



**U.S. Department of
Transportation**
Office of the Secretary
of Transportation

General Counsel

1200 New Jersey Avenue, S.E.
Washington, D.C. 20590

February 14, 2022

303830

VIA ELECTRONIC FILING

Ms. Cynthia Brown
Chief, Section of Administration
Surface Transportation Board
395 E Street, S.W.
Washington, D.C. 20423

ENTERED
Office of Proceedings
February 14, 2022
Part of
Public Record

**Re: Docket No. EP 711 (Sub-No. 1) – *Reciprocal Switching*
Public Hearing on March 15-16, 2022**

Dear Ms. Brown:

Pursuant to the Board's Notice of Public Hearing served on December 28, 2021, enclosed please find for filing in the above-captioned matter the statement that Administrator Amitabha Bose expects to deliver to the Board on behalf of the United States Department of Transportation (DOT) and the Federal Railroad Administration (FRA), an operating administration of DOT. As noted in our previous submission dated January 27, 2022, Administrator Bose requests five minutes to address the Board at the public hearing.

Please feel free to contact me with any questions. Thank you for your assistance.

Respectfully,

/s/ Christopher S. Perry

CHRISTOPHER S. PERRY
Senior Trial Attorney

Tel: (202) 366-9282
christopher.perry@dot.gov

Enclosure

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. EP 711 (Sub-No. 1)

RECIPROCAL SWITCHING

**STATEMENT OF ADMINISTRATOR AMITABHA BOSE ON BEHALF OF
THE UNITED STATES DEPARTMENT OF TRANSPORTATION AND
THE FEDERAL RAILROAD ADMINISTRATION FOR
THE BOARD'S PUBLIC HEARING**

Chairman Oberman and Members of the Board, thank you for the opportunity to appear here today. My name is Amit Bose, and I am the Administrator of the Federal Railroad Administration (FRA), an operating administration of the United States Department of Transportation (DOT). I am pleased to offer these remarks on behalf of DOT and FRA. We appreciate the Board's continuing review of the reciprocal switching proposal, and we will be ready to assist the Board however we can as this matter proceeds.

As you know, DOT's primary concern will always be safety. In addition, we work closely with stakeholders to foster a healthy, fluid, and competitive rail network. These goals are foundational to the Biden-Harris Administration's efforts to promote competition in the American marketplace, as explained in Executive Order 14036, *Promoting Competition in the American Economy*, issued on July 9, 2021. As you know, in that Executive Order, the President specifically called upon the Board to revisit the issue of reciprocal switching and to consider how the proposal may help to enhance competition in the freight rail industry.

In considering the reciprocal switching proposal and the numerous submissions on the docket, DOT respectfully asks the Board to bear in mind some key principles. First, the adoption

of any new or revised switching requirements must ensure that switching operations are safely executed. This is particularly important because switches involve movements at interchange points that must be carefully planned and coordinated to avoid accidents and injuries. Of course, FRA will remain vigilant over the safety of the rail network and will take appropriate enforcement action where necessary. But we expect the freight railroads to work collaboratively with one another in carrying out switching operations and effectively managing safety risks. This includes necessary training of railroad employees, particularly those who may be called upon to execute reciprocal switches on unfamiliar railroad territory.

Second, DOT recognizes the importance of promoting fair access to shippers of efficient and cost-effective rail transportation. We are particularly concerned about the competitive landscape and its effect upon “captive” shippers, or other shippers that have limited access, or no access, to competitive rail options. DOT is also particularly interested in the Board’s conclusions about the impact of the reciprocal switching proposal upon supply chains, particularly as the rail network and other modes of transportation continue to respond to the challenges of the Covid-19 public health emergency.

Third, DOT recommends that the Board consider whether the reciprocal switching proposal is likely to have any adverse effects upon passenger rail operations. As the Board knows, across most of the country, Amtrak and commuter rail services operate over host railroads, and passenger service has a statutory preference over freight rail operations. That is the framework that Congress adopted when it created Amtrak and relieved the freight railroads of their passenger obligations. It is critical to DOT to ensure that passenger service can continue to run efficiently and that it can be enhanced for the public’s benefit.

DOT looks forward to hearing the views of other parties on the potential impacts of the Board's proposal. We may provide additional views to the Board at a later stage of the proceeding if we can aid in the Board's decision-making process. On behalf of DOT and FRA, thank you for the opportunity to address the Board and for your consideration of our views in this proceeding.

February 14, 2022

John E. Putnam
Deputy General Counsel
Paul M. Geier
*Assistant General Counsel for
Litigation and Enforcement*
Christopher S. Perry
Senior Trial Attorney

United States Department of Transportation

Respectfully,

/s/ Amitabha Bose
Amitabha Bose
Administrator
Allison Ishihara Fultz
Chief Counsel

Federal Railroad Administration