



Office of the Chairman

**Surface Transportation Board**  
Washington, D.C. 20423-0001

July 2, 2018

The Honorable Susan Collins  
Chairman  
Senate Appropriations Subcommittee on  
Transportation, Housing and Urban  
Development, and Related Agencies  
413 Dirksen Senate Office Building  
Washington, DC 20510

The Honorable Jack Reed  
Ranking Member  
Senate Appropriations Subcommittee on  
Transportation, Housing and Urban  
Development, and Related Agencies  
728 Hart Senate Office Building  
Washington, DC 20510

Dear Subcommittee Chairman Collins and Subcommittee Ranking Member Reed:

On behalf of the Surface Transportation Board (Board), I am pleased to provide the Board's second quarter 2018 reports in accordance with the Surface Transportation Board Reauthorization Act of 2015. I will also provide an update on several matters that you may find of interest.

The Board continues to closely monitor freight rail service across the nation's rail system. In my April letter, I informed you of the Board's concerns about the service performance of several Class I carriers based on the weekly data the carriers submit to the agency. After receiving responses to the Board's March 16, 2018 request for all Class I railroads to provide their service outlook plans for the near term and for the remainder of 2018, the Board's Rail Customer and Public Assistance (RCPA) Office increased the frequency of its conference calls with three of the railroads. In general, the railroads' service data indicate improved overall performance this past quarter, against a modest increase in annual volume. However, one carrier is working through recent service setbacks in the West and one carrier in the East has not shown a sustained improvement in its service metrics during the past quarter. If your offices are contacted by rail shippers regarding any service issues, please urge them to contact the Board's RCPA Office at 202-245-0238 or [RCPA@stb.gov](mailto:RCPA@stb.gov).

During the past quarter, Board staff held informal meetings on the adequacy of the Board's current regulations regarding emergency service and service inadequacies with a number of interested stakeholders to discuss and gather feedback. These informal discussions, which concluded last week, will help the Board to determine whether and how the agency's current regulations could be modified to offer a more meaningful path to relief in times of serious rail service challenges.

The Board's Rate Reform Task Force was established earlier this year and is working to develop recommendations to reform and streamline the Board's rate review methodology for large cases, and to improve rate review options for smaller cases. The Task Force is comprised of eight

Board staff, bringing together considerable economic and legal experience and expertise to this very challenging undertaking. The Task Force is meeting with stakeholders to obtain input and ideas, and is also available to meet with members of your staff. Please have your staff contact RCPA if they would like to schedule a meeting with members of the Task Force to discuss these issues.

Knowing of your Committee's strong interest in the Board's cybersecurity efforts, I want to assure you the Board's IT staff is working tirelessly to address issues identified in the 2017 FISMA audit by the Department of Transportation Office of Inspector General. The Board has also received the results of its biannual CIO Cybersecurity Risk Management Assessment, and its ratings have improved in two of five categories and remained stable in the remaining three categories.

Finally, I want to inform you that next Monday, July 9, 2018, the Board will temporarily close its library and public docket room located on the first floor of our headquarters building. This closure will accommodate construction within the Board's office space as we transition to our new leased space with a reduced footprint, pursuant to current federal policy. During the library's temporary closure, public requests for library documents should be made to the RCPA Office. The Board's website, which houses daily filings and decisions, will continue to serve as a public docket room. The Board appreciates the public's patience and understanding during this process.

Thank you for your continued interest in the Board and its work. If you or your staff have any questions, please contact me at 202-245-0204.

Sincerely,



Ann Begeman  
Chairman

# Report on Pending STB Regulatory Proceedings – June 30, 2018

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## Surface Transportation Board

### 1. Review of the General Purpose Costing System

**Popular Title:** Review of the General Purpose Costing System

**RIN 2140-AB14**

**Stage:** Proposed Rule

**Previous Stage:** NPRM served 02/04/2013; End of Comment Period 09/05/2013; SNPRM served 08/04/2016 (published in Fed. Reg. 08/10/2016); End of Comment Period 11/07/2016.

**Abstract:** The Board proposes certain changes to its general purpose costing system—the Uniform Railroad Costing System (URCS). Specifically, the Board proposes in a Supplemental Notice of Proposed Rulemaking to modify certain inputs into Phase II of URCS and to modify certain cost calculations in Phase III of URCS in order to eliminate the “make-whole adjustment” in Phase III. The Board proposes certain other related changes to URCS, including proposals for locomotive unit-miles and train miles allocations, that would result in more appropriate rail movement costs.

**Effects:**

Paperwork Reduction Act

**Prompting action:** Board Initiative

**Legal Deadline:** None

**Rulemaking Project Initiated:** 02/04/2013

**Docket Number:** EP 431 (Sub-No. 4)

**Dates for Next Action:**

Milestone	Scheduled Date	New Projected Date	Actual Date
Service Date	05/2017	TBD	N/A

**Explanation for any delay:** The previous projected target date of 01/2018 was changed to TBD in the April 2018 report. The Board has not reached a consensus on the next action.

**Federal Register Citation for Next Action:** N/A

## Surface Transportation Board

### 2. Rail Fuel Surcharges (Safe Harbor)

**Popular Title:** Rail Fuel Surcharges (Safe Harbor)

**RIN 2140-AB17**

**Stage:** Pre-Rule

**Previous Stage:** ANPRM served 05/29/2014; End of Comment Period 10/15/2014.

**Abstract:** The Board is giving shippers, rail carriers, and other interested parties the opportunity to comment on the Board's "safe harbor" standard, which allows carriers to rely on a Board-approved fuel index to measure changes in fuel prices for purposes of their fuel surcharge programs.

**Effects:**

None

**Prompting action:** Board Initiative

**Legal Deadline:** None

**Rulemaking Project Initiated:** 05/29/2014

**Docket Number:** EP 661 (Sub-No. 2)

**Dates for Next Action:**

Milestone	Scheduled Date	New Projected Date	Actual Date
Service Date	09/2016	TBD	N/A

**Explanation for any delay:** The new projected date was modified in the January 2017 report, explaining that the Board is in a time of transition with potential changes to the Board's membership due to the changeover in administration. The new projected target date remains TBD.

**Federal Register Citation for Next Action:** N/A

**Surface Transportation Board**

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**3. Expanding Access to Rate Relief**

**Popular Title:** Expanding Access to Rate Relief

**RIN 2140-AB37**

**Stage:** Pre-Rule

**Previous Stage:** ANPRM served 08/31/2016; End of Comment Period 12/19/2016.

**Abstract:** The Board is considering procedures that could comprise a new rate reasonableness methodology for use in very small disputes, which would be available to shippers of agricultural products and all other commodities.

**Effects:**

None

**Prompting action:** Board Initiative

**Legal Deadline:** None

**Rulemaking Project Initiated:** 08/31/2016

**Docket Number:** EP 665 (Sub-No. 2)

**Dates for Next Action:**

<b>Milestone</b>	<b>Scheduled Date</b>	<b>New Projected Date</b>	<b>Actual Date</b>
Service Date	06/2017	TBD	N/A

**Explanation for any delay:** The 06/2017 date for next action was established in the January 2017 report. The Board did not reach a consensus on a June Board action. The new projected target date was changed to TBD in the July 2017 report. Note, on March 28, 2018, the Board issued a decision waiving the prohibition on ex parte communications in this proceeding.

**Federal Register Citation for Next Action:** N/A

**Surface Transportation Board**

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**4. Review of Commodity, Boxcar, and TOFC/COFC Exemptions**

**Popular Title:** Commodity Exemptions

**RIN 2140-AB29**

**Stage:** Proposed Rule

**Previous Stage:** NPRM served 03/23/2016; Order granting the Association of American Railroads' request for extension of time served 05/06/2016; End of Comment Period 08/26/2016.

**Abstract:** In this proceeding, the Board proposes to revoke the existing class exemptions under 49 C.F.R. Part 1039 for (1) crushed or broken stone or rip rap; (2) hydraulic cement; and (3) coke produced from coal, primary iron or steel products, and iron or steel scrap, wastes or tailings.

**Effects:**

Regulatory Flexibility Act

**Prompting action:** Board Initiative

**Legal Deadline:** None

**Rulemaking Project Initiated:** 03/23/2016

**Docket Number:** EP 704 (Sub-No. 1)

**Dates for Next Action:**

<b>Milestone</b>	<b>Scheduled Date</b>	<b>New Projected Date</b>	<b>Actual Date</b>
Service Date	01/2017	TBD	N/A

**Explanation for any delay:** The new projected date was modified in the January 2017 report, explaining that the Board is in a time of transition with potential changes to the Board's membership due to the changeover in administration. The new projected target date remains TBD.

**Federal Register Citation for Next Action:** N/A

**Surface Transportation Board**

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**5. Reciprocal Switching**

**Popular Title:** Competitive Switching Rules

**RIN 2140-AB32**

**Stage:** Proposed Rule

**Previous Stage:** NPRM served 07/27/2016.

**Abstract:** The Board proposes regulations which would allow a party to seek a reciprocal switching prescription that is either practicable and in the public interest or necessary to provide competitive rail service, in accordance with 49 U.S.C. § 11102(c)(1).

**Effects:**

None

**Prompting action:** Petition from the National Industrial Transportation League.

**Legal Deadline:** None

**Rulemaking Project Initiated:** 07/27/2016

**Docket Number:** EP 711 (Sub-No. 1)

**Dates for Notice of Proposed Rulemaking:**

<b>Milestone</b>	<b>Scheduled Date</b>	<b>New Projected Date</b>	<b>Actual Date</b>
NPRM Service Date	06/2016	07/2016	07/27/2016
Comment Period Ends	09/26/2016	10/26/2016	N/A
Reply Period Ends	10/10/2016	01/13/2017	N/A
Ex Parte Meetings	Beginning 01/30/2017	N/A	N/A

**Explanation for any delay:** N/A

**Federal Register Citation for NPRM:** 81 Fed. Reg. 51,149 (Aug. 3, 2016)



**Surface Transportation Board**

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**6. Railroad Revenue Adequacy**

**Popular Title:** Revenue Adequacy

**RIN 2140-AB19**

**Stage:** Pre-Rule

**Previous Stage:** Notice served 04/02/2014; End of Comment Period 11/04/2014; Hearing 07/22/2015 and 07/23/2015.

**Abstract:** The Board is exploring its methodology for determining railroad revenue adequacy, as well as the revenue adequacy component used in judging the reasonableness of rail freight rates.

**Effects:**

None

**Prompting action:** Board Initiative

**Legal Deadline:** None

**Rulemaking Project Initiated:** 04/02/2014

**Docket Number:** EP 722

**Dates for Next Action:**

<b>Milestone</b>	<b>Scheduled Date</b>	<b>New Projected Date</b>	<b>Actual Date</b>
Service Date	10/2016	TBD	N/A

**Explanation for any delay:** The new projected target date was modified in the April 2017 report, changing it from June 2017 to TBD, in recognition of a changeover in administration and expected changes to the Board's membership. The new projected target date remains TBD. Note, on March 28, 2018, the Board issued a decision clarifying that a prohibition on ex parte communications in this proceeding is not applicable.

**Federal Register Citation for Next Action:** N/A

**Surface Transportation Board**

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**7. Updating the Code of Federal Regulations**

**Popular Title:** None

**RIN # 2140-AB40**

**Stage:** Final Rules

**Previous Stage:** None.

**Abstract:** The Board updated its regulations to replace certain obsolete or incorrect references in the regulations.

**Effects:**

None

**Prompting action:** Board Initiative

**Legal Deadline:** None

**Rulemaking Project Initiated:** 1/31/2018

**Docket Number:** EP 746

**Dates for Final Rules:**

<b>Milestone</b>	<b>Scheduled Date</b>	<b>New Projected Date</b>	<b>Actual Date</b>
Service Date	N/A	N/A	04/19/2018

**Explanation for any delay:** N/A

**Federal Register Citation for Final Rules:** 83 Fed. Reg. 17,299 (Apr. 19, 2018)

**Surface Transportation Board**

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**8. On-Time Performance Under Section 213 of the Passenger Rail Investment & Improvement Act of 2008**

**Popular Title:** On-Time Performance; OTP

**RIN # 2140-AB22**

**Stage:** Final Rules; removal

**Previous Stage:** None.

**Abstract:** The Board removed its final rule concerning on-time performance of intercity passenger rail service because it was invalidated upon judicial review.

**Effects:**

None

**Prompting action:** Court decision

**Legal Deadline:** None

**Rulemaking Project Initiated:**

**Docket Number:** EP 726

**Dates for Final Rules:**

<b>Milestone</b>	<b>Scheduled Date</b>	<b>New Projected Date</b>	<b>Actual Date</b>
Service Date	N/A	N/A	05/04/2018

**Explanation for any delay:** N/A

**Federal Register Citation for Final Rules:** 83 Fed. Reg. 19,647 (May 4, 2018)

## Quarterly Status Report of Rate Complaint Cases Before the STB - 2ND QUARTER 2018

<b>Docket No:</b>	NOR 42142
<b>Case Name:</b>	Consumers Energy Co. v. CSX Transportation, Inc.
<b>Commodities:</b>	Coal

<b>Rate Review Type (SAC, SSAC, 3-Benchmark or Other):</b>	SAC and Revenue Adequacy
<b>Origin(s):</b>	Interchange with BNSF in the vicinity of Chicago, IL
<b>Destination(s):</b>	Campbell Generating Station near West Olive, MI

<b>Procedural Schedule:</b>	
<b>Date on Which Proceeding Began:</b>	January 13, 2015
<b>*Discovery Completed:</b>	July 1, 2015
<b>Opening Evidence:</b>	November 2, 2015 / January 23, 2017 (supplemental)
<b>Reply Evidence:</b>	March 7, 2016 / March 6, 2017 (supplemental)
<b>Rebuttal Evidence:</b>	May 20, 2016 / April 13, 2017 (supplemental)
<b>Closing Briefs:</b>	June 24, 2016

<b>Merits Decision:</b>	January 11, 2018
<b>Petitions for Reconsideration or Reopening / Petitions for Technical Corrections</b>	February 20, 2018
<b>Replies to Petitions for Reconsideration or Reopening</b>	March 12, 2018
<b>Decision Making Technical Corrections</b>	<i>TBD</i>
<b>Merits Decision on Reconsideration or Reopening</b>	<i>TBD</i>

*Italics indicate dates of future events, which are subject to change.*

<b>Brief Description of the Final Decisions:</b>	
	The merits decision found that (1) CSXT has market dominance over the issue traffic; (2) the rate was shown to be unreasonably high under the SAC constraint; and (3) CSXT was not shown to be revenue adequate under the revenue adequacy constraint. Rate relief was prescribed under the SAC constraint.

*\* Parties often set the schedule for discovery and do not necessarily inform the Board. This date is based on the information in the Board's possession, but may have changed.*

## CONSUMERS ENERGY CO. v. CSX TRANSPORTATION, Docket No. NOR 42142

Complete Timeline (Significant Filings and Decisions Only)

Consumers Complaint	January 13, 2015
CSXT Answer	February 2, 2015
CSXT Motion to Dismiss Revenue Adequacy Claim	March 24, 2015
Consumers Reply to CSXT Motion to Dismiss	April 13, 2015
Discovery Conference	April 21, 2015
STB Decision Denying CSXT Motion to Dismiss Rev. Adeq. Claim	June 15, 2015
Technical Conference	June 23, 2015
Close of Discovery*	July 1, 2015
STB Decision Adopting Procedures for Formatting of Evidence	July 15, 2015
Discovery Conference	July 20, 2015
Consumers Opening Evidence	November 2, 2015
CSXT Reply Evidence	March 7, 2016
CSXT Reply	March 7, 2016
CSXT Workpapers	March 7, 2016
CSXT Errata Sheet	March 8, 2016
CSXT Errata Sheet	March 8, 2016
Consumers Petition for Technical Conference	March 14, 2016
STB Decision Directing CSXT to File Response to Technical Conference	March 16, 2016
CSXT Reply to Consumers Technical Conference	March 21, 2016
STB Decision Denying Request for Technical Conference	April 6, 2016
CSXT Reply and Submission of Workpapers in Response to STB Decision	April 8, 2016
Consumers Motion to Modify Procedural Schedule	April 13, 2016
CSXT Reply to Consumers Motion to Modify Procedural Schedule	April 15, 2016
STB Decision Granting in Part Consumers Motion to Modify Procedural Schedule	April 20, 2016
Consumers Workpapers	May 20, 2016
Consumers Rebuttal	May 20, 2016
Consumers Rebuttal	May 20, 2016
CSXT Confidential Errata to Reply Evidence	May 26, 2016
CSXT Errata Sheet	May 26, 2016
Consumers Reply to CSXT Errata Evidence	May 27, 2016
CSXT Letter Requesting the Board Accept Its Errata Sheet	June 1, 2016
STB Decision Directing Parties to Prepare Closing Briefs	June 3, 2016
Consumers Errata Sheet	June 3, 2016
Consumers Errata Sheet	June 3, 2016
CSXT Motion to Strike	June 24, 2016
CSXT Motion to Strike	June 24, 2016
CSXT Final Brief	June 24, 2016
CSXT Final Brief	June 24, 2016
Consumers Final Brief	June 24, 2016
Consumers Final Brief	June 24, 2016
Consumers Motion to Remove CSXT Motion to Strike	June 27, 2016
Consumers Reply to CSXT Motion to Strike	July 14, 2016
Consumers Petition for Leave to Supplement Record	July 14, 2016
CSXT Reply to Consumers Petition for Leave to Supplement Record	July 26, 2016
STB Decision Ruling on Consumers Petition for Leave to Supplement Record and CSXT Motion to Strike, and Directing Parties to File Supplemental Evidence	December 9, 2016
Consumers Supplemental Opening Evidence	January 23, 2017
CSXT Supplemental Reply Evidence	March 6, 2017
Consumers Supplemental Rebuttal Evidence	April 13, 2017
CSXT Motion to Strike	May 3, 2017
Consumers Reply to CSXT Motion to Strike	May 23, 2017
STB Decision on the Merits	January 11, 2018
CSXT Motion for an Extension of Time	January 18, 2018
STB Decision Granting CSXT Motion for an Extension of Time	January 19, 2018
Joint Petition for Technical Changes	February 20, 2018
Consumers Petition for Technical Changes	February 20, 2018
Consumers Petition for Reconsideration	February 20, 2018
CSXT Petition for Reconsideration	February 20, 2018
CSXT Reply to Consumers Petition for Technical Changes	March 12, 2018
CSXT Reply to Consumers Petition for Reconsideration	March 12, 2018
Consumers Reply to CSXT Petition for Reconsideration	March 12, 2018
STB Updated Merits Decision to Include Public Version of Market Dominance Appendix	March 14, 2018
CSXT Letter	March 19, 2018
Consumers Response to CSXT Letter	March 20, 2018

\* Parties often set the schedule for discovery and do not necessarily inform the Board. This date is based on the information in the Board's possession, but may have changed

## Rail Rate Cases at the STB

(1996 to Present) - Last Updated 06/29/2018

Docket No	Case Name	Commodity	Guidelines Used	Date of Decision	Decision
41191	West Texas v. BNSF	Coal	SAC	5/3/1996	Rates Unreasonable
37809	McCarty Farms v. BN	Grain	SAC	8/20/1997	Rates Reasonable
41185	APS v. ATSF	Coal	SAC	4/17/1998	Rates Unreasonable
41989	Pepco v. CSX	Coal	SAC	6/18/1998	Settlement
42012	Sierra Pacific v. UP	Coal	SAC	7/17/1998	Settlement
41670	Shell Chemical v. NS	Chemical	Simplified	3/12/1999	Settlement
41295	PPL v. Conrail	Coal	SAC	5/13/1999	Settlement
42034	PSI Energy v. Soo	Coal	SAC	5/13/1999	Settlement
42022	FMC v. UP	Minerals	SAC	5/12/2000	Rates Unreasonable
42038	MN Power v. DMIR	Coal	Stipulated R/VC	1/5/2001	Settlement
42051	WPL v. UP	Coal	SAC	5/14/2002	Rates Unreasonable
42054	PPL v. BNSF	Coal	SAC	8/20/2002	Rates Reasonable
42059	Northern States v. UP	Coal	Stipulated R/VC	8/7/2003	Settlement
42077	APS v. BNSF	Coal	SAC	12/31/2003	Withdrawn
42056	TMPA v. BNSF	Coal	SAC	9/27/2004	Rates Unreasonable
42069	Duke v. NS	Coal	SAC	10/20/2004	Rates Reasonable
42070	Duke v. CSXT	Coal	SAC	10/20/2004	Rates Reasonable
42072	Carolina Power v. NS	Coal	SAC	10/20/2004	Rates Reasonable
42057	Xcel v. BNSF	Coal	SAC	12/14/2004	Rates Unreasonable
42058	AEPCO v. BNSF	Coal	SAC	3/15/2005	Rates Reasonable
42093	BP Amoco v. NS	Chemical	Simplified	6/28/2005	Settlement
42071	Otter Tail v. BNSF	Coal	SAC	1/27/2006	Rates Reasonable
42091	APS v. BNSF	Coal	SAC	2/10/2006	Settlement
42097	Albemarle v. LNW	Chemical	SAC	11/14/2006	Settlement
42098	Williams Olefins v. GTC	Chemical	Simplified	2/15/2007	Settlement
42095	KCPL v. UP	Coal	Stipulated R/VC	5/19/2008	Rates Unreasonable
42088	Western Fuels v. BNSF	Coal	SAC	2/18/2009	Rates Unreasonable
42112	E.I. Dupont v. CSX	Chemical	SAC	5/11/2009	Settlement
41191 (S1)	AEP Texas v. BNSF	Coal	SAC	5/15/2009	Rates Reasonable
42111	Oklahoma Gas v. UP	Coal	Stipulated R/VC	7/24/2009	Rates Unreasonable
42099	DuPont v. CSXT	Chemical	Three-Benchmark	9/1/2009	Settlement
42100	DuPont v. CSXT	Chemical	Three-Benchmark	9/1/2009	Settlement
42101	DuPont v. CSXT	Chemical	Three-Benchmark	9/1/2009	Settlement
42114	U.S. Magnesium v. UP	Chemical	Three-Benchmark	1/28/2010	Rates Unreasonable
42115	U.S. Magnesium v. UP	Chemical	Simplified SAC	4/2/2010	Settlement
42116	U.S. Magnesium v. UP	Chemical	Simplified SAC	4/2/2010	Settlement
42122	NRG v. CSXT	Coal	SAC	7/8/2010	Settlement
42110	Seminole Electric v. CSXT	Coal	SAC	9/27/2010	Settlement
42113 (S1)	AEPCO v. UP	Coal	SAC	4/15/2011	Settlement
42128	SMEPA v. NS	Coal	SAC	8/31/2011	Settlement
41191 (S1)	AEP Texas v. BNSF	Coal	SAC-Remand	10/26/2011	Settlement
42113	AEPCO v. BNSF & UP	Coal	SAC	11/22/2011	Rates Unreasonable
42132	Canexus v. BNSF	Chemical	Three-Benchmark	7/20/2012	Settlement
42127	IPA v. UP	Coal	SAC	11/2/2012	Withdrawn
42123	M&G Polymers v. CSXT	Chemicals	SAC	1/7/2013	Settlement
42125	DuPont v. NS	Chemicals	SAC	3/24/2014	Rates Reasonable
42130	SunBelt v. NS	Chemical	SAC	6/20/2014	Rates Reasonable
42136	IPA v. UP	Coal	SAC	10/8/2014	Settlement
42088	Western Fuels v. BNSF	Coal	SAC	6/15/2015	Settlement
42121	TPI v. CSXT	Chemicals	SAC	9/14/2016	Rates Reasonable
42142	Consumers v. CSXT	Coal	SAC & Revenue Adequacy	1/11/2018	Rates Unreasonable
<b>Pending before the STB</b>					
Docket No	Case Name	Commodity	Guidelines Used	Date of Decision	Decision
NA					

**Notes to Table:**

1. SAC = Stand-Alone Cost Methodology Applied for a Hypothetical Railroad.
2. Simplified = Using a Simplified, Rather than Full-SAC, Methodology for Determining the Reasonableness of Rates as Set Forth in Coal Rate Guidelines, Nationwide, 1 I.C.C.2d 520 (1985) ([Guidelines](#)).
3. Stipulated R/VC = Parties Agreed to Use Revenue to Variable Cost (R/VC) Ratios @ 180% Level, in Lieu of Using SAC.
4. Three-Benchmark Methodology = Methodology of Seeking Relief Pursuant to the Revised Simplified Procedures as Set Forth in Simplified Standards for Rail Rate Cases, STB Ex Parte No. 646 (Sub-No. 1) (STB served Sept. 5, 2007) and any additional Sub-No. decisions.
5. Revenue Adequacy = Revenue Adequacy Constraint, as Described in [Guidelines](#).

**SURFACE TRANSPORTATION BOARD**  
**QUARTERLY REPORT OF FORMAL SERVICE COMPLAINTS**

Date: June 30, 2018

The Surface Transportation Board Reauthorization Act of 2015 mandated that the Surface Transportation Board (STB) publish a quarterly report of formal service complaints received by the agency. *See* STB Reauthorization Act of 2015, sec. 6(b), Pub. L. No. 114-110 (2015). During the April 1, 2018 – June 30, 2018 period, the following formal service-related complaints were pending:

**Formal Service-Related Complaints:**

<b>Date Complaint Received</b>	<b>Type of Complaint</b>	<b>Title</b>	<b>Docket No.</b>	<b>Geographic Region</b>	<b>Complainant</b>	<b>Carrier(s) Involved</b>	<b>Resolution/Status</b>
1/19/2012	Failure to prioritize Amtrak trains over freight trains	National Railroad Passenger Corporation— Section 213 Investigation of Substandard Performance on Rail Lines of Canadian National Railway Company	NOR 42134	Midwest	National Railroad Passenger Corporation (Amtrak)	Canadian National Railway Company, Grand Trunk Western Railway, Illinois Central Railroad	Final rules regarding on-time performance standard issued 7/28/2016 in Docket No. EP 726. Petitions for judicial review of those rules filed by multiple parties and ultimately consolidated in the U.S. Court of Appeals for the Eighth Circuit.  Requests to hold the proceeding in abeyance and responses to Amtrak’s on-time performance data received 10/25/2016; reply to the motion to hold in abeyance received 11/10/2016.  Oral argument on the petitions for review of EP 726 held by the Eighth Circuit 2/8/2017.

Date Complaint Received	Type of Complaint	Title	Docket No.	Geographic Region	Complainant	Carrier(s) Involved	Resolution/Status
							<p>Eighth Circuit vacated Board's EP 726 on-time performance final rule 7/12/2017.</p> <p>Amtrak and organizations representing passenger interests filed petitions for certiorari with the U.S. Supreme Court on 11/13/2017 and 11/14/2017, respectively.</p> <p>The U.S. Supreme Court denied the petitions for certiorari on 2/20/2018.</p> <p>Unopposed motion to dismiss complaint filed 3/29/2018.</p> <p>Decision dismissing complaint without prejudice served 4/13/18.</p>
2/27/2013	Application for terminal trackage rights	BNSF Railway Company— Terminal Trackage Rights—Kansas City Southern Railway and Union Pacific Railroad Company	FD 32760 (Sub-No. 46)	Louisiana	BNSF Railway Company	BNSF Railway Company, Union Pacific Railroad Company, Kansas City Southern Railway	<p>Decision granting BNSF's application for terminal trackage rights served 7/5/2016.</p> <p>Appeal filed with the U.S. Court of Appeals for the District of Columbia Circuit 9/1/2016. Appeal ordered to be held in abeyance by the D.C. Circuit 1/3/2017 to allow parties to reach agreement regarding certain terms and conditions.</p>



Date Complaint Received	Type of Complaint	Title	Docket No.	Geographic Region	Complainant	Carrier(s) Involved	Resolution/Status
							<p>BNSF filed petition to establish conditions of use and compensation on 1/12/2018. Kansas City Southern filed motion to dismiss petition on 2/1/2018. BNSF replied to motion to dismiss on 2/21/2018. Additional pleadings by BNSF, UP, and KCS filed 2/21/2018, 3/5/2018; and 3/9/2018. BNSF replied to KCS and UP comments on 3/22/18. Decision denying KCS motion to dismiss served 5/1/2018.</p> <p>The parties agreed to participate in Board-sponsored mediation. Mediation initiated 5/15/18.</p>
11/17/2014	Failure to prioritize Amtrak trains over freight trains	National Railroad Passenger Corporation— Investigation of Substandard Performance of the Capital Limited	NOR 42141	Midwest, Mid-Atlantic	National Railroad Passenger Corporation (Amtrak)	CSX Transportation, Inc. (CSXT); Norfolk Southern Railway Company (NSR)	<p>NSR and CSXT filed motions to dismiss 1/7/2015.</p> <p>Final rules regarding on-time performance standard issued 7/28/2016 in EP 726. Petitions for judicial review of those rules filed by multiple parties and ultimately consolidated in the U.S. Court of Appeals for the Eighth Circuit.</p> <p>Amtrak revised on-time performance data submitted</p>

Date Complaint Received	Type of Complaint	Title	Docket No.	Geographic Region	Complainant	Carrier(s) Involved	Resolution/Status
							<p>10/17/2016. Requests to hold the proceeding in abeyance and responses to Amtrak's on-time performance data received 10/25/2016; reply to the motion to hold in abeyance received 11/10/2016.</p> <p>Oral argument on the petitions for review of EP 726 held by the Eighth Circuit 2/8/2017.</p> <p>Eighth Circuit vacated Board's EP 726 on-time performance final rule 7/12/2017.</p> <p>Letters by NSR and CSXT requesting the Board act on their motions to dismiss received on 9/1/2017 and 10/13/2017, respectively.</p> <p>The Board granted two unopposed requests by Amtrak to extend the reply deadline to the motion to dismiss.</p> <p>Amtrak and organizations representing rail passenger interests filed petitions for certiorari with the U.S. Supreme Court on 11/13/2017 and 11/14/2017, respectively.</p>

Date Complaint Received	Type of Complaint	Title	Docket No.	Geographic Region	Complainant	Carrier(s) Involved	Resolution/Status
							<p>The U.S. Supreme Court denied the petitions for certiorari on 2/20/2018.</p> <p>Amtrak filed letter 3/5/2018 stating it does not oppose NSR's and CSXT's requests for the Board to rule on their motions to dismiss.</p> <p>Decision dismissing complaint without prejudice served 4/13/18.</p>
3/31/2015	Unreasonable tariff and practices	North American Freight Car Association v. Union Pacific Railroad Company	NOR 42144	Nationwide	North American Freight Car Association; American Fuel & Petrochemicals Manufacturers; The Chlorine Institute; The Fertilizer Institute; American Chemistry Council; Ethanol Products, LLC d/b/a Poet Ethanol Products; Poet Nutrition, Inc.; and Cargill Incorporated	Union Pacific Railroad Company	Motion to consolidate this proceeding with NOR 42150 and NOR 42152 received 1/26/2017. Decision consolidating NOR 42150, NOR 42152, and NOR 42144 served 3/31/2017. Decision consolidating NOR 42153 with NOR 42150, NOR 42152, and NOR 42144 served 10/05/2017. In discovery.
12/19/2016	Unreasonable practice and violation of statutory obligation to	Valero Marketing & Supply Company v. Union Pacific	NOR 42150	Unspecified	Valero Marketing & Supply Company; and Valero Rail Partners, LLC	Union Pacific Railroad Company	Complaint filed 12/19/2016. Motion for abeyance received 1/6/2017; reply and motion to consolidate received 1/26/2017; motion to compel received 2/24/2017. Decision

Date Complaint Received	Type of Complaint	Title	Docket No.	Geographic Region	Complainant	Carrier(s) Involved	Resolution/Status
	compensate car owners	Railroad Company					consolidating NOR 42150 with NOR 42152 and NOR 42144 served 3/31/2017. Decision consolidating NOR 42153 with NOR 42150, NOR 42152, and NOR 42144 served 10/05/2017. In discovery.
12/30/2016	Unreasonable practice and violation of statutory obligation to compensate car owners	Tesoro Refining & Marketing Company LLC v. Union Pacific Railroad Company	NOR 42152	Unspecified	Tesoro Refining & Marketing Company LLC; Tesoro Great Plains Gathering & Marketing LLC; and Dakota Prairie Refining, LLC	Union Pacific Railroad Company	Complaint filed 12/30/2016. Motion for abeyance received 1/6/2017; reply and motion to consolidate received 1/26/2017; motion to compel received 2/24/2017. Decision consolidating NOR 42150, NOR 42152, and NOR 42144 served 3/31/2017. Decision consolidating NOR 42153 with NOR 42150, NOR 42152, and NOR 42144 served 10/05/2017. In discovery.
8/1/2017	Unreasonable practice and violation of statutory obligation to compensate car owners	Arkema Inc. v. Union Pacific Railroad Company	NOR 42153	Unspecified	Arkema Inc.	Union Pacific Railroad Company	Complaint filed 8/1/2017. Union Pacific's motion to consolidate with NOR 42150, NOR 42152, and NOR 42144, received 8/9/2017; answer to the complaint (8/23/2017), reply (8/29/2017), and supplement to the motion to consolidate (9/8/2017) received. Decision consolidating NOR 42153 with NOR 42150, NOR 42152, and NOR 42144 served 10/05/2017. In discovery.

<b>Date Complaint Received</b>	<b>Type of Complaint</b>	<b>Title</b>	<b>Docket No.</b>	<b>Geographic Region</b>	<b>Complainant</b>	<b>Carrier(s) Involved</b>	<b>Resolution/Status</b>
5/1/2018	Unreasonable practice	Central Valley Ag Grinding, Inc., and Central Valley Ag Transport, Inc. v. Modesto and Empire Traction Company	NOR 42159	California	Central Valley Ag Grinding, Inc.; and Central Valley Ag Transport, Inc.	Modesto and Empire Traction Company	Complaint filed 5/1/2018. Petition for preliminary injunction and investigation filed 5/1/2018. Reply and motion to dismiss complaint filed 5/31/2018. Decision issuing preliminary injunction served 6/12/2018. Reply to the motion to dismiss filed 6/20/2018.
5/16/2018	Dispute over switching operations pending conclusion of related arbitration proceeding	Union Pacific Railroad—Petition for Declaratory Order and Preliminary Injunction	FD 36197	Washington	Union Pacific Railroad Company	BNSF Railway Company	Petition filed 5/16/2018. Reply received 5/30/2018.  Decision denying petition for declaratory order and preliminary injunction served 6/29/18.

**SURFACE TRANSPORTATION BOARD**  
 QUARTERLY REPORT OF INFORMAL SERVICE COMPLAINTS RECEIVED  
 SECOND QUARTER 2018

Date: June 30, 2018

The Surface Transportation Board Reauthorization Act of 2015 mandated that the Surface Transportation Board (STB) publish a quarterly report of informal service complaints received by the agency. See STB Reauthorization Act of 2015, sec. 6(b), Pub. L. No: 114-110 (2015). During the period from April 1, 2018 through June 30, 2018, the STB received the following informal complaints<sup>1</sup>:

Date <sup>2</sup>	Type of Informal Complaint	Geographic Region <sup>3</sup>	Resolution / Status	Complainant <sup>4</sup> <b>CONFIDENTIAL</b>
12/05/2017	Railroad service issue	Midwest	Shipper contacted RCPA with concerns about a railroad's ability to handle increased traffic volume in light of recent service problems, including missed switches and delays in transit; RCPA provided an overview of options for providing informal assistance; however, the shipper declined to pursue additional assistance <b>[Closed]</b>	

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<sup>1</sup> A table showing the quarterly inquiries received by the STB's Rail Customer and Public Assistance (RCPA) office is attached as an Appendix to this report.

<sup>2</sup> Matters reported as "Pending" on the previous quarterly report are carried forward to the next quarterly report.

<sup>3</sup> **Northeast:** Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New Jersey, New York, and Pennsylvania; **South:** Maryland, Delaware, West Virginia, Virginia, Kentucky, Tennessee, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Arkansas, Louisiana, Oklahoma, and Texas; **Midwest:** North Dakota, South Dakota, Nebraska, Kansas, Missouri, Iowa, Minnesota, Wisconsin, Illinois, Michigan, Indiana, and Ohio; **West:** Washington, Idaho, Montana, Wyoming, Oregon, California, Nevada, Utah, Colorado, Arizona, New Mexico, Alaska, and Hawaii.

<sup>4</sup> This Quarterly Report may identify the complainant that submitted an informal complaint only upon the written consent of the complainant. Surface Transportation Board Reauthorization Act of 2015, sec. 6(b).

Date <sup>2</sup>	Type of Informal Complaint	Geographic Region <sup>3</sup>	Resolution / Status	Complainant <sup>4</sup> <b>CONFIDENTIAL</b>
12/08/2017	Railroad service issue	South	Shipper contacted RCPA with concerns about delays in moving shipments from local serving yard to facility and coordination between the railroads providing service to facility; RCPA liaised with both railroads providing service to better understand commercial and operational considerations and facilitated communications among the parties <b>[Closed]</b>	
12/08/2017	Railroad side track agreement	South	Warehouse operator contacted RCPA about a dispute with a railroad related to maintenance fees for switch used to access the warehouse; the operator contested charges assessed by the railroad; RCPA liaised with the railroad and shipper; the railroad agreed to waive fees for 2017; the parties agreed to fee schedule effective in 2018 <b>[Closed]</b>	
01/09/2018	Railroad service issue	South	Shipper contacted RCPA about a railroad's poor local service, delays in transit, and problems with information technology; RCPA contacted the railroad to discuss the shipper's problems and facilitate service improvement; RCPA provided guidance on possible formal STB remedies <b>[Closed]</b>	
01/17/2018	Railroad service issue; track lease agreement	West	Shipper contacted RCPA about poor rail service, in particular, missed switches, and the railroad's requirement that the shipper lease track space; RCPA liaised with the railroad to discuss the shipper's concerns; the shipper declined to pursue further assistance <b>[Closed]</b>	

Date <sup>2</sup>	Type of Informal Complaint	Geographic Region <sup>3</sup>	Resolution / Status	Complainant <sup>4</sup> <b>CONFIDENTIAL</b>
01/18/2018	Railroad service issue	Midwest	Shipper contacted RCPA about service issues, including delays in transit and missed switches; per the shipper's request, RCPA reached out to the railroad to elevate the shipper's concerns and facilitated cars being switched to its facility <b>[Closed]</b>	
01/19/2018	Railroad service issue	West	Shipper contacted RCPA about a railroad's inability to supply empty railcars as requested and a general lack of equipment availability; RCPA provided information on current issues related to car supply and the railroad's efforts to increase car availability; the shipper did not pursue additional assistance <b>[Closed]</b>	
02/14/2018	Railroad service issue	Midwest	Shipper trade association contacted RCPA about service disruptions and congestion affecting one of its members; RCPA held a call with the shipper and the association to better understand the issues; at the shipper's request, RCPA liaised with the railroad to elevate the concerns and to understand the railroad's efforts to improve service; RCPA relayed information to the shipper, and monitored the railroad's service going forward <b>[Closed]</b>	
02/16/2018	Railroad service issue	Midwest	Shipper's representative contacted RCPA about service problems including congestion at its local yard, delayed placement of empty unit trains for loading, and ineffective communications with the railroad; RCPA liaised with the railroad to obtain more information about service problems and to elevate the shipper's concerns; RCPA relayed this information to the shipper's representative, who did not request further RCPA assistance <b>[Closed]</b>	



Date <sup>2</sup>	Type of Informal Complaint	Geographic Region <sup>3</sup>	Resolution / Status	Complainant <sup>4</sup> <b>CONFIDENTIAL</b>
02/23/2018	Railroad service issue	South	Shipper contacted RCPA about poor service, in particular, missed switches and ineffective communication with the railroad; the shipper also requested information on the process for bringing a formal service complaint; RCPA provided the shipper with an overview of informal and formal pathways for resolving service issues; the shipper declined direct RCPA engagement on its behalf <b>[Closed]</b>	
03/05/2018	Railroad rate levels	Multiple	Shipper trade association contacted RCPA about railroad rate levels which were negatively impacting its members' ability to use private equipment and curtailing logistics options; RCPA provided informal guidance on the commercial issues and on the regulatory framework governing railroad rates and practices; RCPA liaised with the railroad to discuss the rate structure and the impact on shippers, but did not achieve a rate reduction <b>[Closed]</b>	
03/05/2018	Railroad service issue	Midwest	Shipper contacted RCPA about railroad service problems, in particular, missed switches; RCPA liaised with the railroad to discuss service problems and avenues to improve service; the railroad explained the primary causes of service issues and committed to improved service going forward; rail service subsequently improved <b>[Closed]</b>	
03/06/2018	Railroad service issue	West	Shipper contacted RCPA to discuss deteriorating rail service and to understand formal and informal avenues to improve service; RCPA provided informal guidance on options; however, the shipper declined additional assistance <b>[Closed]</b>	

Date <sup>2</sup>	Type of Informal Complaint	Geographic Region <sup>3</sup>	Resolution / Status	Complainant <sup>4</sup> <b>CONFIDENTIAL</b>
03/07/2018	Railroad accessorial charges	Multiple	Shipper contacted RCPA about new accessorial charges being imposed by a railroad, related to its use of private cars outside of authorized lanes; RCPA offered to liaise with the railroad to discuss the charges and rules and processes related to use of private cars; RCPA discussed the issues with the railroad and the railroad withdrew the disputed charges <b>[Closed]</b>	
03/16/2018	Railroad service issue	Midwest	Shipper contacted RCPA about service and commercial issues with a railroad; RCPA provided informal guidance and shipper offered to send additional information to facilitate RCPA's discussion of the issues with the railroad; RCPA liaised with railroad and shipper; the railroad was unwilling to directly address commercial issues <b>[Closed]</b>	
03/16/2018	Railroad service issue	South	Shipper contacted RCPA about rail service issues, including missed switches, delays in transit and demurrage expenses; RCPA provided informal guidance and reached out to the railroad to discuss the issues; rail service subsequently improved <b>[Closed]</b>	
03/20/2018	Railroad service issue	South	Shipper contacted RCPA about poor rail service; RCPA discussed the issues with the railroad, resulting in service improvements <b>[Closed]</b>	
03/21/2018	Railroad operating issue; locomotive idling, noise and emissions	South	Representative of community contacted RCPA about disturbance of residents arising from stopped trains, in particular, noise and emissions from idling locomotives; RCPA reached out to the railroad, which implemented changes to reduce disturbances <b>[Closed]</b>	

Date <sup>2</sup>	Type of Informal Complaint	Geographic Region <sup>3</sup>	Resolution / Status	Complainant <sup>4</sup> <b>CONFIDENTIAL</b>
03/22/2018	Railroad service issue	South	Shipper contacted RCPA about poor rail service affecting two of its plants, including missed switches and misrouted cars; RCPA reached out to the railroads on the shipper's behalf to seek information about the service problems and elevate the shipper's concerns; the shipper did not seek further RCPA assistance <b>[Closed]</b>	
4/9/2018	Railroad service issue	Midwest	Shipper contacted RCPA about inconsistent rail service resulting from Class I and local short line operational problems; RCPA reached out to the railroads involved and facilitated conference to engage parties, improve communication, and restore regular service <b>[Closed]</b>	
4/16/2018	Railroad service issue	Midwest	Shipper requested meeting with RCPA to discuss rail service; RCPA met with the shipper and provided briefing on assistance options; the shipper did not request further assistance <b>[Closed]</b>	
4/18/2018	Railroad service issue	West	Shipper contacted RCPA to request assistance with a delayed and misrouted shipment; RCPA liaised with serving railroads and coordinated with the parties to expedite delivery <b>[Closed]</b>	
4/19/2018	Railroad service issue	West	Shipper contacted RCPA to request assistance with missed switches and delayed delivery of shipments; RCPA liaised with serving railroad, and coordinated with parties to expedite deliveries <b>[Closed]</b>	
4/20/2018	Railroad service issue	Midwest	Shipper contacted RCPA to request assistance in moving loaded cars that were delayed at an intermediate yard; RCPA liaised with the serving railroad, and coordinated with the parties to facilitate prompt movement <b>[Closed]</b>	

Date <sup>2</sup>	Type of Informal Complaint	Geographic Region <sup>3</sup>	Resolution / Status	Complainant <sup>4</sup> <b>CONFIDENTIAL</b>
4/23/2018	Railroad service issue	Midwest	Shipper contacted RCPA to request assistance with inconsistent rail service; RCPA liaised with the serving railroad and coordinated with the parties to address service failures and improve communication between shipper and railroad <b>[Closed]</b>	
4/24/2018	Railroad service issue	Midwest	Shipper contacted RCPA to discuss poor service from serving railroad; RCPA provided the shipper with an overview of informal and formal pathways for resolving service issues; the shipper chose not to engage RCPA, pending further developments <b>[Pending]</b>	
5/3/2018	Railroad service issue	Northeast	Shipper contacted RCPA to request assistance with an increase in railroad's annual switch fee relative to traffic levels; RCPA liaised with railroad and facilitated improved communication with the shipper <b>[Closed]</b>	
5/4/2018	Railroad service issue	Southeast	Shipper contacted RCPA to request assistance with overall poor rail service at various locations; RCPA provided information about STB rail service oversight and options for informal complaints; the shipper chose not to pursue informal assistance at the time, pending its assessment of rail service going forward <b>[Closed]</b>	
5/10/2018	Railroad service issue	Northeast	Shipper contacted RCPA with questions regarding status of common carrier on a specific rail line; RCPA researched the history of the rail line and provided the shipper with informal advice on ownership and the common carrier obligation <b>[Closed]</b>	
5/11/2018	Railroad service issue	Midwest	Shipper contacted RCPA about service delays and lack of communication from the railroad; RCPA liaised with the railroad to facilitate a resolution to specific service problems and improve communications <b>[Closed]</b>	

Date <sup>2</sup>	Type of Informal Complaint	Geographic Region <sup>3</sup>	Resolution / Status	Complainant <sup>4</sup> <b>CONFIDENTIAL</b>
5/14/2018	Railroad service issue	South	Shipper contacted RCPA to request assistance with ongoing rail service problems; RCPA liaised with the railroad and shipper to improve communications and restore normal rail service <b>[Closed]</b>	
5/17/2018	Railroad rate levels/increases	South	Short line railroad contacted RCPA with questions about a connecting carrier's decision to maintain rate levels despite lower loading rates due to downgrade in bridge capacity; RCPA provided informal guidance on options to approach connecting line; short line chose not to pursue informal assistance with the railroad <b>[Closed]</b>	
5/17/2018	Railroad service issue/rates	South	Short line railroad complained of an excessive charge imposed by a connecting Class I carrier and requested informal guidance from RCPA; RCPA offered perspective on formal and informal pathways to resolve the dispute; however, the short line asked that RCPA not contact the Class I <b>[Closed]</b>	
5/17/2018	Railroad service issues/demurrage charges	Multiple regions	Shipper contacted RCPA about poor rail service and associated demurrage charges assessed by various railroads; RCPA advised the shipper on formal and informal options and offered to provide further assistance as needed <b>[Closed]</b>	
5/18/2018	Railroad service/ancillary charges	Midwest	Shipper contacted RCPA about problems with a railroad's weighing of its railcars and the railroad's assessment of overweight charges on its shipments; RCPA offered to address the concerns with the railroad; however, the shipper asked that RCPA postpone outreach until further notice <b>[Pending]</b>	
5/18/2018	Railroad service issue	South	Shipper contacted RCPA to discuss problems with deteriorated rail service; RCPA discussed possible solutions with the shipper <b>[Pending]</b>	

Date <sup>2</sup>	Type of Informal Complaint	Geographic Region <sup>3</sup>	Resolution / Status	Complainant <sup>4</sup> <b>CONFIDENTIAL</b>
5/21/2018	Railroad service issue	South	Shipper contacted RCPA about a railroad's reduction in switching at its facility; RCPA advised the shipper of informal and formal options to resolve the problem and offered to provide further assistance as needed; the shipper declined further assistance <b>[Closed]</b>	
5/25/2018	Railroad service issue/car supply	Midwest	Shipper contacted RCPA about a lack of adequate car supply and general rail service problems; RCPA advised the shipper of its informal and formal options to address the problems, and offered to provide further assistance as needed <b>[Pending]</b>	
5/31/2018	Railroad service issue	Midwest	Shipper contacted RCPA for assistance with a railcar being excessively delayed in transit; RCPA contacted the railroad, which expedited movement of car <b>[Pending]</b>	
6/12/2018	Railroad service issues/embargo	South	Shipper contacted RCPA for assistance moving its traffic which was restricted due to an embargo; RCPA liaised with the railroad and assisted in obtaining service for shipper on a permit basis <b>[Pending]</b>	
6/19/2018	Railroad service issue	Northeast	Shipper contacted RCPA with concerns over poor rail service from several Class I railroads; RCPA provided general guidance on STB service oversight and discussed current commercial and service issues; the shipper did not request informal assistance from RCPA but stated that it would do so if service declines further <b>[Closed]</b>	
6/20/2018	Railroad service issue	Midwest	Shipper contacted RCPA about generally poor rail service from multiple Class I railroads; RCPA discussed the service issues and offered perspective on railroad performance in recent months <b>[Closed]</b>	

Date <sup>2</sup>	Type of Informal Complaint	Geographic Region <sup>3</sup>	Resolution / Status	Complainant <sup>4</sup> <b>CONFIDENTIAL</b>
6/20/2018	Railroad service issue	Midwest	Shipper contacted RCPA for general advice related to industry track agreements; RCPA provided informal guidance to the shipper on commercial and legal issues <b>[Closed]</b>	
6/20/2018	Railroad service issue	West	Shipper contacted RCPA for assistance with cars being held at an interchange due to a deteriorated bridge on a connecting short line; RCPA offered to assist; however, the shipper subsequently advised that repair efforts had commenced <b>[Pending]</b>	
6/21/2018	Railroad service issue	Multiple regions	Shipper association contacted RCPA about ongoing Class I rail service problems affecting its members; RCPA offered to meet with the association to discuss the issues and encouraged it to advise its members to contact RCPA individually <b>[Pending]</b>	
6/21/2018	Railroad service issue	Midwest	Shipper contacted RCPA for assistance with a railcar that was stuck at a yard; RCPA contacted the railroad, which expedited the movement of the car; RCPA liaised with the shipper to provide progress updates <b>[Closed]</b>	
06/27/2017	Railroad service issue/surcharges	Northeast	Shipper contacted RCPA regarding a railcar delayed in transit and surcharges being assessed by the railroad; RCPA contacted the railroad on behalf of the shipper <b>[Pending]</b>	
06/28/2017	Railroad service issue	Midwest	Shipper sought RCPA advice regarding railroad delays and reduced service at its facility; RCPA provided informal guidance on service issues and pathways for assistance, but per shipper's request, has not contacted railroad <b>[Pending]</b>	

Note: A table showing the quarterly inquiries received by the STB's Rail Customer and Public Assistance (RCPA) office is attached below as an appendix to the foregoing report.

**Appendix to Quarterly Report of Informal Service Complaints**

**2nd Quarter 2018 Cases by Category/Region**

<b>Issue Category</b>	<b>All Regions</b>	<b>Northeast</b>	<b>South</b>	<b>Midwest</b>	<b>West</b>	<b>Not Specified</b>
Abandonment Records	60	8	12	14	12	14
Arrange Meeting	3	1	1	0	0	1
Household Movers	28	4	4	2	8	10
Information-Economic Data	5	0	2	0	2	1
Information-Non Economic Request	2	1	0	0	0	1
Motor Carriers (trucks)	8	0	1	0	1	5
National Grain Car Council	1	0	0	0	1	0
Pipeline	1	0	1	0	0	0
Railroad Abandonment/Loss of Service	1	0	0	1	0	0
Railroad Blocked Crossings	18	0	0	11	2	5
Railroad Claims	1	0	0	0	1	0
Railroad Common Carrier Obligation	1	0	1	0	0	0
Railroad Competition Issues	1	0	0	0	0	1
Railroad Cost of Capital	1	0	0	0	0	1
Railroad Demurrage Charges	2	0	1	1	0	0
Railroad Embargo	5	0	3	0	1	1
Railroad Environmental Issues	2	1	1	0	0	0
Railroad Grade Crossing Issues	3	0	0	1	2	0
Railroad Hazardous Material Rules	1	0	0	0	0	1
Railroad Idling Engines/Parked Trains	2	0	2	0	0	0
Railroad Interchange Issue	1	0	1	0	0	0
Railroad Labor Issues	2	0	1	1	0	0
Railroad Lease of track or equipment	1	0	0	1	0	0
Railroad Liability Issues	1	0	1	0	0	0
Railroad Noise - Airhorn, Safety, etc	5	0	2	1	0	2
Railroad Preemption	4	0	0	1	1	2



Issue Category	All Regions	Northeast	South	Midwest	West	Not Specified
Railroad Rate Levels/Increases	5	1	2	0	1	1
Railroad Service Issue	32	2	3	15	4	8
Railroad Tariff Issue	4	2	0	1	0	1
Rails to Trails	9	1	0	3	1	4
Real Estate Matter	4	2	1	1	0	0
STB Authority Question	2	0	0	0	0	2
STB Information	38	7	8	4	3	14
STB Jurisdictional Question	11	2	5	1	1	2
STB Procedural Assistance	55	10	10	4	10	21
STB Recordations or Security Interests on Rail Cars	10	1	1	2	2	4
STB Records Assistance	27	4	7	1	4	11
STB Webpage/Downloading Assistance	3	0	0	0	0	3
Water Carrier	12	4	1	0	3	4
Wrong Agency Calls	1	0	0	1	0	0
Other	4	2	0	0	1	1
Total	374	53	72	67	61	121

U.S. Census Regions:

Northeast Region	Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New Jersey, New York, and Pennsylvania
South Region	Maryland, Delaware, West Virginia, Virginia, Kentucky, Tennessee, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Arkansas, Louisiana, Oklahoma, and Texas
Midwest Region	North Dakota, South Dakota, Nebraska, Kansas, Missouri, Iowa, Minnesota, Wisconsin, Illinois, Michigan, Indiana, and Ohio
West Region	Washington, Idaho, Montana, Wyoming, Oregon, California, Nevada, Utah, Colorado, Arizona, New Mexico, Alaska, and Hawaii

## Appendix to Quarterly Report of Informal Service Complaints

### 2nd Quarter 2018 Cases per Commodity Group\*

Commodity Group	Number
Agricultural Products	17
Automobile	2
Chemicals	8
Coal	1
Empty Freight Cars	4
Forest Products	4
Hazardous Waste/Radioactive Waste	1
Household Goods	23
Industrial Products	14
Intermodal	2
Metals and Minerals	4
Municipal Waste	1
Not Specified by Shipper	7
N/A	279
Other	1
Passenger	9
Total	377

\*In many cases, the commodity is not specified or material to the case, therefore the total number for this data may not equal the total number for the quarter.