

SERVICE DATE – MARCH 23, 2022

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. EP 711 (Sub-No. 1)

RECIPROCAL SWITCHING

Digest:¹ The Board allows supplemental written comments limited to issues raised at the public hearing in this proceeding or in written materials submitted in response to the Board's December 28, 2021 notice and extends the ex parte communications period.

Decided: March 23, 2022

On March 15 and 16, 2022, the Board held a public hearing in this proceeding. Following the hearing, the Board will allow interested persons to file supplemental written comments until April 4, 2022. Supplemental comments shall be limited to issues raised at the hearing or in written materials submitted in response to the Board's December 28, 2021 notice.²

In addition, the Board will extend the ex parte communications period to April 22, 2022.³

Finally, we appreciate the suggestion Union Pacific Railroad Company (UP) made during the hearing that a committee of stakeholders be established to pursue solutions to the issues that have been raised in this proceeding. The Board has often said that it supports private-sector solutions, and, as UP noted, the existing reciprocal switching regulations grew out of a collaborative effort among stakeholders. While the Board itself will not establish a committee under the Federal Advisory Committee Act, the agency strongly encourages interested parties—through either a private-sector committee or otherwise—to continue discussing the important issues raised in this case and to pursue collaborative solutions while the Board continues its own consideration in this proceeding.

¹ The digest constitutes no part of the decision of the Board but has been prepared for the convenience of the reader. It may not be cited to or relied upon as precedent. See Pol'y Statement on Plain Language Digs. in Decisions, EP 696 (STB served Sept. 2, 2010).

² This order resolves a request from the Association of American Railroads (AAR) to allow supplemental written comments after the hearing, as referenced by the Board in its January 28, 2022 decision, which declined to rule on AAR's request until after the hearing.

³ As explained more fully in the December 28, 2021 decision in this proceeding, any ex parte discussion may include no more than two Board members at a time.

It is ordered:

1. Supplemental comments, limited to issues raised at the hearing or in written materials submitted in response to the Board's December 28, 2021 notice, are due by April 4, 2022.
2. The period for ex parte communications in this proceeding will close on April 22, 2022.
3. This decision is effective on its service date.

By the Board, Board Members Fuchs, Hedlund, Oberman, Primus, and Schultz.