

SERVICE DATE – MARCH 1, 2022

SURFACE TRANSPORTATION BOARD

DECISION

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

RECIPROCAL SWITCHING

Decided: March 1, 2022

By notice served on December 28, 2021, the Board announced that it will hold a public hearing on March 15 and 16, 2022, concerning the reciprocal switching regulations it proposed in this proceeding. Below are hearing instructions for the public hearing.

The public hearing will be held virtually via Zoom and will begin at 9:30 a.m. on March 15, 2022. The schedule of appearances and the time provided for each speaker are set forth in the Appendix to this decision. On March 15, the Board will hear comment from the Honorable Amitabha Bose and the speakers on Panels I through III. The hearing will resume at 9:30 a.m. on March 16, 2022, at which time the Board will hear comment from the speakers on Panels IV through VII. The hearing will be available for public viewing on YouTube.

Instructions for Attendance at Hearing

No later than March 10, 2022, persons scheduled to speak at the hearing will receive an email from the Board via **Hearings@stb.gov** titled “Panelist” that includes a link and instructions for how to enter the Zoom meeting. Panelists must ensure that their email addresses have been provided to the Board. Any panelist who appears on the schedule of appearances in the Appendix but has not yet provided a necessary email address must submit it to **Hearings@stb.gov** no later than March 10, 2022. Panelist links are speaker-specific and should not be forwarded or used by individuals that are observing the hearing.

To allow the Board sufficient time to engage with each panel, the Board cannot provide specific times for when each panel will be called. Accordingly, panelists will be responsible for monitoring the progress of the hearing and ensuring they are available when it is time for their panel. Panelists may enter the Zoom meeting before their panel is called but, if they do so, they must mute their microphones and turn off their cameras until their panel is called.

Any panelist who wishes to make a visual presentation at the hearing should email a copy of the presentation to the Board at **Hearings@stb.gov** no later than March 10, 2022. Board staff will conduct a technology practice session on March 10, 2022, from 4:00 to 4:50 p.m. for panelists to test their Zoom access and ability to share slides. Panelists making visual presentations are encouraged to attend at least part of the practice session. Panelists who would

like to participate in the practice session should use the “Panelist” email invitation allowing them access to the Zoom hearing, which will be sent by March 10, 2022, as explained above.

The hearing will be available for public viewing at <https://www.youtube.com/channel/UCgd2FPpKSpQZ57p771aafNg/live>. A link to the hearing can also be accessed through the Board’s website at www.stb.gov, under “Quick Links” on the homepage, by clicking on “WATCH LIVE HEARINGS HERE.” The hearing will be recorded, and the link to the recording will be available on the Board’s website at www.stb.gov, under the tab “News & Communications,” by clicking on “Meetings & Hearings.” Additionally, a transcript will be created and will be made available as soon as possible on the Board’s website, under the tab “News & Communications,” by clicking on “Transcripts & Statements.”

For further information regarding the hearing, contact Sarah Fancher at (202) 245-0355. Additional “Frequently Asked Questions” pertaining generally to participation in Zoom proceedings are posted on the Board’s website at www.stb.gov, under the tab “News & Communications,” by clicking on “Meetings & Hearings.” Assistance for the hearing impaired is available through the Federal Relay Service at (800) 877-8339.

It is ordered:

1. A hearing will be held online via Zoom on March 15 and 16, 2022, beginning each day at 9:30 a.m. (Eastern Daylight Time).
2. Visual presentations should be emailed to **Hearings@stb.gov** no later than March 10, 2022.
3. Time for presenting at the hearing is allotted as reflected in the Appendix to this decision.
4. This decision is effective on its service date.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.

APPENDIX

SCHEDULE OF APPEARANCES

<u>Party</u>	<u>Time Allotted</u>
Speaker	
Hon. Amitabha Bose, Administrator, Federal Railroad Administration, U.S. Department of Transportation	
Panel I	
National Grain and Feed Association	10 minutes
• Max Fisher, Chief Economist • Thomas W. Wilcox, Transportation Counsel	
Coalition Associations ¹	60 minutes
• Jeff Moreno of Thompson Hine LLP, counsel • Karyn Booth of Thompson Hine LLP, counsel • TBD member company representative	
Panel II	
BNSF Railway Company	15 minutes
• Jill K. Mulligan, Vice President and General Counsel, Regulatory • Adam Weiskittel, Assistant Vice President and Associate General Counsel, Operations • Stevan Bobb, Executive Vice President and Chief Marketing Officer	
Canadian Pacific	10 minutes
• Tyme Wittebrood, Director of Regulatory Finance	
Union Pacific	25 minutes
• Jennifer Hamann, Executive Vice President and Chief Financial Officer • Kenny Rocker, Executive Vice President Marketing & Sales • Eric Gehringer, Executive Vice President Operations • Michael Rosenthal of Covington & Burling LLP	

¹ The Coalition Associations include the American Chemistry Council, The Chlorine Institute, the Corn Refiners Association, The Fertilizer Institute, and The National Industrial Transportation League. A representative of each association may participate, as requested by the Coalition Associations.

Panel III

Association of American Railroads (AAR)	75 minutes
• Mark Fagan, Lecturer in Public Policy at Harvard Kennedy School, Harvard University • Jonathan Orszag, Senior Managing Director and Executive Committee Member at Compass Lexecon • Robert J. Shapiro, Founder and Chairman of Sonecon • Michael R. Baranowski, Senior Managing Director at FTI Consulting • Debra J. Aron, Vice President in Charles River Associates' Competition Practice • Benjamin J. Horwich of Munger, Tolles & Olson LLP, counsel for AAR	

Panel IV

Private Railcar Food and Beverage Association, Inc.	15 minutes
• Herman Haksteen, President	
U.S. Wheat Associates	10 minutes
• Dalton Henry, Vice President of Policy	
Glass Packaging Institute	5 minutes
• Scott DeFife, President	
Industrial Minerals Association - North America	5 minutes
• Chris Greissing, President	
Institute of Scrap Recycling Industries, Inc.	10 minutes
• Bobby Triesch, Vice President and Regional General Manager of SA Recycling • Karyn Booth, counsel	

Panel V

American Short Line and Regional Railroad Association (ASLRRA)	30 minutes
• Chuck Baker, ASLRRA President • Doc Claussen, ASLRRA Chairman of the Board • Dr. David Clarke, Consulting Engineer	

Panel VI

The Chemours Company FC, LLC	10 minutes
• Kevin G. Acker, Director, Land Transportation Americas	
Diversified CPC International, Inc.	15 minutes
• Sandra Dearden of Highroad Consulting, Ltd.	
Indorama Ventures	15 minutes

- Hussam Awad, Senior Vice President, Procurement and Supply Chain Head
- Barbara Hagler, North America Logistics Manager
- H. Baker Lane, North America Logistics Manager

Reason Foundation

5 minutes

- Marc Scribner, Senior Transportation Policy Analyst

Panel VII

Canadian National Railway Company, U.S. Rail Operating Subsidiaries

25 minutes

- Rob Reilly, Executive Vice President and Chief Operating Officer
- Bernd Beyer, Vice President and Treasurer
- Andreas Aepli of Cambridge Systematics
- Kathryn J. Gainey, Deputy General Counsel
- Matthew J. Warren of Sidley Austin LLP, counsel

CSX Transportation, Inc.

30 minutes

- Sean R. Pelkey, Executive Vice President and Chief Financial Officer
- Raymond A. Atkins of Sidley Austin LLP

Norfolk Southern Railway Company

30 minutes

- Cindy Sanborn, Executive Vice President and Chief Operating Officer
- David Sappington, Professor at the University of Florida
- Dr. Mark Israel of Compass Lexecon
- Raymond A. Atkins of Sidley Austin LLP