

33025
SEC

SERVICE DATE – SEPTEMBER 12, 2002

SURFACE TRANSPORTATION BOARD

STB EX PARTE NO. 542 (SUB-NO. 4)

REGULATIONS GOVERNING FEES FOR SERVICES PERFORMED
IN CONNECTION WITH LICENSING AND RELATED SERVICES– 2002 NEW FEES

September 11, 2002

NOTICE TO THE PARTIES:

On August 29, 2002, the Surface Transportation Board served a decision in the above entitled proceeding proposing to establish new fees and amend existing fees. In that decision, the Board asked for comments from interested persons by October 4, 2002. The decision was served in anticipation of a Notice of Proposed Rulemaking (NPR) being published in the Federal Register on September 4, 2002. However, the NPR was not published until September 11, 2002. As a result, the comment period will extend until October 11, 2002.

Publication of the NPR was delayed in order to incorporate changes required by Federal Register editorial guidelines. Those changes required **APPENDIX C** to the Board's decision to be revised. A copy of the revised **APPENDIX C** is attached.

Vernon A. Williams
Secretary

Attachment

APPENDIX C

For the reasons set forth in the decision, the Surface Transportation Board proposes to amend 49 CFR part 1002 as follows:

PART 1002--FEES

1. The authority citation for part 1002 is revised to read as follows:

Authority: 5 U.S.C. 552(a)(4)(A) and 553, 31 U.S.C. 9701, and 49 U.S.C. 721.

Section 1002.1(g)(11) also issued under 5 U.S.C. 5514 and 31 U.S.C. 3717.

2. Amend section 1002.1 as follows:

a. Redesignate paragraphs (e) through (h) as paragraphs (f) through (i);

b. Remove newly redesignated paragraph (f)(2) and designate newly redesignated paragraph (f)(3) as paragraph (f)(2);

c. Add new paragraph (e) and revise newly redesignated paragraphs (g)(7), (g)(8) and (h) to read as follows:

§1002.1 Fees for records search, review, copying, certification, and related services.

* * * * *

(e) Fees for courier services to transport agency records to provide on-site access to agency records stored off-site will be set at the rates set forth in the Board's agreement with its courier service provider. Rate information is available on the Board's website (www.stb.dot.gov), or can be obtained from the Board's Information Officer, Suite 100, Surface Transportation Board, Washington, D.C. 20423-0001.

* * * * *

(g) * * *

(7) The fee for photocopies shall be \$1.00 per letter or legal size exposure with a minimum charge of \$5.00.

(8) The fees for ADP data are set forth in paragraph (f) of this section.

* * * * *

(h) Fees for services described in paragraphs (a) through (g) of this section may be charged to accounts established in accordance with 49 CFR 1002.2(a)(2), or paid for by check, money order, currency, or credit card in accordance with 49 CFR 1002.2(a)(3).

* * * * *

3. Amend section 1002.2 as follows:

a. From paragraph (g)(1)(ii) remove "\$6.00" and in its place add "\$20.00";

b. Remove paragraph (f)(78)(ii) and redesignate paragraph (f)(78)(i) as paragraph (f)(78);

c. Revise the last sentence of paragraph (a)(1), paragraph (a)(2), the first sentence of paragraph (b), and paragraphs (f)(2), (f)(27), (f)(47), (f)(48), (f)(56), (f)(60) through (f)(62), (f)(86), (f)(98), (f)(100) and (f)(101).

d. Add paragraphs (f)(12)(iv), (f)(38)(vii), (f)(39)(vii), (f)(40)(vii), (f)(41)(vii), (f)(63) through (f)(65), and (f)(88).

The added and revised text is set forth as follows:

§ 1002.2 Filing fees.

(a) * * *

(1) * * * Filing fees for tariffs, including schedules, and contract summaries, including supplements (Item 78), and filing fees for documents submitted for recording (Item 83) may be charged to accounts established by the Board in accordance with paragraph (a)(2) of this section.

(2) *Billing account procedure.* Form STB-1032 must be submitted to the Board's Section of Financial Services to establish STB billing accounts for filing fees for tariffs and for documents submitted for recording.

* * * * *

(b) Any filing, other than a tariff filing, that is not accompanied by the appropriate filing fee, payment via credit card or STB billing account, or a request for waiver of the fee, is deficient. * * *

* * * * *

(f) Schedule of filing fees.

Type of proceeding	Fee
* * * * *	
(2) (i) An application involving the purchase, lease, consolidation, merger, or acquisition of control of a motor carrier of passengers under 49 U.S.C. 14303.	\$1,500.
(ii) A petition for exemption under 49 U.S.C. 13541 (other than a rulemaking) filed by a non-rail carrier not otherwise covered	\$2,300.
(iii) A petition to revoke an exemption filed under 49 U.S.C. 13541(d)	\$1,900.
* * * * *	
(12) * * *	
(iv) A request for determination of a dispute involving a rail construction that crosses the line of another carrier under 49 U.S.C. 10901(d)	\$10,100.
* * * * *	
(27) (i) A request for a trail use condition in an abandonment proceeding under 16 U.S.C. 1247(d)	\$200.
(ii) A request to extend the period for negotiation of a trail use agreement	\$300.
* * * * *	
(38) * * *	

(vii) A request for waiver or clarification of regulations filed in a major financial proceeding as defined at 49 CFR 1180.2(a) . .	\$3,800.
(39)* * *	
(vii) A request for waiver or clarification of regulations filed in a major financial proceeding as defined at 49 CFR 1180.2(a) . .	\$3,800.
(40)* * *	
(vii) A request for waiver or clarification of regulations filed in a major financial proceeding as defined at 49 CFR 1180.2(a) . .	\$3,800.
(41)* * *	
(vii) A request for waiver or clarification of regulations filed in a major financial proceeding as defined at 49 CFR 1180.2(a) . .	\$3,800.
* * * * *	
(47) National Railroad Passenger Corporation (Amtrak) conveyance proceeding under 45 U.S.C. 562	\$200.
(48) National Railroad Passenger Corporation (Amtrak) compensation proceeding under Section 402(a) of the Rail Passenger Service Act	\$200.
* * * * *	
(56) A formal complaint alleging unlawful rates or practices of carriers:	
(i) A formal complaint filed under the coal rate guidelines (Stand-Alone Cost Methodology) alleging unlawful rates and/or practices of rail carriers under 49 U.S.C. 10704(c)(1)	\$61,400.
(ii) A formal complaint involving rail maximum rates filed by a small shipper	\$150.

(iii) All other formal complaints (except competitive access complaints)	\$6,000.
(iv) Competitive access complaints	\$150.
(v) A request for an order compelling a carrier to file a common carrier rate	\$200.
* * * * *	
(60) A labor arbitration proceeding	\$200.
(61) (i) An appeal of a Surface Transportation Board decision on the merits or petition to revoke an exemption pursuant to 49 U.S.C. 10502(d)	\$200.
(ii) An appeal of a Surface Transportation Board decision on procedural matters except discovery rulings	\$250.
(62) Motor carrier undercharge proceeding	\$200.
(63) Expedited relief for service inadequacies:	
(i) A request for expedited relief under 49 U.S.C. 11123 and 49 CFR part 1146 for service emergency	\$200.
(ii) A request for temporary relief under 49 U.S.C. 10705 and 11102, and 49 CFR part 1147 for service inadequacy	\$200.
(64) Discovery:	
(i) A motion to compel discovery in formal complaint proceedings under 49 U.S.C. 10704(c)(1)	\$2,300.
(ii) A motion to compel discovery in all other proceedings	\$950.
(iii) An appeal of discovery ruling	\$2,100.
(65) A request for waiver or clarification of regulations except one filed in an abandonment or discontinuance proceeding, or in a major financial proceeding as defined at 49 CFR 1180.2(a)	\$400.
* * * * *	

(86) Informal opinions:	
(i) A request for an informal opinion not otherwise covered . . .	\$1,100.
(ii) A request for an informal opinion on a voting trust agreement pursuant to 49 CFR 1013.3(a) in connection with a major financial proceeding as defined at 49 CFR 1180.2(a) . .	\$3,500.
(iii) A request for an informal opinion on a voting trust agreement pursuant to 49 CFR 1013.3(a) not otherwise covered	\$350.
* * * * *	
(88) Basic fee for STB adjudicatory services not otherwise covered	\$200.
* * * * *	
(98) Processing the paperwork related to a request for the Carload Waybill Sample to be used in a Board or State proceeding that:	
(i) Does not require a Federal Register notice:	
(A) Set cost portion	\$100.
(B) Sliding cost portion	\$32 per party.
(ii) Does require a Federal Register notice:	
(A) Set cost portion	\$300.
(B) Sliding cost portion	\$32 per party.
* * * * *	
(100) Uniform Railroad Costing System (URCS) software and information:	
(i) Initial PC version URCS Phase III software program and manual	\$50.

(ii) Updated URCS PC version Phase III cost file - per year	\$25.
(iii) Public requests for <u>Source Codes</u> to the PC version URCS Phase III	\$100.
(101) Carload Waybill Sample data or recordable disk (R-CD):	
(i) Requests for Public Use File on R-CD - per year	\$250.
(ii) Waybill - Surface Transportation Board or State proceedings on R-CD - per year	\$500.
(iii) User Guide for latest available Carload Waybill Sample . . .	\$50.
(iv) Specialized Programming for Waybill requests to the Board	\$76 per hour.
* * * * *	