 42%.

22 This additional transit time requires a

1 22% increase in cost of the rail cars over what is
2 normally required to manage this business. One month
3 after we experienced issues at our New Johnsonville
4 facility we started seeing increased transit times at
5 our Niagara Falls, New York plant.

6 We believe the timing of these issues
7 coincided with the CSX implementation of precision
8 scheduled railroading as these changes moved north.
9 Our primary concerns at this facility were shipments
10 between Niagara Falls and Sauget, Illinois which
11 incurred significant delays in interchange outside of
12 East St. Louis.

13 As I mentioned earlier we experienced a
14 significant ping-ponging of our cars -- where cars
15 are moving but not necessarily in the right
16 direction. In June customers started calling to
17 check on car status as cars were not arriving per the
18 delivery date.

19 As we dug into the issues -- excuse me, we
20 discovered that several of our cars where nowhere
21 along their normal route. CSX stated that they were
22 dealing with congestion and were routing cars

1 differently and circling them because some yards were
2 full.

3 As you are well aware Occi-Chem produces
4 chlorine which is considered a TIH material. It
5 typically takes 12 days for a rail car from our
6 Niagara Falls plant to be delivered to one of our
7 customers in North Carolina.

8 In one instance a TIH rail car took 31
9 days to make that trip. During this time the car was
10 tracked in three different states outside of its
11 normal route. This is particularly disturbing as TIH
12 materials are expected to take the safest and most
13 secure route and with direct custody of the car
14 required during the entire transit.

15 We are increasingly concerned with CSX's
16 plans to convert additional hump yards to flat
17 switching. The Selkirk yard is a very large
18 interchange point for our northern plants with over
19 350 loaded and empty car shipments per month
20 transitioning through this yard.

21 Considering the number of issues that we
22 experienced in the yards recently transitioned to

1 flat switch yards, we are very concerned about any
2 Selkirk transition. We have heard conflicting
3 reports about the plans for this yard and expect a
4 better understanding of the timing and the plants.

5 We continue to be concerned with Chicago
6 as well. Chicago is a key interchange to all other
7 railroads. Issues with CSX will quickly ripple to
8 all other Class 1's and when compounded with any
9 significant winter weather this could create a total
10 traffic meltdown.

11 I'm also very concerned regarding Hunter's
12 comments about CSX not participating in the CTCO.
13 Over the past several months we have seen a
14 significant turnover of CSX personnel familiar with
15 Occi-Chem.

16 We believe this has contributed to the
17 communication issues including incomplete
18 information. When we do get information it is often
19 without warning and many of these communications
20 leave little to no time for us to adapt. In
21 addition to service issues that we have experienced,
22 CSX has been aggressively cancelling leased

1 contracts. Although this is within their contract
2 rights, the limited advance notice that we received
3 has created significant impacts to our supply chain,
4 losing hundreds of spots for storage creating a huge
5 ripple effect across and organization as you need to
6 figure out where best to store cars.

7 We expect more out of a large, long-term
8 supplier than what CSX has provided with these
9 cancellations. Occi-Chem has experienced a slight
10 improvement in service during the month of
11 September. We are seeing fewer and shorter delays
12 and our tracing and tracking are showing less
13 ping-ponging of cars.

14 In addition, switching has been more
15 consistent than what we experienced earlier in the
16 summer. Our metrics indicate that although improved,
17 the service levels are still unacceptable and not
18 back to pre-precision scheduled rail roading levels.

19 As a reference point the transit time for
20 our new Johnsonville facility has improved three to
21 four days during the month of September. However,
22 this is still six days worse than our typical transit

1 times.

2 We filed 10 CSX service logs during the
3 month of September, down from the high of 37 in
4 August. However, one of these logs was a shut-down
5 log which was only avoided due to scheduling of
6 trucks.

7 Both of these data points do indicate an
8 improvement but CSX service is clearly still not in
9 an acceptable level. We are very appreciative for
10 the assistance that we have received from the rail
11 customer and public assistance program.

12 We are anxious to find immediate solutions
13 to restore improved service levels, however, we are
14 equally interested in insuring that plans are in
15 place to prevent issues such as these in the future.

16 We request that the Board continue to stay
17 engaged by monitoring CSX performance. Continuity in
18 metrics is important for us to be able to compare
19 apples to apples and gauge performance.

20 Although CSX may implement new metrics, it
21 is important that we continue to see the standard
22 common metrics which all railroads report so that we

1 can track historical and current status.

2 We also believe that any railroad that is
3 contemplating such a significant change to their
4 operations must first present their plans to the STB
5 including timeline impacts to the customers and
6 communication plans before these changes are allowed
7 to move forward in the future.

8 Occi-Chem is grateful for the opportunity
9 to come during today's hearing and share our story.

10 MS. BEGEMAN: Thank you, Mr. Dooley?

11 MR. DOOLEY: Thank you Chairwoman Begeman
12 and Commissioner Deb Miller for the opportunity to
13 testify today and I'll submit my written statement
14 for the record and abbreviate my remarks.

15 I'm Cal Dooley and I'm President and CEO
16 of the American Chemistry Council and I appreciate
17 the opportunity that you provided for a number of our
18 member companies to make testimony today.

19 You know there's probably not another
20 industry in the country that is more dependent on
21 having a very efficient and effective rail
22 transportation system. And the chemical industry

1 right now is really poised on an unprecedented era of
2 growth in the United States.

3 Because of the increased supplies of
4 natural gas which is a feedstock to our industry
5 we're seeing a flood of new investment in
6 manufacturing of chemicals in the United States. We
7 keep a running total at ACC of these new investments
8 and now there are about 310 new facilities that are
9 being constructed that constitute about a 185 billion
10 in new capital investment.

11 According to the Commerce Department
12 statistics if you go back to 2016 it was 48, almost
13 50% of all investment in manufacturing in the United
14 States was constituted by the chemical industry. And
15 when you extrapolate that out in terms of what it's
16 going to mean in terms of additional shipments -- we
17 did some work with PWC and we expect in the next few
18 years 1.8 million additional truckload shipments
19 volume-wise for the chemical industry with this new
20 investment.

21 So we need, again, a very effective and
22 functioning rail system. Yeah we had great concerns

1 as did every shipper I think that constituency that
2 is testifying today that has been dealing with CSX
3 over the last few months.

4 ACC has been a major force in trying to
5 develop what we call the Rail Customer Coalition,
6 you'll be hearing from another representative of
7 them. In August or late July of last year we
8 submitted the letter to Mr. Harrison and CSX
9 explaining some of our concerns in terms of some of
10 the service problems that you've heard very
11 consistently from every shipper group today.

12 It was very remarkable to me that on
13 October or August 16th I received a response from Mr.
14 Harrison to that letter that was signed by over 25
15 different rail shipper customers. In his response to
16 it he said that the concerns raised by ACC and a
17 broad group of other rail shipper organizations were
18 unfounded and greatly exaggerated.

19 And the testimony you're hearing today is
20 a validation that those concerns we were pointing out
21 were clearly well substantiated. But in many
22 respects we look at it as almost a, you know, a

1 validation of the challenge that we face as a rail
2 customer here.

3 A CEO of a service provider that basically
4 would challenge his customers and criticize them as
5 making unfounded and greatly exaggerated concerns
6 about service is a reflection of being insulated from
7 the competitive pressures of the marketplace.

8 And I won't go further in to articulate
9 some of the concerns that our member companies have
10 already articulated in terms of the service problems
11 we face. I'd rather segue into where we think STB
12 has a role to continue to play and even enhanced to
13 insure that we can be more effective in how we're
14 addressing service problems such as we experienced
15 with CSX in the past and potentially in the future.

16 I want to first off acknowledge some of
17 the terrific work that STB has done with your Rail
18 Customer Assessment Program. Your staff has just
19 been terrific in terms of being very, very
20 responsive and working with the individual shippers.

21 And I think this Listening Session is also
22 a sign that STB realizes that you have an important

1 role to play here. But the Board must also consider
2 proactive long-term actions to help prevent and
3 mitigate the next crisis, and a couple of
4 recommendations.

5 First, we urge the Board to utilize its
6 Congressionally-authorized authority to investigate
7 the underlying causes of CSX service disruptions as
8 well as the long-term impacts of its operational
9 changes.

10 With fewer switch yards, fewer operations
11 personnel and fewer customer service resources, ACC
12 members question whether CSX rail network is
13 sufficiently resilient against emergency situations
14 or even coming winter weather.

15 We had a situation in August when we had
16 Hurricane Harvey that because of the failure of one
17 company to receive their normal car shipments they
18 would have been fully prepared to maintain their
19 operations during Hurricane Harvey, they had to shut
20 down their facility because of some of the failure of
21 the service of CSX.

22 And a formal STB investigation, the

1 authority you have there, is one very viable way to
2 answer many of those questions.

3 Second, STB should reconsider its
4 procedures for providing emergency service relief.
5 While an individual shipper may petition the STB for
6 an emergency Order on a specific issue, this complex
7 and piecemeal approach simply is not designed to
8 alleviate the type of widespread service
9 interruptions experienced across the CSX network.

10 The Board should adopt an expedited
11 process to provide alternative service options to
12 groups of impacted shippers when a carrier is
13 experiencing regional or system-wide service
14 problems.

15 And, finally, we urge the Board to address
16 fundamental problems of outdated policies that
17 insulate railroads from market forces. CSX's
18 indifference to its customers would be almost
19 unimaginable for any company operating in a truly
20 competitive environment.

21 The reality is most ACC members that ship
22 or receive materials on CSX have no competitive

1 transportation options available to them. And one of
2 the best ways for STB to head off future service
3 problems would be to enact overdue reforms and
4 promote greater rail to rail competition.

5 I believe very strongly that Congress in a
6 very strong message to STB with its re-authorization
7 of the STB Act a couple of years ago that they expect
8 STB to be more aggressive in using their authority to
9 ensure greater competition in the rail shipping
10 marketplace.

11 The competition offers a far better way to
12 address rail customer concerns and government
13 intervention and can lead to innovation and increase
14 sufficiency just as it does throughout all the
15 sectors of the U.S. economy.

16 I listened to Mr. Harrison's comments this
17 morning and one area which I thought we might have a
18 lot of agreement or potential for agreement and
19 that's when he talked about the shipper protocol
20 where he recognized sometimes that cars are not
21 moving in the most cost effective or effective way.

22 We think very strongly with one of the

1 dockets you have in front of you today where the
2 reciprocal switching -- this is a mechanism and a
3 tool that could actually contribute to an objective
4 that would be similar to the shipping protocol as
5 articulated by Hunter Harrison.

6 So thank you again for holding this
7 session. If I could leave one thought with you it
8 would be this. The Board should not consider its job
9 done until STB has insured an environment where rail
10 shippers have meaning competitive options, are never
11 forced to accept unacceptable service, thank you.

12 MR. TIRABASSI: Chairwoman Begeman and
13 Vice Chair Miller, thank you for allowing rail
14 shippers such as Olin the opportunity to share with
15 you our most recent struggles with the railroad
16 industry.

17 My name is Tom Tirabassi, I'm the Director
18 of North American Logistics for Olin Chlor Alkali
19 Products and Vinyls. Today I'm testifying on behalf
20 of Olin which is headquartered in Clinton, Missouri
21 after acquiring assets from the Dow Chemical
22 Corporation in 2015, Olin is now the world's largest

1 producer of chlorine and associated products.

2 Chlorine chemistry is essential to
3 everyday life. The products of chlorine chemistry
4 make possible clean, drinking water, safe foods,
5 pharmaceuticals, medical equipment, construction
6 materials, computers, electronics, automobiles,
7 clothing, sporting equipment, agriculture and many
8 more.

9 Much of what we produce must move on the
10 rail network and as was demonstrated during the
11 positive train control crisis of 2015 failure to
12 effectively distribute these commodities in the
13 marketplace poses an exponential threat to the health
14 and safety and to the broader economy.

15 To be respectful of your time I don't plan
16 to go into detail on each of the 87 inquiries Olin
17 has filed over the last 90 days related to CSX rail
18 service issues. Rather, I will focus my remarks on a
19 few notable and in some cases, alarming examples.

20 The first notable case is what initially
21 compelled Olin to contact the STB Rail Customer
22 Assistance Program. On July 13th of 2017 CSX was in

1 possession of 25 rail cars, 5 of which were chlorine
2 and 20 of caustic soda in the Mobile, Alabama yard.

3 These cars were destined for three Olin
4 customers who faced shut-down situations since these
5 cars had been held in Mobile since June 25th.

6 Numerous contacts with CSX customer service were
7 ineffective.

8 The situation was finally resolved after
9 CSX Vice President Michael Rutherford became
10 personally involved to get the cars moving. Olin was
11 very appreciative of Mr. Rutherford's involvement but
12 at the same time we were concerned that this
13 situation necessitated it.

14 Previous contacts in the CSX chain of
15 command were of no help. Prior to the CSX operating
16 changes, Olin was a premiere shipper with CSX and we
17 enjoyed a helpful relationship with CSX's customer
18 service. That service is now non-existence. Sales
19 and marketing personnel have replaced the mechanism
20 that was formally in place to troubleshoot and
21 resolve rail issues.

22 CSX has simply de-prioritized customer

1 service under the supposed precision scheduled
2 railroading model and this shows no sign of
3 improving. Unfortunately, the situation continued to
4 deteriorate after our first complaint.

5 The second case occurred on August 22nd
6 when CSX lost a loaded chlorine rail car while in
7 their custody and control. After repeated Olin
8 inquiries the subject TIH load was finally located in
9 a CSX yard.

10 It is my firm belief that from August 22nd
11 through 25th CSX had no earthly idea where this TIH
12 load was located. I'm sure you can appreciate the
13 serious security concern this evidences.

14 The next notable case occurred when a TIH
15 chlorine rail car arrived at the Rose Lake yard on
16 August 8th and didn't depart until August 25th, a
17 full 17 days after its arrival at that yard. To add
18 insult to injury after repeatedly informing CSX of
19 this customer supply disruption, CSX finally informed
20 Olin on August 18th the car would depart on August
21 23rd, freely acknowledging they intended to hold this
22 car another five days in that yard.

1 My final example of our 87 inquiries in 90
2 days is unfortunately typical of the level of
3 customer service we have been provided by CSX. On
4 August 5th an Olin perchloroethylene load arrived at
5 the East St. Louis yard. This load did not depart
6 that yard until August 24th -- 19 days later.

7 Telling in this case was the fact that
8 Olin was informed by CSX that the load would depart
9 on third shift on five different occasions. They
10 finally got it right on the last one.

11 As Olin Corporation has testified in the
12 past our company has significant captivity issues, in
13 fact, all of Olin's origins are captive to a single
14 railroad. Recently CSX service cuts and massive
15 disinvestment have caused a tremendous strain on our
16 logistics operation.

17 It is disturbing that a railroad with a
18 statutory common carrier obligation is able to take
19 such dramatic action with little or no oversight from
20 the government. Congress passed the STB
21 "Reauthorization Act of 2015 charging the Board with
22 the responsibility to investigate rail matters of

1 regional and national significance.

2 It is difficult to imagine a more
3 appropriate instance to invoke this authority. It is
4 also remarkable that a company like CSX can make such
5 massive changes and cuts in service and staffing and
6 rather than see any pricing benefits, the customer
7 actually sees price increases and deteriorating
8 service.

9 This simply would not be possible in a
10 market economy and is further evidence that STB
11 should pursue pro-competitive, pro-market-based
12 solutions.

13 The customer service issues we are
14 experiencing with CSX is only possible because CSX
15 faces minimal competition in the marketplace. If our
16 corporation or a competitor suffered systematic
17 failure such as CSX has recently, we or our
18 competitors, would immediately move to take their
19 market share.

20 It seems that this has largely not
21 happened in the case of CSX simply because most
22 instances customers have no other choice. This

1 dynamic must be remedies and the Surface
2 Transportation Board is the only agency that has the
3 responsibility and the statutory authority to make
4 meaningful changes in the short-term.

5 That concludes my remarks. Again, thank
6 you for your time.

7 MR. RIDLEY: I got the trick chair so be
8 careful. Good afternoon Acting Chairman Begeman,
9 Vice Chairman Miller. I want to thank you for
10 holding this Public Listening Session today and the
11 rail service problems involving the CSX
12 transportation and for inviting the invested
13 stakeholders here to share our recent experiences and
14 concerns with the CSX service.

15 Since both of you are familiar with myself
16 and PCA I'm going to skip the introduction. Let me
17 start by stating that I'm only summarizing some of
18 our issues and not providing any financial data since
19 this is a public statement.

20 PCA is currently and has been having many
21 issues at our facilities all from the origination and
22 destination with CSX service and car supply started

1 in Q2 of this year. And I think you heard earlier
2 that first mile and last mile that has been a
3 significant issue for us.

4 Most of our originating locations -- paper
5 mills are served by short line carriers, the noted
6 change with a Class One railroad for programs. This
7 is a case for our Filer City, Michigan plant that is
8 served by CSX's originating Class One carrier.

9 This facility has not been receiving what
10 has been a normal car supply since the middle of
11 April. As an example, at our Filer City mill CSX has
12 reduced the maximum cargo allowed to be well below
13 our normal average and has forced PCA to transport
14 finished goods by other modes at increased expense
15 and despite our clear preference for rail.

16 So when ordering cars there are times when
17 supply was drastically reduced from this average --
18 example order 20 get 1 and times when CSX actually
19 locked us out of the car management system so that
20 facility could not order any box cars at all.

21 This does two things -- one it increases
22 PCH freight costs and two -- makes CSX's metric on

1 car order fulfillment look substantially better than
2 reality. I have included some examples of that in my
3 written testimony.

4 Next I'll discuss some of the service
5 issues we have been having at the receiving plants.
6 I'll start with Florida since it's been in the area
7 where problems began and remains a concern today.

8 Our Miami plant was the first to see crew
9 and equipment cutbacks in immediate service issues.
10 Missed switches at this plant started getting really
11 bad the second week of April. These box cars
12 contained rolls of lined or medium paper which is
13 combined and glued to make a box.

14 When inventories got low we moved 100% of
15 our deliveries to truck and some intermodal for two
16 weeks. And for the following two weeks we were at
17 50% before getting back to closer to normal service.
18 Remember it takes two to three trucks to haul what
19 one rail car can haul.

20 Not only was the plant missing complete
21 switches, some switches only had three or four cars
22 when the facility can unload six, adversely affecting

1 the efficiency of our operations.

2 On May 9th, myself and other PCA managers
3 went to Jacksonville to meet with CSX management to
4 try to understand what operational changes were
5 happening, what was the plan going forward and how
6 can PCA help the process and put in place and define
7 communication strategy.

8 It was a worthwhile meeting but it had
9 little effect on the path going forward. My main
10 contact was later reassigned and I have not gotten a
11 replacement name yet as of today. The plan was
12 broadly summarized in an email we got on May 17th of
13 network enhancements beginning on April 1st over a
14 month after the fact.

15 Other PCA plants in Florida have similar
16 stories, those located in Winter Haven and
17 Jacksonville. And as the summer moved on conditions
18 rapidly degraded on movements to the north of
19 Florida, our Hollywood path, South Carolina plants
20 started having the same issues at the end of April.

21 Plymouth, Michigan plants started seeing
22 these issues beginning the middle of May. Richmond,

1 Virginia plant was affected starting in July. So
2 there are more examples but let me emphasize one more
3 point. It's a known fact that Packaging Corporation
4 of America is a paper and forest products company
5 that ship in box cars.

6 As such we ship to exempt commodities and
7 do not have direct access to more formal processes
8 and remedies of Surface Transportation Board to
9 address our service issues. I have some concern that
10 our exempt status may influence the attention
11 provided by CSX to our service issues and question
12 whether they are honoring their common carrier
13 obligation when it comes to car supply and switching
14 services.

15 Our exempt status would appear to place
16 PCA at a disadvantage as compared to other non-exempt
17 shippers using CSX. PCA is very concerned with the
18 long-term impacts. CSX has reduced service levels
19 and believes that the Board should more closely
20 monitor the severe cutbacks in car supply, switches
21 and necessary operating personnel.

22 Further, CSA should be required to add

1 resources to help restore these service levels and
2 work with its customers with respect to timing and
3 impacts on planned operational changes. Our fear is
4 that CSX intends the current atrocious service levels
5 to become the new normal.

6 In closing I want to thank you for this
7 opportunity to discuss this urgent matter. Although
8 our supply chain for getting products out of our
9 mills to our box plants have been severely disrupted
10 for months due to CSX's poor service, we have done
11 extraordinary things at elevated cost to make sure
12 that we service our customers, thank you.

13 MS. BEGEMAN: Thank you, thank you all.
14 Sharron, a couple of shippers in the last panel have
15 also had a situation that you're experiencing where
16 your car storage contracts have been cancelled.

17 Could you just give us a sense of how many
18 cars you actually were storing on that site? I'm
19 just curious like if it's 4, if it's 40?

20 MS. MOSS-HIGHAM: I would have to give you
21 the specific number. We used 300. We manage 300
22 cars. So and I don't know if it helps, we could talk

1 to the complexity around moving those but I would
2 need to get back to you on the number.

3 MS. BEGEMAN: All right, thank you.

4 MS. BURNS: So we shared a similar story
5 and for us it's hundreds of cars.

6 MS. BEGEMAN: And, what did you do to
7 address?

8 MS. BURNS: We are still doing.

9 MS. BEGEMAN: What are you doing?

10 MS. BURNS: So what we're trying to do is
11 we're trying to find alternative space. In the
12 meantime we have a few contracts that they've allowed
13 us to continue storing but we went to a tariff rate
14 that is significantly higher than a contract rate.

15 But basically we're looking for
16 alternative storage locations. We've pulled cars out
17 of those locations, we're trying to find storage
18 within our own plants, but it has disrupted all 22
19 locations.

20 MS. MILLER: So this is probably maybe a
21 question for CSX but do they need the space for
22 storage themselves or is it space that's needed for

1 the fluidity of the system?

2 MS. BURNS: I think we need to ask CSX,
3 I'm not sure that we've been told clearly what the
4 plans are.

5 MS. BEGEMAN: Mr. Dooley, I'm sorry I
6 couldn't write down fast enough but could you repeat
7 the investment comments that you were making as far
8 as your chemical companies?

9 MR. DOOLEY: Yeah because of the increased
10 supplies of natural gas which is basically a function
11 of an enhancement in fracking technology the U.S.
12 chemical industry has gone from one of the highest
13 cost manufacturers of chemicals to now among the
14 world's lowest cost manufacturers.

15 That's what led to a flood of about 185
16 billion in new capital investment. 62% of that is
17 foreign direct investment so we on-shoring capital
18 throughout the world into the United States. If you
19 look at 2016 Department of Commerce figures that do a
20 census on all manufacturing investment, the chemical
21 industry accounted for 48% of all investment in
22 manufacturing in the United States.

1 That includes autos, food, you name it --
2 it was 48% was our industry. And then the statistics
3 on the increased shipments that we have done and this
4 was with a joint project we did with PWC we made a
5 finding there that there was going to be as a result
6 of this increased manufacturing capacity, about 1.8
7 million additional truckload units that will be on an
8 annual basis which will lead to more barge demand,
9 more truck demand and more rail demand.

10 MS. BEGEMAN: And of those investments,
11 are they typically adding on to existing facilities
12 or are they establishing new locations?

13 MR. DOOLEY: It's a combination. There
14 are some green starts that are occurring but there is
15 a significant amount which is an expansion of new
16 facilities and these are huge investments.

17 A good example is the announcement by
18 Shell to build a cracker outside of Pittsburgh is
19 upwards of a five billion dollar investment.

20 MS. BEGEMAN: And I'm curious if you can
21 comment on those -- I guess new starts if you will,
22 are they locating those facilities on dual service

1 locations or are they --

2 MR. DOOLEY: Well a good example is that a
3 lot of those are being -- about 70% of that
4 investment, that 185 is in the Gulf Region where the
5 heart of the chemical industry is currently located
6 so they are generally adjacent to a new or an
7 existing facility that is served.

8 I don't know if you've heard some of our
9 member companies overwhelmingly are captive shippers
10 but the Shell -- one of their determinations on where
11 to locate and make their new investment on a cracker
12 which is at 5 billion, that it had to be served by
13 more than one rail line and also it had to have
14 access to barge traffic in order to try to, you know,
15 to overcome some of the vulnerabilities to being
16 captive to one rail line which has had a significant
17 adverse impact on the bottom line of a lot of our
18 companies.

19 MS. MILLER: So I'm wondering again sort
20 of a question to all of you. Did you have any
21 communications from CSX before the precision
22 railroading changes started to be made? I mean did

1 you read it in the newspaper? Notice changes and ask
2 why it was going on or did you have any
3 communications to let you know there was going to be
4 a change in operating?

5 MR. TIRABASSI: I'll take that one. The
6 answer is yes I received an email 8:30 on a Thursday
7 saying effective immediately meaning tomorrow
8 morning, that we would need from our CSX served
9 location to have the full contents ready by 6 a.m.
10 that morning -- a change from over a decade of
11 operating standard procedures that we have had.

12 We didn't even have customer service
13 staffing at 6 a.m. in that morning, a significant
14 change. And that's one trivial example. We were
15 able to work through it, we have now changed shifts
16 and got things in place in order to serve -- in order
17 to be able to be compliant with that request.

18 But again, another good indication in a
19 market based economy you don't have a service
20 provider telling a service customer what they need to
21 do with less than 24 hours-notice -- one example.

22 MS. MILLER: And do any of you -- are you

1 in a position like one of the earlier testifiers
2 where you have had experience with CN and CP and --

3 MR. RIDLEY: So, yes, so obviously I was
4 the plant manager in Wisconsin during the WC takeover
5 when Mr. Harrison was the head of that. So that's I
6 guess a big concern that I'm leaving here with today
7 is I'm hearing that CN is the golden standard.

8 And I can tell you as I've mentioned to
9 you a month or so ago when we met, that Wisconsin is
10 probably one of the least rail friendly states that
11 we ship in. That facility up there today from back
12 then has gone from about 80% rail shipment to right
13 around 40 - 45% rail shipment, all the rest has gone
14 to truck.

15 So yeah, it's real stable because we're
16 shipping a lot by truck today that we never used to
17 in the past, so.

18 MS. MILLER: And when you say -- what term
19 did you use least rail -- you didn't say friendly, do
20 you mean the rail service in Wisconsin is poor, is
21 that what you mean by your statement?

22 MR. RIDLEY: It's from a rate and service

1 is not too bad, we still miss some switches but not
2 as bad but when you're only shipping half as many
3 it's a lot easier to kind of make those switches
4 today. This is not a state that likes its' ship
5 rate. The steep market itself, let's put it that
6 way.

7 MS. BURNS: So sometimes for us the number
8 of the volume that we do at CSX is so much greater
9 than CN and CP so I'm not sure even if it was the
10 same impact if it would feel the same.

11 But from our perspective I think a couple
12 of things -- there's a lot of differences between the
13 CSX railroad and the Canadian railroads and that
14 includes the type of rail cars, the unit trains, the
15 geography, what their -- how they're moving that
16 sort of thing.

17 But what we think is the biggest change is
18 the speed of the transition. So if you look at what
19 the Canadian railroads did I think they did it in a
20 much slower transition rate and I think it was
21 probably in years -- not months.

22 And so CSX has been so aggressive and so

1 quick. What we have found is that even if you can
2 get in touch with somebody within CSX they don't know
3 the plan even within CSX and I think those employees
4 were put in such a situation that the speed of
5 change and the rate of change was so fast that they
6 don't even understand it themselves, let alone could
7 they communicate it to their customers.

8 MR. MURRAY: If I may. We ship coal on
9 the Norfolk Southern Railroad -- a rather large
10 volume, actually more volume than what we ship on the
11 CSX. Right now we're shipping about 8 to 10 million
12 tons out of our Foresight Sugar Camp operation on the
13 CSX and about something like 5 million tons maybe out
14 of West Virginia from our Murray mines, larger
15 volumes at the Norfolk Southern.

16 At our Sugar Camp complex just last month
17 when you compare the ratable schedules, the ratable
18 shipments we missed about 20 trains on the CSX last
19 month. We didn't miss nearly that many on the
20 Norfolk Southern and the CN combined and we are
21 serviced also by the CN as well.

22 MS. MILLER: I thought, oh excuse me, go

1 ahead.

2 MR. MURRAY: Yeah and I just wanted to
3 emphasize that you know for us it's really simple.
4 We need to load the train on the day that it's
5 scheduled to load. Because if we miss that loading,
6 we don't get it back, we don't get the time back.

7 We're volume intensive and we can't --
8 there is no makeup. When we miss that hour we miss
9 that day, it's gone until next year and we don't get
10 to see it again and you're looking at, you know, 130
11 car train, you're looking at a half a million
12 dollars- worth of revenue, you know, for our product
13 so it adds up quickly.

14 And when you think about 20 trains you can
15 do the math, it's a lot of money. So my point though
16 is that we have -- you're, the question I believe as
17 I heard it was do you experience similar situations
18 with the other railroads and my answer is no.

19 In fact, I was fortunate enough to have
20 lunch with CEO Jim Squire from Columbus, Ohio last
21 week and I was happy to inform him that when he asked
22 me the question I was happy to inform him that we

1 were very pleased with their service up to this
2 point.

3 MS. MILLER: I took it from your
4 presentation that -- well maybe I should ask did I
5 understand this correctly -- that a lot of your
6 frustration with the railroad began long before
7 precision railroading came into --

8 MR. MURRAY: Yes, ma'am, that is correct.
9 Yeah, it's been about three years-worth of issues,
10 significant issues.

11 MS. BEGEMAN: Well I think we were both
12 happy to hear you say that at this point. The two
13 sides if you will have been talking, have been having
14 conversations.

15 MR. MURRAY: Absolutely.

16 MS. BEGEMAN: That is great to hear. We
17 encourage it. We have a mediation program that we
18 would be happy to assist you with if it came to that
19 although we also don't want to get in your way but I
20 commend both CSX as well and Murray Energy -- you
21 have to talk to resolve issues.

22 MR. MURRAY: That's absolutely correct.

1 And I will say to give credit where credit's due,
2 they've been very responsive to our concerns and
3 they've been very willing to talk it out. But as I
4 mentioned earlier there's still a gap between what we
5 believe is necessary and what they believe is
6 necessary to achieve the same goal, that's the
7 concern but we'll keep the dialogue going for sure,
8 thank you.

9 MS. MILLER: So, Miss Moss-Higham, I was
10 just going to ask as the Vice President of
11 Distribution of Snacks if you had any snacks to
12 distribute here today?

13 MS. MOSS-HIGHAM: I'm more than happy to
14 take care of that.

15 MS. MILLER: I was just thinking as
16 everyone is missing their lunch it would be lovely to
17 have snacks, next trip -- teasing you.

18 MS. BEGEMAN: Well with that I really
19 thank you all very much and Tom, I want to commend
20 you on your excellent new hire.

21 MR. TIRABASSI: Thank you, we're very
22 happy.

1 MS. BEGEMAN: It was a former hire -- a
2 former, one of my hires as well. Congratulations and
3 again thank you all very much. We will break for
4 one hour, be back here at 2 o'clock sharp please and
5 thank you all and see you soon.

6 (Whereupon a brief lunch recess was taken, to be
7 reconvened at 2:00 p.m. this same day.)

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A F T E R N O O N S E S S I O N

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MS. BEGEMAN: For the next panel we have
representatives of the Alliance for Automobile
Manufacturers, the American Forest and Paper
Association, and Fertilizer Institute. Mr.
Schwietert -- welcome.

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MR. SCHWIETERT: Thank you very much.
Thank you Chairman Begeman and Board member Miller,
my name is David Schwietert and I'm the Executive
Vice President of the Alliance of Automobile
Manufacturers, a trade association that represents 12
iconic car and light truck manufacturers composed to
BMW, Fiat, Chrysler, Ford, General Motors, Jaguar,
Land Rover, Mazda, Mercedes-Benz, Mitsubishi,
Porsche, Toyota, Volkswagen and Volvo.

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Together the Alliance members account for
roughly 70% of all car and light truck sales in the
United States. Last year over 17 million vehicles
were sold in the United States, setting an all-time
record.

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Auto manufacturing is a cornerstone of the

1 U.S. economy supporting more than 7 million private
2 sector jobs, 500 billion dollars in annual
3 compensation and 70 billion in personal income tax
4 revenues.

5 On behalf of the Alliance and our members,
6 I appreciate the opportunity to comment on the
7 significant rail service delays our members are
8 experiencing on the CSX rail network and how that
9 impacts the auto industry and the public.

10 Rail is an essential component of the
11 automotive industry's national supply chain. Each
12 day auto manufacturers ship tens of thousands of
13 vehicles. In fact, railroads transport about 70% of
14 finished vehicles and automobile traffic represents
15 nearly 5 billion in annual railroad freight charges.

16 Auto makers utilize a combination of rail
17 and trucking to transport finished vehicles from the
18 assembly plant to dealer lots and ports. And
19 generally, shipping vehicles by rail is more
20 efficient and an economic means of transporting
21 vehicles over a longer distance versus other modes of
22 transportation.

1 Specifically, the CSX rail network service
2 several auto manufacturing plants through the
3 Midwest, mid-Atlantic regions, ports along the
4 eastern seaboard and services intermodal terminals
5 across the mid-Atlantic and east coast regions.

6 Unfortunately, since late spring and early
7 summer, auto makers have encountered significant rail
8 service issues on the network. These service
9 problems have caused disruptions throughout the
10 industry resulting in an inability to deliver
11 finished vehicles to their customers in a timely
12 manner.

13 In preparation for this hearing, the
14 Alliance surveyed our member companies to gauge the
15 level of delays that we are experiencing and the
16 following is effectively a blinded bullet point as it
17 relates to some of the feedback we have from our
18 members.

19 Numerous shipments have experienced three
20 to four times their scheduled transit time as a
21 result of sudden yard closures. Another manufacturer
22 indicated that on time performance decreased

1 throughout the summer through roughly 83% in April to
2 60% in July.

3 Between April and August one auto
4 manufacturer was forced to make 500 premium truck
5 shipments to support the production at their facility
6 due to CSX mixed connections, the reorganization of
7 the Memphis and Nashville terminals and closure or
8 consolidation of hump yards or general shipment
9 delays.

10 One facility had to shut down their body
11 and paint plan various times throughout the summer
12 due to component shipment delays which also caused
13 costly overruns to restore the system due to the back
14 log.

15 Another manufacturer stated that CSX has
16 ceased blocking of outbound trains. As a result, all
17 railroads had to block trains upon receipt adding
18 transit to each lane and impacting inbound traffic.

19 Another comment -- numerous plan changes
20 have been implemented without a replacement trip plan
21 for time sensitive shipments already on the CSX
22 network. Several auto makers noted a lack of railcar

1 supply forcing them to incur off-site storage costs
2 for shipping vehicles on alternative, more expensive
3 methods.

4 And several auto makers noted that delayed
5 shipments have resulted in additional dealer floor
6 plan costs. Due to frequent and rapid changes to the
7 CSX operating plan, rail customers have witnessed a
8 reduction of resources, the closing of yards and
9 switch operations and changes to the train scheduled
10 with zero or little notice, and it is evidence that
11 CSX operation teams are not able to keep up with the
12 pace of the change.

13 This has had a cascading effect on
14 receiving Class One's as delayed shipments are
15 interchanged incorrectly and, at times, delivered to
16 the wrong destination.

17 In addition to those operation service
18 delays, several Alliance members have expressed
19 frustration with the poor customer serve they've
20 received from CSX while trying to address these
21 issues.

22 It is our understanding that the CSX

1 automotive customer service managers at headquarters
2 have been assigned to other duties leaving CSX's
3 already reduced sales team to manage customer service
4 issues and all consumer communications for which they
5 are not staffed to handle effectively.

6 Additionally, CSX management has been
7 unable to provide accurate estimates for delayed
8 shipments. This has resulted in the potential loss
9 of sale for vehicles, delayed in transit for
10 multiple weeks with no explanation or update.

11 It should be noted that CSX has received
12 service metrics -- sorry, has released service
13 metrics to customers highlighting dwell improvements
14 at key terminals, however those metrics do not
15 capture dozens of shipments routed away from
16 terminals to new or unfamiliar locations to by-pass
17 main terminals that have been heavily congested.

18 We appreciate the attention the Board is
19 providing to this critical issue. Since the STB sent
20 its initial communication in late July to CSX
21 expressing growing concerns with these delays,
22 things have improved slightly.

1 However, the overall level of service
2 remains woefully inadequate and we are concerned that
3 additional operational changes will be implemented
4 further impacting service on not just the CSX
5 network but also the larger, North American Rail
6 Network.

7 The Alliance and our fellow members of the
8 Rail Customer Coalition urge the Board to continue
9 its oversight of CSX. Without the transparency the
10 Board is requiring, rail service won't improve and
11 our members will be subject to continued delays,
12 uncertainty and inefficiencies that have a cascading
13 effect on all rail shippers, the auto supply chain
14 and ultimately to customers.

15 We urge the Board to utilize all
16 authorities it possesses to examine and help
17 alleviate the ongoing service failures. As the
18 Board knows all too well in many respects the service
19 delays and operational failures that auto
20 manufacturers and others are experiencing are very
21 reminiscent of the service delays and railcar
22 shortages that occurred in 2013 and through 2014.

1 Thank you again for the opportunity to
2 offer our views and we stand ready to work with the
3 Board on this important matter.

4 MS. BEGEMAN: Thank you.

5 MS. LANDRY: Good afternoon Acting
6 Chairman Begeman, Vice Chairman Miller. My name is
7 Julie Landry and I'm the Director of Government
8 Affairs for the American Forest and Paper
9 Association.

10 On behalf of the AF&PA, I want to thank
11 the Board for holding this Listening Session. A
12 number of AF&PA members have been seriously affected
13 by CSX's poor rail service as I will describe today.

14 AF&PA's mission is to promote a
15 sustainable pulp paper packaging tissue and wood
16 products manufacturing industry through facts-based
17 public policy and marketplace advocacy. AF&PA member
18 companies make products essential for everyday life
19 from renewable and recyclable resources.

20 The forest product's industry accounts for
21 approximately 4% of the total U.S. manufacturing GDP,
22 manufactures over 200 billion in products annually

1 and employs approximately 900,000 men and women.

2 Efficient and reliable rail service is
3 critical to AF&PA member companies that receive raw
4 materials and ship finished paper and forest products
5 via rail. Although some of our member shipments can
6 be transported by truck, for most of our members some
7 portion of inbound raw materials or outbound finished
8 products shipped to customers must be moved by rail.

9 American Forests Products companies
10 operate in a fiercely competitive commercial
11 environment and their productivity and success
12 requires timely and consistent rail transportation.
13 When essential rail transportation services are
14 disrupted, our member supply chains are thrown into
15 disarray resulting in unanticipated costs and
16 business harms.

17 Unfortunately, this is exactly what has
18 been happening to our members due to CSX's recent
19 service failures. In speaking with our members in an
20 informal survey I have heard many stories about
21 CSX's service failures and their effects on the
22 forest and paper products industry.

1 For the remainder of my testimony I will
2 describe the specific types of CSX service problems
3 that we have experienced. The types of service
4 problems experienced most commonly by AF&PA members
5 fall into four separate categories: inadequate car
6 supply, delayed transit time, reduced switching
7 services and lack of information and communication.

8 In the area of car supply CSX's inability
9 to provide the requisite number of cars ordered has
10 been a severe problem for our members over the past
11 several months. In the first 8 months of 2017 one of
12 our members has only once received all cars ordered
13 from CSX.

14 However, even more concerning for this
15 company is the dramatic decline in order fulfillment
16 since April. Since then the percentage of cars
17 provided to this company compare to those ordered has
18 declined each month, from 95% in May to 63% in June,
19 53% in July and only 44% in August.

20 This precipitous decline does not take
21 into account those situations where CSX did deliver
22 requested cars, but the cars were not provided on the

1 requested day which also has adverse effects on our
2 members planning and production.

3 The car supply shortage has resulted in
4 the following adverse effects at significant
5 additional expense. From one company traffic had to
6 be moved to alternative transportation, mostly truck,
7 at an additional cost of approximately \$150,000 per
8 month.

9 Additional warehousing costs have incurred
10 for use of external warehouses to store manufactured
11 products until requested railcars are provided.
12 Production schedules have been altered at many
13 manufacturing facilities.

14 One company decided to invest in more
15 leased private cars at an additional cost of
16 \$400,000. Some companies have moved traffic to
17 Norfolk Southern where possible, adding additional
18 pressure on the NS car supply.

19 Another AF&PA member has also provided me
20 with specific details regarding their severe car
21 supply problems. For this company CSX has provided
22 only 25% of requested cars to one of their

1 facilities in the southeast over the past four months
2 and only 67% of requested cars to a facility in the
3 mid-Atlantic region over the past four months.

4 This company is also incurring increased
5 costs of \$3,200 per day to address CSX's failure to
6 provide the requested cars to these two facilities.
7 Yet another example of a member company has
8 complained about CSX's failure to provide the
9 requested number of cars for their production.

10 In fact, CSX has since placed caps on the
11 total number of cars this company is permitted to
12 order. Even with these caps during a recent 9 week
13 period CSX only provided 70% of the requested
14 railcars, resulting in disruptions to the company's
15 production.

16 Based on the short-fall and delayed
17 delivery of cars, this company has been forced to
18 spend significant employee resources to track its car
19 supply on a daily basis. This company has repeatedly
20 attempted to reach CSX for assistance and potential
21 resolution of the shortfalls with minimum results.

22 Escalation of issues with senior CSX

1 management has been required to avoid shut-down of
2 manufacturing facilities due to a lack of car supply.
3 Additional costs are being incurred to use emergency
4 alternative transportation and address reduced car
5 supply.

6 Needless to say CSX's poor service has
7 interjected substantial costs and inefficiencies into
8 this company's supply chain and the railroad has been
9 delinquent in efforts to address these problems.

10 Next I would like to talk about transit
11 time. AF&PA members have been suffering significant
12 adverse effects from CSX's failure to provide timely
13 rail service. For one member, delivery times on CSX
14 are now about 10 to 20 days longer since the CSX
15 operational changes were adopted -- meaning that the
16 required lead time for arranging transportation has
17 effectively doubled.

18 CSX implemented its operational changes
19 without sufficient notice to this company which made
20 seeking alternative transportation and supply options
21 all the more challenging in this fire drill scenario.

22 For another company CSX's service problems

1 have resulted in several instances where critical raw
2 materials were in short supply at manufacturing
3 facilities meaning that the company was required to
4 use emergency truck shipments to keep the facilities
5 operational.

6 The total financial affect to this company
7 from CSX's service changes was approximately 1.2
8 million dollars and growing as of the beginning of
9 September.

10 CSX's service to its customers of our
11 members has also been poor forcing one customer that
12 desires rail service to switch to entirely truck
13 deliveries. One AF&PA member was required to store
14 products in an external warehouse at additional
15 expense in order to be able to supply the product to
16 its customer when needed.

17 Use of intermodal shipments temporarily
18 has ceased to some customers all together due to
19 CSX's poor service. Other companies have experienced
20 missed deliveries resulting in sub-optimal product
21 substitutions and members have had to expend
22 significant human capital to track late cars and

1 address these problems with CSX.

2 CSX's reduced switching -- reduced or
3 inconsistent switching services are also causing
4 problems for our members. CSX is responsible for
5 internal switching at several facilities at one
6 company but the poor quality of such switching has
7 led this company to begin taking steps to replace CSX
8 switching with a third party -- again forcing the
9 company to endure inefficiencies, reduced
10 productivity and incur higher costs.

11 CSX's system-wide problems also affect
12 rail operations at the facilities of our members.
13 For example, congestion elsewhere on the CSX system
14 in July caused CSX to leave loaded and released
15 outbound cars at some facilities for a week or more.

16 Additionally, at one customer's facility
17 CSX's service problems have been addressed by
18 providing replacement special switches on off service
19 days causing additional switch charges for the
20 member.

21 Finally, AF&PA members have suffered from
22 CSX's inability to provide accurate and timely

1 information so that these members can track shipments
2 and plan operations. For instance, one member is
3 very concerned about the reliability and accuracy of
4 data available from CSX through the Ship CSX
5 feature.

6 Ship CSX is intended to allow shippers to
7 plan, ship and trace shipments quickly and
8 efficiently however this information has been
9 incorrect at times. As a recent example, one mill
10 recently had empty cars at the site according to Ship
11 CSX, yet a time intensive one by one car review
12 revealed that this was not the case, Ship CSX was
13 incorrect.

14 Our members need to have confidence in the
15 Ship CSX data to effectively manage their expansive
16 network of manufacturing sites. Member companies
17 rely on this data daily to understand their rail
18 pipelines and plant operations based on expected car
19 arrival times.

20 Without reliable data regarding car
21 location and movement, transportation and logistics
22 efficiencies are severely compromised. In

1 conclusion, AF&PA and its member companies believe
2 that the Board should continue its oversight to
3 oversee CSX's rail service and increase the reporting
4 requirements imposed on CSX.

5 Specifically, AF&PA requests that CSX be
6 required to provide the Board with weekly data on the
7 supply of cars provided to the paper and forest
8 products companies including the total number of cars
9 ordered versus the total number of cars supplied.

10 The Board also should require CSX to
11 report on the number of missed switches at paper and
12 forest products' facilities and immediately improve
13 communications to companies that have service
14 complaints with a report to the Board that tracks the
15 responses to complaints.

16 As part of the later requirement, CSX
17 should insure its Ship CSX and other systems are
18 accurate and up to date to help our members with
19 planning their own operations and deliveries. The
20 need for stronger oversight is clear given current
21 circumstances where self-imposed, operational changes
22 at a single railroad have caused harmful disruptions

1 to forest products and paper companies as well as
2 many other companies with operations in the eastern
3 and Midwest regions of the country.

4 These disruptions in turn create adverse
5 ripple effects throughout the entire U.S. economy. I
6 respectfully request that my statement be included in
7 the docket and we will submit a copy to the Board
8 later today.

9 Again, AF&PA greatly appreciates the
10 efforts of the Board in holding this Listening
11 Session on this critically important topic. Thank
12 you.

13 MS. BEGEMAN: Thank you.

14 MR. MORENO: Good afternoon. The
15 Fertilizer Institute operates the nation's fertilizer
16 industry and on behalf of TFI I want to thank the
17 Board for its proactive oversight of the recent CSX
18 service problems impacting the shipping community.

19 While many TFI members who depend upon CSX
20 have experienced service challenges, TFI does note
21 that some of its members have not experienced any
22 problems and other members have experienced problems

1 to varying degrees.

2 For many of our members however, the
3 service degradation of CSX has been and continues to
4 be a serious challenge. Due to time constraints, my
5 testimony today will be an abridged version of TFI's
6 written statement which has been filed in this docket
7 and I encourage you to consult that statement for
8 additional details.

9 TFI members began to experience service
10 problems from CSX in late spring which gradually
11 spread across the CSX network and despite recent
12 improvements still are affecting CSX operations.

13 Those problems have included transit and
14 switching delays, switching errors and extended yard
15 dwell times. In one instance, transit times between
16 two facilities more than doubled and cars sat so long
17 that the product was ultimately rejected by the
18 customer.

19 The same TFI member was forced to curtail
20 production resulting in lost sales and costs
21 estimated to be over a half a million dollars. A
22 major point of frustration has been CSX's decision to

1 close yards and interchanges without notice.

2 When that happened cars were sent to these
3 dead-end locations and often required weeks before
4 they were turned around to a working interchange.

5 One of our members had cars in an endless loop for
6 two months just 10 miles from the destination.

7 Consequently, TFI members have been
8 compelled to shift traffic to other modes more
9 expensive and often less efficient when possible. A
10 small number of members who otherwise would have
11 suffered consequences escaped the brunt of CSX's
12 problems because they have access to Norfolk
13 Southern, either directly or through reciprocal
14 switching which has allowed them to avoid or reduce
15 their reliance upon CSX.

16 Beyond performance issues, communication
17 has been the most ubiquitous problem for TFI members.
18 The changes implemented by CSX eliminated or changed
19 many marketing and operating personnel with whom our
20 members ordinarily would interact, often with little
21 or no notice at all.

22 There are a lot of new people to those

1 positions, also new to moving fertilizer and under
2 pressure at the same time to implement a new
3 operating plan.

4 What makes this situation particularly
5 difficult to understand and to accept is the fact
6 that it has been self-inflicted. CSX decided to
7 introduce a radical new operating plan over a short
8 time period without proper notice to its customers
9 and while also reducing personnel.

10 It is a case of trying to do too much too
11 quickly and with too little communication. This
12 recent experience with CSX also has exposed certain
13 inadequacies in the Board's existing emergency
14 service remedies.

15 Those procedures which were adopted
16 following the UPSP service meltdown in the late '90's
17 are intended to allow a shipper to obtain direct
18 service from an alternate railroad or indirect
19 service through reciprocal switching and prescribed
20 through routes in situations precisely like the
21 recent CSX service problems and yet not one customer
22 has invoked those remedies during this latest

1 crisis. The question is why not?

2 The problem is that even these accelerated
3 procedures are too long for a shipper whose plant is
4 threatened with imminent shutdown. Often by the time
5 the shutdown is imminent we are talking about only
6 days when these procedures can take weeks to months.

7 Furthermore, the shipper must have a
8 commitment to serve from an alternate railroad before
9 they can even petition their Board. But a potential
10 alternative railroad can refuse to make such a
11 commitment for any reason or no reason at all.

12 Perhaps that carrier doesn't want to
13 create precedent that might be used against it in the
14 future or maybe that carrier just does not want to
15 modify its operations for what may be a very
16 short-lived business opportunity.

17 Admittedly this is a difficult problem to
18 resolve and we appreciate some of the contrition that
19 CSX and Mr. Harrison have demonstrated this morning.
20 But how could the situation arise in the first place?
21 Shippers ultimately prefer to avoid these situations
22 entirely.

1 They have incurred significant costs and
2 customer relation issues. In competitive markets
3 shippers would vote with their business. They also
4 could avoid the business injuries they otherwise have
5 had to endure in this situation.

6 When competitive options do not exist,
7 shippers then also need to be able to obtain
8 compensation for their losses. One option to enhance
9 competition is currently pending before the Board
10 right now in the expansion of reciprocal switching
11 next party 7-11 sub 1 so that more shippers would
12 have alternatives available to them when service
13 problems arise.

14 This would benefit not just those shippers
15 who are able to take advantage of reciprocal
16 switching, but also other shippers who may remain
17 captive to the troubled railroad because this would
18 better enable the troubled carrier to handle its
19 captive traffic and to more quickly restore and
20 maintain fluidity across its own network by not
21 having to handle as much traffic from those shippers
22 who can use reciprocal switching.

1 TFI also has included suggestions for
2 modifying the emergency service remedies procedures
3 in its written testimony and one of the things we
4 would ask the Board to consider is to initiate a
5 proceeding to seek input on how the Board could be
6 more responsive or may change or modify its
7 alternative service or emergency service remedies to
8 be more responsive to these situations to benefit the
9 shipping community.

10 Finally, recognizing that the Board cannot
11 redress every failure through emergency service
12 orders and cannot provide competition to every
13 shipper, we ask that the Board be willing to award
14 damages caused by service failures when such failures
15 are of the railroad's own making.

16 While you do not have that authority with
17 respect to contract transportation it is within your
18 authority to award damages for common carrier service
19 issues. Furthermore, standards that the Board
20 applies to common carriage often establish the
21 baseline standard for contract negotiations.

22 Absent a demonstrated willingness to

1 redress service issues through enhanced competition,
2 emergency service order or damages, the Board sends a
3 signal that rail shippers are without any recourse
4 for service failures and that's how many shippers do
5 feel at the moment despite the attention that the
6 Board has given to these issues, there's a question
7 of what can and will the Board actually be able to
8 do?

9 Thank you very much for holding this
10 Listening Session and for your engagement with CSX to
11 help resolve the current service crisis.

12 MS. BEGEMAN: Thank you, David could you
13 comment on the impact for the auto dealers because
14 you don't ship your cars in typical cars but rather
15 in the stacked trailers, I'm curious to know if
16 there was sort of a cascading effect onto the other
17 carriers, or do they not share those trailers?

18 MR. SCHWIETERT: No, that's a good
19 question. It's not uniform throughout. I think as
20 follow-up I can give you some additional examples
21 there but obviously, you know, it gets back to the
22 point that you know, with any supply chain on the

1 cascading effect.

2 I mean there were a couple of comments
3 made earlier as it relates to alternative methods
4 that people may have to ship. You might be a captive
5 but just because you have the ability to potentially
6 use something in this instance, for autos, you know
7 the truck shipments. You know that's really a
8 temporary recourse.

9 That's not something that's sustainable in
10 the long run so at the end of the day not all
11 manufacturers are the same as it relates to their
12 facilities and where they're ending up in the
13 dealerships but every dealer is going to be impacted
14 differently based on that relationship with that
15 manufacturer based on production. If the production
16 doesn't happen it can have -- as I mentioned in my
17 testimony, some impacts on the floor plan financing
18 that the manufacturer then has to compensate the
19 dealer for.

20 MS. MILLER: So you say it's temporary
21 shifting to trucks to ship the cars?

22 MR. SCHWIETERT: Yes.

1 MS. MILLER: And is that because of a
2 capacity issue or a cost issue?

3 MR. SCHWIETERT: I think it's a
4 combination. I mean if you were to look at it this
5 way -- let's say your facility has a production run
6 of a hundred a day -- at the end of the day if you
7 don't have a way to either store those vehicles, you
8 have to idle production or slow it down.

9 So obviously, if you chose to idle a
10 plant, that's going to have severe consequences
11 compared to using an alternative shipping method
12 which might temporarily get you out of that problem
13 but over the long time it's going to be more
14 expensive which wouldn't be as viable in terms of,
15 you know, it's efficiency both in terms of total time
16 for shipment and then also its availability.

17 MS. BEGEMAN: Well I thought each of you
18 really did a great job capturing what is going on for
19 the people that you represent, the specificity. Miss
20 Landry, you really got into so many details and I
21 thought that was very informative.

22 And if I could just sort of pick up from

1 Deb's theme this morning -- sort of assess where
2 things are today for you, for your members?

3 MS. LANDRY: Sure, I can jump in. I mean
4 we have done informal surveys with our members and
5 checked in with them on sort of a monthly basis on
6 this issue and I can say that for some members after
7 enormous human capital effort has been expended, they
8 have seen some improvements.

9 I think other shippers have indicated that
10 since, you know, early spring through -- around
11 September started to see, I think, you know, both due
12 to the Board's attention to the issue started to see
13 some slight improvements.

14 But I have not spoken with any member
15 company at AF&PA who has been restored to their
16 previous service level at this point so I think
17 there's still a long way to go.

18 MS. BEGEMAN: And how many companies do
19 you represent?

20 MS. LANDRY: I'll have to double check our
21 exact number -- around 50-55.

22 MS. MILLER: And do you all get the sense

1 from the members of your associations that there's
2 still, you know, I don't know quite how to capture
3 it, but a high level of anxiety about this?

4 MS. LANDRY: Yes.

5 MR. SCHWIETERT: Yeah, I'll jump in. I
6 mean obviously I think the anxiety level is still
7 there. I would note -- I know Cal Dooley mentioned
8 it earlier, he referenced a letter -- the Board was
9 obviously copied on it, I'll make sure to include it
10 as a result of, you know, my testimony for the
11 record.

12 There are actually 46 organizations that
13 sent a letter to Congress, copied the Board as well
14 as CSX. Hunter Harrison responded two days later to
15 the letter that was sent to Congress basically
16 reiterating that there were many unfounded and
17 grossly exaggerated statements.

18 But I think as you've witnessed over the
19 last number of months the concerns of our members
20 aren't exaggerations. I mean there's a lot of
21 tangible examples that relate that there is some
22 problems.

1 I would just maybe in closing from my
2 standpoint articulate having worked with the Board in
3 the past one of the greatest things that we
4 witnessed, whether it was in the public and business
5 sector before Congress is the reporting mechanisms
6 that you required previous in '13, '14 and '15
7 probably put the greatest amount of transparency and
8 sunlight on a problem, then worked through certain
9 issues.

10 It didn't solve things but it certainly
11 gave people a greater degree of clarity still
12 reserving all the options that, you know, Julie and
13 Jeff had raised, as it relates to other authorities
14 and abilities that the Board has through pending
15 matters.

16 So I would just note that there can't be
17 enough done as it relates to the transparency because
18 with the transparency comes clarity and with clarity
19 you can work through issues. There is a lot of
20 speculation, particularly on the front end and
21 obviously we witnessed it.

22 We were claimed to have had unfounded and

1 grossly exaggerated statements. But, you know, this
2 probably doesn't resolve itself overnight. It's
3 going to take quite some time to get back to service
4 levels that are not only acceptable but it's not as
5 though any of our member companies aren't shipping
6 these products for free.

7 I mean we're expecting a certain degree of
8 service and that service is degraded, you know, over
9 a period of time and it's probably going to be a
10 while before it returns, but it's going to impact
11 everybody differently.

12 MR. MORENO: I think if I alluded to it in
13 the beginning TFI members have run the gamut in their
14 experience. Some still haven't experienced any
15 problems, others very serious. I think the
16 overall --

17 MS. MILLER: Excuse me and that -- when
18 you say that those are members who have service from
19 CSX?

20 MR. MORENO: That's correct.

21 MS. MILLER: Yeah.

22 MR. MORENO: And I think the overall trend

1 has been an improvement over the last several weeks.
2 I think it's a cautious kind of hope that things have
3 stabilized and will start to be going upward, but the
4 real concern as we are now entering the harvest
5 season that's going to put additional strain on the
6 system -- will we see a backslide and that's what we
7 are waiting to see.

8 MS. BEGEMAN: I'll thank this panel like I
9 have the previous ones and we appreciate that you
10 offered some concrete proposals for the Board to
11 consider.

12 MS. MILLER: Absolutely, that's very
13 helpful. Thank you.

14 MS. BEGEMAN: Thank you.

15 MR. MORENO: Thank you.

16 MS. BEGEMAN: Our next panel of shipper
17 representatives will include the National Grain and
18 Feed Association, the National Industrial
19 Transportation League, the National Milk Producers
20 Federation, the Private-Railcar Food and Beverage
21 Association, and the Rail Customer Coalition. Thank
22 you.

1 MR. GORDON: Hi Acting Chairman Begeman
2 and Vice Chairman Miller, I'm Randy Gordon, President
3 of the National Grain and Feed Association on whose
4 behalf I testify today.

5 The NGFA consists of more than 1,000
6 member companies that operate more than 7,000
7 facilities. Our member companies handle about 70% of
8 the U.S. grain and oil seed crop and consist of all
9 sectors of the industry, including grain elevators,
10 feed and feed ingredient manufactures, bio fuel
11 companies, grain and oil seed processors and millers,
12 exporters, livestock and poultry integrators, and
13 associated firms that provide goods and services to
14 the nation's grain feed and processing industry.

15 That later category includes Class One and
16 short line rail carriers who are associate trading
17 and transportation members of NGFA. In addition,
18 NGFA has 34 affiliated state and regional grain and
19 feed associations as members.

20 I want to start by expressing appreciation
21 to this Board on behalf of NGFA and the Agricultural
22 Transportation Working Group that we coordinate for

1 conducting this important Listening Session to enable
2 agricultural and other shippers to convey the ground
3 truth on what our member companies currently are
4 experiencing concerning CSX's rail service issues.

5 As you know, in an August 17th letter to
6 the Board, the Agricultural Transportation Working
7 Group requested an opportunity just like this to
8 provide additional transparency on the extent of
9 CSX's service problems and to suggest potential
10 future actions that the Board may wish to consider.

11 We also commend the Board for convening,
12 starting in August, the confidential weekly calls
13 that you're doing to engage in candid conversations
14 with CSX's senior management on the railroad service
15 performance issues and for posting the railroad's
16 presentations on the Agency's public website.

17 Following this Listening Session we
18 encourage the Board to explore additional ways for
19 rail customers to interact directly with the Board to
20 point out instances in which CSX's reporting of
21 service performance metrics may not correlate all the
22 time with the reality.

1 In this regard the NGFA and the
2 Agricultural Transportation Working Group also want
3 to commend the Board's Rail Customer and Public
4 Assistance Office for its interaction directly with
5 affected rail users and trying to resolve specific
6 instances of the degraded CSX rail service.

7 This office once again has demonstrated
8 its great value and utility to shippers, thank you
9 for that. Today the NGFA wishes to make three broad
10 general comments and we also will be filing a
11 written statement for the record.

12 First, we want to present observations
13 about service conditions and problems that currently
14 are still being experienced by a significant number
15 of our member companies that are CSX customers.

16 Second, we respectfully want to recommend
17 several additional rail performance metrics that we
18 believe the Board should require CSX to report to
19 enable the Board and rail customers to better assess
20 the true status and level of improvement in CSX's
21 service levels.

22 We believe that doing so will help narrow

1 the disconnect that currently exists between what is
2 being reported to the Board versus what is being
3 experienced by individual facilities.

4 And, third, the NGFA believes there is a
5 legitimate question as to whether CSX's service
6 failures in 2017 contravene the statutory requirement
7 to provide service upon reasonable request.

8 We believe the seriousness of CSX's
9 service failures warrants the Board requiring CSX to
10 develop and submit a specific service recovery plan
11 to restore service in a manner that complies with
12 federal law and customer service needs.

13 But let me begin by citing CSX service
14 problems that continue to be reported by our member
15 companies and has been echoed by other folks that
16 have come before you today. The two biggest
17 overarching complaints we consistently and repeatedly
18 receive concern the abrupt failure of CSX to provide
19 the reliable, consistent and predictable service its'
20 customers general experience prior to the
21 implementation of its new operating plan earlier this
22 year.

1 And, second, the inability of CSX customer
2 service personnel to respond to inquiries from rail
3 customers. Receiving consistent, predictable rail
4 service and obtaining ongoing accurate information
5 from a carrier are essential for agricultural rail
6 shippers and receivers to operate efficiently.

7 Prior to July of this year, CSX generally
8 meet those needs. However, our members report
9 neither is occurring today on a consistent basis.
10 While some NGFA member companies anecdotally report
11 incremental improvement in CSX's service in recent
12 weeks, we continue to receive numerous reports that
13 trains still typically are arriving four to as many
14 as 7 or more days behind schedule yet there are other
15 weeks when trains arrive at a facility absolutely on
16 time.

17 This unpredictability and inconsistency
18 obviously disrupts both logistics and supply chain
19 planning. First, it makes it difficult for
20 facilities to schedule sufficient crews to be on
21 hand to unload and load cars when they arrive.

22 Second, it forces facilities that are

1 captive to CSX to shift to much higher cost truck
2 transportation simply to obtain sufficient supplies
3 to continue operating, even on a reduced schedule to
4 meet the contract commitments they have with their
5 downstream customers.

6 Alternatively, it can force traditional
7 customers to change their supply chains either by
8 switching products or ingredients, changing
9 suppliers, or by adding inventory using railcars in
10 some cases as added storage to have sufficient
11 commodities and ingredients available to continue
12 operating to meet sales contract commitments to their
13 customers.

14 In any event, several NGFA member
15 companies whose operations include flour and dry corn
16 milling, feed manufacturing and grain processing have
17 reported having to shut down or reduce operations at
18 plants at critical times because of a lack of
19 commodities and needed ingredients caused by the
20 unpredictable and inconsistent service from CSX.

21 Let me cite a few very specific examples
22 of service related problems being reported to NGFA by

1 its members. First, manifest train cycle times
2 increased significantly in August to a week or more
3 compared to what existed during the same period in
4 2016.

5 Some improvement has been reported in
6 September but transit times remain longer than
7 experienced during the summer period a year ago. In
8 some cases, cars and CSX manifest service also
9 seemingly get the tour of the eastern half of the
10 United States after being combined with trains that
11 traverse north, west, east and elsewhere before
12 beginning their journey to their intended
13 destination in the southeast, often arriving late.

14 Second, loaded trains reportedly wait 5 to
15 7 days at origin to be pulled by CSX locomotives and
16 crews. Third, unloaded cars wait at destination for
17 several days to be pulled from the receiving
18 facilities which ties up the plant's track space and
19 unloading capability.

20 A fourth issue involves misdirected
21 misrouting and circuitous routing of CSX trains, I'm
22 going to use the word ping-pong after that because

1 it's a lot easier to pronounce.

2 Fifth, there are instances of erroneous
3 billing instructions for shipments which result in
4 misrouting of cars.

5 Sixth, there are problems in resolving bad
6 order cars and getting them removed from manifest or
7 unit trains. NGFA has received reports that CSX
8 sometimes changes the billing instructions for
9 unknown reasons for cars that are bad ordered or
10 released from bad order status, again resulting in
11 misrouting of cars.

12 A seventh and major issue that's begun to
13 emerge involves what apparently is a CSX policy
14 change that generally prohibits or routinely denies
15 customer's request to the cars to different and
16 receiving points.

17 NGFA's understanding is that CSX customers
18 previously could use a web-based platform to
19 efficiently and timely defer privately owned or
20 leased cars to origin or destination points within
21 the CSX network.

22 Now, however, it is our understanding that

1 such requests routinely are denied for rail customers
2 even though CSX continues to utilize the diversion
3 practice to its benefit with respect to its own pool
4 of railroad-owned cars, including those in intermodal
5 and auto service.

6 Further, NGFA members have been informed
7 that Mr. Harrison has instructed that if a rail
8 customer's diversion request is approved, the user
9 name linked to the CSX employee granting that
10 request must be forwarded directly to CSX's
11 management team which has evidently had the chilling
12 intended effect of ending such practices.

13 Again, it is important to stress the
14 differential treatment here. This CSX policy on
15 diversions for customer cars is inconsistent with
16 diversions that utilizes for its own equipment to
17 its own benefit and creates costs to the shippers and
18 inefficiencies as well.

19 Before changing subjects, I do want to
20 acknowledge and give appropriate credit to CSX and
21 its agricultural and fertilizer products and
22 operating teams for working with several

1 organizations including ours.

2 My colleague Mr. Detlefsen, who will speak
3 later with the National Milk Producers Federation,
4 the Florida Department of Agriculture, the American
5 Feed Industry Association, the American and Florida
6 Farm Bureau Federations and the previously cited
7 RSPCA office here at the STB to expedite delivery of
8 an overdue CSX train overnight in mid-September from
9 Georgia to Okeechobee County, Florida where several
10 feed mills literally had run out of corn and other
11 ingredients to manufacturing feed in this heavy dairy
12 cattle area.

13 However exemplary this action was, it was
14 necessitated by the fact that the effected cars were
15 delayed by several days from reaching their
16 destination well before the advent of Hurricane
17 Irma.

18 And as Mr. Detlefsen will explain in his
19 testimony, feed mills in Florida that are captive to
20 CSX again are experiencing significant delays and
21 ping-pong movements of cars that disrupt deliveries
22 of corn and feed ingredients to that region.

1 For our industry the net result of these
2 CSX service disruptions has been additional freight
3 costs for truck movements, lost sales of commodities
4 and ingredients, changes to supply chain and customer
5 relationships, reduced operating efficiencies at
6 processing plants, flour mills and feed mills, some
7 of which are operating at 70 to 80% of their capacity
8 because of the lack of inbound supply and economic
9 losses incurred by railcar lessee's and those
10 operating private car fleets. Combined these amount
11 to literally millions of dollars of additional
12 shipping costs and lost earnings to the industry.

13 Secondly, I want to turn to recommend
14 several additional rail service performance metrics
15 that NGFA believes the Board should require from CSX
16 to enable the Board and rail users to better track
17 the carrier's efforts to restore service to
18 acceptable levels, and these will be expounded on in
19 my written statement and in a separate filing with
20 the Board.

21 First, NGFA believes it is important that
22 existing rail service performance metrics reported

1 weekly by the CSX to the STB as well as the
2 additional metrics being requested by NGFA be
3 benchmarked against data for the same service
4 performance dating to at least 2014-15 to enable CSX,
5 the Board and rail customers to be aware of how
6 current service performance compares to previous
7 norms.

8 Second, while the performance data
9 reporting on rail service issues available and on the
10 Board's website is excellent and we commend the Board
11 for that, we believe some additional information
12 would illustrate other service issues affecting CSX
13 rail customers.

14 For instance, the PDR original dwell time
15 metric is specific only to unit trains as we
16 understand it. But many CSX customers no longer have
17 access to unit train service given the railroad's
18 decision to discontinue 65 car unit trains effective
19 October 1 of this year.

20 Therefore, it would be useful to break out
21 PDR by unit train, express unit train and manifest
22 shipments. Third, given that many CSX customers now

1 rely on manifest service, we believe additional data
2 should be reported on the dwell time for loaded and
3 empty manifest cars at origin and destination,
4 respectively with similar metrics for unit trains and
5 express trains operated by CSX with separate
6 categories delineated for private owned and leased
7 cars versus CSX owned equipment.

8 Fourth, we commend the Board for requiring
9 first mile/last mile spot and pull reporting by CSX
10 and believe that should be retained in any future
11 local service measurement reporting done by the
12 railroad.

13 But as noted previously, NGFA recommends
14 that CSX also should be required to measure and
15 report the time that elapses between the loaded
16 billing of the car at origin until the actual time
17 the car is pulled from the origin facility as well as
18 the time that elapses between the time cars are
19 emptied at destination and when those empty cars are
20 actually pulled from the unloading facility.

21 To our knowledge that metric is not
22 currently being reported. Further, we believe that

1 the Board and rail customers need to know how CSX's
2 service reporting metrics are influenced by the
3 length of time CSX's cars sit at the short line
4 carriers interchange point waiting to be pulled.

5 To address this issue perhaps it would be
6 useful for the Board to require CSX in its reporting
7 to include the amount of time cars spend on origin
8 and/or destination short lines.

9 Fifth, we recognize and appreciate the
10 Board is requiring CSX to report problem logs but
11 here again we believe there may be disconnect between
12 the data being reported and ground truth reality.

13 For instance, NGFA has received reports
14 from some of our members that when CSX logs are
15 opened related to service delays, once the carrier
16 merely develops a plan for departure of the train
17 the log is officially closed, even though those cars
18 actually may not have departed the facility.

19 In addition, we have received questions on
20 whether CSX is following through on delayed cars
21 transit times to destination.

22 Sixth, we believe it would be enlightening

1 and illustrative for CSX to report the number of
2 employees working in specific service related
3 relevant departments and functions such as customer
4 service, sales marketing and by operational area such
5 as train masters, division managers, switch yard
6 employees and maintenance crews.

7 NGFA also wishes to commend Secretary of
8 Agriculture Sonny Perdue for his September 7th letter
9 to the Board in which he cites the impacts CSX's
10 service degradation has had on the agricultural
11 sector.

12 In this regard NGFA fully supports
13 Secretary Purdue's request that the Board require
14 additional metrics reporting including system level
15 train speeds and other pertinent metrics in key
16 traffic corridors, particularly for land serving
17 Midwestern original points, and important
18 destinations in the northeast, mid and south Atlantic
19 and southeastern and southern states.

20 And finally, NGFA believes the Board
21 should require CSX to state the precise methodology
22 it is using to calculate and report all service

1 performance metrics. In its written statement we'll
2 provide some examples of why we believe that's
3 important.

4 Finally, as mentioned previously, NGFA
5 believes there is a legitimate question as to whether
6 CFX's abrupt implementation of drastic changes to its
7 operations have significantly disrupted and
8 economically harmed its customers and whether that
9 undermines its obligations under federal law.

10 While the Board thus far has refrained
11 from instituting the formal investigation of whether
12 statutory violations occurred, we respectfully submit
13 that the seriousness of CSX's actions and continuing
14 issues that are being experienced may call on the
15 Board to develop a more robust oversight by asking
16 the CSX to take the additional step of submitting a
17 specific detailed service recovery plan with
18 meaningful and measurable metrics and a timetable to
19 restore service to acceptable levels.

20 As noted in the agriculture transportation
21 working groups' August 17th letter to the Board, this
22 request extends beyond the Board's August 14th letter

1 to CSX to provide detailed schedule for implementing
2 its new operating plan for precision scheduled
3 railroading.

4 Respectfully, we believe the jury is still
5 out on whether CSX's new operating plan as currently
6 structured will be sufficient to restore service to
7 acceptable levels that meet its statutory obligation
8 and respond positively to customer service needs.

9 In closing, NGFA again commends the Board
10 and its Office of Rail Customer Assistance for
11 conducting this Listening Session for the actions you
12 have taken to this point and your efforts to hold CSX
13 accountable.

14 We also appreciate your consideration of
15 our recommendations and I'll be pleased to respond to
16 questions at the appropriate time, thank you.

17 MS. PILEGGI: Acting Chairman Begeman,
18 Vice Chairman Miller good afternoon. My name is Mary
19 Pileggi and I'm the Chair of the Board of Directors
20 for the National Industrial Transportation League and
21 an employee of the Chemours Company, but I am
22 speaking today on behalf of the League's membership.

1 The League extends its sincere gratitude
2 to the Board for all of its efforts to address the
3 serious problems that American industry is
4 experiencing due to the rail service failures at CSX.

5 The League represents a broad cross
6 section of American business, united in their need to
7 reliable, efficient and competitive transportation
8 services. Our rail members ship chemicals,
9 petroleum, agricultural products and paper and forest
10 products among other commodities.

11 Our members operate in highly competitive
12 domestic and global markets and have developed
13 complex supply chains to support their operations.
14 Reliable rail service is absolutely critical to
15 maintaining this supply of goods required to meet the
16 demand of the American businesses, consumers and our
17 economy at large.

18 Back in July the League collected and
19 provided to the Board extensive information from its
20 members regarding CSX's service problems. In the
21 past two weeks the League went back to those members
22 and collected additional feedback from those who ship

1 via CSX to assure that our statement today is based
2 on the most current information.

3 Based on our data collection, League
4 members who depend on CSX are continuing to
5 experience problems in several geographic areas to
6 mention: Ohio, Indiana, Illinois, Alabama, Georgia,
7 Tennessee and Louisiana as a few.

8 Generally the types of problems include
9 delayed and lost cars, missed switches, inadequate
10 car supply, circuitous routing, increased transit
11 times, yard congestion and poor responsiveness to
12 customer service complaints.

13 League members are frustrated by the lack
14 of the sufficient notice of the operational changes
15 that were imposed suddenly and unilaterally by CSX.
16 The inability of members to plan for reduced or
17 altered rail service created unnecessary business
18 interruptions and forced companies to shift to more
19 expensive truck transportation to keep their
20 facilities running and to meet their customer's
21 delivery demands.

22 Where possible, members move their traffic

1 to other railroads but shippers captive to CSX are
2 not so fortunate. They must endure the disruption
3 and the higher costs. According to League members
4 the costs impacts range from thousands to hundreds
5 of thousands to several million dollars since the
6 service crisis began.

7 Mr. Harrison mentioned today that
8 precision scheduled railroading provided a plan for
9 each railcar. He also mentioned the metric of
10 achieving 90% of the plan. This target is not good
11 enough for our members when they are measured by
12 their customers to much higher standards.

13 Good people work at CSX but the railroad's
14 overall responsiveness to customer concerns has
15 fallen short. In the League's recent feedback, a
16 majority of the respondents reported continuing to
17 raise service issues, but a minority were satisfied
18 with the response.

19 The others were either dissatisfied or
20 neutral regarding the CSX response. Persistent
21 communication and escalation of problems to senior
22 CSX personnel can help to get action and get

1 individual cars moving again, but this is not a
2 viable long-term solution.

3 The League understands that the Board
4 would like to know whether CSX service is improving,
5 worsening or is about the same. Based on the League
6 survey the answer is mixed. The good news is that
7 some League members reported improvements in the last
8 month. Very few reported that service is getting
9 worse, however, for those who experienced
10 improvements service has not been restored to prior
11 levels before the operational changes were
12 implemented.

13 Other companies reported that their
14 service is still poor and has stabilized at
15 unacceptable levels that they saw in July or August.
16 Members are concerned that the current mediocre to
17 poor service levels may become the new normal.

18 Therefore, we have to ask what more can
19 this Board do to protect the interests of American
20 businesses affected by CSX's poor performance. We
21 very much appreciate the efforts of the Board's Rail
22 Customer Assistance Program in helping to resolve

1 individual company complaints but the magnitude of
2 the problems and the vast number of impacted
3 companies makes a case by case mediation approach
4 impracticable.

5 We also appreciate the Board's collection
6 of CSX service metrics which do help the Board and
7 public measure changes in CSX's service. However,
8 the metrics do not specifically require CSX to
9 address the concerns of its many customers whose
10 service is still not adequate.

11 CSX has a common carrier obligation to
12 provide service upon reasonable request. Does the
13 Board believe that CSX is meeting that obligation to
14 its customers? Impacted League members do not think
15 so.

16 If the Board agrees then we would ask for
17 you to consider directing CSX to add equipment,
18 personnel and other resources that are needed to meet
19 the reasonable demands of its customers and its
20 statutory service obligation.

21 The Board could help CSX's customers and
22 monitor their compliance by maintaining closer

1 scrutiny over the resolution of customer complaints
2 including asking CSX to re-emphasize the importance
3 of the customer service function, to share the
4 complaints from its customer's service database, to
5 summarize the issues and shippers concerns, to share
6 how CSX has responded to them and have CSX report the
7 length of time it takes for the issue to be resolved.

8 Where issues are not being resolved in a
9 timely manner, the Board should intervene where it
10 has jurisdiction to do so. Finally, the League
11 believes that expanded reciprocal switching could
12 help to alleviate some of the service problems and we
13 urge the Board to continue its important work in
14 EP7-11.

15 Allowing an impacted CSX customer to
16 switch its traffic to an alternative carrier would
17 help to protect American industry in some situations
18 from the disruptive and costly consequences of poor
19 rail service.

20 On behalf of the League I would like to
21 thank the Board again and appreciate the opportunity
22 to express our concerns and perspective. The League

1 will be filing a more detailed version of this
2 statement in the EP7-42 Docket and I request that it
3 be entered into the record. I would be happy to
4 answer any questions at the appropriate time.

5 MR. DETLEFSEN: Good afternoon Chairman,
6 Commissioner, thank you for this opportunity to
7 speak. My name is Clay Detlefsen, I'm a Senior Vice
8 President of Regulatory Affairs and Staff Counsel at
9 the National Milk Producers Federation which
10 represents our nation's dairy cooperatives.

11 I'm also the Co-Chair along with Mr.
12 Gordon of the Food and Ag Sector Coordinating
13 Council. The food and Ag sector is one of 16
14 critical infrastructure partnerships that were set up
15 in 2003 under Homeland Security Presidential
16 Directive 7.

17 The food and Ag sector is the largest of
18 all the sectors and accounts for one-fifth of this
19 nation's economic activity. The initial focus of the
20 critical infrastructure sectors was to protect our
21 infrastructure from terrorist attacks, the mission
22 was altered to address all hazards that could impact

1 our infrastructure -- hurricanes are one such hazard.

2 In this regard I want to use my time to
3 share a real world example of CSX's service issues
4 and to convey concerns regarding the current state of
5 play. On Sunday, September 10th, 2017 the Florida
6 Department of Agriculture and Consumer Services
7 reached out to one of my co-workers and asked if
8 there was anything that National Milk could do to
9 help get animal feed into Florida.

10 We were told that CSX had not been
11 delivering feed as they should and in talking with
12 feed mills down there, they were out of grain on
13 Friday. This is going to get critical pretty quick.
14 The gentleman from the Department of Ag explained
15 that the Commissioner had contacted CSX to no avail
16 and that railcars with grain were stuck in Nashville
17 and in New York.

18 I informed the Florida Department of
19 Agriculture that FEMA and DHS Infrastructure
20 Protection were conducting daily hurricane situation
21 calls with the private sector and that they should
22 consider joining us. I also reached out to the Chair

1 of the Critical Infrastructure Cross-Sector Council
2 and gave him a heads up on the problem we were
3 facing.

4 By coincidence the Chair is an employee of
5 the Association of American Railroads. He agreed to
6 reach out to CSX and did follow through. On the
7 situational call that day I let the participants know
8 about the problem and that we had hopes that CSX
9 would be able to make deliveries in time to avoid a
10 crisis.

11 On Monday, September 11th, I learned that
12 CSX had been having issues for some time and that the
13 shortfall of grain was not related to shipments being
14 held up to avoid a hit from Hurricane Irma, but
15 rather part of a larger problem where shipments were
16 commonly misdirected or late.

17 I was told that it was not limited to
18 dairy feed but also poultry feed and flour mills were
19 impacted too. While it was clear the problems were
20 significant, the focus had to be on getting grain --
21 feed grain, to the mills in Okeechobee as soon as
22 possible after the hurricane passed.

1 For situational awareness, National Milk
2 filed an advisory with the National Business
3 Emergency Operation Center and FEMA Region 4
4 Administrator. On Tuesday, September 12th
5 discussions continued and broadened. I was in touch
6 with my colleague at the National Grain and Feed
7 Association, with FEMA, with DHS Infrastructure
8 Protection, multiple calls with the United States
9 Department of Agriculture, the Food and Drug
10 Administration, the Florida Department of Agriculture
11 and Consumer Services, the Florida Farm Bureau and
12 others.

13 It was clear that everyone understood the
14 urgency of the situation and wanted to help. We
15 collectively discussed the situation on the ground in
16 Florida and attempted to ascertain when conditions
17 would be acceptable or safe to get grain down from
18 the Okeechobee by train or by over the road
19 transportation.

20 Communications with that part of Florida
21 were very difficult so it was hard to get a good read
22 on the situation. Mid-day I was informed by FEMA

1 Region 4 Response Coordination Center that they were
2 aware of the situation and were working diligently
3 with USDA and others to resolve it.

4 Wednesday arrived -- and we all knew the
5 situation could get very ugly soon but we held out
6 hope. At 2:09 p.m. that day I was told the grain was
7 loaded and ready to go but there was a power line
8 down on the tracks in Avon Park.

9 Shortly thereafter I was informed that my
10 colleague Randy Gordon, would be meeting with CSX and
11 would discuss the matter and see what could be done.
12 A brief while later Randy contacted me and asked me
13 to set up a call with myself, the Florida Department
14 of Ag, representatives from the STB, United States
15 Department of Agriculture and the Florida Farm
16 Bureau.

17 Randy also told us that he had been in
18 touch with a CSX representative who stated that a
19 train would leave Waycross, Georgia at 12:30 a.m. and
20 would arrive later that day.

21 Suddenly, the much anticipated great grain
22 train became the midnight train from Georgia. A lot

1 of us had a hard time sleeping that night wondering
2 if our midnight train had left or where it might be.
3 In the morning I learned things that I had not
4 contemplated.

5 First the power lines in Avon Park had not
6 been removed -- instead two cranes were dispatched to
7 lift the power lines and allow the train to pass. In
8 addition I learned that many railroad crossings were
9 not powered and people had to manually man them to
10 allow the train to get through.

11 In hindsight the coordination and
12 collaboration that must have gone on to get that
13 miracle train to where it was needed must have been
14 enormous. While I don't know all the actors that
15 were involved that night or day, clearly CSX had a
16 major role and they deserve our gratitude for this
17 particular shipment.

18 I was also told by a colleague that when
19 that train arrived in Okeechobee, practically the
20 whole town showed up and in some ways it seemed like
21 Christmas had arrived. The train carried about a one
22 week's supply of grain which I was nervous would run

1 out before additional grain was shipped in.

2 Thankfully in the days ahead more grain
3 arrived. The shipments became inconsistent and
4 communications about the status were poor. I was
5 told that folks were worried that all the missing
6 shipments would arrive at once and if so there would
7 not be a place to unload that and that the railroad
8 would impose demurrage fees.

9 In recent days I've explored the current
10 situation a bit more and I'm disappointed in what I'm
11 hearing. Shipments of grain are spotty, inconsistent
12 and communications about what is about to be received
13 are thin. Many times the receivers do not know what
14 will arrive until it arrives.

15 They go through a fair amount of grain and
16 feed components in Okeechobee and freight rail is the
17 most cost effective way to ship it. Unfortunately,
18 due to missing and delayed rail shipments, the feed
19 industry has had to turn to over the road
20 transportation, far, far too often -- that results in
21 increased costs of up to \$40.00 per ton compared to
22 the contracted arrangements of freight rail.

1 The cows in Okeechobee eat a routine and
2 regular diet that does not vary much in quantity.
3 The people that run the feed mills know what they
4 need and when they need it. This should be an easy
5 task for freight rail to deliver upon.

6 For example, one mill knows that it needs
7 7 rail cars of corn, among other things, each and
8 every week. It isn't 10 cars one week, 2 cars the
9 next week, 14 the week after that. It's 7 rail cars
10 a week -- that's simple, that's straight-forward.

11 It's also important to note feed storage
12 capacities are limited and most mills can only store
13 a few days inventory at a time which means they need
14 regular and prompt shipments. It puzzles me that
15 there are problems. One would think these grain
16 mills are the dream customers.

17 They have regular, consistent and
18 perpetual needs which should be easily managed --
19 instead I hear that railcars are sitting in Waycross,
20 George for a week or longer and the grain is going
21 from Waycross to New York, down to Florida, back to
22 New York and then back down to Florida. I mean they

1 were talking about ping-pong the other day, I think
2 that's the greatest match right there.

3 Grain is also been known to head from
4 Waycross to Thomasville before heading south and east
5 to Okeechobee adding days to delivery times. I could
6 go on with other examples, we've heard a lot today,
7 but I think I've made my point and others have as
8 well so I think you have a good understanding of the
9 issue.

10 The bottom line is I would like to convey
11 here today is that CSX did an outstanding job in
12 getting the grain to Okeechobee on September 14th,
13 2017. I acknowledge that and thank them for that.

14 Unfortunately while CSX did a great job
15 that day, it was delayed and inconsistent shipments
16 that had been happening for months that created the
17 problem in the first place and while shipments were
18 improved for a brief period after the hurricane,
19 that prior rest is largest gone and we are back to
20 seeing unpredictable and inconsistent service which
21 is not acceptable.

22 We still have six weeks left to hurricane

1 season and we could be right back in the same mess
2 before you know it. CSX needs to improve, keep
3 shipments on schedule and provide proper customer
4 service. The dairy industry and the feed industry
5 demand improvement, thank you very much.

6 MS. CATANEO: Hi, I'm going to go next and
7 then I'll go back to Herman. Good afternoon Chairman
8 Begeman and Vice Chairman Miller of the STB Board and
9 Hearing Session Committee. My name is Barbara
10 Cataneo and I'm the Secretary of the Board of
11 Directors for the Private Rail Car Food and Beverage
12 Association. The Private Rail Car Food and Beverage
13 Association was formed in January of 2016 as a result
14 of a group of frustrated food and beverage rail
15 shippers that felt their voices as individual
16 companies were not being heard by the North American
17 Railroad Network.

18 The PRFBA members formed this group with
19 the following objectives in mind -- to provide
20 private railcar food and beverage shippers, a forum
21 and organization that will allow them to collectively
22 advocate for a rail reform regulation including

1 reciprocal switching, rate competitiveness and
2 performance KPI's.

3 Additionally, the Association members
4 share best practices for the management of their
5 private railcar fleets. They share common issues and
6 concerns regarding underlying rail terms and
7 conditions of service.

8 They explore supply chain efficiencies
9 within the group and with the railroad providers
10 directly, and they collaborate with each other to
11 develop efficient railroad, network opportunities
12 such as empty private railcar back haul programs.

13 Unfortunately, due to the recent CSX
14 service issues and the lack of rail choice, our
15 members have not been able to achieve certain goals
16 that are crucial to the success and livelihood of
17 their businesses. All of the PRFBA members are
18 major manufacturers and producers of food and
19 beverages in the United States.

20 The current state of the CSX railroad
21 network has adversely impacted our members as the CSX
22 service has been in disarray since the spring of

1 2017. Beginning in May of 2017 and without notice,
2 CSX changed frequency of switches and routing of
3 railcars destined for customers in forward deployed
4 locations.

5 In the last few weeks several member
6 companies have been impacted by other unilateral
7 changes and decisions made by CSX. The yards through
8 which CSX now move their traffic are heavily
9 congested, in particular as we've heard today,
10 Nashville, Columbus and Atlanta.

11 Slow movement of shipments have forced
12 member company food processing plants to shut down
13 because inbound products have not arrived as
14 anticipated on the CSX railroad. These have
15 occurred as recently as one and a half weeks ago when
16 a major ketchup manufacturer in Florida did not
17 receive their inbound rail shipments and this has
18 been a constant issue and problem for a major potato
19 chip manufacturer in Tennessee, along with a major
20 food distributor in Tennessee.

21 Our member businesses have been
22 egregiously impacted by the CSX changes and no one

1 seems to care including the CSX. Some examples of
2 the severe CSX degradation are illustrated below and
3 that's the charts that I gave you there.

4 These charts capture activity through
5 August 31st. So we took a couple of select markets
6 -- we took Maryland, Georgia, Ohio and Tennessee and
7 what these charts illustrate is the additional
8 transit time into these areas.

9 So for instance in Maryland, the transit
10 time was increased by 6.4 days. In Georgia the
11 average transit time was increased by 5.2 days. In
12 Ohio the transit time was increased by 4 days and in
13 Tennessee where our membership was impacted the
14 greatest it's been an additional 10.6 days in
15 transit.

16 We have seen some improvement in service
17 in the past 5 weeks however the last 5 cars that one
18 of our members shipped from Chicago to Tennessee just
19 this past week for one of our food distributor
20 members, experienced delays of up to 9 days longer
21 than the standard transit times.

22 To compensate for this debacle, our member

1 companies are shipping trucks to keep their
2 businesses operating at a significant cost and
3 complexity to their supply chains. Just to name a
4 few examples today -- the potato chip manufacturer in
5 Tennessee has spent over \$300,000 in alternative
6 service just in the past three months. The food
7 distributor has spent over \$250,000. A major
8 beverage manufacturer in Florida has spent over
9 \$500,000 in alternative transportation services, all
10 being highway transportation.

11 Our total member companies have spent
12 close to 2 million dollars just in trucking to offset
13 the service impact caused by CSX. This does not
14 include the other costs of carrying more inventory,
15 additional man hours and labor needed to handle the
16 trucks or the cost of losing sales because product is
17 not on the shelf.

18 In addition to the physical changes made
19 by the CSX to their network, they have eliminated an
20 entire layer of field management, division management
21 and assistant division managers creating a chaotic
22 operational environment internally as well.

1 None of our member companies can count on
2 CSX's service -- it's unpredictable. We've seen
3 multiple changes to the service plan for customers'
4 inbound and outbound service in the last 12 weeks.
5 We finally think we understand the new plan and CSX
6 doesn't follow through.

7 There is no proactive communication or
8 warning of impending changes. The PRFBA member
9 companies have not seen the service improvements that
10 Mr. Harrison touted would be obvious after the Labor
11 Day milestone. We believe there needs to be
12 additional service recovery efforts on the part of
13 CSX and we need the following actions to be taken:

14 We need to understand CSX's new service
15 plan -- what is it? What should we expect to see
16 both inbound and outbound?

17 Number two -- commitment that PRFBA
18 member companies will receive the service they're
19 paying for and number three -- ongoing direct line of
20 communication with CSX at all levels that understand
21 the plan and can effectively address our service
22 issues and concerns.

1 Lastly, we do not feel that the current
2 STB mandate requiring CSX to participate in a weekly
3 conference call is yielding any results for our
4 members. We believe the data that the CSX is
5 providing to the STB is misleading because it does
6 not measure what's really happening in the network.

7 We challenge the STB to garner real data
8 from a third party and not count on the information
9 provided by the CSX. As an example a recent quote
10 provided by Mr. Harrison in "Railway Age Magazine"
11 from October 5th states that the dwell time is
12 currently at 11.2 hours, however, our members
13 indicate that the average CSX dwell time is actually
14 significantly longer.

15 In conclusion the Private Railcar Food and
16 Beverage Association strongly supports the STB
17 issuing a penalty-driven Recovery Plan to CSX with
18 significant impact to their bottom line if certain
19 milestones are not achieved within reasonable
20 industry timeframes.

21 The lack of oversight as a result of the
22 CSX meltdown is mind-boggling. Our member companies

1 are angry, frustrated and dumb-founded by the lack of
2 serious intervention by any government agency or
3 branch to remedy the CSX service issues in a more
4 timely and productive manner.

5 Thank you again for your time today
6 allowing the Private Railcar Food and Beverage
7 Association the opportunity to share our feedback on
8 the significant CSX service issues and the impact
9 that this has had on our member companies. We
10 appreciate your listening to our concerns and ideas
11 and solutions and we would be agreeable to assist the
12 STB or any other governmental agency or person that
13 wishes to engage our help on how to better manage the
14 CSX situation.

15 Mr. Harrison said today, "Everyone wins in
16 precision schedule railroading." We clearly do not
17 agree with that statement, thank you.

18 MR. HAKSTEEN: Good afternoon Chairman
19 Begeman, Vice Chairman Miller -- oh I need a
20 microphone, sorry not used to that. Okay am I
21 working now? A long tough day for the STB Board and
22 unfortunately you have one more customer coalition

1 group to get through.

2 MS. BEGEMAN: We're happy to hear from
3 you.

4 MR. HAKSTEEN: Thank you, I appreciate
5 that. So my name is Herman Haksteen and I'm here
6 today representing the Rail Customer Coalition as I
7 am the President of the Private Car Food and Beverage
8 Shippers Association and we are active members of the
9 RCC.

10 I want to thank you guys for the
11 opportunity to speak on their behalf. First let me
12 thank Mr. Harrison, we haven't heard that a lot today
13 but I'd like to start by thanking Mr. Harrison.
14 First of all, for the letter that he sent to the RCC
15 that was dated August 16th.

16 I believe that letter's been referred to
17 several times today. And he was basically responding
18 to some of the concerns that we had raised that we
19 had sent to the Congressional authorizing committees
20 and the STB.

21 I want to take a moment to clarify who the
22 Rail Customer Coalition is because in the letter Mr.

1 Harrison stated that, "Coalitions do not have service
2 issues," it's a quote and "Therefore there is no
3 further need to discuss service issues."

4 To clarify I am a CSX rail receiving
5 customer. I'm also a Board member of the Private
6 Railcar Food and Beverage Association and now a
7 member of the RCC. The RCC is in fact a large
8 collection of trade associations representing a broad
9 cross section of manufacturing, agriculture and
10 energy industries that depend on the railroads to
11 deliver reliable and affordable service in order to
12 remain competitive in this global market.

13 The members are essential to a healthy
14 U.S. economy with operations and employees throughout
15 the country -- collectively they provide more than 7
16 million jobs and produce more than 4.8 trillion in
17 economic output.

18 Make no mistake, RCC members are major
19 transportation stakeholders and the largest users of
20 rail freight. They account for more than half of the
21 total volume of cargo shipped by rail and generate
22 about three-quarters of the revenue collected by the

1 railroads.

2 The RCC was formed because rail customers
3 across the country are very concerned about growing
4 problems and are being very severely impacted by
5 different operational issues including the ongoing
6 CSX failures.

7 Allow me to further clarify why the RCC
8 was formed. Customers over the years have been
9 ignored. Their voices have not been heard by the
10 railroads. The fact is that the Class One railroads
11 have grown so large and so powerful that they act as
12 if they no longer need to listen to the customer's
13 concerns.

14 The recent events of the CSX have
15 certainly shown that the CSX does not believe in
16 listening to the needs or concerns of the individual
17 customers as they went out and made all of these
18 changes without consulting with a single customer.

19 Those customers having no other practical
20 choice have joined trade associations to try to get a
21 louder voice and the frustration -- that hasn't
22 worked. So now those associations are having to

1 join coalitions just so somebody will hear us.

2 Make no mistake CSX coalitions represent
3 shippers -- very frustrated shippers. They represent
4 real shippers concerns and most importantly for
5 today's discussion the RCC represents about 75% of
6 CSX's customers.

7 So in that same letter the RCC didn't
8 raise the subject but Mr. Harrison did and that was
9 the subject of reciprocal switching. So I thought we
10 would take a couple of minutes today to address that.

11 I'm not sure his invitation was that he
12 would be open to speaking with the Coalition at any
13 time about the subject of reciprocal switching. At
14 this point, I do not think that there's a lot more
15 talking required on this subject and again I will
16 thank Mr. Harrison for that.

17 We thank Mr. Harrison and his investors
18 who are responsible for the changes that were made at
19 the CSX. In the past several months he and his
20 investors have provided the strongest reason and
21 evidence to date as to why reciprocal switching must
22 become an option in the United States railroad

1 system.

2 Mr. Harrison and his investors have
3 created a textbook nightmare case study that I'm sure
4 many universities will be using in years to come
5 because it's illustrated how one industry that has
6 too much power can stop the wheels of commerce and
7 bring many other industries to a complete state of
8 inefficiency.

9 It shows how one powerful industry using
10 monopoly power created by outdated regulatory
11 protections can lead to the total disruption of
12 commerce in this country.

13 Those industries that have been affected
14 by the abrupt changes at CSX are industries that have
15 built their businesses around rail based supply
16 chain. These are companies, shippers, CSX customers
17 that have invested in rail sidings, rail specific
18 infrastructure such as loading and unloading docks
19 and specific railcar equipment.

20 They have built their production around
21 the flow of reliable rail service and let there be no
22 misunderstanding these companies don't have a choice

1 to not use freight rail. They simply cannot flip a
2 switch and go from shipping rail to shipping truck.

3 Their entire supply chain infrastructure
4 is built around rail. They cannot move their rail
5 cars across the interstate highway. As a matter of
6 fact I took the time to have a picture mocked up that
7 I was going to leave of a tractor trailer pulling a
8 boxcar down the interstate highway -- I'm sure
9 there's a lot of people that would be opposed to
10 that.

11 These companies don't have the choice to
12 back a truck up to their rail unloading terminals and
13 they certainly can't move a tank car of liquid goods
14 into their truck unloading dock -- it simply doesn't
15 work.

16 Many of these industries in our coalition,
17 our companies -- companies that through their
18 investment they are simply all in rail users. These
19 are companies that should be CSX's preferred
20 customers because they've invested in the CSX
21 services and they support rail transportation.

22 These are companies and industries that

1 the CSX should not be taking advantage of simply
2 because they don't have the choice.

3 The CSX disruptions over the past several
4 months have shown how vulnerable these industries are
5 without a reliable rail option. But they are not
6 vulnerable because of a rail disruption -- they are
7 vulnerable because the rail regulations, the powerful
8 lobbying groups, continue to prevent customers from
9 having greater access to rail to rail competition or
10 a choice of a last mile rail provider when their
11 plants are single-served by one carrier.

12 So again I'll reach out and say thanks to
13 Mr. Harrison for not only bringing up the subject of
14 reciprocal switching and allowing us to bring that up
15 today. But not only has he raised the level of
16 awareness for the need of reciprocal switching, but
17 through his distinguished career, he has
18 single-handedly made this decision easy for you and
19 our lawmakers to accept or pass sensible reform for
20 reciprocal switching.

21 See the railroad industry and their
22 lobbies for years have fought hard against reciprocal

1 switching stating that it creates operating
2 inefficiencies, they claim it will drive up
3 additional costs, and even create unsafe working
4 environments.

5 The fact is that Mr. Harrison ran and
6 operated two of the most efficient railroads in the
7 Class One railroad network, the CN and later the CP
8 and he did so in an environment that allows
9 reciprocal switching. The Class Ones while under
10 his control, had safety records and operating
11 efficiencies that were top of class and financials
12 which showed operating ratios and profits that were
13 industry best -- so good as a matter of fact that he
14 was hunted away from those companies so that he could
15 come and work at the CSX.

16 Today Mr. Harrison has not only brought it
17 to the attention of the STB and our lawmakers that we
18 need reciprocal switching, he's proven to you that a
19 Class One railroad can operate just as safely, just
20 as efficiently, and just as profitably in an
21 environment that has reciprocal switching.

22 So let there be no mistake the service

1 failures that have been created by the CSX railroad
2 in the past several months had resulted in huge
3 additional expenses and inefficiencies for its
4 customers and our members.

5 We also know that there is very little
6 opportunity for those customers to recover the
7 millions of dollars in additional costs. The
8 increased costs are the price these customers have
9 had to pay for the CSX to drive costs out of its
10 system.

11 I will say that Mr. Harrison's action of
12 transforming a railroad has not created a more
13 efficient railroad -- he has simply pushed costs to
14 the customer. If there is any good to be gained
15 from any of this it should be that the Board
16 recognizes that business as usual is no longer
17 working, that an investor can simply buy his way into
18 a railroad, operate it for his pleasure and profit
19 regardless of the dramatic impact that it has on the
20 efficiency of so many other businesses.

21 These problems aren't just going to fade
22 away. We need your action now to stop that.

1 Adopting a sensible, competitive switching policy is
2 a good place to start. Doing so will help stop
3 future service failures that result from being
4 single- served.

5 And, as we have seen from the CN and the
6 CP it will support a strong and competitive freight
7 rail system. At the end of the day the recent
8 actions of Mr. Harrison and his investors and the CSX
9 may very well be the event that drives this needed
10 change, so for that we thank him for bringing this
11 very painful time of change to the American Railroad
12 System and we ask that the STB prevent future
13 instances of this kind. Thank you.

14 MS. BEGEMAN: Thank you all. One of the
15 overarching themes that I got from this panel was the
16 concept of holding CSX accountable for service being
17 restored to acceptable levels. I probably have even
18 said it myself but I would love if each of you could
19 say what that means to you.

20 Does it mean how it was in April? Does it
21 mean how it was a year ago? Was it -- you know there
22 are some shippers that I heard from where it's never

1 acceptable? So I would just -- and I know this may
2 be a little bit challenging since you're representing
3 a large group of your members, but if you could just
4 try to give me what you meant when you said it.

5 Randy, I think you said it first here so
6 I'll ask you first.

7 MR. GORDON: Okay, I'll do my best to kind
8 of kick this off Acting Chairman Begeman. I think
9 from our standpoint one of the concerns that I think
10 was expressed by other panelists is, you know, are we
11 going to be operating from a lower bar now of where
12 service will be expected to be versus where it was
13 prior to the institution of precision scheduled
14 railroading.

15 And that's one of the reasons that we
16 suggested that the current service metrics however
17 they might be measured, would be measured against
18 what existed in 2014, 2015, 2016 so that you get a
19 historical perspective.

20 But I think generally from our member's
21 standpoint it is what I think Mr. Harrison is trying
22 to accomplish with precision scheduled railroading

1 and that is to get the trains there on time,
2 predictably and consistently.

3 Predictability and consistency is a huge
4 issue but I was bothered frankly by his phrase
5 earlier this morning that we put all these customer
6 requests into a blender and see how they come out.
7 That doesn't necessarily to me mean that the shipper
8 is getting the cars when they need them and so I
9 would sure like to hear a lot more discussion about
10 that method of operation.

11 I'm concern that shippers not come out
12 looking like puree from that blender. So you know I
13 think it is that consistency and predictability of
14 service and a much better customer service focus on
15 communications too -- that's been a theme that I
16 think everyone from the shipper side has referenced
17 in their testimony.

18 MS. BEGEMAN: So it wasn't the same
19 service necessarily but service that works for your
20 members --

21 MR. GORDON: Well I think again that most
22 of our members would say that CSX was operating

1 pretty well in responding to service needs in 2016
2 and early this year. So I think that is more the
3 norm.

4 MS. MILLER: If the metrics were a match
5 for what was happening --

6 MR. GORDON: I think so and I think our
7 biggest concern is that we had that level of service
8 and now is it going to be at a lower standard and
9 that's going to be viewed as a successful outcome and
10 we don't think it is.

11 MS. PILEGGI: So from my perspective I'd
12 love to go back and ask my members that question and
13 make sure that I'm representing it back to you. But
14 I would say from what I've heard of the stories of
15 our members that service isn't just delivering the
16 car to its destination.

17 Making sure our shippers know what their
18 scheduled service is supposed to be at their site and
19 that it's something that actually they can manage to.
20 So if it is 7 day a week service it's not something
21 that in a month somebody comes back to them and
22 says, oh now it has to be changed to 5 because that's

1 where we have our crew availability and when we look
2 at volumes in the area.

3 So predictability of when the switch will
4 occur and I would say consistency to that would be
5 key. You heard us talk about inadequate car supply
6 -- many of our members are not necessarily in the
7 private railcar, they do rely on CSX for railcars.

8 And understanding that they can make a
9 request through a process that says this is how many
10 cars I need and they have a response back that they
11 can plan to, that's something that needs to be
12 consistent for them to be able to manage their supply
13 chains.

14 MS. MILLER: Mary, excuse me, can I ask
15 you for a clarification?

16 MS. PILEGGI: Sure.

17 MS. MILLER: So it sounds like what you're
18 saying is the way things stand now your members don't
19 feel like they can -- there's either a logical way
20 for them to request a car or cars or even if there is
21 they're not getting a response back that allows them
22 to know if the request has been received and if it's

1 going to be honored, is that what you're saying?

2 MS. PILEGGI: Yeah, they're not getting --
3 I'm saying that they're not getting the cars that
4 they're requesting and they are using the tool that
5 CSX has to request them.

6 MS. MILLER: Okay.

7 MS. PILEGGI: But they don't get them or
8 they think they're going to get them and they don't
9 show up or what happens is their switch occurs and
10 those cars aren't brought in. So while the cars
11 might have been in the area they don't get them when
12 they need them, from that standpoint.

13 Customer service -- I think people forget
14 that the customer service function is the front line.
15 I mean the average shipper doesn't want to have to
16 call senior leadership and get engaged in this, we
17 have more important things to do. But that's the way
18 we've had to manage the last several months and if
19 you think about it the numbers of shippers
20 represented could never make all of those calls.

21 CSX wouldn't have enough people to handle
22 it. Customer service is a critical function. So if

1 you ask what is good service? It's a customer
2 service function that's there, that's knowledgeable
3 of our shippers and their industries and their
4 requirements and actually can help the delivery.

5 So I would love to come back and provide
6 you more because I could go on and on for a long time
7 on this but that's where I'll stop.

8 MS. BEGEMAN: I want the rest of you to
9 answer it but before that if I could also ask --
10 because railroads do have to make operating changes
11 here and there, things happen. If you could -- what
12 do other carriers do when they make a change?

13 How much notice do they give you and my
14 second -- two-part question is, and in your ideal
15 world, how much notice would you want CSX to give you
16 let's say for the next hump yard it closes or
17 whatever you want to imagine, they may be doing next?

18 MS. PILEGGI: So how much notice --

19 MS. BEGEMAN: Is it two weeks, is it a
20 month?

21 MS. PILEGGI: If I'm in the planning
22 business when I look at our business and how we do

1 our planning, we are planning in a mode that is 24 to
2 36 months out -- that's what we do every day.

3 We look at our demand, we look at our
4 supply and we plan it out over a period of time. For
5 anyone to think that a few weeks or a few-days-notice
6 can fit into that model, they're wrong. I would say
7 at a minimum there needs to be months of
8 communication before anything should be changed.

9 Because we have to fit it into our supply
10 chains and we have to be able to manage it in a
11 delivery to our customers. Again that is a question
12 that I wrote down that we're going to get a more --
13 I'll say, across the board answer for you, but notice
14 of a greater length isn't measured in days or even
15 weeks, it should be longer than that.

16 And I know changes have to be made but
17 it's just not enough time for us to adapt. Think
18 about what we're going through today with the
19 trucking industry. How do we go out and find the
20 trucks to do this?

21 You can't just pick up the phone and call
22 someone and say I need 20 trucks at my facility in

1 the next few days to handle these materials -- it's
2 very difficult from that standpoint.

3 MS. BEGEMAN: Thank you.

4 MR. DETLEFSEN: My members and government
5 agencies don't come to me when things are working
6 well, they come to me when there's problems.

7 MS. BEGEMAN: We know the feeling.

8 MR. DETLEFSEN: So basically I was
9 blissfully ignorant of all railroad issues until
10 September. That tells me one thing -- that basically
11 at some point prior to September things got bad and
12 I would kind of defer to Randy on this and from the
13 conversations I've had they're identifying that the
14 last several months prior to September were a
15 problem.

16 So I would say Randy hit the nail on the
17 head when he said in 2016 things seemed to be pretty
18 smooth. So like I said, I have been ignorant about
19 railroad issues until recently. Thank you.

20 MR. HAKSTEEN: So earlier today I believe
21 Mr. Harrison said that 50% of the cars on the
22 railroad today were private cars -- owner leased

1 cars. So the metric for penalizing service I think
2 is very easy to establish, at least from a private
3 car user's perspective.

4 So we can look at average transit for 2016
5 and we can look at 2017 transit and the dollars that
6 it's costing that customer is very easily
7 quantifiable. They pay dollars per day or per month
8 for the use of a car. We have had several members in
9 the last couple of months had to go out and lease
10 more cars and I do believe I heard that from one of
11 the other panelists today as well.

12 So they've had to increase their rail
13 fleet because rather than moving 10 shipments a month
14 on 5 cars they now need to have 7 cars to move that
15 same number of shipments every month. They know what
16 they're paying per day.

17 So we've thrown the idea out -- floating
18 the idea of performance-based pricing to CSX in good
19 times actually, during the days of inconsistent
20 transit and say your rate can be X, and your target
21 transit is Y.

22 If you exceed that by 5 days you'll

1 compensate us with a discount that's equivalent to 5
2 days of car costs. It's very simple, it's very
3 unemotional. And we've gone as far to those
4 railroads and said and if you beat transit by 5 days
5 we'll give you a bonus and share that saving with
6 you, but that whole concept has fallen on deaf ears
7 because performance based railroading hasn't really
8 -- but it's a very easy metric.

9 You want to know how we could quantify
10 good service -- I agree with the other panelists in
11 saying let's look at the average of 2016 and from a
12 money perspective how can we penalize or how could we
13 compensate for that, at least from a private car's
14 shipper's perspective -- pay them their car costs at
15 the very least.

16 MS. BEGEMAN: We met soon after you
17 created your new association in 2016, Herman I don't
18 believe you were at our meeting but so at this point
19 how many members do you have? I think it's a really
20 fascinating association.

21 MR. HAKSTEEN: So the membership is still
22 at 15 and we're trying to keep it small because we're

1 trying to really manage an organization that's
2 beneficial for the members. And we had the first
3 Association meeting just last week.

4 And I want to throw something out to you
5 because this was a huge discussion point at our
6 meetings last week in Dallas. So if there are
7 shippers in the room, anybody who wants to tell us
8 what the truck market looks like right now? It's
9 tight as anything right?

10 Everybody out there right now will tell
11 you that trucks are really, really tight. And people
12 are saying it's because FEMA is eating up all of
13 these trucks because of the hurricanes. People are
14 saying it's because the new ELD mandate that's come
15 in so electronic logging.

16 So when we got this group because PRFBA
17 is -- they're the Pepsis of the world, the Kelloggs
18 of the world, the Coors's of the world, they're big,
19 big shippers. When they're looking for trucks
20 they're looking for 7,000 at a time, not 10 shipments
21 for tomorrow. They're looking at big numbers.

22 Well 22% of their shipments have migrated

1 from rail to road in the last three months.

2 MS. MILLER: This is of your members?

3 MR. HAKSTEEN: Just our members.

4 MS. MILLER: 22%?

5 MR. HAKSTEEN: 22% of their shipments have
6 migrated from rail to road. Can you imagine what
7 impact that's had on the truck market? Again, these
8 aren't guys that are looking for 5 or 10 trucks
9 today, these are guys that are looking for hundreds
10 of trucks a day.

11 And they've had to take their freight and
12 get trucks at any price because they are desperate to
13 prevent a -- we've heard of factory closings or
14 whatever, they're trying to prevent that so they're
15 paying anything.

16 So the poor guy that's used to having a
17 tariff rate with a truck or a regular contract with a
18 truck, he's paying 5 grand every time all of a sudden
19 the Heinz guy that's running a plant out of ketchup
20 is like I'll pay you 7 to go pick that load up and
21 they're taking it and FEMA is saying I'll pay you
22 9,000 to go bring a load of water to the areas that

1 need it.

2 So all those guys -- the reason they're
3 sensing a very tight truck market -- sure because of
4 the hurricanes, sure because of the electronic thing
5 -- but I think the secret sauce that nobody's noticed
6 is because of CSX.

7 So today we're not just impacting, we're
8 talking all amongst ourselves here about what CSX has
9 done to us, they've affected every shipper in the
10 country -- shippers that aren't here to talk about it
11 today, in fact their paying 10% more for the truck
12 this week than they did last week -- it's a big
13 impact and I don't think anybody's looking at it.

14 MS. BEGEMAN: Well I certainly appreciate
15 your, you know, appreciation of CSX's efforts in
16 following the hurricane to make sure that those cows
17 were fed. We were all together in Kansas City at the
18 time that the panic button was pushed and a lot of --
19 I guess -- mountains were moved.

20 And it is thanks in large part to Cindy
21 Sanborn, back there behind us and her team actually
22 entirely to their credit and they sort of dropped

1 what they were doing. And of course when you kind of
2 drop what you're doing, and rightly so, to take care
3 of a crisis, that has a consequence as well. Others
4 have to get moved a little bit more to the back of
5 the line and I guess we just have to understand why
6 that happens, a crisis is a crisis.

7 But really I just really appreciate the
8 effort that you made, and you as well Randy, to make
9 sure that we were aware of it and you know, I wanted
10 to also again commend the Rail Customer and Public
11 Assistance team.

12 They will take a midnight call, they will
13 do whatever they can to try to be helpful and it's
14 really the group -- we're very proud of them and so
15 if you need to keep them busy, do -- although I hope
16 that will change quickly for all the shippers.

17 Thank you all, this was really helpful.

18 And our final panel consists of
19 representatives of the short lines, rail labor and
20 passenger rail including the American Short Line and
21 Regional Railroad Association, the National
22 Association of Railroad Passengers, Amtrak, SMART

1 Transportation Division, and Virginians for High
2 Speed Rail.

3 Ms. Darr would you like to start?

4 MS. DARR: I'd love to start thank you
5 Chairman Begeman and Vice Chair Miller. Thank you
6 very much for having us here today. Thank you for
7 holding this hearing and I particularly appreciate
8 being on the fifth panel. It is my pleasure to be
9 here today.

10 My name is Linda Bauer Darr and I am
11 President of the American Short Line and Regional
12 Railroad Association. We are the National Trade
13 Association representing the nation's 600 Class 2
14 and 3 railroads, commonly referred to as short lines.
15 Most short line railroads operating in the U.S. today
16 are small and locally based.

17 Together, short line railroads operate
18 just under 47,500 route miles or nearly one-third of
19 the National Railroad Network. Short lines operate
20 in 49 states and in 36 of those states they operate
21 at least one-quarter of the state's total rail
22 network and in 5 states they operate 100% of the

1 states' rail network.

2 Short lines are often called as they have
3 been today the first mile/last mile operators of the
4 nation's railroad system as they handle the origin or
5 destination of nearly one out of every 5 railcars
6 moving on the national system.

7 The vast majority of these cars are
8 interchanged by the short lines to Class One
9 railroads such as CSX transportation. Of our member
10 railroads, 147 are interchange partners with CSX.
11 While CSX has been working over the last few months
12 to restore its level of service to its customers
13 including short lines, our members and their
14 customers have suffered and continue to suffer
15 adverse impacts as a result of CSX service
16 disruptions.

17 Since June of this year -- and I'll admit
18 I had to go to speech therapy for saying my "s's"
19 when I was in elementary school so that was really a
20 mouthful for me. Since June of this year we have
21 been supporting our members and reaching out to CSX
22 on their behalf and we have also encouraged them to

1 reach out directly to CSX in regard to these service
2 issues.

3 While we are concerned about CSX service
4 to our railroad members and their customers, we also
5 want to support them in making their network better.
6 We are committed to an atmosphere of transparency and
7 an open dialogue in ways of improving service.

8 We believe that collaboration and
9 communication are of primary importance to our
10 business model as short lines and to the rail network
11 overall. We applaud CSX for taking steps within the
12 last 30 to 45 days to stabilize the railroad, to slow
13 the pace of change and to increase communications
14 with short lines.

15 Of note, CSX has established a series of
16 conference calls to keep short lines up to date and
17 they have sent representatives to our regional
18 meetings to continue that outreach including a
19 planned presentation by Fredrik Eliasson later this
20 month at our regional meeting in Providence.

21 Personally I've spoken with Mr. Eliasson
22 twice in recent weeks and I think I and all of my

1 members have experienced a stepped up level of
2 outreach from a number of key CSX executives of
3 late.

4 My members, as fellow railroaders, while
5 impacted by this disruption they understand the
6 impact of any change on the rail network, let alone a
7 change of this magnitude. It is a difficult Rubik's
8 cube of a situation for anyone and for any one
9 railroad to implement a change of this magnitude in
10 such an interconnected and complex network is bound
11 to be problematic.

12 Prior to this Board's Listening Session
13 originally scheduled for September 12th we surveyed
14 our railroad members that interchange traffic with
15 CSX. After the session was postponed we prepared a
16 follow-up that was completed just last week.

17 In particular we asked for feedback on the
18 potential for short line railroad revenues to be put
19 in jeopardy because of CSX service disruptions, their
20 loss to date due to service disruption and then lost
21 opportunities for the future.

22 Historically, CSX has had more short line

1 partners than any other Class One railroad so their
2 success is inextricably linked to short line
3 success and the continued fluidity of interchange is
4 critical to the viability of the short lines and to
5 the communities they serve.

6 For some of our railroads, CSX is their
7 only interchange partner. Short lines have worked
8 hard, historically to establish service levels that
9 work well operationally for the railroads including
10 CSX and for our customers.

11 When the CSX service disruptions began we
12 reached out to our member short lines to gauge the
13 impact. In response to the initial survey, about
14 half of our CSX short line partner railroads
15 responded and when we re-surveyed that number dropped
16 to about 20%.

17 On average the surveys showed that
18 approximately 97% of short lines had experienced
19 service disruptions. When asked in both surveys what
20 percentage of total revenue is derived from CSX
21 interchange traffic, 67% said that this revenue
22 represented 50% or more of their overall business.

1 22% said it represented 100% of their
2 interchange business. In the second survey when
3 asked whether the disruption continues 8% said the
4 problems have been resolved. 43% said some problems
5 had been resolved while others have appeared and 50%
6 said that they continue to have problems.

7 It's unclear what may have been the
8 response if all the respondents from the first survey
9 had completed the second but generally things seem to
10 be marginally trending in a positive direction though
11 considerable problems remain. 71% of short lines in
12 the initial survey said that they had lost revenue
13 due to CSX service disruptions and 24% said that they
14 had lost customers.

15 In the follow-up survey 20% reported
16 winning those customers back but 80% did not. When
17 asked what percentage of their CSX interchange
18 revenue was negatively impacted by service issues and
19 operating changes, a quarter of those surveyed said
20 that 100% of their revenue had been negatively
21 impacted.

22 A third said that 25 to 50% of their CSX

1 interchange revenue had been impacted and the
2 remainder said that less than 25% had been negatively
3 impacted. In dollar terms the losses for some of our
4 smaller railroads have been in the high hundreds of
5 thousands of dollars.

6 Some of these railroads have revenues
7 annually of 2 to 3 million dollars so a loss of that
8 magnitude can be devastating and frankly it threatens
9 their continued existence. Specifically short lines
10 have reported the following types of service problems
11 -- interchange delays, transit delays, unilateral
12 changes in routing by CSX, yard delays and a lot of
13 cars lost in transit.

14 Some have reported hundreds of cars lost
15 in transit, transit time more than doubling, added
16 operational cost due to wasted crew time waiting at
17 interchanges and the need to lease or purchase
18 additional cars or locomotives to make up for those
19 that CSX took out of operation at their location.

20 Continuation of these kinds of problems
21 long-term could be ruinous to short lines. Again,
22 while CSX has improved service in the last two

1 months, problems for our members and their customers
2 continue.

3 If they cannot obtain regular, reliable,
4 on-time service from their Class One partner, we
5 worry that their customers will flee to other methods
6 of shipping their products. The Wall Street Journal
7 reported that as a result of CSX's deteriorating
8 service, a number of shippers have at least in the
9 short run diverted traffic previously handled by CSX
10 in conjunction with short lines to trucks.

11 And certainly we heard a lot of that
12 today. Transport Topics cited an independent poll
13 that asks shippers what would happen to their
14 shipments in the future if CSX's service did not
15 improve to previous levels and the poll indicates
16 that competing railroads and other modes of
17 transportation would capture that freight.

18 Both our initial survey and the follow-up
19 survey support that and movement off of rail and on
20 to the trucks is perhaps the most oft-cited concern
21 for our short line railroads -- some call us the
22 truckers of the railroad industry.

1 61% of the respondents reported they had
2 lost opportunities to provide new or additional rail
3 service to customers. Their comments in the survey
4 echo the same concerns registered in the first
5 survey.

6 Here are two quotes from the second
7 survey. "Customers cannot depend on timely delivery
8 schedule and have turned back to trucks." And, "Cars
9 for CSX interchange sitting an average of 6 days
10 before being pulled, paper and steel customers going
11 to trucks on account of a lack of empties to load."

12 To the extent to which freight has
13 diverted from railroad to trucks, the public suffers
14 the negative consequences of greater wear and tear on
15 the nation's infrastructure, congestion and
16 environmental impacts.

17 While it's difficult to quantify the loss
18 of revenue from new rail business, it is fair to say
19 that as the economy rebounds, the real freight market
20 stands to gain and as our short lines are poised to
21 build on their service to their customers,
22 unfortunately there has been a chilling effect,

1 resulting from the CSX service disruption as shippers
2 question the overall reliability of rail service.

3 We applaud both the efforts of CSX to fix
4 the service problems and we applaud the STB for
5 providing interested parties the opportunity to share
6 their thoughts on the service disruptions. We
7 believe that CSX can work to address these concerns
8 successfully. We urge them to do so.

9 We want to play whatever part we can to
10 get the freight to the shipper and to take care of
11 these service disruptions and to get the freight back
12 on the rail network where it belongs. And I do just
13 want to say before I close -- I spent the day
14 yesterday at CSX headquarters in Jacksonville.

15 There is no lack of effort of very smart
16 people at their headquarters trying to do whatever
17 they can to do deal with these service disruptions
18 and they are dedicated employees and I think that,
19 you know, it's in our best interest to wish them all
20 well and do what we can to fix this problem because
21 ultimately we all benefit from that.

22 So thank you for the opportunity to be

1 here today and I look forward to any questions you
2 might have.

3 MR. MATTHEWS: Chairman Begeman,
4 Commissioner Miller, good afternoon and thank you for
5 hanging in to the bitter end with us. It's an honor
6 to be here today on behalf of the members of the
7 National Association of Railroad Passengers, the
8 nation's oldest and largest organization speaking for
9 the nearly 40 million users of passenger trains and
10 rail transit.

11 We've worked since 1967 to expand the
12 quality and quantity of passenger rail in the U.S.
13 and our work is supported by more than 28,000
14 individual members nationwide. I've let the Rail
15 Passengers Associations for the past three years and
16 I've worked in the transportation industry for some
17 30 years before that.

18 I have a long held personal interest in
19 building a connected America that supports economic
20 mobility and gives all communities large and small,
21 urban and rural the opportunity to share in the
22 American experience across this great nation.

1 Let me begin by thanking the Board for
2 convening this session to give us the opportunity to
3 comment on the recent network delays that have hurt
4 users on CSX's transportation network.

5 The state of play today is this -- number
6 one, passengers are stuck with eroding intercity
7 service as host railroads have ignored statutorily
8 mandated obligations to provide preferential
9 dispatching to Amtrak trains.

10 It's often said that passenger trains
11 serve as the canary in the coal mine for railroad
12 operations and when host operations degrade
13 passengers notice and suffer. And with that fact in
14 mind our organization -- like the shippers you've
15 heard here today is sounding an alarm and not just
16 about CSX's network but about host railroads across
17 the national network.

18 Now the numbers, as you've heard today
19 tell a convincing story -- only 43% of passengers on
20 Amtrak's long distance trains today arrive at their
21 destinations on time. The overwhelming majority of
22 those delays are host responsible with 70% resulting

1 from causes such as freight train interference and
2 slow orders.

3 But the numbers aren't the only way to
4 tell this story. There's the story of Christie
5 Roberson, Beckley, West Virginia. She rode the
6 Cardinal to see her grandson's baseball game.
7 Christie's grandson asked her to walk on to the field
8 with him as part of the introductions.

9 But hours stuck behind a CSX train meant
10 she missed the start of that game and never got to
11 share that moment with her grandson. There's the
12 story of Phillip Felino from Silver Spring, Maryland
13 whose daily commute home has grown longer and longer
14 because of delays to his MARC train that uses CSX
15 tracks.

16 There's the story of Tom Gersh from
17 Quincy, Massachusetts whose 6 hour delay behind a
18 parked CSX train on the Lakeshore Limited turned a
19 quick business trip into an all-night ordeal.
20 There's the story told by Alan Broahm on behalf of
21 the Amish families he sees on nearly every long
22 distance train he rides.

1 And when he talks to these Amish families
2 they tell him that the train is the only connection
3 they have to their family and to medical services and
4 he's concerned what the delays mean to them. Alan
5 writes, "The Amish do not have a lobbying group.
6 They're not likely to join organizations having a
7 political agenda. Still, they are worth of respect
8 in the eyes of those interested in the traveling
9 welfare of all of our citizens, something that ought
10 to be noted in any discussion of Amtrak."

11 And we've also heard from scores of our
12 members who've had first time passengers tell them
13 never again after experiencing these delays. And
14 these examples I've just read to you are just a
15 small sample of the hundreds of delay stories we've
16 heard from passengers this summer that are directly
17 attributable to CSX freight trains.

18 And there are thousands more that our
19 members have conveyed to us and directly to the STB
20 about delays from across the national network. And
21 especially in fly-over country, many of these
22 passengers like the captive shippers we've heard from

1 today, have no other option either because of
2 geography or for medical reasons this is their only
3 choice.

4 Number two -- a confusing string of
5 conflicting federal court rulings has created a gap
6 in federal oversight thwarting congressionally
7 mandated protections for passenger rail service.

8 When Congress established Amtrak to
9 relieve railroads of passenger services
10 responsibilities it provided the inter-city
11 passenger trains would generally take preference over
12 freight transportation and using a rail line crossing
13 or junction.

14 This law, 49 U.S. Code 24 308 - C is still
15 on the books and in 2008 Congress enacted the
16 Passenger Rail and Investment Improvement Act
17 directing Amtrak and the Federal Railroad
18 Administration to develop jointly metrics and
19 standards for measuring the performance of intercity
20 passenger rail operations.

21 Extensive litigation brought by the
22 Association of American Railroads and individual

1 freight railroads has stalled the OTP standards
2 process. A confusing string of conflicting federal
3 court rulings has created a gap in federal oversight.
4 Just who is able to get something done to improve
5 passenger rail service?

6 Number three -- many host railroads have
7 repeatedly demonstrated the desire to treat
8 passengers as simply another form of freight and a
9 low priority form at that. My organization was
10 dismayed but not shocked to read an August 24, 2017
11 story in the Journal and Courier that provided
12 evidence of Amtrak passengers being illegally
13 delayed.

14 In an email obtained by the Journal and
15 Courier, a CSX supervisor wrote, "Give high priority
16 to freight trains Q031 and Q032. If we are meeting
17 with Amtrak, make the delay on Amtrak first -- if
18 Amtrak is running down one of those trains, go ahead
19 and get to the point Amtrak is seeing the end of the
20 freight train before we get them around."

21 Based on the direct experience of my
22 members we believe this is a common dispatching

1 practice and not just with CSX. And in the absence
2 of effective oversight host railroads have failed to
3 live up to contractual agreements establishing
4 minimum OTP.

5 In the summer of 2013 when a DC Appeals
6 Court invalidated Amtrak's on-time standard, freight
7 interference incidents nearly tripled and Amtrak's
8 on-time performance plummeted to 42%.

9 The Capital Limited enjoyed -- if you can
10 use that word, an on-time performance of only 1.6%.
11 After the Supreme Court restored the standard at the
12 end of 2014, OTP rebounded sharply, within days. And
13 that quick recovery suggests that there was no
14 structural basis for the delays and that dispatching
15 and preference were key drivers.

16 Number four -- in light of current
17 dispatching practices and recent court rulings,
18 Congress must take action to strengthen enforcement
19 for passenger protections and clarify regulatory
20 oversight.

21 The evidence is in and self-regulation
22 hasn't worked. We're advocating for Congress to

1 strengthen protections for passengers by enshrining
2 the metrics and standards into law for all stations
3 OTP and providing clear thresholds that will allow
4 Amtrak to trigger STB investigations into dispatching
5 practices.

6 These investigations should have clearly
7 defined timelines and in the event of findings of
8 malpractice, meaningful and significant consequences.
9 Thank you so much for your attention to this matter
10 of critical importance and we've also included full
11 statements from our regional passenger advocacy
12 allies and appendices to our written statement
13 demonstrating the national scope of this problem
14 which we will submit in writing for the Board's
15 review, thank you.

16 MR. JAGODZINSKI: Acting Chairman Begeman,
17 Vice Chairman Miller, thank you for the opportunity
18 to testify today. My name is Chris Jagodzinski and I
19 am Amtrak's Assistance Vice President of Operations
20 and I'm here today on behalf of Scott Naparstek, our
21 Chief Operating Officer who unfortunately was unable
22 to attend today.

1 So as you know, Amtrak is America's
2 inter-city rail passenger provider. We operate the
3 21,000 mile national passenger rail system which
4 reaches more than 500 communities in 46 states.

5 Amtrak's national network of passenger
6 trains relies upon our access to hosts railroad
7 networks. More than 95% of our rail mileage is
8 owned, maintained and dispatched by a railroad other
9 than Amtrak.

10 Even our northeast corridor operations
11 which many people think of as an Amtrak specific
12 organization -- operation, depend on 56 miles of
13 Metro North Railroad between New Rochelle, New York
14 and New Haven, Connecticut.

15 Over the last decade, Amtrak has made
16 significant improvements to its cost recovery and
17 general efficiency. Our company's financial position
18 has improved but increased ridership is heavily
19 dependent on train performance, particularly on time
20 performance.

21 The handling of our trains by host
22 railroads is a key contributor to our customer

1 satisfaction and consequently to our ridership
2 revenue and cost recovery. In recent months,
3 Amtrak's on-time performance has worsened
4 significantly on host carriers.

5 Taken as a whole, the largest single
6 category delay for our national network trains has
7 been freight train interference -- Amtrak trains
8 performing poorly on several Class One hosts.
9 Through August of Amtrak's fiscal year 2017 over 1.7
10 million passengers arrived late to their destinations
11 on Amtrak trains hosted by CSX.

12 On our Empire service which connects New
13 York City, Albany and upstate destinations like
14 Rochester, Buffalo, Toronto, delays caused by CSX
15 freight train interference in August, 2017 were 27%
16 higher than the year before.

17 Our Hoosier State service between
18 Indianapolis and Chicago has seen even more dramatic
19 increases in freight train interference with August
20 2017's delays up 2200% against the previous August.

21 In addition, northeast to Florida Silver
22 Service has suffered from significant freight train

1 interference resulting in on-time performance that
2 only averaged 30% at all stations for the month of
3 July, 2017.

4 To address this we are pursuing direct
5 engagement at the executive level with our host
6 carriers. One recent example has been the auto train
7 which runs almost entirely on CSX tracks from
8 Lorton, Virginia to Sanford, Florida.

9 Earlier this year on-time performance on
10 the auto train was suffering with trains arriving on
11 schedule well under 50% of the time. Following
12 discussions between senior management, at Amtrak and
13 CSX, the auto train's performance has improved
14 substantially in recent months with on-time
15 performance now greater than 70%.

16 The singular example of performance
17 improvement demonstrates that executive engagement is
18 a simple but effective tool to address the rail
19 network performance issues. Amtrak appreciates CSX's
20 senior management attention to the auto train's
21 performance and we look forward to CSX engaging in a
22 similar effort with the Hoosier State, Empire, and

1 also the Silver Services.

2 Amtrak works closely with the freight
3 railroads on a daily basis and we have effective
4 relationships with our counterparts, all of whom are
5 experienced and knowledgeable railroaders. There is
6 however, some considerable room for improvement and
7 we believe the Surface Transportation Board can
8 help.

9 Amtrak asks that the STB include Amtrak
10 performance and the steps that CSX is taking to
11 improve Amtrak performance in the reporting that the
12 STB is already requiring of CSX. Amtrak believes
13 that such regular reporting will provide both an
14 improved level of transparency and a resource to
15 help managers at every level to understand the
16 importance that both the Board and Congress attach to
17 Amtrak performance on freight carriers.

18 In conclusion, Amtrak desires strong
19 relationships with all of our host carriers. Amtrak
20 is the country's only national railroad providing
21 essential passenger service to over 30 million
22 Americans annually.

1 We strongly support the STB's efforts to
2 improve CSX service to the benefit of all users of
3 CSX network including Amtrak. Amtrak believes
4 executive network-wide engagement is necessary for
5 the national operating efficiency and success and we
6 believe that the simple step of requiring the host
7 carriers to regularly report on Amtrak performance on
8 their railroads will help us engage successfully.
9 Thank you for the opportunity to testify today.

10 MR. RISCH: Chairman Begeman, Vice
11 Chairman Miller, it's an honor to be here today. My
12 name is John Risch and I'm the elected National
13 Legislative Director for the SMART Transportation
14 Division, the largest of the rail unions and an
15 industry that's about 90% organized.

16 I worked as a locomotive engineer for 30
17 years and I'm elected to the position I serve in
18 today. On the CSX I represent the conductors,
19 brakemen, a lot of the engineer switchmen and
20 yardmasters, the operating employees.

21 So my remarks here will come from
22 information that I've gotten from the field and I'm

1 really going to focus on just one aspect of why we
2 believe the service disruptions are as severe as
3 they are.

4 And the aspect that I'm going to focus on
5 is the long trains that CSX is running. In recent
6 months CSX has been building and operating extremely
7 long trains -- some of them two to three miles in
8 length. And these long trains -- historically in
9 America trains are about a mile to a mile and a half
10 long.

11 These two to three mile long trains cause
12 lots and lots of issues in operations. First of all
13 a three mile long train is far heavier, has a lot
14 more end train forces, it takes a lot longer to get
15 up to track speed if it ever gets up to track speed.

16 And when you go from spot to spot and you
17 have to reduce the speed of this train and then
18 increase it -- it takes far longer to slow it down
19 and far longer to get it back up to whatever the
20 maximum speed that train is going to be. Most often
21 it is not track speed.

22 Most rail lines in America are single

1 track main line, meaning they have to have sidings on
2 them for one train to meet an opposing train. When a
3 train is too long for the siding we have what's
4 called a saw-by -- the train heads into the siding,
5 the opposing train waits on the main lines, stops and
6 then the train heading into the siding heads back
7 out.

8 If both trains are too long for the siding
9 we have what's called a double saw-by to see how you
10 can get one train by the other in that situation you
11 can Google a little demonstration on YouTube and it's
12 a disaster and it will take several hours for that to
13 take place.

14 But train operations also -- modern train
15 operations of course don't have cabooses. We don't
16 have cabooses, but the head of the train has to keep
17 constant communications with the rear end of the
18 train whether it be distributed power on the rear end
19 of the train or what we call a telemetry device or a
20 rear end device, constantly communicating back and
21 forth.

22 I as a railroad engineer would need to

1 watch to make sure that my air brake pressure is up
2 to snuff on the back of the train. If it was an
3 emergency situation I could dynamite the air or set
4 the air on both ends of the train at the same time so
5 this constant communication is required by regulation
6 and by CSX rule.

7 The longer the train, the more you lose
8 communications with the rear end of your train. So
9 -- and when that happens by CSX rules, you are
10 required to reduce the speed of that train to 30
11 miles an hour. If it is in a graded territory that
12 means more than a 2% grade, that train has to stop
13 and comply with other procedures.

14 I have one instance and I will submit a
15 lot of different stories for the record -- one
16 instance where they had communication failure more
17 than 60 times on one run, so they were constantly
18 slowing the train down to 30 miles an hour because
19 the length of the train doesn't allow the radio to
20 communicate that far.

21 The longer the train the higher
22 probability of mechanical failure -- it's as simple

1 as that -- the more cars, the more problems. In
2 addition, like I mentioned before there's slack
3 action. All of these trains have a little slack
4 between each car and the longer the train goes is the
5 more slack action where the train cars run in and
6 they run out, many times causing derailments.

7 The derailment last week in Atlanta was
8 177 car-long train, more than two miles long -- I
9 don't know why it derailed but it could very well
10 have been the in train forces in the train that
11 caused that train to derail.

12 But when a train is disabled for whatever
13 reason, it might be a derailment, it might be just
14 that it broke in two, it might be that an air hose
15 separated -- the conductor is forced then and has to
16 leave the lead locomotive and head back to
17 investigate what the problem is.

18 When he's back there with his portable
19 radio, we find that those portable radios are good
20 for about 8,000 feet. The problem is -- so he gets
21 out there 8,000 feet or more looking for the problem
22 so he can try and address the problem, if he gets

1 beyond 8,000 feet and he's no longer able to
2 communicate with the locomotive engineers he might
3 have to put together -- take a knuckle out of a car,
4 replace a knuckle or whatever.

5 But in order to communicate with the
6 locomotive engineer he'll have to walk back up again
7 to get within range of his radio in order to make
8 this communication. It causes tremendous amounts of
9 delay.

10 And the longer the train the harder it is
11 to keep up our brake pipe pressure. I'm from North
12 Dakota and it cools off there once in a while and CSX
13 of course runs all the way up to New York, Florida
14 and other places but the cooler the weather the
15 harder it is to maintain air brake pipe pressure.

16 When the pressure drops the cars on the
17 train will automatically apply on their own. So
18 these long trains make it far more challenging to
19 keep the air pressure up and the train moving at
20 what would be close to maximum authorized speed but
21 seldom is because they're far too long.

22 The other thing is many of these CSX

1 engineers are not experienced with handling these
2 super long trains and as a railroad engineer myself
3 for 30 years I've operated several of these pretty
4 long trains and it's a whole different ballgame.

5 Sometimes part of your train is going
6 uphill, part of your train is going downhill, it's
7 slack action is moving in and out, things of that
8 nature so it's difficult. We've got numerous
9 instances where these trains have been breaking in
10 two -- one of them was in Florida, a relatively new
11 engineer left a station in Florida and I've got the
12 example that I'll submit for the record.

13 Left -- the train broke in two several
14 times. The last time it broke in two we blocked an
15 Amtrak passenger train for 9 hours in a siding in the
16 state of Florida. Another problem is when trains go
17 and travel down the track they go by wayside warning
18 detectors. These detectors monitor every car,
19 they'll see if one of the cars is making a lot of
20 noise or if there is a hot bearing or a hot wheel or
21 something like that.

22 Once you get beyond about 13,000 feet the

1 train crew cannot hear, oftentimes, a radio from --
2 the detector does not transfer far enough where the
3 crew can hear whether or not their train is safe to
4 proceed.

5 When that happens you have to stop the
6 train and ascertain through the dispatcher whether or
7 not the reading was okay to proceed or not. Brake
8 pipe tests -- all trains have to have brake pipe
9 tests.

10 Some of the brake pipe tests require that
11 the train be walked. So if you have a three mile
12 long train and the conductor has to walk three miles
13 with the radio that does not work after 8,000 feet
14 and then walk back three miles you could about
15 imagine how long you've delayed that train and how
16 many crossings you've blocked while you were doing
17 this.

18 We've got instances where trains are too
19 large for a foreign rail yard. It's bad enough when
20 a train goes into a CSX yard and is far too long for
21 the yard, they have to double over to two or more
22 tracks and that clogs up the yard and it causes

1 congestion in the yard.

2 But the example I have is the Beltway
3 Railroad of Chicago only accepts 8,000 foot long
4 trains however CSX keeps sending trains that are
5 9,000 feet or more and they're rejected. Once
6 they're rejected the crew has to take it over to Barr
7 Yard and set out enough cars to get down below 8,000
8 feet and then return to the Beltway of Chicago.

9 So I guess the question of the day is what
10 can be done about it? I wrote the Federal Railroad
11 Administration in April of this year about concerns
12 about these super long trains and the problems they
13 are having in regards to safety, blocking crossings,
14 things of that nature.

15 I've gotten no response. We have no FRA
16 administrator, we have one in the wings but he has
17 not been confirmed and they're reluctant to do
18 anything over there. So my recommendation to the
19 STB is to issue an order.

20 Issue an order to the CSX and other
21 railroads that you cannot operate a train that's
22 longer than the sidings on the single track main

1 lines on which you're traveling. And if you feel
2 uncomfortable doing that you certainly have the power
3 to investigate.

4 So we urge the Surface Transportation
5 Board to conduct an investigation of the effects long
6 train lengths has on customer service and safety in
7 the industry.

8 In closing I just want to say that I was
9 sitting in the back there and one of my members
10 texted me from Kentucky and he said that there's a
11 terminal there where the train masters have now just
12 declared that there will be no more overtime for road
13 switchers or local service operations.

14 So if you're out there and you're on a
15 road switcher and you have customers to service and
16 it will result in overtime, you're to ignore the work
17 and head back to the terminal. So I'll try and
18 figure out exactly where that's taking place but that
19 happened today.

20 That concludes my remarks. It's an honor
21 to be here today and I'd be happy to try and answer
22 any questions.

1 MS. BEGEMAN: Thank you all, you may be
2 the fifth panel but you certainly are as important as
3 the first. Mr. Risch, so there's no actual FRA
4 limit to the length of a train?

5 MR. RISCH: There's no FRA limit to the
6 length.

7 MS. BEGEMAN: So the limit is the, I guess
8 the --

9 MR. RISCH: Whatever you can drag down the
10 rail.

11 MS. BEGEMAN: And how many locomotives do
12 you need for a three mile train?

13 MR. RISCH: Well you can -- it depends on
14 the weight of the car and the train more than
15 anything but you can drag quite a few cars around
16 with two locomotives. You're just not going to go
17 very fast. The more locomotives you put on, of
18 course, the better opportunity you'll have to get it
19 up to speed.

20 But many times we see not very many
21 locomotives and they're not going track speed.

22 MS. BEGEMAN: Keep three mile trains off

1 the Elsdon Yard line please.

2 MS. MILLER: And out of Kansas, way too
3 many blocked crossings. Linda, I had a question for
4 you. In your testimony you were talking about, you
5 know, one of the problems was cars lost in transit
6 and when you're talking from the perspective of the
7 short lines, are those cars short line cars, customer
8 cars, CSX cars?

9 MS. DARR: Yeah it could be any of those.
10 And it was interesting, part of what -- the
11 discussion that we had yesterday at CSX was what's
12 going on with this, where are these cars and what
13 happened? So what I understand is that in an effort
14 to get these extra cars off of the network, you know,
15 large numbers of cars have been pushed into, you
16 know, various yards or in storage in some area and
17 not necessarily sorted accordingly.

18 So there's not really an effective way to
19 find those lost cars because I think, you know,
20 things happened quickly. Equipment was pushed off of
21 the system and that's, you know, in a lot of cases
22 that's going to be the empties and so I don't know

1 that there is the level of accountability that there
2 was once, you know, when that push was put on.

3 I can't speak for CSX but that was --
4 that's my understanding of what's been going on and
5 you know, for our guys, it's just so incredibly
6 important to have access to other people's cars
7 because short lines don't own, you know, the majority
8 of their cars. They're dependent on others usually
9 for those cars.

10 So it's, you know, it's been a real
11 challenge. And also it's really the shortage of cars
12 as well, it's a car problem generally. The shortage
13 has been very significant for a number of our
14 members.

15 MS. MILLER: So would this be a correct
16 understanding then -- in some cases one of the
17 reasons why the short lines are so concerned about
18 these lost cars is because they need empty cars to
19 deliver to customers and then don't have the cars
20 they need to deliver?

21 MS. DARR: Yeah, and you know and
22 sometimes it would be a customer that was expected to

1 have a hundred cars a week and all of a sudden
2 they're down to 20 cars a week and I think in some
3 cases it's because of you know, we're not sure
4 exactly where those cars are, but in other cases it's
5 because it has been a choice by CSX to be -- to
6 scrutinize very carefully how many cars each one of
7 their customers are going to get going forward in
8 order to create the fluidity that Mr. Harrison was
9 talking about earlier today.

10 It didn't fit into their plan so you know,
11 and that creates that cascading effect that others
12 were talking about today onto railroads like my
13 members and their customers and you know, it is lost
14 business ultimately.

15 MS. MILLER: And for the short lines who,
16 you know, often times are working -- I guess you
17 could say really in partnership with Class One
18 railroads -- for your short lines who work with CSX
19 did they have communications on the operating plan
20 changes?

21 Were they as surprised as some of the
22 shippers have been at least in terms of what we've

1 heard from shippers?

2 MS. DARR: I think that it depends on
3 which one of the short lines you talk too. I think
4 generally and CSX has acknowledged that today, you
5 know there has been -- the communication has not been
6 at the level that they would have liked it to be at.

7 They were moving very fast, they're trying
8 to make fast changes and there wasn't a lot of
9 consultation going on so yeah, we felt that with our
10 short lines as well. Some of the short lines,
11 things are very smooth. They haven't noticed a blip.

12 Others have been near decimated by the
13 changes so it really depends on what the master plan
14 was for CSX on the network whether or not you were
15 going to be dealt out. It wasn't anything
16 intentional but you know, for some of our guys they
17 were just kind of dealt out.

18 MS. MILLER: You sort of alluded to this
19 but do you have any member short lines that are
20 literally on the brink of being out of business as a
21 consequence of these changes? I mean the impact on
22 them has been so severe?

1 MS. DARR: We didn't ask the question that
2 way. I had been talking to one of my members the
3 other day who has been required on very short notice
4 to move an interchange and the impact of that
5 annually is going to be something like \$750,000 a
6 year.

7 So it's things like that. There's really
8 not, you know, a common trend among each one of the
9 railroads. Again it depends on what the plan was.

10 MS. BEGEMAN: Does that mean change the
11 location of where it --

12 MS. DARR: Yeah where they were
13 interchanging with CSX for whatever reason.

14 MS. MILLER: And Chris, could I ask you a
15 question -- I think you said at the outset that this
16 summer across the board with the rail network
17 regardless of which Class One it was, you've seen a
18 slowdown, did I understand that correctly?

19 MR. JAGODZINSKI: Correct, nationwide our
20 performance is down across all of our services,
21 across everything. There's a variety of reasons for
22 that. You know in some cases, you know, back earlier

1 in the year there were some tremendous weather issues
2 up in the Pacific northwest, snow -- and so some of
3 that, there's a variety of reasons going on but
4 system wide we're down for the fiscal year over
5 fiscal year, our performance is down across the
6 board.

7 MS. MILLER: And then considering the
8 topic of today's hearing if you look just exclusively
9 at the CSX network where Amtrak is operating, have
10 you seen -- you used some numbers but I'm sorry I
11 have to say I kind of got a little bit lost in the
12 various numbers, but have you seen an impact on
13 Amtrak's on-time performance that appears to be
14 specifically related to the changes made by CSX?

15 MR. JAGODZINSKI: Yes, our on-time
16 performance is definitely down on the CSX lines. You
17 know that being said, just to be clear, you know Bob
18 had mentioned some stuff earlier in the day and you
19 know I kind of talked about it a little bit.

20 There are some pockets of improvement that
21 we're beginning to see. You know we've had some
22 conversations back in May for example about our Auto

1 Train performance and it was pretty poor okay?

2 They made some commitments and the Auto
3 Train really improved significantly and we
4 acknowledged that we appreciate their help with that.
5 You know we've been talking to them, there's some
6 other, you know, steps that they're taking throughout
7 their network and we talked about it.

8 The Hoosier State, which I quoted in the
9 testimony here has been very poor. I mean there was
10 a large percentage of increased delays. However,
11 some changes were made very, very recently and so
12 we've seen in the last -- I'm just going to say in
13 the last few weeks let's say, we've actually seen
14 some improvements in that area -- that was what they
15 committed to do.

16 So you know we have to acknowledge that.
17 Now, you know that being said, what we want to be
18 able to do is to make sure though that you know,
19 that's a trend in a good direction but we want to
20 make sure that that change is sustained, you know,
21 and that good performance is sustained going through
22 it.

1 And we've been talking to them about you
2 know, what our next priority would be for example
3 would be the Silver Service -- that's our New York to
4 Florida market. A lot of I-95 people.

5 Especially it's a big heavy season for us.
6 I mean you have grain peak season and the peak season
7 for the snowbirds starting to go to Florida now and
8 they're making some commitments, they're going to be
9 making some changes and you know, we're going to look
10 forward to A -- getting those changes completed and B
11 -- how do we work on to make sure that's sustained
12 over time, you know, because all of the attention is
13 on it.

14 That's nice and we really do appreciate
15 that but let's just make sure that we can sustain it
16 going forward and they're committed to do that so
17 we're going to be anxious to work with them to make
18 that happen.

19 MS. BEGEMAN: Mr. Matthews so you don't
20 feel left out, I'm curious did you have a leg up
21 because your name was Jim?

22 MR. MATTHEWS: No.

1 MS. BEGEMAN: Because Jim, we passed this
2 a long time ago -- the President --

3 MR. MATTHEWS: Not of our organization
4 ma'am.

5 MS. BEGEMAN: Well we still have -- are
6 going to hear again from CSX so thank you all for
7 your comments. And Cindy we look forward to having a
8 chance to hear from you.

9 MS. SANBORN: All right, thanks Ann. You
10 know we would like to take the opportunity here to
11 thank the Board, our customers and stakeholders.

12 MS. BEGEMAN: Excuse me, Cindy -- before
13 you get started, for our court reporter, could you
14 both say your names so he can have it for the record.

15 MS. SANBORN: Sure, Cindy Sanborn.

16 MR. FRULLA: Bob Frulla.

17 MS. SANBORN: So again we'd like to thank
18 the Board, our customers and other stakeholders for
19 this opportunity to talk about our company's
20 implementation of precision scheduled railroading.

21 We've heard a lot of concerns from our
22 customers today and acknowledge the challenges that

1 they've been facing for the last several months and
2 as Hunter said earlier today we do apologize for
3 that. But we do feel like precision scheduled
4 railroading will take us to a better place than we've
5 been in the past and our customers will be very
6 pleased with the results of our efforts as we move
7 this model into place.

8 We have heard through some of the
9 discussion today I do want to mention this -- while I
10 don't think this is the right forum for talking about
11 you know, alternative regulatory proposals -- I know
12 that has been a topic that we have heard from a
13 number of constituents that have spoken today and we
14 would just say that I don't want to spend time with
15 that.

16 I want to talk about the service
17 challenges -- that is for another time and date and
18 where I think we would get a better cross section of
19 feedback on that particular topic but I'm not going
20 to get into those kinds of details.

21 Over the last several months our dedicated
22 teams of our commercial and customer service

1 representatives have personally reached out to the
2 customers who indicated they would participate today
3 to better understand their issues and to help resolve
4 the concerns that they've raised.

5 We appreciate the ongoing dialogue we've
6 had with them and take to heart the comments we have
7 heard and we've made great strides in addressing many
8 of the concerns that our customers have raised but
9 there's a couple of points that we have heard loudly
10 and clearly through a number of people that have
11 spoken around communication ahead of time and then as
12 issues become apparent our customer service group and
13 who the contact people are to be able to get some
14 support or information to understand, you know, what
15 we were doing and how it's going to affect them and
16 how we can solve the problem at the time.

17 MS. BEGEMAN: Cindy, how many customer
18 service representatives do you have?

19 MS. SANBORN: Off the top of my head I
20 don't know, unless you do?

21 MR. FRULLA: We have 46 clerical contract
22 employees and then there's another 40 managers.

1 MS. MILLER: Spread out around the country
2 -- around your network I guess.

3 MR. FRULLA: In our customer -- no that is
4 in our customer service center in Jacksonville,
5 Florida

6 MS. SANDBORN: And they do cover --

7 MS. BEGEMAN: How many did you have
8 before?

9 MR. FRULLA: I think that's reduced from
10 -- it was around 120.

11 MS. SANBORN: And they do cover 24 hours a
12 day, 7 days a week so we do have coverage beyond just
13 the regular normal daytime hours.

14 MS. MILLER: Well can you -- I've been
15 curious about this and a lot of questions have come
16 up -- so is the way that customer service works that
17 it's a service center and you call the customer
18 service center and you get whoever answers the phone
19 or are customer service people assigned particular
20 segments of the industry?

21 So if I'm a coal person there's a customer
22 service person I go to, if I'm a grain person it's

1 someone else?

2 MR. FRULLA: We have some commodities.
3 Coal has a group that responds to coal issues. Then
4 our customer service center is broken down into
5 regional areas and so if it's a customer in New York
6 they call the northeast customer service -- their
7 call is routed to that department, that group.

8 MS. SANBORN: Okay, as we continue our
9 transition into precision scheduled railroading, you
10 know, you've asked on our weekly calls for us to
11 provide information to you which is publicly
12 disclosed and we are seeing improvements in the
13 overall network performance.

14 We understand that on an individual
15 customer basis there may be some differences in how
16 they see it and we are very interested in solving
17 those problems as we get the specific understanding
18 of where the challenges reside.

19 Relative to transit we track that as well
20 and we look again at a network perspective, overall
21 transit of our merchandise service product and we
22 have seen a return to actually better than transit

1 time since the first quarter of this year.

2 Since the hurricane, really I think one of
3 the really good proof points for us was as we went
4 through the challenges that Hurricane Irma brought to
5 us, we did not really see degradation in transit and
6 since we have gotten through all of the recovery
7 components of that very large storm we're actually
8 seeing transit continue down.

9 So we feel like we have made some
10 improvements. These are very real time up through
11 the first of this month and are watching that very
12 carefully. I'd also like to highlight while we
13 heard a number of concerns from our customers today,
14 we have remarks from customers that are pleased with
15 our service.

16 We have provided that information as part
17 of the docket and I think it is important for us to
18 recognize that there are people who have seen a true
19 improvement in their service since we've implemented
20 the precision scheduled railroading in their area.

21 We will continue the dialogue we've had
22 with the Board and we'll keep the Board apprised of

1 the progress we are making in implementing our new
2 operating plan which we remain confident will
3 provide lasting value for our customers, the
4 communities that we serve, shareholders and our
5 employees.

6 It's been a long day but we're -- Bob and
7 I are glad to answer any additional questions that
8 you have for us.

9 MS. BEGEMAN: It has been a long day and
10 we appreciate not just CSX but also all the shippers
11 and association representatives and stakeholders.
12 Thank you for joining us today. We really wanted to
13 hear from you -- we've talked to a lot of you
14 informally, but we also wanted to have a chance to
15 hear from you in an informal yet formal way.

16 You know, it's not over. We greatly
17 appreciate Mr. Harrison being here for the first part
18 of this long day. We appreciate his clear
19 acknowledgement of the missteps and I think that we
20 will once again stress, you know, communicate with
21 your shippers, communicate with the Board when you
22 need to, but your shippers are extremely important.

1 And we will continue to ask for plans for
2 what your next steps are.

3 MS. SANBORN: Right, okay.

4 MS. MILLER: And let me say to all of you
5 who've participated, certainly both CSX and their
6 various employees but all of the shippers really. I
7 mean today's exceeded my expectations in terms of the
8 fulsomeness of the testimony -- the people who
9 participated.

10 It's been a very interesting day and I
11 appreciate that everyone is willing to take the time
12 out of their schedule and I want to say to the CSX
13 employees, days like this are never any fun at all,
14 but you always handle it with a great deal of
15 professionalism and we appreciate that.

16 MS. SANBORN: Thank you.

17 MS. BEGEMAN: Thank you very much.

18 (Whereupon the meeting was adjourned at 4:35 p.m.)
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