

SERVICE DATE – SEPTEMBER 3, 2015

SURFACE TRANSPORTATION BOARD

CORRECTED NOTICE\*

Docket No. EP 689 (Sub-No. 6)

SIMPLIFIED STANDARDS FOR RAIL RATE CASES—  
2013 RSAM and R/VC<sub>>180</sub> CALCULATIONS

Decided: September 3, 2015

In this decision, the Board is publishing the most recent revenue shortfall allocation methodology (RSAM) and revenue-to-variable cost greater than 180% (R/VC<sub>>180</sub>) ratios for the Class I carriers (for the years 2010-2013), as well as their four-year averages, for use in Three-Benchmark cases.

Under 49 U.S.C. § 10701(d)(3), the Board is directed to “establish a simplified and expedited method for determining the reasonableness of challenged rail rates in those cases in which a full stand-alone cost presentation is too costly, given the value of the case.” In Simplified Standards for Rail Rate Cases, EP 646 (Sub-No. 1) (STB served Sept. 5, 2007),<sup>1</sup> the Board modified and clarified its guidelines for such proceedings by establishing a simplified Stand-Alone Cost test, clarifying its Three-Benchmark approach for the smallest disputes, and establishing eligibility thresholds for each type of case.<sup>2</sup> The Three-Benchmark approach compares a challenged rate to three measures of the defendant’s revenues and variable costs.

The first benchmark, RSAM, measures the average markup that the railroad would need to charge all of its “potentially captive” traffic in order for the railroad to earn adequate revenues as measured by the Board under 49 U.S.C. § 10704(a)(2). Potentially captive traffic is defined as all traffic priced at or above the 180% R/VC level, which is the statutory floor for regulatory rail

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\* This decision corrects the decision served on June 16, 2015. “Table I” in that decision contained errors, which have been corrected by the revised “Table I” found below. The June 16, 2015 decision remains unchanged in all other respects.

<sup>1</sup> Aff’d sub nom. *CSX Transp., Inc. v. STB*, 568 F.3d 236 (D.C. Cir. 2009), and vacated in part on reh’g, *CSX Transp., Inc. v. STB*, 584 F.3d 1076 (D.C. Cir. 2009).

<sup>2</sup> Subsequently, in *Rate Regulation Reforms*, EP 715 (STB served July 18, 2013), appeal docketed sub nom. *CSX Transp., Inc. v. STB*, No. 13-1230 (D.C. Cir. July 29, 2013), the Board increased the rate relief caps in both the simplified Stand-Alone Cost test and the Three-Benchmark approach.

rate intervention. See 49 U.S.C. § 10707(d); Burlington N. R.R. v. STB, 114 F.3d 206, 210 (D.C. Cir. 1997); W. Tex. Util. v. Burlington N. R.R., 1 S.T.B. 638, 677-78 (1996). The RSAM benchmark is calculated by adding the carrier's revenue shortfall (or subtracting the overage) shown in our annual revenue adequacy determination, adjusted for taxes, to the numerator of the  $R/VC_{>180}$  benchmark. Simplified Standards for Rail Rate Cases—Taxes in Revenue Shortfall Allocation Method, EP 646 (Sub-No. 2), slip op. at 2-3 (STB served May 11, 2009).

The second benchmark is  $R/VC_{>180}$ . This benchmark measures the average markup over variable cost earned by the defendant railroad on its potentially captive traffic. Simplified Standards for Rail Rate Cases, EP 646 (Sub-No. 1), slip op. at 10. The  $R/VC_{>180}$  benchmark is calculated using the Board's confidential Waybill Sample data<sup>3</sup> by dividing the total revenues earned by the carrier on potentially captive traffic by the carrier's total variable costs for that traffic. Id. at 20. The ratio of RSAM to  $R/VC_{>180}$  provides an estimate of how much more or less the railroad would need to charge its potentially captive traffic to be revenue adequate. Id.

The third benchmark is revenue-to-variable cost comparison ( $R/VC_{COMP}$ ). This benchmark is used to compare the markup on the challenged traffic to the average markup assessed on other potentially captive traffic involving the same or a similar commodity with similar transportation characteristics. Id. at 10. The  $R/VC_{COMP}$  ratio for appropriate comparison traffic is computed using traffic data from the rail industry Waybill Sample and applying the Board's Uniform Rail Costing System (URCS). Id. at 10-11.

The Board publishes tables each year showing the most recent RSAM and  $R/VC_{>180}$  ratios for each Class I railroad, as well as their rolling 4-year averages. Because  $R/VC_{COMP}$  is case specific, that ratio is calculated only after a shipper files a Three-Benchmark rail rate complaint.

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<sup>3</sup> The Waybill Sample is a statistical sampling of railroad waybills that is collected and maintained for use by the Board and by the public (with appropriate restrictions to protect the confidentiality of individual traffic data). See 49 C.F.R. § 1244.

The attached tables contain the most recent RSAM and  $R/VC_{>180}$  ratios.<sup>4</sup> Tables I and II represent percentages for the most recent four-year period from 2010 to 2013 for all Class I carriers. Interested readers may review the workbooks used to compute the data in these tables by visiting our website at <http://www.stb.dot.gov/stb/index.html> (open “Industry Data” menu; then open “Economic Data” menu; then follow “Financial & Statistical Reports” hyperlink; then follow “RSAM 2010-2013 Tables” and “2013 RSAM Computation” hyperlinks).

By the Board, Dr. William F. Huneke, Director, Office of Economics and Chief Economist.

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<sup>4</sup> Note that the RSAM and  $R/VC_{>180}$  ratios shown here for 2011 and 2010 are not consistent with the values shown in the RSAM Decisions for 2010 and 2011 (EP 689 Sub-No. 3 and EP 689 Sub-No. 4) but are consistent with the revised amounts for those years that were shown in the RSAM 2012 Decision (EP 689 Sub-No. 5).

**Table I****RSAM Mark-up Percentages 2010 – 2013**

<b>Railroad</b>	<b>4-Year Average</b>	<b>2013</b>	<b>2012</b>	<b>2011</b>	<b>2010</b>
BNSF	196%	169%	177%	204%	234%
CSXT	269%	269%	267%	269%	273%
GTC	292%	266%	284%	330%	287%
KCS	289%	320%	288%	267%	281%
NS	267%	253%	272%	268%	276%
SOO	319%	223%	397%	338%	317%
UP	201%	186%	182%	207%	230%

**Table II****R/VC<sub>>180</sub> Percentages 2010 – 2013**

<b>Railroad</b>	<b>4-Year Average</b>	<b>2013</b>	<b>2012</b>	<b>2011</b>	<b>2010</b>
BNSF	221%	222%	220%	220%	221%
CSXT	262%	249%	262%	269%	270%
GTC	266%	275%	267%	268%	252%
KCS	239%	235%	234%	243%	244%
NS	276%	264%	277%	287%	275%
SOO	226%	233%	222%	225%	225%
UP	232%	230%	230%	230%	238%