

SURFACE TRANSPORTATION BOARD
QUARTERLY REPORT OF FORMAL SERVICE COMPLAINTS

First Quarter 2024

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 first quarter of 2024, the following formal service-related complaints were pending:

Complaint Received	Type of Complaint	Title	Docket No.	Geographic Region	Complainant	Carrier(s) Involved	Resolution/Status
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 on 7/5/2016.</p> <p>Appeal filed with the U.S. Court of Appeals for the District of Columbia Circuit on 9/1/2016. Appeal ordered to be held in abeyance by the D.C. Circuit on 1/3/2017 to allow parties to reach agreement regarding certain terms and conditions.</p> <p>BNSF filed petition to establish conditions of use and compensation on 1/12/2018. KCS filed motion to dismiss petition on 2/1/2018. Additional pleadings by BNSF, UP, and KCS filed.</p> <p>Decision denying KCS motion to dismiss served on 5/1/2018.</p>

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							<p>UP and KCS filed replies to BNSF's petition on 6/25/2018 and BNSF and KCS filed rebuttals on 7/16/2018.</p> <p>The parties participated in Board-sponsored mediation in 2018. On 10/17/2018, the Board was informed that mediation was not successful.</p> <p>By decision served on 12/7/2018, the Board directed the parties to provide additional information. The parties submitted responses on 2/4/2019 and replies on 2/25/2019.</p> <p>KCS and UP filed a joint request for Board-sponsored mediation on 6/18/2019. BNSF filed a reply to the mediation request on 6/25/2019. By decision served on 7/3/2019, the Board directed the parties to engage in Board-sponsored mediation. On 11/29/2019, the mediators informed the Board that mediation was not successful.</p> <p>By decision served 2/21/2020, the Board established conditions of use. The decision also directed the</p>

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							<p>parties to submit a joint procedural schedule to govern discovery and briefing on the remaining issues regarding compensation.</p> <p>By decision served on 4/1/2020, the Board adopted a procedural schedule jointly proposed by the parties and also granted a joint request to appoint an administrative law judge to resolve discovery disputes.</p> <p>On 4/7/2020, a second appeal was filed with the U.S. Court of Appeals for the District of Columbia Circuit.</p> <p>On 12/18/2020, BNSF filed a petition to establish conditions of use. Replies to that petition were filed on 1/19/2021, by KCS and UP. On 2/8/2021, BNSF responded to KCS's reply.</p> <p>Opening statements were filed on 1/26/2021; replies were filed on 4/12/2021; rebuttals were filed on 5/11/2021</p> <p>By decision served on 4/13/2022, the Board granted, in part, BNSF's request to establish general principles the Board expects parties to</p>

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							<p>include in any future operating plans for direct service by BNSF on the Rosebluff Lead. The Board also denied BNSF's request for an expedited process for resolving disputes over conditions use.</p> <p>Appeal filed with the U.S. Court of Appeals for the District of Columbia Circuit on 4/29/2022.</p> <p>By decision served on 11/28/2023, the Board ordered the parties to submit supplemental analysis and data due to an apparent error in the parties' evidence regarding the proposed methods for determining compensation for BNSF's terminal trackage rights over the Rosebluff Lead. KCS's submission is due 1/12/2024, BNSF and UP will have until 2/12/2024 to reply, and KCS will have until 2/26/24 to file a rebuttal.</p> <p>On 12/14/23, KCS filed a petition for a technical conference and to modify the procedural schedule.</p> <p>By decision served on 1/10/2024, the Board granted KCS's request for a staff-supervised technical</p>

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							<p>conference, limited to outside counsel and outside consultants only. The Board also directed KCS, and permitted UP and BNSF, to provide specific technical questions that they wanted to discuss. KCS submitted a reply on 1/24/2024.</p>

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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	<p>Motion to consolidate this proceeding with NOR 42150 and NOR 42152 received on 1/26/2017. Decision consolidating NOR 42150, NOR 42152, and NOR 42144 served on 3/31/2017. Decision consolidating NOR 42153 with NOR 42150, NOR 42152, and NOR 42144 served on 10/5/2017.</p> <p>Discovery in consolidated proceedings concluded on 1/22/2019. Opening evidence filed on 2/22/2019. Reply filed on 4/26/19. Rebuttal filed on 5/31/19.</p> <p>By decision served 3/22/2021, the Board directed the parties to submit further briefing on two issues of statutory interpretation and application, which were filed on 4/21/2021; replies to those were filed on 5/21/2021.</p>

Complaint Received	Type of Complaint	Title	Docket No.	Geographic Region	Complainant	Carrier(s) Involved	Resolution/Status
12/19/2016	Unreasonable practice and violation of statutory obligation to compensate car owners	Valero Marketing & Supply Company v. Union Pacific Railroad Company	NOR 42150	Unspecified	Valero Marketing & Supply Company; and Valero Rail Partners, LLC	Union Pacific Railroad Company	<p>Complaint filed on 12/19/2016. Motion for abeyance received on 1/6/2017; reply and motion to consolidate received on 1/26/2017; motion to compel received on 2/24/2017. Decision consolidating NOR 42150 with NOR 42152 and NOR 42144 served on 3/31/2017. Decision consolidating NOR 42153 with NOR 42150, NOR 42152, and NOR 42144 served on 10/05/2017.</p> <p>Discovery in consolidated proceedings concluded on 1/22/2019. Opening evidence filed on 2/22/2019. Reply filed on 4/26/19. Rebuttal filed on 5/31/19.</p> <p>By decision served 3/22/2021, the Board directed the parties to submit further briefing on two issues of statutory interpretation and application, which were filed on 4/21/2021; replies to those were filed on 5/21/2021.</p>

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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	<p>Complaint filed on 12/30/2016. Motion for abeyance received on 1/6/2017; reply and motion to consolidate received on 1/26/2017; motion to compel received on 2/24/2017. Decision consolidating NOR 42150, NOR 42152, and NOR 42144 served on 3/31/2017. Decision consolidating NOR 42153 with NOR 42150, NOR 42152, and NOR 42144 served on 10/05/2017.</p> <p>Discovery in consolidated proceedings concluded on 1/22/2019. Opening evidence filed on 2/22/2019. Reply filed on 4/26/19. Rebuttal filed on 5/31/19.</p> <p>By decision served 3/22/2021, the Board directed the parties to submit further briefing on two issues of statutory interpretation and application, which were filed on 4/21/2021; replies to those were filed on 5/21/2021.</p>

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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	<p>Complaint filed on 8/1/2017. Union Pacific's motion to consolidate with NOR 42150, NOR 42152, and NOR 42144, received on 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 on 10/05/2017.</p> <p>Discovery in consolidated proceedings concluded on 1/22/2019. Opening evidence filed on 2/22/2019. Reply filed on 4/26/19. Rebuttal filed on 5/31/19.</p> <p>By decision served 3/22/2021, the Board directed the parties to submit further briefing on two issues of statutory interpretation and application, which were filed on 4/21/2021; replies to those were filed on 5/21/2021.</p>

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7/8/2019	Unreasonable practice and violation of statutory obligation to	Olin Corporation v. Union Pacific Railroad Company	NOR 42164	Unspecified	Olin Corporation	Union Pacific Railroad Company	<p>Complaint and motion to hold proceeding in abeyance filed on 7/8/2019. Answer, reply to motion for abeyance, and motion to dismiss received on 7/29/2019. Reply to the motion to dismiss received on 8/14/2019.</p> <p>By decision served on 9/30/2019, the Board denied the motion to dismiss and granted the motion to hold the proceeding in abeyance.</p>
11/6/2020	Failure to provide adequate rail service; failure to provide adequate notice of change in common carrier service terms; unreasonable practice	Sanimax USA LLC v. Union Pacific Railroad Company	NOR 42171	South Saint Paul, Minnesota	Sanimax USA LLC	Union Pacific Railroad Company	<p>Complaint filed 11/6/2020. Answer and motion to dismiss filed 11/30/2020.</p> <p>Decision granting joint motion for stay until 2/16/2021 to allow for settlement negotiations served 12/18/2020.</p> <p>Decision granting motion for an extension until 2/16/2021 to reply to motion to dismiss served 12/18/2020. Reply to the motion to dismiss and request for partial revocation of exemptions filed on 2/16/2021. Joint status report and proposed procedural schedule filed 2/16/2021. Reply to the request for partial revocation filed 3/8/2021.</p> <p>By decision served 11/2/2021, the Board granted the request</p>

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							<p>to partially revoke the relevant commodity exemptions, denied the motion to dismiss, and set a procedural schedule.</p> <p>On 11/23/2021, Union Pacific filed to request the Board clarify or in the alternative reconsider its 11/2/2021 decision. A reply was filed on 12/9/2021.</p> <p>By decision served 2/25/2022, the Board granted, in part, a petition for clarification regarding the Board's 11/2/2021 decision.</p> <p>Sanimax filed its opening statement on 3/2/2022. UP filed a reply on 4/1/2022, and a motion to dismiss on 5/24/2022. On 6/13/2022, Sanimax filed a reply in opposition to the motion to dismiss. On 6/23/2022, UP further replied to Sanimax, and Sanimax responded on 6/29/2022.</p> <p>By decision served 11/3/2023, the Board denied UP's second motion to dismiss and established a procedural schedule for the submission of damages evidence.</p> <p>On 12/15/2023, the Board granted a joint motion to</p>

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							<p>postpone briefing on damages to allow the parties to conduct negotiations that could potentially resolve the dispute.</p> <p>On 1/16/24, the Board granted a second joint motion to postpone briefing on damages to allow additional time for the parties to conduct negotiations that could potentially resolve the dispute.</p> <p>By decision served 2/15/24, the Board granted a joint motion to dismiss the complaint with prejudice and discontinue the proceeding, in light of the parties' settlement.</p>
6/15/2022	Ex parte petition for emergency service order	Foster Poultry Farms v. Union Pacific Railroad Company	FD 36609	Midwest U.S. to California	Foster Poultry Farms	Union Pacific Railroad Company	<p>Ex parte petition filed 6/15/2022. Reply filed by UP 6/16/2022. Board order served 6/17/2022 directing UP to take certain actions concerning service to Foster Farms. Daily status updates provided by UP through 6/30/2022. Status update provided by Foster Farms on 6/28/2022. On 6/29/2022, Foster Farms filed a status update, asking the Board to continue to monitor the situation. By decision served 7/1/2022, the Board directed UP to continue to provide specific service commitments, participate in weekly technical conferences with the Board, and to continue to file daily status</p>

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							<p>reports until 7/17/2022. On 7/15/2022, Foster Farms requested that the Board extend the Board's 6/17/2022 emergency service order. By decision served 7/20/2022, the Board denied Foster Farm's request, but left the docket open for six months in the event that further action is necessary.</p> <p>On 12/29/2022, Foster Farms filed a petition for emergency service and an additional letter on 12/30/2022. UP filed a reply on 12/30/2022; later that day Foster Farms filed a reply to UP's reply. By decision served 12/30/2022, the Board directed UP to take certain actions concerning service to Foster Farms.</p> <p>By decision served 2/14/2023, the Board denied as moot Foster Poultry Farms' petition for emergency service order, directed Union Pacific Railroad Company to file weekly status reports with the Board, and left the docket open for 180 days in the event that further action is necessary. Per the Board's 2/14/2023 decision, this proceeding closed on 8/14/23.</p>

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12/8/2022	Failure to provide statutory preference to Amtrak	Complaint & Petition of the National Railroad Passenger Corp. Under 49 U.S.C. § 24308(f)—for Substandard Performance of Amtrak’s Sunset Limited Trains 1 & 2	NOR 42175	Louisiana, Texas, New Mexico, Arizona, and California	National Railroad Passenger Corp. (Amtrak)	Union Pacific Railroad Company; BNSF Railway, Inc.; Canadian National Railway Company; Southern California Regional Rail Authority; and Canadian Pacific Kansas City	Complaint filed 12/8/2022 along with proposed procedures and framework for investigation and remediation. By decision served 7/12/23, the Board instituted a proceeding and asked investigative questions. Board staff held a technical conference on 7/21/23. On September 12, 2023, the Board added CPKC as a party of record and directed CPKC to respond to the Board’s request for information. On 11/20/23, the Board directed the parties to clarify some of their responses to the Board’s requests for information.
1/31/2024	Common carrier obligation, unreasonable practice complaint, and petition for declaratory order	Evergy, Inc., Evergy Metro, Inc., and Evergy Kansas Central, Inc. v. BNSF Railway Company	NOR 42180	Kansas	Evergy, Inc., Evergy Metro, Inc., and Evergy Kansas Central, Inc.	BNSF Railway Company	Complaint filed 1/31/2024. Joint motion filed 2/6/2024 asking that the Board hold the proceeding in abeyance until 5/6/2024. A Board decision was served 2/7/2024 granting the motion. Proceeding in abeyance until 5/6/2024.

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2/26/2024	Petition for emergency service order under 49 U.S.C. § 11123 and 49 C.F.R. § 1146.1	State of Oklahoma by and through the Oklahoma Department of Transportation and Blackwell Industrial Authority—Alternative Rail Service—Line of Blackwell Northern Gateway Railroad Company	FD 36762	Kansas and Oklahoma	State of Oklahoma by and through the Oklahoma Department of Transportation and Blackwell Industrial Authority	Chicago, Rock Island & Pacific Railroad, LLC; Blackwell Northern Gateway Railroad Company	By decision served 3/1/24, the Board issued a 30-day emergency service order. On 3/15/24, the Oklahoma Department of Transportation and Blackwell Industrial Authority filed a request to extend the emergency service order for an additional 120 days. The Board granted the petition by a decision served on 3/28/24.

SURFACE TRANSPORTATION BOARD
QUARTERLY REPORT OF INFORMAL SERVICE COMPLAINTS RECEIVED

First Quarter 2024

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 first quarter of 2024 (January 1, 2024 – March 31, 2024), the STB received the following informal complaints¹:

Date ²	Type of Informal Complaint	Geographic Region ³	Resolution / Status	Complainant ⁴ CONFIDENTIAL
5/22/2023	Railroad service issue	South	Shortline railroad customer contacted RCPA for assistance with mounting demurrage charges and the railroad’s statement that it would refuse further service in the absence of an escrow arrangement; RCPA facilitated discussions between the parties and rail service was maintained; RCPA mediated the dispute over pending demurrage charges for several months, but the parties were unable to reach agreement. [Closed]	

¹ A table showing the quarterly inquiries received by the STB’s Rail Customer and Public Assistance office is attached as an Appendix to this report.

² Matters reported as “Pending” on the previous quarterly report are carried forward to the next quarterly report.

³ **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.

⁴ 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 ²	Type of Informal Complaint	Geographic Region ³	Resolution / Status	Complainant ⁴ CONFIDENTIAL
9/26/2023	Railroad demurrage charges	Midwest	Shipper contacted RCPA for assistance, relating to a railroad's demurrage billing practices; the shipper believed that the railroad was not in compliance with STB requirements for supporting information; RCPA discussed the issues with the shipper and liaised with the railroad; RCPA facilitated improved communications between the parties on demurrage issues. [Closed]	
11/1/2023	Railroad service issue	Midwest	Shipper contacted RCPA for assistance with outstanding demurrage charges, which the shipper believed to be improperly charged due to the railroad's insufficient service; RCPA elevated the issue with the railroad and the parties resumed discussions regarding the charges; RCPA is available for further assistance if needed. [Closed]	
11/30/2023	Railroad embargo issue	Northeast	Shipper expressed concern to RCPA over embargoes due to current rail volumes not matching historical volumes; the shipper believed that bunching a serving yards was a contributing factor; RCPA offered to assist the shipper and to liaise with the railroad; however, the shipper did not pursue direct RCPA engagement. [Closed]	
12/7/2023	Railroad service issue	Midwest	Shipper contacted RCPA for assistance locating a missing railcar; RCPA contacted the railroad, which initially provided unresponsive information about the status of the car; RCPA continued to liaise with the railroad for a deeper investigation; however, the railcar could not be located. [Closed]	
12/13/2023	Railroad inter-carrier disputes	West	Shortline railroad contacted RCPA for assistance with a disruption of its ability to serve a customer due to interference by two other railroads that were leaving cars on, or otherwise blocking its access to tracks in a shared yard facility; RCPA convened a call with two of the parties to discuss the issues and facilitate coordination of operations; separately, RCPA worked with the third railroad to explore operational modifications to alleviate interference; going forward the parties will work to coordinate operations to avoid interference. [Closed]	

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12/15/2023	Railroad service issue	Northeast	Shipper contacted RCPA for assistance with a railcar that was stuck at rail yard for several months, apparently due to an embargo that had since expired; the shipper had been unable to retrieve the car; RCPA contacted the railroad on behalf of the shipper to ascertain the status of the car and facilitate its release; the railcar was pulled from its location and moved to destination. [Closed]	
12/18/2023	Railroad demurrage charges	West	Shipper contacted RCPA for assistance in a dispute over unpaid demurrage, spanning several years; the shipper believed that the demurrage was due primarily to a reduction in service days at its facility and bunching; RCPA discussed the issues with the shipper, including pathways for informal assistance; RCPA contacted the railroad and discussed options for an informal resolution, resulting in an offer by the railroad to arbitrate the dispute. [Closed]	
1/3/2024	Railroad service issue	South	Shipper requested assistance from RCPA relating to a dispute with its serving railroad over the responsibility to conduct pre-trip inspections for cars moving hazardous materials; the dispute was delaying the transportation of the shipper's traffic and impacting the parties' negotiations over a track lease agreement; RCPA liaised with both parties and conducted a joint phone call to facilitate resolution of the car inspection dispute; the parties were able to reach an agreement that allowed the traffic to move; subsequently, the shipper advised that RCPA that the lease issues were resolved. [Closed]	
1/8/2024	Railroad demurrage charges	Midwest	Shipper contacted RCPA for assistance with demurrage charges assessed against a container that was delayed awaiting inspection; the railroad had also billed the shipper directly, rather than working through the ocean carrier; RCPA contacted the railroad to discuss the charges and the railroad subsequently refunded the shipper the portion of the demurrage fees that the shipper was not responsible for. [Closed]	

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1/9/2024	Railroad intermodal service	Northeast	Shipper requested assistance disputing excessive ancillary charges related to the movement of three intermodal containers; RCPA raised the concerns with the railroad, which reviewed the situation and concluded that no price adjustments were possible, given the required use of specialized equipment to remove the containers from the train. [Closed]	
1/9/2024	Railroad service issue	South	Shipper contacted RCPA to highlight mounting railroad demurrage fees stemming from car accumulation at the shipper's facility; RCPA offered to contact the railroad to discuss how the railroad could modify operations to prevent further accumulation, and to raise concerns about the demurrage fees; shipper was working directly with the railroad and will contact RCPA if additional assistance is needed. [Closed]	
1/12/2024	Railroad service issue	Midwest	Former local public official contacted RCPA about what was perceived to be deteriorating rail service to a local industry; RCPA discussed the issues with the official and the shipper, resulting in a better understanding of recent service trends and the conclusion that there are no concerns with rail service; accordingly, RCPA did not engage with the railroad. [Closed]	
1/12/2024	Railroad maintenance issue	West	Local public official contacted RCPA to raise concerns about a damaged rail grade-crossing in the town; RCPA discussed the issue with the railroad, which reported that it planned on paving the crossing and was actively working with the city to address costs. [Closed]	

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1/17/2024	Railroad tariff issue	South	Shipper contacted RCPA for assistance with a tariff practice affecting processing of loss and damage claims, which the shipper believed to be inconsistent with Federal laws and regulations; RCPA discussed the issues with the shipper, including the impact on recent claims; in turn, RCPA discussed the tariff provision with the railroad, which advised it was reviewing and likely revising the tariff to avoid ambiguity, moving forward; additionally, the railroad informed RCPA that it was educating relevant staff on application of the tariff. [Closed]	
1/23/2024	Railroad tariff issue	Midwest	Shipper requested RCPA assistance with a railroad tariff issue whereby the railroad was apparently changing terms that provided for refunds to be issued for missed delivery of reserved train service; RCPA discussed the issue with the railroad and the railroad clarified that it was not changing the relevant terms and that standard rules would apply moving forward. [Closed]	
1/23/2024	Railroad claims issue	South	Shipper's representative contacted RCPA to discuss a railroad's rejection of loss and damage claims, based on alleged shipper fault; RCPA discussed the issues with the representative, including any recent industry issues pertaining to loss and damage; however, the representative did not seek direct RCPA assistance. [Closed]	
1/25/2024	Railroad maintenance issue	West	Shortline railroad contacted RCPA to discuss a dispute with a local authority, related to permitting required in connection with track maintenance work; RCPA provided informal guidance related to jurisdictional questions and STB jurisprudence, as well as pathways to resolve the dispute; however, the shortline did not seek direct RCPA engagement with the local authority. [Closed]	

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1/29/2024	Railroad embargo issue	South	Railroad contacted RCPA to proactively discuss an embargo that was likely to be imposed on a shipper due to the shipper's repeated tender of loaded cars that were in unsafe condition and creating a potential derailment risk; RCPA discussed the issues with the railroad to better understand the situation; the railroad did not request that RCPA engage with the shipper, but wanted to alert RCPA to the issue. [Closed]	
1/30/2024	Railroad intermodal service	Midwest	Intermodal drayage company contacted RCPA to highlight issues related to inefficient use of railroad assets at intermodal terminals, resulting in extended wait times for truck drivers and increased container storage fees; RCPA offered to liaise with the railroad in order to address these concerns; the drayage provider will contact RCPA if direct assistance is needed. [Closed]	
1/30/2024	Railroad common carrier obligation	West	Shipper contacted RCPA to express its concern about a local public entity not being able to fulfill its obligation as the underlying common carrier for a track segment; RCPA discussed the issues with the shipper, in particular, the abandonment process that would go before any formal cessation of service; the shipper did not seek direct action from RCPA with regard to the public entity. [Closed]	
2/1/2024	Railroad intermodal service	Midwest	Shipper sought RCPA assistance in connection with containers that were not made promptly available for pickup following arrival via rail at the railroad's intermodal facility; the shipper expressed concern that the railroad would impose storage fees on the containers; RCPA contacted the railroad, which expedited release of the containers and waived storage fees. [Closed]	
2/1/2024	Railroad service issue	South	Shipper contacted RCPA regarding cessation of rail service that occurred following the FRA's issuance of an emergency order related to safety issues; RCPA provided informal guidance regarding measures available to address the situation including shipping goods via transload, making arrangements for an alternate railroad to serve its facility, and requesting an emergency service order from the STB to allow another carrier to take over service. [Closed]	

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2/2/2024	Railroad service issue	West	Shipper sought RCPA assistance in connection with multiple missed switches and delayed shipments, primarily caused by weather events; RCPA contacted the railroad, which expedited service and delivered railcars necessary to restore the shipper's product inventory. [Closed]	
2/2/2024	Railroad claims issue	Midwest	Shipper contacted RCPA to discuss recent issues with railroads denying loss and damage claims on intermodal shipments; RCPA discussed the issues with the shipper and offered to liaise with the railroads; however, the shipper did not pursue direct RCPA assistance. [Closed]	
2/2/2024	Railroad service issue	International	Shipper, who used rail service to ship goods between a U.S. origin and an international destination, requested RCPA assistance addressing an embargo imposed by the railroad, limiting the flow of its traffic; RCPA discussed the issues with the shipper and then liaised with the railroad to establish a direct line of communication between the shipper and the railroad; it was anticipated that permits would be issued and that the embargo would be lifted in the near term. [Closed]	
2/5/2024	Railroad denial of rail service	Midwest	Government official contacted RCPA about a shortline railroad's delays in restoring service on a recently-acquired line, which was frustrating local economic initiatives; RCPA conferred with local public officials about the situation and is providing support in their discussions with the shortline; RCPA is monitoring the situation, but has not been asked to contact the shortline directly. [Pending]	
2/6/2024	Railroad service issue	West	Shipper sought RCPA assistance in connection with missed switches and railroad service issues; the shipper stated that the service problems resulted from railroad crew shortages; RCPA contacted the railroad, which explained that a recent incident was caused by track damage; RCPA established direct communications between the railroad and the shipper in order to address the service concerns. [Closed]	

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2/9/2024	Railroad demurrage charges	Midwest	Shipper requested RCPA assistance in connection with demurrage charges improperly assessed by the railroad in connection with intermodal service; the charges were associated with a blocked train that could not be unloaded; RCPA contacted the railroad, which corrected the demurrage charges. [Closed]	
2/9/2024	Railroad intermodal service	Midwest	Shipper contacted RCPA for assistance in recovering intermodal storage charges that had been erroneously assessed by the railroad; RCPA contacted the railroad, which reversed the improper charges. [Closed]	
2/12/2024	Railroad rate levels/increases	South	Shipper contacted RCPA to discuss what appeared to be duplicate charges being assessed by a shortline railroad for switching and spotting and pulling cars from its facility; RCPA provided informal guidance on the issues and offered to discuss the shipper's concerns with the railroad; however, the shipper did not seek direct RCPA assistance. [Closed]	
2/13/2024	Railroad miscellaneous charges	Northeast	Shipper sought RCPA assistance in connection with a loaded railcar that was improperly placed at its facility and then pulled by the railroad before unloading; RCPA offered to assist the shipper with issues related to the mistake; however, the shipper advised that it would wait for further action from the railroad and reach out to RCPA again if necessary. [Closed]	
2/15/2024	Railroad inter-carrier disputes	West	Shortline railroad contacted RCPA to discuss challenges with another railroad failing to restore service to a connecting line that would enhance the shortline's ability to serve customers and grow its business; RCPA discussed the issues with the shortline, including recent, unsuccessful initiatives to restore service, and pathways for relief before the Board; however, the shortline did not seek further RCPA assistance. [Closed]	
2/16/2024	Railroad service issue	West	Shipper requested RCPA assistance in connection with delayed delivery of critical shipments; RCPA contacted the railroad, which advised that the shipper needed to repair its own track before the delivery could be made; the railroad made delivery following the shipper's repair of the track. [Closed]	

Date ²	Type of Informal Complaint	Geographic Region ³	Resolution / Status	Complainant ⁴ CONFIDENTIAL
2/19/2024	Railroad service issue	Midwest	Shipper contacted RCPA to discuss a railroad's failure to provide unit trains for loading in a timely manner and its re-assignment of scheduled trains on short notice; RCPA discussed the issues with the shipper, including recent events contributing to service challenges; however, the shipper did not request direct RCPA engagement with the railroad. [Closed]	
2/20/2024	Railroad service issue	West	Shipper requested assistance obtaining pickup of a railcar that was available at origin for approximately two weeks; RCPA contacted the railroad, which stated that a data exchange issue was causing the delay; subsequently, the railroad located and pulled the car. [Closed]	
2/27/2024	Railroad service issue	South	Shipper contacted RCPA about a railroad's deteriorating service and sought perspective on recent performance trends; RCPA discussed the service issues and offered to contact the railroad to explore solutions; however, the shipper declined direct RCPA outreach. [Closed]	
2/29/2024	Railroad demurrage charges	West	Shipper sought informal guidance regarding STB demurrage regulations and policies in connection with demurrage invoices issued by a shortline railroad; RCPA advised that recent demurrage rules and guidance issued by the STB applied specifically to Class I railroads and were not extended to Class II and III carriers. [Closed]	
2/29/2024	Railroad service issue	West	Shipper sought RCPA assistance in connection with poor service from two Class I railroads, resulting in delayed placement of cars and facility shutdowns; RCPA liaised with the railroads to address the service challenges and ensure placement of needed cars; RCPA monitored the situation until operations normalized at both facilities. [Closed]	
3/1/2024	Railroad service issue	South	Shipper contacted RCPA about demurrage charges that it believed were related to missed switches; RCPA discussed the issues with the shipper, including information related to whether railcars released before the service window; the shipper is liaising directly with the railroad; however, RCPA is remaining available to engage directly, if necessary. [Pending]	

Date ²	Type of Informal Complaint	Geographic Region ³	Resolution / Status	Complainant ⁴ CONFIDENTIAL
3/5/2024	Railroad service issue	South	Shipper contacted RCPA for assistance with a railcar that was delayed en route, creating a shutdown situation at its facility; RCPA liaised with the rail and learned that the railcar was bad-ordered twice and unlikely to progress in the near-term; the railroad identified another railcar carrying the critical product and expedited its movement to the last-mile shortline, which delivered the car to avoid a shutdown. [Closed]	
3/5/2024	Railroad service issue	South	Shipper sought assistance from RCPA due to deteriorating local service, affecting its facilities in the vicinity of a major rail yard; RCPA discussed the issues with the shipper, including the causes identified by the railroad; at the shipper's request, RCPA contacted the railroad to raise awareness and increase focus on the location without specifically identifying the shipper; the railroad reported on several initiatives to improve operations; upon follow up with the shipper, RCPA subsequently confirmed favorable service trends. [Closed]	
3/8/2024	Railroad service issue	South	Shipper contacted RCPA for assistance with a railcar that was lost in transit, after being waybilled and released to its destination; RCPA liaised with the railroads involved in the move to locate the car and facilitate its movement to destination. [Closed]	
3/8/2024	Railroad intermodal service	West	Third-party logistics provider (3PL) contacted RCPA about an issue pertaining to defective chassis provided at a railroad's intermodal ramp; the 3PL advised that a significant percentage of chassis were bad-ordered, causing drayage carriers to incur delays and costs due to flip charges; the 3PL also expressed concern about the high number of intermodal containers experiencing break-ins; RCPA discussed the issues with the 3PL and potential pathways for assistance; per the 3PL's request, RCPA contacted the railroad for further discussions. [Pending]	

Date ²	Type of Informal Complaint	Geographic Region ³	Resolution / Status	Complainant ⁴ CONFIDENTIAL
3/8/2024	Railroad commercial issue	Midwest	Shipper sought assistance from RCPA related to the terms of an industry track agreement required by a railroad; in particular, the shipper had concerns about insurance coverage mandated by the agreement, which was not relevant to the agricultural commodities being shipped from the location; at the shipper's request, RCPA is liaising with the railroad to understand the basis for the insurance requirements and to explore a mutually acceptable resolution. [Pending]	
3/11/2024	Railroad service issue	South	Shipper contacted RCPA for assistance due to a railroad's deteriorating last-mile switching performance, included missed and late switches and product loss due to refrigerated cars running out of fuel; RCPA discussed the issues with the shipper, including informal and formal options to improve consistency of local service; RCPA engaged with the railroad to identify root causes of the problems and facilitate durable improvement; subsequently, the shipper reported significant improvements in local service. [Closed]	
3/11/2024	Railroad intermodal service	West	3PL contacted RCPA about multiple instances of westbound intermodal containers being broken into en route or near the destination intermodal ramp; however, the 3PL only wanted to alert RCPA of these occurrences, but did not request further action; RCPA acknowledged receipt of the information for educational purposes. [Closed]	
3/11/2024	Railroad service issue	Midwest	Shipper sought urgent RCPA assistance due to a facility shutdown situation due to lack of car supply for loading outbound product; RCPA discussed the circumstances with the shipper and then contacted the railroad on the shipper's behalf; over the next several days, multiple cars were delivered to the shipper's facility, averting the shutdown situation and allowing the shipper to normalize operations. [Closed]	

Date ²	Type of Informal Complaint	Geographic Region ³	Resolution / Status	Complainant ⁴ CONFIDENTIAL
3/11/2024	Railroad claims issue	Midwest	Shipper's representative contacted RCPA about a recent rash of container break-ins, which damaged its shipper-members' export product, leading to disposal of the product and disrupting supply to customers; at the representative's request, RCPA liaised with the two railroads primarily involved in moving the product and facilitated high level direct discussions with the railroad about ensuring container integrity and preventing theft. [Closed]	
3/12/2024	Railroad service issue	Midwest	Shipper requested assistance from RCPA due to insufficient car supply for loading its outbound product; RCPA discussed the issues with the shipper and contacted the railroad on the shipper's behalf; the railroad delivered multiple cars to the facility over the next week, allowing the shipper to load-out freight and balance its inventory levels. [Closed]	
3/14/2024	Railroad service issue	South	Shipper contacted RCPA about delays in a railroad's installation of a switch to serve its new facility; RCPA discussed the issues with the shipper and then, per the shipper's request, contacted the railroad to facilitate progress; the railroad explained that there were delays related to the parties' commercial discussions, but that the status of the switch was receiving high-level attention; RCPA is monitoring further developments. [Pending]	
3/20/2024	Railroad service issue	West	Shipper requested assistance from RCPA due to consecutive missed switches, which were putting its facility at risk of shutdown due to lack of critical raw materials; RCPA contacted the railroad, which explained that the disruptions were due to trespasser and police activity that prevented operations on the track; the railroad prioritized service to the customer, amidst a backlog of local service needs, and provided service the next day. [Closed]	

Date ²	Type of Informal Complaint	Geographic Region ³	Resolution / Status	Complainant ⁴ CONFIDENTIAL
3/20/2024	Railroad service issue	International	Cross-border receiver of U.S. domestic agricultural products contacted RCPA for assistance with delays in unit train shipments within the U.S. destined for interchange; the receiver explained that the products were urgently needed to support feed production for local livestock; RCPA discussed the issues with the receiver and then liaised with the railroad to understand trends in recent operations, including delays at origin and en route. [Pending]	
3/21/2024	Railroad embargo issue	TBD	Shipper sought RCPA assistance with railroad embargo processes that are impacting operations and costs; the shipper indicated that despite permits in place, cars are being sent back to origination after being shipped; RCPA is currently liaising with railroad to help resolve issue. [Pending]	
3/21/2024	Railroad demurrage charges	Midwest	Shipper contacted RCPA for assistance related to a demurrage dispute with its serving railroad; the shipper believes that the railroad has misapplied its demurrage rules and seeks informal RCPA mediation; RCPA is working to arrange meetings between the parties. [Pending]	
3/27/2024	Railroad claims issue	Midwest	Shipper sought assistance from RCPA pertaining to a railroad's rejection of its loss and damage claims; the shipper sought perspective on the presentation of its claims and the railroad's handling and disposition; RCPA is working with the shipper to review the claims and explore pathways for assistance. [Pending]	
3/28/2024	Railroad service issue	West	Shipper contacted RCPA for assistance with an urgent need for rail service, which was putting its facility at risk of an immediate shut down; per the shipper's request, RCPA contacted the railroad to help facilitate progress on deliveries; the railroad subsequently scheduled a special switch to service the customer. [Closed]	

Date ²	Type of Informal Complaint	Geographic Region ³	Resolution / Status	Complainant ⁴ CONFIDENTIAL
3/28/2024	Railroad service issue	West	Shipper contacted RCPA for assistance with a switch repair stemming from a railroad's derailment, which severed access to its facility; the railroad informed the shipper of an extended timeframe for completing the repairs, which prompted the shipper's concern for a prolonged interruption of its business; RCPA is currently liaising with the railroad to expedite switch repair and restoration of service to the facility. [Pending]	

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

Appendix to Quarterly Report of Informal Service Complaints

1st Quarter 2024 Cases by Category/Region

Issue Category	All Regions	Northeast	South	Midwest	West	US Territory	International	Not Specified
Meeting Request	13	7	1	2	3	0	0	0
Passenger Bus Issue	1	0	1	0	0	0	0	0
Household Goods Moving Issue	24	5	7	5	7	0	0	0
Information-Economic Data	17	6	5	3	2	1	0	0
Information-Non Economic Request	61	30	8	10	10	3	0	0
Motor Carriers (Trucking) Issue	2	1	0	1	0	0	0	0
Pipeline Issue	1	1	0	0	0	0	0	0
Amtrak or Passenger Rail Issue	2	1	1	0	0	0	0	0
Railroad Blocked Crossings	9	0	2	5	2	0	0	0
Railroad Car Supply	1	0	0	1	0	0	0	0
Railroad Claims	5	0	2	2	1	0	0	0
Railroad Common Carrier Obligation	2	0	0	0	2	0	0	0
Railroad Demurrage Charges	6	1	0	3	1	1	0	0
Railroad Denial of Rail Service	2	0	1	1	0	0	0	0
Railroad Embargo	1	1	0	0	0	0	0	0
Railroad Environmental Issues	1	0	1	0	0	0	0	0
Railroad Inter-carrier disputes	1	0	0	0	1	0	0	0
Railroad Intermodal Service	5	1	0	3	1	0	0	0
Railroad Labor Issues	8	2	3	2	0	1	0	0
Railroad Liability Issues	1	1	0	0	0	0	0	0
Railroad Maintenance Issue	4	0	1	1	2	0	0	0
Railroad Miscellaneous Charges	1	1	0	0	0	0	0	0
Railroad Noise - Airhorn, Safety, etc	4	3	0	0	1	0	0	0
Railroad Operating Authority Issue	1	1	0	0	0	0	0	0
Railroad Preemption	3	1	0	0	1	1	0	0
Railroad Rate Levels/Increases	1	0	1	0	0	0	0	0

Issue Category	All Regions	Northeast	South	Midwest	West	US Territory	International	Not Specified
Railroad Service Issue	23	1	8	3	9	0	2	0
Railroad Tariff Issue	3	0	1	1	1	0	0	0
Rails to Trails	10	5	1	2	2	0	0	0
Real Estate Matter	8	1	4	2	1	0	0	0
STB Authority Question	2	0	0	2	0	0	0	0
STB Fees	3	1	1	0	1	0	0	0
STB Jurisdictional Question	11	3	3	2	2	0	1	0
STB Procedural Assistance	52	25	8	11	6	2	0	0
STB Recordations or Security Interests on Rail Cars	6	2	1	3	0	0	0	0
STB or ICC Records Assistance	57	8	22	16	11	0	0	0
STB Webpage/Downloading Assistance	3	2	1	0	0	0	0	0
Water Carrier Issue (Non-contiguous Domestic Trade)	5	2	0	0	3	0	0	0
Wrong Agency Calls	5	2	1	0	0	1	1	0
Total	365	115	85	81	70	10	4	0

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

1st Quarter 2024 Cases per Commodity Group*

Commodity Group	Number
Agricultural Products	18
Automobile	2
Chemicals	12
Coal	1
Construction Materials	1
Empty Freight Cars	1
Hazardous Waste/Radioactive Waste	2
Household Goods	23
Industrial Products	5
Intermodal	11
Metals and Minerals	1
Municipal Waste	1
Not Specified by Shipper	11
Passenger	11
Other	4
N/A	261
Total	365

*In many instances, the commodity is not specified or material to the inquiry, therefore the total number for this data may not equal the total number of inquiries for the quarter.