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Ms. Cynthia Brown
Chief, Section of Administration
Surface Transportation Board
395 E Street, SW
Washington, DC 20423

Re: Ex Parte No. 727, Petition of Norfolk Southern Railway Company to
Institute Rulemaking

Dear Ms. Brown:

For the reasons set out below, the Association of Transportation Law Professionals (“ATLP”) hereby supports the institution of a rulemaking proceeding, in response to the Petition of Norfolk Southern Railway Company (“NS”) filed in this proceeding.

ATLP is a non-profit organization of transportation professionals, including many of those who practice before the Surface Transportation Board (“Board”). The guiding philosophy of ATLP includes a commitment “to the highest standards of professional conduct.” Among ATLP’s purposes are to “encourage the highest standards of conduct among transportation and logistics professionals” and to “promote the proper administration of laws and policies affecting transportation and logistics.” ATLP’s stated vision also includes “encouraging professional conduct” as one of its goals. Our members who practice before the Board consider themselves officers of the Board, just as they are officers of the courts before which they also practice.

Accordingly, the Board of Directors of ATLP passed an unanimous resolution at its meeting on Saturday, June 27, 2015 to send this letter in support of any reasonable action by the Board to discourage or prevent the filing of any inappropriate pleading with the Board, including false, misleading, or frivolous pleadings, or other pleadings interposed merely for delay (collectively, “inappropriate pleadings”). They do so because such filings consume scarce resources of Board Members and the staff of the Board, which resources can and should be devoted to more appropriate activities consistent with the Board’s statutory mission. NS’s Petition alleges the filing of inappropriate pleadings, primarily by a few individuals (who are not members of ATLP). The Board clearly has the authority to prevent such filings, or to impose non-monetary sanctions for such filings. 49 C.F.R. Part 1103 and § 1104.8; *see especially* 49 C.F.R. § 1103.5.

At the same time, ATLP does not support the imposition of monetary sanctions for making such filings. Moreover, in light of its existing rules in 49 C.F.R. Parts 1103 and 1104, the Board does not need new rules to impose sanctions for isolated instances of inappropriate filings, but may need to adopt rules to deal with a pattern of inappropriate filings by a single individual or entity.

ATLP does not intend to take a position on the substance of any rules proposed by NS or that may be proposed by other parties or by the Board in this proceeding. Rather, ATLP is confident that the Board is fully capable of devising appropriate rules to discourage or prevent a pattern of improper filings by a single entity or person. ATLP urges the Board to institute a rulemaking proceeding to consider the adoption of such rules.

This letter has received the unanimous support of ATLP's Board of Directors, which authorized me to file it on behalf of ATLP.

Respectfully submitted,

A handwritten signature in cursive script that reads "Michael F. McBride".

Michael F. McBride

cc: John Scheib, Esq.
William Mullins, Esq.
Gordon MacDougall, Esq.
Mr. James Riffin