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SERVICE DATE - AUGUST 19, 1999

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FR-4915-00-P

Surface Transportation Board

DEPARTMENT OF TRANSPORTATION

[STB Ex Parte No. 633]

Y2K Readiness

AGENCY: Surface Transportation Board.

ACTION: Y2K Notice.

SUMMARY: The Surface Transportation Board (Board) is opening this docket for railroads and other interested parties to inform the Board of any anticipated Y2K problems within the railroad transportation industries.

DATES: Comments should be filed as soon as possible after any Y2K problems are discovered that will not be corrected by December 31, 1999.

ADDRESSES: Send an original plus 10 copies of any comments, referring to STB Ex Parte No. 633, to the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423-0001.

FOR FURTHER INFORMATION CONTACT: Melvin F. Clemens, Jr., (202) 565-1573.

[TDD for the hearing impaired: (202) 565-1695.]

SUPPLEMENTARY INFORMATION: Under 49 U.S.C. 11101(a), railroads must provide transportation or rail services upon reasonable request. Given the complex nature of railroad operations, switching and interchange, some potential Y2K problems appear capable of disrupting railroad operations and the smooth flow of traffic between rail carriers. In such an event, the Board is prepared to assume an active role in the interest of the public, both to

maintain rail operations while any computer problems are repaired and to take steps to return rail service to normal levels. If rail service is disrupted, the Board can issue temporary emergency service orders and can direct a carrier to operate the lines of another carrier that has ceased operations. Such orders can be effective for a period of up to 270 days. Emergency orders may direct the handling, routing, or distribution of traffic; require joint or common use of railroad facilities; or prescribe temporary through routes.

Additionally, the Board may prioritize traffic, such as the movements of coal to electric generating plants, and require traffic to move only under special permits.

The Board also may issue emergency orders to enable Amtrak to reroute passenger trains when its normal routes are temporarily unavailable. Through the Board's Agent, Melvin F. Clemens, Jr., Director, Office of Compliance and Enforcement, such emergency orders may be issued at any time, day or night.

In order to assist the Board in preparing for any possible disruptions of railroad operations that may result from Y2K problems, the Board is requesting railroads and other interested parties to inform the Board of any such anticipated problems before they occur. Such information to the Board should be based on specific Y2K problems that are considered unresolvable by December 31, 1999.

Additionally, under section 18 of the Y2K Act, Pub. L. No. 106-37, 113 Stat. 185, civil penalties are suspended for a small business concern, as defined in section 105 of Title 5, United States Code, for a first time violation of a Federally enforceable rule or regulation caused by a Y2K failure, if that Federal rule or regulation has not been violated within the preceding 3 years by that small business concern. Under 49 U.S.C. Chapter 119, the Board

has the authority to impose civil penalties for violations of statutes and regulations within its jurisdiction. Under section 18 of the Y2K Act, each agency of the United States Government with such authority must establish a point of contact within the agency to act as a liaison between the agency and small business concerns with respect to problems arising out of Y2K failures and compliance with Federal rules or regulations. The Board is complying with this statutory requirement by designating its Office of Compliance and Enforcement as its point of contact for small business concerns that experience a Y2K failure.

Board decisions and notices are available on our website at “WWW.STB.DOT.GOV.” This notice will also be specifically served on the Association of American Railroads, The American Short Line and Regional Railroad Association, the Federal Railroad Administration, and Amtrak.

Decided: August 17, 1999

By the Board, Chairman Morgan, Vice Chairman Clyburn, and Commissioner Burkes.

Vernon A. Williams

Secretary