



THE
NATIONAL
INDUSTRIAL
TRANSPORTATION
LEAGUE

February 12, 2010

Fax and Email

Honorable John D. "Jay" Rockefeller IV
Chairman, Committee on Commerce, Science and Transportation
United States Senate
Washington, DC 20510-6125

Dear Mr. Chairman,

On behalf of the Members of The National Industrial Transportation League, I am very pleased to advise you that our Board of Directors has approved a resolution of support for S. 2889, the *Surface Transportation Board Reauthorization Act of 2009*, as reported by your Committee. In addition to offering our support of this important legislation, we are grateful for your leadership on this complex matter. We congratulate you on your achievement of a comprehensive, balanced and bipartisan bill. We also want to thank you for the opportunity for the League and other parties to present our views with respect to this legislation. In that regard, we extend our thanks and appreciation as well to the Committee's professional staff.

The League appreciates that S. 2889 is the result of extensive negotiation and includes many compromise positions. In pledging our support for this measure, our Members strongly believe that clarification is necessary over the practicality and appropriateness of having a shipper prove "market dominance" from origin to destination before being entitled to a "bottleneck rate quote." The League also believes that the legislation should reflect more relief on the caps established and defined by the STB for "small" and "medium" level rate cases. Additionally, the League supports inclusion of the antitrust provisions as reflected in Senator Kohl's bill, S. 146. Achieving these elements will serve the interests of shippers who rely on the rail industry, especially those who have limited competitive choices for their freight rail transportation requirements.

In the weeks ahead we will work with you, other Committee members and your staff to clarify key matters and advance your bill to the full Senate. We share your goal of enacting S. 2889, and we will work with you to achieve that goal. When enacted into law, the League will certainly engage positively with the Board in the important work it will need to perform in carrying out the bill's mandates. Again, thank you for your leadership and we commend your achievement of this bipartisan bill.

Sincerely,

Bruce J. Carlton
President & CEO

cc: All Members of the Senate Commerce, Science and Transportation Committee