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## **NITL Reviews STB’s Proposed Rule on Rail Competitiveness Applauds Permanent RR-Provided FMLM Data and Historical Service Data Collection**

Washington, DC, September 7, 2023. The National Industrial Transportation League (NITL or League), the nation’s oldest trade association representing US shippers that rely on rail freight transportation systems to competitively ship their materials domestically and internationally, welcomes today’s Surface Transportation Board’s (STB or Board) unanimous Decision in proposing service-based alternative switching and data collection addressing reliability, consistency, and inadequate local rail carrier service. NITL applauds the agency for its bi-partisan efforts on this issue and their eagerness to get to a final rule by the end of the year.

NITL has taken the lead on rail competitiveness since July 2011, by submitting a petition to the Board to expand competitive options for particularly captive rail shippers *using existing Board authority*. Our petition sought to have current regulations—which require shippers to prove “competitive abuse” to obtain a reciprocal switching remedy, a bar so high that no shipper has *ever* succeeded in over 40 years of getting a favorable ruling by the STB—overturned and replaced by a new rule that would restore captive shippers’ legal right to seek relief through competitive switching.

While this new proposal in Docket No. EP-711, Reciprocal Switching for Inadequate Service, is a departure from the initial NITL intent of developing a new reciprocal switching process to facilitate railroad economic competitiveness, it promises to help shippers achieve service-based alternatives for switching under certain circumstances.

NITL is especially pleased that this proposal would require the permanent railroad reporting of First Mile-Last-Mile (FMLM) data which the Board initiated a couple of years ago when addressing Urgent Issues in Rail Service, Docket No. EP-770. NITL requested that the Board collect FMLM data in a joint association August 2020 Letter of Concern.

NITL is anxious to review the proposed rule and prepare comments to submit in response. This proposal will be discussed among NITL members attending its upcoming in-person ENGAGE [Conference October 9 – 11, 2023](#). It is important to hear from our shipping members about their company’s opinion of this proposed rule for NITL will be developing its response which is due mid-October. NITL is honored to have several key supply chain/shipping Federal officials address ENGAGE attendees at the closing session: General Stephen Lyons, Port and Supply Chain Envoy to the Biden-Harris Administration, Federal Maritime Administration Commissioner Carl Bentzel, and Board Chair Marty Oberman.

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