

Surface Transportation Board  
*Final Offer Rate Review*  
Ex Parte No. 755

Summary of Meeting Between Association of American Railroads  
and Vice-Chairman Fuchs

Surface Transportation Board offices  
October 22, 2019

248675

Meeting Attendees

ENTERED  
Office of Proceedings  
October 29, 2019  
Part of  
Public Record

STB

Patrick Fuchs – Vice-Chairman  
Lisa Novins – Attorney-Advisor

AAR

Tom Dupree – Partner, Gibson, Dunn & Crutcher LLP  
Ian Jefferies – President and Chief Executive Officer  
Timothy Strafford – Associate General Counsel & Corporate Secretary

Summary

The meeting began with AAR thanking Vice-Chairman Fuchs for the meeting and the opportunity to discuss this proceeding. Vice-Chairman Fuchs questioned a reference to cost benefit analysis in the AAR letter filed on October 21, 2019. The parties discussed whether and how a meaningful cost benefit analysis can be conducted in Board proceedings that establish or modify Board rate reasonableness case procedures.

AAR then discussed the deep concerns raised in the letter with the legality of the proposal for final offer rate review (“FORR”) that was contained in a Notice of Proposed Rulemaking (“NPRM”) issued on September 12, 2019. AAR noted several legal deficiencies in the NPRM proposal including violations of Constitutional due process, the Board’s governing statute, and the Administrative Procedure Act. The group also discussed the status of the EP 665 proceeding.

The meeting concluded with the parties expressing appreciation for the discussion.