



March 11, 2024

Cynthia T. Brown
Chief, Section of Administration Office of Proceedings
Surface Transportation Board
395 E. Street, S.W.
Washington, D.C. 20423-0001

**Re: Urgent Issues in Freight Rail Service—Railroad Reporting,
STB Ex Parte No. 770 (Sub-No. 1)**

Dear Ms. Brown:

The National Industrial Transportation League (“NITL”) respectfully submits this letter in support of the Petition for Reconsideration filed by the Freight Rail Customer Alliance (“FRCA”) and National Coal Transportation Association (“NCTA”) on February 20, 2024, seeking reconsideration of the Board’s decision to discontinue the Class I railroads’ service performance data reporting obligations under 49 C.F.R. Part 1250.

NITL is the Voice of the Shipper on freight transportation policy matters involving all modes, including rail. NITL members require efficient, competitive, and safe transportation within the United States and beyond to meet their supply chain requirements. NITL members move a variety of commodities via the U.S. rail network, including consumer goods, agriculture, chemicals, steel, forest products, fuel, food, and more. Moreover, NITL members are responsible for millions of American jobs. NITL members spend billions of dollars on freight annually and heavily rely on a healthy, viable, and reliable freight rail network to meet their production and customer requirements.

NITL has been a strong proponent of the Board’s initiatives to require Class I railroads to report service performance metrics to the Board during recent service challenges and to assist shippers with measuring local service which had not been previously captured by the Board in its data reporting requirements for railroads.¹ In its January 31, 2024 decision in this docket, the Board decided to extend the reporting of railroad employment data until December 31, 2024 but to not extend the reporting of service performance metrics under 49 C.F.R. Part 1250. The Board stated

¹ See NITL testimony submitted in *Urgent Issues in Freight Rail Service—Railroad Reporting*, Docket EP 770 (Sub No. 1) (April 26, 2022); and see NITL comments submitted in *First-Mile / Last-Mile Service*, Docket EP 767 (Dec. 17, 2021); and *United States Rail Service Issues*, Docket EP 724 (March 2, 2015 and May 31, 2016).

that railroad service has improved since April 2022, but it also recognizes there are questions as to the durability of the improvements.²

NITL is very pleased to see that the rail industry has improved its service generally since the severe disruptions that occurred in 2022 and early 2023. However, NITL supports the FRCA/NCTA Petition for Reconsideration with the understanding that the service performance reporting obligations in this docket may overlap in part with certain reporting obligations proposed in EP 711 (Sub No. 2)—*Reciprocal Switching for Inadequate Service*, which remains pending at the Board. In the EP 711 rulemaking, the Board proposed to make permanent certain rail service data reporting that relates to the proposed service reliability and local service metrics.³ Specifically, the STB proposed to require Class I carriers to report:

- (1) for shipments moving in manifest service, the percentage of shipments for that week that were delivered to the destination within 24 hours of OETA, out of all shipments in manifest service on the carrier’s system that moved during that week; and
- (2) for each of the carrier’s operating divisions and for the carrier’s overall system, the percentage of planned service windows during which the carrier successfully performed the requested local service, out of the total number of planned service windows on the relevant division or system for that week.⁴

The Board stated that if these reporting obligations were to become permanent that “there would no longer be a need to collect **that particular data** on a temporary basis in Docket No. EP 770 (Sub-No. 1).”⁵ In this docket, Class I carriers are required to submit service performance data, including key performance indicators such as velocity, terminal dwell, first-mile/last-mile, trip plan compliance, and operating inventory under 49 C.F.R. Part 1250.⁶

Based on the Board’s understanding that freight volumes are expected to increase due to economic conditions and statements by Class I railroads as to their intent to focus on traffic growth, NITL supports FRCA and NCTA’s Petition for Reconsideration and a continuation of more comprehensive service performance reporting required by Docket No. 770. Continuing this reporting is prudent while the industry adjusts to increasing traffic volumes and until rail industry employee shortages are more fully addressed. This data reporting should be continued at least until December 24, 2024, the date applicable to employment data reporting, to assist the Board

² *Urgent Issues in Freight Rail Services—Railroad Reporting*, Docket EP 770 (Sub-No. 1), slip op. at 1-2 (STB served Jan. 31, 2024).

³ *Reciprocal Switching*, Docket No. 711 (Sub-No. 2) (STB served Sept. 7, 2023).

⁴ *Id.*, slip op. at 31.

⁵ *Id.*, slip op. at 32 (emphasis added).

⁶ *Urgent Issues in Freight Rail Service – Railroad Reporting*, Docket No. 770 (Sub-No. 1) slip op. at 1 (STB served January 31, 2024).



with monitoring railroad service and to allow shippers to use the data for planning during this transition period. Further, Class I railroads already have an established process in place to comply with the Board's Part 1250 data reporting requirements and it would be appropriate to continue with the reporting in this interim period, rather than having to start the process anew should service problems arise.

Finally, as noted, NITL understands that some of the Part 1250 reporting obligations may be covered in a future decision in Docket No. EP 711 (Sub No. 2). Thus, NITL believes that the Board should reconsider its January 31, 2024, decision in this proceeding as to service performance data. To the extent necessary, the Board should also modify the Part 1250 service performance reporting obligations in the future to avoid any duplication that may result from any data reporting obligations that may be required in EP 711 (Sub No. 2).

Respectfully Submitted,

E. Nancy O'Liddy
Executive Director, NITL