

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. EP 724 (Sub-No. 1)

UNITED STATES RAIL SERVICE ISSUES

Decided: April 15, 2014

Pursuant to a decision served on April 1, 2014, in United States Rail Service Issues, Docket No. EP 724, the Board held a public hearing on April 10, 2014, at its offices in Washington, D.C., to provide interested persons the opportunity to report on recent service problems in the United States rail network, to hear from rail industry executives on plans to address their service problems, and to discuss additional options to improve service. During the hearing, farmers and representatives of agriculture producers told the Board that without timely delivery of adequate amounts of fertilizer, they will not be able to commence spring planting for the 2014 crop.

Given the immediate need for fertilizer to meet rapidly approaching planting deadlines, and the potential long-lasting and widespread effects of missing those deadlines, the Board, pursuant to 49 U.S.C. § 721(b), will direct the Canadian Pacific Railway Company (CP) and BNSF Railway Company (BNSF) to each report, by April 18, 2014, their plans to ensure delivery of fertilizer shipments for spring planting of U.S. crops. The Board will further direct CP and BNSF to each provide weekly status reports over the next six weeks, beginning April 25, 2014, regarding the delivery of fertilizer on their respective networks. As part of these status reports, CP and BNSF shall provide fertilizer delivery data, by state, indicating the number of cars, shipped or received, which are billed to agricultural destinations, and the number of cars placed during each prior week. CP and BNSF will also be directed to include actual performance versus trip plan data for fertilizer shipments. Technical questions regarding compliance with this order may be directed to the Board's Office of Public Assistance, Governmental Affairs and Compliance.

This directive is intended to focus each carrier's attention on these very time-sensitive deliveries while the carriers simultaneously work to address the extensive service and car supply issues for all commodities and to get those commodities moving on the rail network. The Board continues to closely monitor rail service metrics data for all movements and consider other efforts to address rail service issues. This decision is not intended to replace the existing channels of communication among the railroads, shippers, and the Board's offices.

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

It is ordered:

1. CP and BNSF are each directed to report to the Board, by April 18, 2014, their plans to ensure delivery of fertilizer shipments for spring planting of U.S. crops.

2. CP and BNSF are directed to each provide weekly status reports over the next six weeks, beginning April 25, 2014, regarding the delivery of fertilizer on their respective networks. As part of these status reports, CP and BNSF shall provide fertilizer delivery data, by state, indicating the number of cars, shipped or received, which are billed to agricultural destinations, and the number of cars placed during each prior week. CP and BNSF shall also include actual performance versus trip plan data for fertilizer shipments.

3. This decision is effective on its service date.

By the Board, Chairman Elliott and Vice Chairman Begeman.