**BEFORE THE**
**SURFACE TRANSPORTATION BOARD**

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| **UPDATING CLASS I RAIL CARRIER REPORTING REQUIREMENTS RAIL INDUSTRY** | ) ) ) ) ) | **Ex Parte No. 787** |

# JOINT COMMENTS OF FREIGHT RAIL CUSTOMER ALLIANCE AND NATIONAL COAL TRANSPORTATION ASSOCIATION


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Dated: November 24, 2025

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# JOINT COMMENTS OF FREIGHT RAIL CUSTOMER ALLIANCE AND NATIONAL COAL TRANSPORTATION ASSOCIATION

The Freight Rail Customer Alliance ("FRCA")[1] and National Coal Transportation Association ("NCTA")[2] respectfully submit these joint comments in response to the notice of proposed rulemaking that Surface Transportation Board ("Board" or "STB") served in the above-captioned proceeding on September 30, 2025 ("Notice").

FRCA/NCTA strongly support the Board's proposal to continue requiring data reporting for Original Estimated Time of Arrival ("OETA") and Industry Spot and Pull ("ISP"), independent of any linkage to reciprocal switching as a remedy for inadequate service. FRCA/NCTA also support additional reporting of unit and intermodal train data, including restoration of the reporting that existed until January 31, 2024.

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[1] FRCA, www.railvoices.org, is an umbrella membership organization that includes large trade associations representing more than 3,500 electric utility, agriculture, chemical, and alternative fuel companies, and their consumers. The mission of FRCA's growing coalition of industries and associations is to obtain changes in Federal law and policy that will provide all freight shippers with reliable rail service at competitive prices.

[2] NCTA, www.movecoal.org, is a non-profit corporation comprised of electric utilities, coal producers, shippers of coal-related commodities, and entities that produce, repair, and manage all facets of railcar component parts and systems, as well as provide services for railcar operations. Its primary purpose is to promote the exchange of ideas, knowledge, and technology associated with the transportation and beneficial uses of coal.

OETA provides a vital measure of the extent to which the railroads are meeting their own internal plans and expectations. A failure to do so is material to the shippers, receivers, and customers that rely on and plan their operations around products and commodities that are shipped and delivered by rail. Even those shippers that enjoy competitive options should have information about the quality of service that the railroads purport to provide and actually provide. The Board needs such information to gauge carrier fluidity, resiliency, and fulfillment of the common carrier obligation and otherwise to discharge its statutory duties and exercise meaningful oversight over the rail industry. Without the data, the Board and the public cannot know if the railroads are operating as intended (recognizing that whether those intentions are adequate may be a separate matter).

The data is also vital for the sound operation of markets: carriers that are successful can benefit from promoting the data and their performance; carriers that are unsuccessful should be subject to incentives to improve their service and should recognize that volumes will migrate elsewhere to the extent practicable; shippers should know if they can realistically expect to receive adequate service and/or if their service is better or worse than that being provided to others; and investors should know how their investments are performing. Those needs increase when the railroads refuse to offer meaningful service protections and claim that they need to be free of regulatory restrictions in order to "compete" for business and avoid market share losses.

The Class I railroads are all enormous entities and the beneficiaries of past mergers that enabled them to become so enormous. Their increased scale enables them

to expand their market power and to become more entrenched in and vital for the national economy. They should not be allowed to conceal performance data or disclose it selectively only as, how, and when they see fit. The data collection and reporting is plainly not burdensome, as the carriers were able to compile and report the data while the EP 711 (Sub-No. 2) requirements applied. Furthermore, the railroads promote service data on their websites and regular emails to the customers.[3] Reporting the data to the Board ensures that there is a measure of transparency, accountability, and consistency in the data and reduces balkanization.

The data should be collected during both favorable and unfavorable periods, so that it will be more meaningful and useful, as opposed to being collected only during emergencies, which are all too frequent. Data collection that is initiated sporadically and only after or in response to periodic service deterioration and service crises is equivalent to closing the barn door after the horses have left and cannot provide useful warnings.

The need and basis for requiring the reporting of OETA applies even more forcefully to the reporting of ISP. OETA represents a measurement of full transit time, a portion of which is already available in the data reported for movement between terminals. In contrast, ISP is a measurement of pure or isolated first-mile/last-mile data. First-mile/last-mile data is vital to the ultimate performance of railroad service and is

[3] *E.g.*,, https://bnsfmountainwest.com/rail-operational-performance/, https://www.up.com/announcements/customer-news, https://norfolksouthern.investorroom.com/weekly-performance-reports; https://investors.csx.com/metrics/default.aspx.

typically carried out by separate trains and service, especially in the case of manifest traffic. Without separate reporting, the Board and the public have no insight as to this essential component of railroad service.

For that reason, FRCA and NCTA, along with two other shipper associations, urged the Board in 2020 to expand its data reporting to include a measure of first-mile/last-mile service data to overcome a significant gap in the Board's oversight of railroad performance.[4] FRCA/NCTA explained that the Board otherwise had a blind spot as to this vital segment of transportation. FRCA/NCTA and other shipper interests were very pleased when the Board adopted OETA and ISP as relevant service metrics in EP 711 (Sub-No. 2). The Eighth Circuit's action in vacating and remanding reciprocal switching as a remedy for substandard OETA and ISP values in no way undermines or eliminates the need for the data.

The Board's Notice also requests comment on whether and how additional reporting data should be included for unit and intermodal trains. The Notice suggests that inclusion of the data presents challenges because unit trains do not have schedules and run at various, irregular times in terms of OETA and unit trains and intermodal trains do not have local service as such in terms of ISP. Notice at 6-7.

[4] Letter from FRCA, NCTA, National Industrial Traffic League, and Private Railcar Food and Beverage Association, Inc., dated August 31, 2020, and follow-up letter data October 8, 2020, both available at https://www.stb.gov/news-communications/non-docketed-public-correspondence/.

In FRCA/NCTA's view, the Notice's characterizations represent something of an oversimplification. While intermodal service is not the focus of either FRCA or NCTA, the Notice does not identify a reason for excluding intermodal trains from the OETA reporting. Indeed, intermodal trains are characterized as requiring high priority and predictable, reliable performance in order to be able to compete with trucking. The extent to which railroads fail to achieve that level of performance is thus of concern not only to intermodal shippers, but also to non-intermodal shippers and others as a sign of overall operating health and whether other service is being impaired to pursue higher-priority (but often less remunerative) intermodal traffic.

FRCA, NCTA, and their members would regrettably agree that unit train service often suffers from irregular and inconsistent times that adversely affects members' operations and economics. The irregularity is despite, and more frequently because of, so-called Precision Scheduled Railroading that, as aptly stated by Jim Blaze, is neither precise nor scheduled. Furthermore, while unit trains are said to run continuously intact, there may be instances where the trains get delayed at terminals near origin or destination due to crew shortages, lack of power, or congestion, and there may also be instances where a unit train regularly needs to be broken up near destination because of limited unloading slots at the facility or because of the "doubling" of such trains. In any event, unit train service metrics are important to those shippers that utilize unit trains and useful to all that have an interest in the general operating health of the rail network.

Unit train shippers vary in their need for consistency of individual shipments. Some shippers, such as electric utilities, have the ability to stockpile product, and so

average performance may be more important than the consistency of any individual shipment, provided problems such as bunching and associated demurrage for conditions beyond the shipper's control are avoided. Other unit train shippers and receivers lack the ability to stockpile product at either origin or destination and require that movements occur on a regular and planned-for basis. Both categories of shippers are still interested in average train speeds as they bear on such matters as the number of trainsets the shippers require and the extent they may need to accommodate fluctuations in the level of service.

For these reasons, the Board should require robust reporting regarding unit and intermodal trains as well as manifest traffic. Information about the average speeds achieved by unit and intermodal trains and their consistency and lack thereof, as measured by, for the example, the standard deviation, would provide useful insight.

At a minimum, the Board should restore the level of reporting for unit and intermodal trains that existed until the Board's decision in *Urgent Issues in Freight Rail Service – Railroad Reporting,* EP 770 (Sub-No. 1), served January 31, 2024. FRCA and NCTA filed a petition for reconsideration of that aspect of the January 31, 2024 decision on February 20, 2024, that has remained pending for over twenty months. Parties filing in support of the FRCA/NCTA petition for reconsideration include The National Industrial Transportation League, American Fuel & Petrochemical Manufacturers, The Brotherhood of Locomotive Engineers and Trainmen, Brotherhood of Maintenance of Way Employes Division/IBT, Brotherhood of Railroad Signalmen, International Association Of Boilermakers, International Association Of Machinists And Aerospace

Workers District #19, International Association of Sheet Metal, Air, Rail and Transportation Workers Mechanical Division, and National Conference of Firemen and Oilers 32BJ/SEIU.

The data is important and useful to unit train shippers, all of whom have made substantial investments to organize their operations around unit train operations. Greater granularity makes the data more useful and allows shippers to benchmark their own performance more effectively. It also provides the Board and others with more information regarding the overall effectiveness and health of the rail network and individual carriers and helps to identify whether problems are isolated or more systemic.

For the reasons stated, FRCA/NCTA strongly support the Board's proposal to continue requiring data reporting for Original Estimated Time of Arrival ("OETA") and Industry Spot and Pull ("ISP"), independent of any linkage to reciprocal switching as a remedy for inadequate service. FRCA/NCTA also urge that the Board require reporting of additional data regarding unit and intermodal train performance, including restoration of the reporting that existed until January 31, 2024.

Respectfully submitted,

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