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SERVICE DATE – JANUARY 20, 2011

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. EP 707

DEMURRAGE LIABILITY

Decided: January 20, 2011

This decision grants an extension of time to file comments in this rulemaking proceeding.

In a decision served on December 6, 2010, and published in the Federal Register on December 10, 2010 (75 Fed. Reg. 76,946-49), the Board issued an advance notice of proposed rulemaking (ANPR), instituting a proceeding and announcing the agency's intent to adopt a rule or policy statement addressing when parties should be responsible for demurrage in light of current commercial practices. The notice provided that initial comments would be due on January 24, 2011, and reply comments on February 23, 2011.

The Association of American Railroads (AAR) filed a motion on January 6, 2011, asking the Board to extend the procedural schedule by 6 weeks to permit the railroad industry additional time needed to evaluate fully the Board's requests for information and the legal and policy considerations associated with demurrage. AAR explains that the demurrage liability issues raised in the ANPR are broad, potentially embrace all aspects of existing law governing liability for demurrage of intermediary parties, and require a thorough examination by the industry of the current electronic bill of lading processes, demurrage accounting, and billing procedures. AAR states that the National Grain and Feed Association supports the requested extension. No objections to the requested extension have been filed.

The request for a 6-week enlargement of the procedural schedule is reasonable and will be granted. Initial comments on the ANPR will now be due on March 7, 2011, and reply comments will be due on April 6, 2011.

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

It is ordered:

1. AAR's motion for a 6-week extension of the procedural schedule for filing comments is granted.
2. Initial comments are due on March 7, 2011.

3. Reply comments are due on April 6, 2011.
4. This decision is effective on its date of service.

By the Board, Rachel D. Campbell, Director of Proceedings.