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SERVICE DATE – LATE RELEASE JANUARY 19, 2010

SURFACE TRANSPORTATION BOARD

DECISION

STB Ex Parte No. 431 (Sub-No. 3)

REVIEW OF THE SURFACE TRANSPORTATION BOARD'S
GENERAL COSTING SYSTEM

STB Ex Parte No. 646

RAIL RATE CHALLENGES IN SMALL CASES

STB Ex Parte No. 657

RAIL RATE CHALLENGES UNDER THE STAND-ALONE COST METHODOLOGY

STB Ex Parte No. 658

THE 25TH ANNIVERSARY OF THE STAGGERS RAIL ACT OF 1980: A REVIEW AND
LOOK AHEAD

STB Ex Parte No. 671

RAIL CAPACITY AND INFRASTRUCTURE REQUIREMENTS

STB Ex Parte No. 672

RAIL TRANSPORTATION OF RESOURCES CRITICAL TO THE NATION'S ENERGY
SUPPLY

STB Ex Parte No. 677

COMMON CARRIER OBLIGATION OF RAILROADS

STB Ex Parte No. 683

PASSENGER RAIL INVESTMENT AND IMPROVEMENT ACT OF 2008

STB Ex Parte No. 688

POLICY ALTERNATIVES TO INCREASE COMPETITION IN THE RAILROAD
INDUSTRY

STB Ex Parte No. 690

TWENTY-FIVE YEARS OF RAIL BANKING: A REVIEW AND LOOK AHEAD

Decided: January 19, 2010

Since its inception in 1996, the Board has held a number of informational hearings, including those in the proceedings captioned above, on a variety of topics of interest to the industry, the Board, and its stakeholders. In these information-gathering proceedings, the Board served notices giving the public the opportunity to comment generally on the issues or questions raised by the Board.¹

The Board will now discontinue the proceedings named above.² The record in each is now long closed, and the purpose of the proceedings has been met. It is time to bring administrative finality to these information-gathering proceedings and avoid the appearance that they are ongoing matters.

Many parties used these information-gathering proceedings as a vehicle to ask the Board to take a wide variety of actions relating to these subject areas. These proceedings, however, were not intended to become a vehicle for such requests, nor were they intended to result in a decision on any particular controversy. Any party that urges the Board to take a specific action may file a petition for rulemaking, petition for a declaratory order, or a formal complaint.

This does not mean that the agency has ceased its analysis and consideration of the often important issues presented in these proceedings. Should the Board conclude that it is appropriate to begin a rulemaking in light of information uncovered in these proceedings, it will do so. None

¹ See Review of the Surface Transportation Board's General Costing System, STB Ex Parte No. 431 (Sub-No. 3) (STB served Apr. 6, 2009); Rail Rate Challenges in Small Cases, STB Ex Parte No. 646, (STB served Mar. 26, 2003); Rail Rate Challenges Under the Stand-Alone Cost Methodology, STB Ex Parte No. 657 (STB served Feb. 16, 2005); The 25th Anniversary of the Staggers Rail Act of 1980: A Review and Look Ahead, STB Ex Parte No. 658 (STB served Sept. 14, 2005); Rail Capacity and Infrastructure Requirements, STB Ex Parte No. 671 (STB served Mar. 6, 2007); Rail Transportation of Resources Critical to the Nation's Energy Supply, STB Ex Parte No. 672 (STB served June 6, 2007); Common Carrier Obligation of Railroads, STB Ex Parte No. 677 (STB served Feb. 22, 2008); Passenger Rail Investment and Improvement Act of 2008, STB Ex Parte No. 683 (STB served Dec. 23, 2008); Policy Alternatives to Increase Competition in the Railroad Industry, STB Ex Parte No. 688 (STB served Apr. 14, 2009); and Twenty-Five Years of Rail Banking: A Review and Look Ahead, STB Ex Parte No. 690 (STB served May 21, 2009).

² The Board also held an informational hearing in STB Ex Parte No. 677 (Sub-No. 1), Common Carrier Obligation of Railroads—Transportation of Hazardous Materials, a proceeding not embraced here. The Board has chosen to keep that docket open until further notice.

of these proceedings were based on a specific notice or advance notice of a proposed rulemaking by the Board. Rather, by seeking public comment on these important issues, the Board had an opportunity to hear on a public record a broad spectrum of views on policy matters that would have instead been raised, if at all, only in the context of a particular proceeding affecting a limited number of parties. The proceedings well served that purpose. The Board has become better educated on the panoply of views regarding these issues, which will enable it to make better-informed decisions in a specific proceeding or policy matter.

In the past, the Board has issued a detailed decision to discontinue a particular information-gathering proceeding.³ It will not do so here. In the future, should the Board hold similar informational hearings, the proceeding will be deemed automatically discontinued once the record closes, unless the Board announces otherwise prior to the close of the record.

The Board is grateful to all of the parties who participated both in person and in writing for their insightful comments in all of the subject proceedings. The information collected has been very valuable. The Board therefore encourages continued participation by all interested stakeholders in any future information-gathering proceedings.

It is ordered:

1. These proceedings are discontinued.
2. This decision is effective on its date of service.

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

³ See, e.g., Rail Transportation of Grain, STB Ex Parte No. 665 (STB served Jan. 14, 2008).