

SURFACE TRANSPORTATION BOARD

Docket No. EP 724 (Sub-No. 3)

UNITED STATES RAIL SERVICE ISSUES—DATA COLLECTION

Digest:<sup>1</sup> The Board is requiring all Class I railroads to publicly file weekly data reports to promote industry-wide transparency, accountability, and improvements in rail service. The Board is taking this action in response to concerns raised at the hearings held under United States Rail Service Issues, Docket No. EP 724, and in related communications.

Decided: October 8, 2014

The Board held a public hearing on September 4, 2014, in Fargo, N.D., to give interested persons the opportunity to report on rail service problems, hear from rail industry executives on plans to address those problems, and discuss additional options to improve service. The Board also held a hearing regarding rail service problems on April 10, 2014, at its offices in Washington, D.C. Because service problems for many commodities have been particularly acute on the systems of Canadian Pacific Railway Company (CP) and BNSF Railway Company (BNSF), the Board directed representatives of those carriers to testify at both hearings. Given that the service disruptions have hindered nearly all carriers, all Class I railroads and other affected carriers were also invited to appear at the hearings.

During and after the hearings, shippers expressed concerns about the lack of publicly available rail service metrics and requested access to certain performance data from the railroads to help them better understand the scope, magnitude, and impact of the current service issues.<sup>2</sup> Following the April hearing, the Board directed BNSF and CP to provide weekly status reports on fertilizer shipments and the transportation of grain on their networks (for CP, on its United States network). See U.S. Rail Serv. Issues—Grain, EP 724 (Sub-No. 2), slip op. at 3 (STB served June 20, 2014); U.S. Rail Serv. Issues, EP 724 (Sub-No. 1), slip op. at 1 (STB served Apr. 15, 2014). At the September hearing, stakeholders expressed a need for greater industry-

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<sup>1</sup> The digest constitutes no part of the decision of the Board but has been prepared for the convenience of the reader. It may not be cited to or relied upon as precedent. Policy Statement on Plain Language Digests in Decisions, EP 696 (STB served Sept. 2, 2010).

<sup>2</sup> See generally Hr'g Tr. 154-55, U.S. Rail Serv. Issues, EP 724 (Apr. 10, 2014); Western Coal Traffic League Letter, U.S. Rail Serv. Issues, EP 724 (filed Apr. 17, 2014); National Grain and Feed Association Letter, U.S. Rail Serv. Issues, EP 724 (filed May 6, 2014); Western Coal Traffic League Statement 5-6, U.S. Rail Serv. Issues, EP 724 (filed Sept. 5, 2014).

wide transparency with regard to rail service.<sup>3</sup> Shippers assert that performance metrics are important for rail users to plan logistics, minimize economic harm to operations and revenues, assist with business planning, and to better serve their own customers during the service-recovery period.<sup>4</sup> Shippers have also stated that information would bring transparency regarding the extent to which the railroads are improving and resolving the ongoing service issues.

Although the Board currently monitors various metrics of railroad performance,<sup>5</sup> the Board agrees that there is a need for broader standardized performance data from the railroad industry as it continues to address existing service challenges. The Board also agrees that it is necessary to apply these reporting requirements to all of the Class I carriers. The United States rail system is an interconnected network, and one carrier's service problems can affect the performance of other carriers. Although the severity differs, shippers have reported problems on multiple carriers. Thus, the Board views the network as a whole, and seeks to better understand performance across the entire network.

The new reporting requirements will give the agency and stakeholders access to data needed for real-time understanding of regional and national service issues. The data will be filed in Docket No. EP 724 (Sub-No. 3) and will be publicly available. The Board intends to collect the data specified in this decision on a temporary basis.<sup>6</sup> The data requests set forth in this Order supersede the requests previously directed to CP and BNSF.<sup>7</sup>

Accordingly, pursuant to 49 U.S.C. §§ 721(b) and 11145(a), the Board will require each Class I rail carrier to file, on a weekly basis:

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<sup>3</sup> See, e.g., Minnesota Grain and Feed Association Comments 3, U.S. Rail Serv. Issues, EP 724 (filed Sept. 8, 2014) (filing a written version of the Minnesota Grain and Feed Association's hearing testimony); North Dakota Public Service Commission Comments 1, U.S. Rail Serv. Issues, EP 724 (filed Sept. 4, 2014).

<sup>4</sup> See, e.g., North Dakota Public Service Commission Comments 1, U.S. Rail Serv. Issues, EP 724 (filed Sept. 4, 2014); National Grain and Feed Association Comments 2, U.S. Rail Serv. Issues, EP 724 (filed May 6, 2014).

<sup>5</sup> The Board has primarily accessed information available on the websites of the Association of American Railroads and individual carriers.

<sup>6</sup> The Board will initiate a rulemaking proceeding in the near future to determine whether to institute permanent data reporting requirements on service performance.

<sup>7</sup> CP must continue to report the number of locomotives moving outbound from the Rapid City, Pierre & Eastern Railroad, Inc. (RCP&E) system onto the CP system and the number of locomotives moving inbound from CP to the RCP&E system. CP must also continue to report the number of grain cars requested by RCP&E and the number of cars furnished by CP to RCP&E on a weekly basis. With those two exceptions, BNSF and CP may discontinue reporting under United States Rail Service Issues—Grain, EP 724 (Sub-No. 2) (STB served June 20, 2014) and United States Rail Service Issues, EP 724 et al. (STB served Aug. 18, 2014).

1. System-average train speed by the following train types for the reporting week:
  - a. Intermodal
  - b. Grain unit
  - c. Coal unit
  - d. Automotive unit
  - e. Crude oil unit
  - f. Ethanol unit
  - g. Manifest
  - h. All other
2. Weekly average terminal dwell time, measured in hours, excluding cars on run-through trains (i.e. cars that arrive at, and depart from, a terminal on the same through train) for that carrier's system and its 10 largest terminals in terms of railcar capacity.
3. Total cars on line by the following car types for the reporting week:
  - a. Box
  - b. Covered hopper
  - c. Gondola
  - d. Intermodal
  - e. Multilevel (Automotive)
  - f. Open hopper
  - g. Tank
  - h. Other
  - i. Total
4. Weekly average dwell time at origin for unit train shipments sorted by grain, coal, automotive, crude oil, ethanol, and all other unit trains. (Dwell time refers to the time period from billing and release of a unit train at origin until actual movement by the carrier.)
5. The weekly total number of trains held short of destination or scheduled interchange for longer than six hours sorted by train type (intermodal, grain unit, coal unit, automotive unit, crude oil unit, ethanol unit, other unit, and all other) and by cause (crew, locomotive power, track maintenance, mechanical issue, or other (explain)).
6. The weekly total number of loaded and empty cars, stated separately, in revenue service that have not moved in (a) more than 120 hours; and (b) more than 48 hours but less than or equal to 120 hours, sorted by the following classifications (intermodal, grain, coal, crude oil, automotive, ethanol, or all other). For purposes of this item, "moved" refers to making a train movement (departure) or a spot or pull from a customer location.

7. The weekly total number of grain cars loaded and billed, reported by State, aggregated for the following Standard Transportation Commodity Codes (STCCs): 01131 (barley), 01132 (corn), 01133 (oats), 01135 (rye), 01136 (sorghum grains), 01137 (wheat), 01139 (grain, not elsewhere classified), 01144 (soybeans), 01341 (beans, dry), 01342 (peas, dry), and 01343 (cowpeas, lentils, or lupines). “Total grain cars loaded and billed” includes cars in shuttle service; dedicated train service; reservation, lottery, open and other ordering systems; and, private cars. Additionally, please separately report the total cars loaded and billed in shuttle service (or dedicated train service) versus total cars loaded and billed in all other ordering systems, including private cars.
8. For the aggregated STCCs in Item 7, report by State the following:
  - a. the running total number (week over week) of outstanding car orders (a car order equals one car);
  - b. average number of days late for all outstanding grain car orders;
  - c. the total number of new car orders received during the past week;
  - d. the total number of car orders filled during the past week; and
  - e. the number of orders cancelled, respectively, by shipper and railroad during the past week.
9. Plan versus performance for grain shuttle (or dedicated grain train) round trips, by region, updated to reflect the previous four weeks.
10. Average daily coal unit train loadings versus plan for the reporting week by coal production region.

The data requested in Items 1 – 10, above, shall be submitted by each carrier in an electronic spreadsheet made available by the Board’s Office of Public Assistance, Governmental Affairs, and Compliance (OPAGAC).<sup>8</sup> Each reporting railroad must submit its weekly report as a formal filing to the Board, including an electronic copy of the data in Excel format. Each reporting railroad shall provide an explanation of its methodology for deriving the data with its initial filing. CP and Canadian National Railway Company (CN) are instructed to provide data only for their networks in the United States.

At both hearings, carriers cited congestion in Chicago as one significant cause of the service problems.<sup>9</sup> While congestion in the area was particularly acute during the last winter, it has been a recurring problem at this crucial network hub. In 2000, the freight and passenger railroad industries formed the Chicago Transportation Coordination Office (CTCO) to coordinate

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<sup>8</sup> Except with regard to Item 9, railroads need not file historical data. Once reporting begins, the columns for previous weeks should be populated with data starting from the date of the first reporting week.

<sup>9</sup> Hr’g Tr. 186-87, 208, U.S. Rail Serv. Issues, EP 724 (Apr. 10, 2014); North Dakota Public Service Commission Comments 3, U.S. Rail Serv. Issues, EP 724 (filed Sept. 4, 2014).

operations between the railroads operating in Chicago. CTCO members use the forum to discuss daily operations, resolve operating conflicts, and conduct long-range planning related to rail transportation issues in the Chicago area. Given the longstanding importance of Chicago as a hub in national rail operations, and the impact that recent extreme congestion in Chicago has had on rail service in the Upper Midwest and nationwide, the Board will require the Class I railroads operating at the Chicago gateway to jointly file on a weekly basis in Docket No. EP 724 (Sub-No. 3), a narrative summary of operating conditions at the gateway that includes the following data:<sup>10</sup>

1. Average daily car counts in the key Chicago terminal yards of Barr, Bensenville, Blue Island, Calumet, Cicero, Clearing, Corwith, Gibson, Kirk, Markham, and Proviso for the reporting week; and
2. Average daily number of trains held for delivery to Chicago sorted by receiving carrier for the reporting week.

If Chicago terminal yards not identified in Item 1, above, are included in the CTCO's assessment of the fluidity of the gateway for purposes of implementing service contingency measures, then the data requested in Item 1 shall also be reported for those yards.

Additionally, the Class I railroad members of the CTCO<sup>11</sup> will be directed to:

1. File with the Board by October 22, 2014, a general summary of the current CTCO service contingency protocols, including descriptions of the Alert Levels;
2. File a written notice with the Board when the CTCO changes its operating Alert Level status, within one business day of that change in status; and
3. If the CTCO adopts a new protocol of service contingency measures, file with the Board a general summary of the new protocol within seven days of its adoption.

Technical questions regarding compliance with this order may be directed to OPAGAC at (202) 245-0238.

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

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<sup>10</sup> The Class I railroads operating at the Chicago gateway are BNSF, Union Pacific Railroad Company, CSX Transportation, Inc., Norfolk Southern Railway Company, CP, and CN.

<sup>11</sup> The CTCO members may designate a member to fulfill this requirement on behalf of all of the Class I freight railroad members of CTCO.

It is ordered:

1. All Class I railroads shall submit weekly data in this docket, beginning October 22, 2014, as described above.
2. The Class I railroads operating at the Chicago gateway shall jointly file in this docket, on a weekly basis beginning October 22, 2014, a narrative summary of operating conditions at the Chicago gateway including the data described above.
3. The Class I railroad members of the CTCO shall comply with the additional reporting directives set forth above.
4. This decision is effective on its service date.

By the Board, Chairman Elliott, Vice Chairman Miller, and Commissioner Begeman.