
INTEROFFICE MEMORANDUM

TO: ACTING CHAIRMAN ANN BEGEMAN
FROM: REGULATORY REFORM TASK FORCE
Rachel D. Campbell, Regulatory Reform Officer
SUBJECT: 90-DAY STATUS REPORT
DATE: MAY 25, 2017
CC:

This memo provides a status report on the Regulatory Reform Task Force (RRTF) established to comply with the spirit of Executive Order 13777 (EO), issued February 24, 2017. According to that EO, within 90 days of its issuance, the RRTF is to provide the agency head a report detailing the agency's progress toward the following goals: (i) improving implementation of regulatory reform initiatives and policies pursuant to the EO; and (ii) identifying regulations for repeal, replacement, or modification.

Members of the RRTF: Following the appointment of Rachel Campbell as Regulatory Reform Officer on April 25, 2017, the RRTF was formed. In addition to Ms. Campbell, the members are:

Cynthia Brown, Section Chief, Office of Proceedings

Danielle Gosselin, Attorney Advisor, Office of Environmental Analysis

Craig Keats, General Counsel, Office of General Counsel

Lucille Marvin, Director, Office of Governmental Affairs, Public Assistance, and Compliance

Francis O'Connor, Section Chief, Office of Economics

After gathering information from our individual offices, the RRTF met on May 11, 2017, to discuss initial thoughts regarding: (1) identifying burdensome, outdated, or cumbersome regulations; (2) proposals for stakeholder engagement; and (3) implementation of regulatory reform initiatives. In that meeting, a number of potential proposals were discussed:

Proposal to repeal requirement to file water carrier tariffs: For their common carrier transportation services, water carriers are required to keep and maintain tariffs setting forth their rates, charges, rules, and classifications. 49 U.S.C. § 13702(a). These tariffs must be filed with the Board. 49 U.S.C. § 13702(b). The Board maintains regulations governing water carrier tariffs. 49 C.F.R. § 1312. Generally speaking, the regulations contemplate filing of tariffs in hard copy (paper) format, although many carriers submit them in compact disks. Filing and maintaining the tariffs in these formats impose significant costs on the carriers as well as on the Board. We are considering a proposal to move to an email filing system that will reduce the burdens on carriers and the Board.

Proposal to revise Environmental Rules: The Board has been working on a proposal to update its environmental rules. This revision fits squarely within the RRTF mission of identifying burdensome and outdated regulations. Both stakeholders and the Board would benefit from this streamlining of the agency's environmental regulations.

Replacing Outdated Procedural/Filing Rules: There are numerous procedural rules that are in need of modernization. Proposals include:

- Permitting payment of filing fees and other payments due to the Board through www.pay.gov
- Permitting all filings to be made through the Board's website
- Repealing the requirement that paper copies be filed with the Board

Pending Offer of Financial Assistance (OFA) Rulemaking (EP 729): The proposed rules in EP 729 would protect railroads from vexatious litigants, while continuing to permit valid OFAs for continued rail service. If these rules are adopted, they would help reduce unnecessary litigation and delays in the abandonment process.

Comments in EP 712: The Board had previously sought comments regarding "whether any of its regulations may be outmoded, ineffective, insufficient, or excessively burdensome, and how to modify, streamline, expand, or repeal them." Improving Regulation & Regulatory Review, EP 712 (STB served Oct. 12, 2011). The RRTF is reviewing the comments received in that docket to determine if any ideas submitted there would be responsive to this EO.

Listening Session: While the RRTF has identified some initial actions to pursue, we believe the best source of information is our stakeholders. In an effort to elicit information from them, we propose to have at least one listening session in which the RRTF will invite the public to provide input. We anticipate that this session would be held in the Board's hearing room within the next one to two months. The RRTF would be present and the meeting would be on the record with a transcript prepared. We anticipate announcing such a meeting within the next few weeks. We note that the Board has received some correspondence regarding the RRTF. By email dated May 10, 2017, Mr. Scott Thorsen of Ottawa, Illinois, offered his suggestions regarding regulatory reform. By letter dated May 18, 2017, the Association of American Railroads offered its view of actions that should be undertaken by the Board in response to the EO.