

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. EP 707

DEMURRAGE LIABILITY

Decided: June 18, 2013

By decision served on May 7, 2012, the Board issued a notice of proposed rulemaking regarding demurrage liability. Specifically, the Board announced a proposed rule providing that any person receiving rail cars from a rail carrier for loading or unloading who detains the cars beyond a specified period of time may be held liable for demurrage if that person has actual notice of the terms of the demurrage tariff providing for such liability prior to the carrier's placement of the rail cars. Demurrage Liability, EP 707, slip op. at 10 (STB served May 7, 2012). In response to the notice of proposed rulemaking, the American Short Line and Regional Railroad Association (ASLRRA) submitted comments in which it questioned the necessity of imposing the actual notice requirement on small carriers.

By decision served on May 28, 2013, the Board published an initial regulatory flexibility analysis (IRFA) to provide further information and opportunity for public comment on the impact, if any, that the rules would have on small rail carriers. In that decision, the Board stated that it was seeking more specific information with which to evaluate the concerns raised by ASLRRA in its comments and also encouraged ASLRRA to provide comments in response to the IRFA. The Board set a comment deadline of June 27, 2013.

On June 3, 2013, ASLRRA requested an extension of the comment deadline. In its request, ASLRRA stated that it proposes to conduct an industry survey to provide the Board with the requested information and that it would need until August 30, 2013, to submit its report. ASLRRA's request will be granted.

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

It is ordered:

1. ASLRRA's request for an extension of the comment deadline is granted. Comments are now due August 30, 2013.
2. This decision is effective on its service date.

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