

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

First Quarter 2023

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 2023, 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	Decision granting BNSF’s application for terminal trackage rights served on 7/5/2016.  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.  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.

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							<p>Decision denying KCS motion to dismiss served on 5/1/2018.</p> <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>

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							<p>By decision served 2/21/2020, the Board established conditions of use. The decision also directed the 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>

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							<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 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>
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</p>

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							<p>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>
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</p>

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							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.
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>
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	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

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	compensate car owners						<p>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 to partially revoke the relevant commodity exemptions,</p>



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							<p>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>
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	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

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							<p>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 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>

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							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.
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; and Southern California Regional Rail Authority	Complaint filed 12/8/2022 along with proposed procedures and framework for investigation and remediation.
12/27/2022	Failure to provide transportation or service on reasonable request. Failure to	Victor Insulators, Inc. v. Finger Lakes Railway Corp.	NOR 42176	New York	Victor Insulators, Inc.	Finger Lakes Railway Corp.	Complaint filed 12/27/2022. Motion to dismiss filed 2/9/23. Reply to motion to dismiss and motion to challenge designation of information as confidential filed 3/1/23. Reply to challenge to

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	provide continuous carriage.						designation of information as confidential filed 3/10/23. Response to reply to motion to challenge designation of information as confidential filed 3/20/23. Amended complaint filed 3/24/23.

**SURFACE TRANSPORTATION BOARD**  
**QUARTERLY REPORT OF INFORMAL SERVICE COMPLAINTS RECEIVED**

First Quarter 2023

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 2023 (January 1, 2023 – March 31, 2023), 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>
3/29/2022	Railroad sidetrack agreement	West	Shipper contacted RCPA about a dispute with a railroad over safety and maintenance of a sidetrack leading to the shipper’s facility; because of the dispute, the railroad halted service; over several months, RCPA facilitated and monitored the parties’ negotiations, including the railroad’s proposal to restore service. <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 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).

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11/29/2022	Railroad commercial/billing issue	West	Shipper contacted RCPA for assistance with a situation where a railroad was apparently submitting multiple invoices for the same shipment; RCPA liaised with the railroad on behalf of the shipper to resolve the duplicate charges; the railroad investigated its billing records for the shipper's cars but did not find inaccurate invoices and the shipper did not have documentation to support its claims. <b>[Closed]</b>	
12/28/2022	Railroad service issue	West	Shipper requested RCPA assistance relating to bringing an additional unit train into service to support production at its manufacturing facilities; RCPA liaised with the railroad with regard to the status of the train and the timing for its deployment; however, the railroad advised that due to operational and weather challenges, it was not able to accommodate the additional train; RCPA conferred with the shipper, which did not seek further action. <b>[Closed]</b>	
12/28/2022	Railroad intermodal service	Midwest	Third-party logistics provider (3PL) requested RCPA assistance with stored intermodal containers and related storage fees; RCPA engaged with the railroad to resolve the problems; however, the railroad stated that it did not have a direct commercial relationship with the 3PL and could only work with parties on the waybill; RCPA relayed this information to the 3PL. <b>[Closed]</b>	
1/3/2023	Railroad service issue	Midwest	Shipper sought RCPA assistance with rail service problems, including delays in transit and missed switches; RCPA contacted the railroad to explore the causes of the service deterioration and elevate the shipper's concerns; the railroad advised that severe winter weather was affecting operations; however, service subsequently improved to better levels. <b>[Closed]</b>	

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1/4/2023	Railroad service issue	Midwest	Shipper requested RCPA assistance with several trains that were not being pulled by a railroad, after release at the shipper's origins; RCPA liaised with the railroad to highlight the delays and ensure that the trains would be pulled promptly; subsequently, the railroad provided locomotives to move the trains and RCPA monitored their progress. <b>[Closed]</b>	
1/5/2023	Railroad service issue	Midwest	Shipper contacted RCPA for assistance in order to allow its cars to be billed for movement to an embargoed destination; RCPA contacted the railroad, which reached out to the shipper to assist the shipper in obtaining necessary permits to bill the cars; the parties' direct communication resolved the problems. <b>[Closed]</b>	
1/9/2023	Railroad service issue	Midwest	Shipper contacted RCPA to discuss several aspects of its challenges with placing car orders and timely order fulfillment to meet customer contracts; RCPA discussed the shipper's experience with the railroad's auction and reservation systems and possible avenues for improvement; however, the shipper did not seek direct RCPA assistance with the shipper's unfilled orders. <b>[Closed]</b>	
1/11/2023	Railroad service issue	Midwest	Beneficial cargo owner (BCO) sought RCPA assistance regarding delayed delivery of an import shipment that was en route to its pick-up location; RCPA contacted the railroad, but the railroad advised that it did not have a direct commercial relationship with the BCO and that the BCO should work through its freight forwarder. <b>[Closed]</b>	
1/11/2023	Railroad service issue	Midwest	Shipper contacted RCPA to discuss what appeared to be delays in a railroad's unit train auction program; however, the shipper explained that it merely wanted RCPA to raise the general issues with the railroad and not take any other specific action; RCPA raised the issues with the railroad to understand that status of the program. <b>[Closed]</b>	

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1/12/2023	Railroad service issue	Midwest	Shipper contacted RCPA to inform RCPA of service challenges that it was experiencing with several railroads; however, the shipper did not want direct RCPA intervention. <b>[Closed]</b>	
1/16/2023	Railroad service issue	West	Shipper advised RCPA of inadequate local switching, as well as delayed cars en route; RCPA discussed the issues with the shipper; however, service subsequently improved to acceptable levels without the need for RCPA to contact the railroad. <b>[Closed]</b>	
1/18/2023	Railroad service issue	Midwest	Shipper contacted RCPA to discuss a general decline in service involving multiple railroads; RCPA discussed the issues with the shipper, but per the shipper's request, did not contact any of the railroads. <b>[Closed]</b>	
1/18/2023	Railroad service issue	West	Shipper contacted RCPA to express its concerns regarding inadequate resources maintained by the railroads, and the resulting detrimental impact on service reliability; RCPA discussed the issues; however, the shipper did not pursue RCPA's direct assistance. <b>[Closed]</b>	
1/18/2023	Railroad service issue	Midwest	Shipper reached out to RCPA to discuss railroad service issues and recent trends in performance; however, the shipper did not ask RCPA to intercede with the railroads. <b>[Closed]</b>	
1/18/2023	Railroad service issue	South	Shipper contacted RCPA to relay its challenges with terminal congestion and associated delays to its traffic; however, the shipper did not ask RCPA to reach out to the railroad; subsequently, the shipper advised that the railroad had made progress working down congestion. <b>[Closed]</b>	
1/20/2023	Railroad service issue	West	Shipper sought RCPA assistance with the delivery of a railcar that was delayed in transit; RCPA contacted the railroad about the situation, resulting in delivery of the car to the shipper's facility. <b>[Closed]</b>	



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1/23/2023	Railroad intermodal service	West	3PL contacted RCPA for assistance expediting an intermodal container that was delayed in transit; RCPA contacted the railroad to ascertain the status of the container; the railroad explained that it was experiencing intermodal network congestion, resulting in delays for customers; RCPA liaised with the 3PL to relay the information. <b>[Closed]</b>	
1/25/2023	Railroad service issue	West	Shipper requested RCPA assistance in working with a railroad to expedite railcars delayed in transit; RCPA liaised with the railroad to understand the status of the cars and the cause of the delay; RCPA was advised that significant flooding had affected operations, but that the cars were expected to be unloaded in the next week; RCPA followed up with both parties until unloading was completed. <b>[Closed]</b>	
1/25/2023	Railroad service issue	West	Shipper contacted RCPA to share information on poor service and car bunching on multiple railroads, which had led to increased demurrage charges; RCPA discussed the issues; however, per the shipper's request, RCPA did not contact the railroads. <b>[Closed]</b>	
2/1/2023	Railroad service issue	South	Shipper requested RCPA assistance with securing railroad's continued commitment to provide service on a specific line; RCPA liaised with the railroad and the parties directly discussed the status of the line and future service commitments. <b>[Closed]</b>	
2/1/2023	Railroad demurrage charges	Northeast	3PL contacted RCPA about demurrage and accessorial charges assessed by several railroads; RCPA provided informal guidance and offered to intervene with the railroads as needed; however, the 3PL did not seek direct assistance from RCPA. <b>[Closed]</b>	
2/2/2023	Railroad service issue	South	Shipper contacted RCPA for assistance after a railroad reduced the number of service days per week at its facility; RCPA communicated the concerns to the railroad and participated in a joint call with the parties; the railroad is examining whether an increase in service days is feasible. <b>[Pending]</b>	

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2/3/2023	Railroad service issue	West	Shipper sought RCPA assistance with expediting a significantly delayed railcar that could cause a facility shutdown; RCPA contacted the railroad to facilitate delivery of the car and avoid a shutdown. <b>[Closed]</b>	
2/6/2023	Railroad commercial or billing issue	South	Shipper contacted RCPA for assistance with charges a railroad imposed on empty return moves of its railcars; RCPA conferred with the shipper and liaised with the railroad; the railroad reviewed and confirmed the validity of the charges under its tariff; the shipper did not seek further RCPA assistance. <b>[Closed]</b>	
2/7/2023	Railroad service issue	South	Shipper contacted RCPA about service deficiencies at its facility; RCPA elevated the issues with the railroad, which worked directly with the shipper to resolve the problems. <b>[Closed]</b>	
2/8/2023	Railroad service issue	Midwest	Shipper sought RCPA assistance in connection with a significantly delayed railcar; RCPA communicated with the railroad about the delay and the car was subsequently delivered to destination. <b>[Closed]</b>	
2/13/2023	Railroad commercial or billing issues	International	Shipper contacted RCPA about unclear railcar repair invoices received from two Class I railroads; RCPA offered to contact the railroads about the concerns, but shipper did not seek RCPA intervention. <b>[Closed]</b>	
2/15/2023	Railroad embargo issue	South	Shipper contacted RCPA for assistance with an urgent need for additional embargo permits in order to prevent a facility shutdown; RCPA engaged with the railroad and the embargo was subsequently lifted, eliminating the need for permits, and avoiding a shutdown. <b>[Closed]</b>	
2/17/2023	Railroad service issue	South	Shipper contacted RCPA for assistance with deteriorating rail service affecting its facility; RCPA relayed the concerns to the railroad, which subsequently followed-up with the customer directly to resolve the concerns. <b>[Closed]</b>	
2/20/2023	Railroad service issue	West	Shipper contacted RCPA for assistance with a significantly delayed railcar; RCPA liaised with the railroad and the car subsequently moved to destination. <b>[Closed]</b>	

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2/21/2023	Railroad service issue	Midwest	Transloader contacted RCPA for assistance with rail service issues and disputed demurrage charges; RCPA offered assistance but advised that any RCPA involvement could be limited due to the transloader's pending court litigation against the railroad; the transloader did not pursue assistance from RCPA. <b>[Closed]</b>	
2/21/2023	Railroad common carrier obligation	West	Prospective rail customer contacted RCPA concerning its efforts to obtain a common carrier rate from a Class I railroad; RCPA offered to assist, however, the railroad provided the requested rates, eliminating the need for RCPA intervention. <b>[Closed]</b>	
2/22/2023	Railroad embargo	West	Shipper contacted RCPA for assistance with an embargo and permitting system that was negatively impacting the shipper's operations; RCPA communicated the concerns to the railroad and the embargo was subsequently lifted. <b>[Closed]</b>	
3/1/2023	Railroad service issue	Northeast	Shipper's representative contacted RCPA about a potential extended rail service outage due to a maintenance project that would prevent the tenant railroad from operating; RCPA conferred with the tenant railroad for additional information about the outage and options for maintaining service; RCPA liaised with the tenant railroad and track owner, but was unable to facilitate a solution. <b>[Closed]</b>	
3/3/2023	Railroad service issue	Midwest	Shipper contacted RCPA for urgent assistance with a shutdown situation at its facility due to a lack of empty rail cars for loading its output; RCPA liaised with the line haul railroad and serving railroad to facilitate delivery of empty cars; over the next several days, empty rail cars were delivered to the facility to avert a shutdown and restore normal operations. <b>[Closed]</b>	

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3/7/2023	Railroad service issue	West	Shipper contacted RCPA about a looming shutdown situation at its plant due to a railroad not providing empty cars to receive its finished product; available cars at the shipper's serving yard were moved out of state; RCPA engaged with the railroad to elevate the shutdown concern, resulting in the railroad placing cars at the facility; subsequently, the shipper and the railroad met to review service issues and better coordinate operations and communication. <b>[Closed]</b>	
3/7/2023	Railroad service issue	Northeast	Shipper contacted RCPA for assistance related to a dispute with a railroad over the loss of its product; the shipper claimed that the product was never unloaded from a car that arrived at its facility; RCPA liaised with the railroad to gather information and discuss the peculiar circumstances of the dispute; subsequently, RCPA conferred with the shipper, but the shipper did not seek further assistance. <b>[Closed]</b>	
3/9/2023	Railroad demurrage charges	Midwest	Importer-wholesaler contacted RCPA for assistance with container storage charges being assessed by certain railroads at their rail ramps at a key gateway; the importer advised that it could not pick up its containers due to a significant shortage in drayage chassis; RCPA liaised with the railroads on behalf of the shipper to explore whether the charges could be reduced or waived under the circumstances. <b>[Pending]</b>	
3/9/2023	Railroad miscellaneous charges	Midwest	Shipper contacted RCPA for assistance with charges that were being assessed by a railroad related to a customs inspection at the international border; RCPA liaised with the shipper and is conferring with the railroad as to the validity of the charges. <b>[Pending]</b>	

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3/13/2023	Railroad service issue	Northeast	Shipper contacted RCPA about a potential extended rail service outage due to a maintenance project that would prevent the tenant railroad from operating; RCPA conferred with the tenant railroad for information about the outage and options for maintaining service; RCPA liaised with the tenant railroad and track owner, but was unable to facilitate a solution. <b>[Closed]</b>	
3/10/2023	Railroad liability issue	Midwest	Shipper contacted RCPA about a loss and damage situation, arising from its shipment being involved in a derailment; RCPA discussed the circumstances with the shipper and provided informal guidance on the liability and claims-filing framework existing under Federal laws and regulations. <b>[Closed]</b>	
3/13/2023	Railroad service issue	Northeast	Shipper requested assistance from RCPA related to inconsistent and inadequate service at its facility, which was preventing it from receiving inbound raw materials to support production; RCPA discussed the issues with the shipper and then engaged with the railroad to explore ways to improve service; the railroad advised that it was implementing measures to ensure that service would be more readily available and consistent. <b>[Closed]</b>	
3/13/2023	Railroad service issue	Northeast	Shipper contacted RCPA about a potential extended rail service outage due to a maintenance project that would prevent the tenant railroad from operating; RCPA conferred with the tenant railroad for information about the outage and options for maintaining service; RCPA liaised with the tenant railroad and track owner, but was unable to facilitate a solution. <b>[Closed]</b>	
3/13/2023	Railroad service issue	West	Shipper's representative contacted RCPA for assistance with rail service that was not sufficient to meet the needs of the shipper and preventing the shipper from fulfilling the demand from its customers; RCPA discussed the situation with the shipper's representative and then engaged with the railroad to discuss the situation and set up a joint follow-up call. <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>
3/14/2023	Railroad service issue	South	Shipper contacted RCPA for assistance with railcars that were delayed in transit after being made available at interchange to the linehaul railroad; RCPA liaised with the railroad to elevate the shipper's concern and understand why the cars repeatedly missed their train connection; the railroad advised that it would contact the shipper directly to explain the delays. <b>[Closed]</b>	
3/15/2023	Railroad service issue	South	Shipper requested assistance from RCPA for several cars that were delayed in transit, apparently due to bad order status and lack of communication from the railroad; RCPA contacted the railroad on behalf of the shipper to understand the status of the cars and elevate the shipper's concern; after conferring with the railroad, RCPA liaised with the shipper to provide further details on the status of the cars and circumstances that led to the bad order designation. <b>[Closed]</b>	
3/15/2023	Railroad service issue	Northeast	Shipper contacted RCPA for assistance with a number of railcars that were delayed in transit, threatening to disrupt the shipper's plant production; RCPA liaised with the railroad on the shipper's behalf, which resulted in the cars being expedited to the facility. <b>[Closed]</b>	
3/16/2023	Railroad billing issue	Midwest	Shipper contacted RCPA for assistance with problems with a railroad's portal for billing its railcars and attendant delays in transit due to incorrect waybill information; RCPA conferred with the shipper and then liaised with the railroad to facilitate inputting of accurate information for the railcars; after corrective action by the railroad, the cars were able to proceed. <b>[Closed]</b>	
3/16/2023	Railroad commercial issue	Midwest	Shipper requested assistance from RCPA with regard to a liability provision in the railroad's tariff, which the shipper believed was preventing it from doing business with other suppliers; RCPA discussed the implications of the provision with the shipper and has contacted the railroad to discuss the issues. <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>
3/17/2023	Railroad service issue	West	Shipper sought assistance from RCPA with a shipment that was delayed in transit for several weeks; RCPA contacted the railroad to ascertain the status of the car and facilitate its delivery. <b>[Closed]</b>	
3/21/2023	Railroad service issue	Midwest	Shipper contacted RCPA for assistance with a shutdown situation at its facility due to a lack of empty rail cars for loading its product; RCPA liaised with the line haul railroad and serving railroad to facilitate delivery of empty cars; over the next several days, empty cars were delivered to the facility to avert a shutdown and support operations; RCPA subsequently monitored rail service. <b>[Closed]</b>	
3/24/2023	Railroad service issue	Midwest	Shipper contacted RCPA to share its concerns about a railroad's imposition of congestion embargoes at several facilities upon short notice; RCPA contacted the shipper to discuss the circumstances, before taking action; however, the shipper did not seek further assistance. <b>[Closed]</b>	
3/28/2023	Railroad service issue	Northeast	Shipper contacted RCPA for assistance with a car that was holding for an extended period in the railroad's yard; RCPA contacted the railroad to expedite car handling and the railroad subsequently made arrangements to move the car. <b>[Closed]</b>	
3/31/2023	Railroad service issue	Midwest	Shipper contacted RCPA to discuss service challenges at its facility, including missed switches, and the impact on its operations and fulfilment of orders; RCPA discussed the issues, including the STB's formal oversight and the outlook for service improvement; RCPA also discussed weather and staffing issues, affecting the railroad; however, the shipper did not seek direct RCPA intervention with the railroad. <b>[Closed]</b>	

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

### 1<sup>st</sup> Quarter 2023 Cases by Category/Region

Issue Category	All Regions	Northeast	South	Midwest	West	US Territory	International	Not Specified
Meeting Request	4	2	1	0	0	1	0	0
Household Goods Moving Issue	19	0	6	4	7	1	1	0
Information-Economic Data	12	3	5	2	2	0	0	0
Information-Non Economic Request	89	52	8	9	16	4	0	0
Motor Carriers (Trucking) Issue	1	0	1	0	0	0	0	0
Amtrak or Passenger Rail Issue	3	1	0	2	0	0	0	0
Railroad Commercial or Billing Issue	4	0	2	1	0	0	1	0
Railroad Blocked Crossings	11	1	1	8	1	0	0	0
Railroad Common Carrier Obligation	2	0	0	0	2	0	0	0
Railroad Competition Issues	1	0	0	1	0	0	0	0
Railroad Demurrage Charges	7	1	2	3	1	0	0	0
Railroad Embargo	4	1	1	0	2	0	0	0
Railroad Environmental Issues	1	1	0	0	0	0	0	0
Railroad Intermodal Service	2	0	0	0	1	1	0	0
Railroad Labor Issues	4	0	0	2	2	0	0	0
Railroad Lease of track or equipment	1	0	0	1	0	0	0	0
Railroad Liability Issues	2	0	0	2	0	0	0	0
Railroad Maintenance Issue	5	2	2	1	0	0	0	0
Railroad Miscellaneous Charges	1	0	0	1	0	0	0	0
Railroad Noise - Airhorn, Safety, etc	4	1	1	2	0	0	0	0
Railroad Operating Authority Issue	1	0	0	0	1	0	0	0
Railroad Preemption	3	1	0	1	1	0	0	0



Issue Category	All Regions	Northeast	South	Midwest	West	US Territory	International	Not Specified
Railroad Service Issue	40	7	4	20	8	1	0	0
Railroad Side Track Agreement	1	0	0	1	0	0	0	0
Railroad Tariff Issue	1	1	0	0	0	0	0	0
Rails to Trails	6	1	2	2	1	0	0	0
Real Estate Matter	7	2	2	2	1	0	0	0
STB Authority Question	3	1	1	0	1	0	0	0
STB Fees	2	1	0	0	1	0	0	0
STB Jurisdictional Question	10	1	4	2	2	1	0	0
STB Procedural Assistance	98	61	6	16	12	3	0	0
STB Recordations or Security Interests on Rail Cars	9	0	4	5	0	0	0	0
STB or ICC Records Assistance	84	19	21	32	11	1	0	0
STB Webpage/Downloading Assistance	2	2	0	0	0	0	0	0
Water Carrier Issue (Non-contiguous Domestic Trade)	2	0	0	0	2	0	0	0
Wrong Agency Calls	15	3	4	3	4	0	1	0
<b>Total</b>	<b>461</b>	<b>165</b>	<b>78</b>	<b>123</b>	<b>79</b>	<b>13</b>	<b>3</b>	<b>0</b>

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

### 1<sup>st</sup> Quarter 2023 Cases per Commodity Group\*

Commodity Group	Number
Agricultural Products	27
Aggregates	1
Automobile	2
Chemicals	10
Coal	1
Construction Debris	2
Construction Materials	4
Forest Products	5
Hazardous Waste/Radioactive Waste	5
High/Wide Loads	2
Household Goods	16
Industrial Products	9
Intermodal	7
Metals and Minerals	3
Municipal Waste	28
Not Specified by Shipper	10
Passenger	5
Other	6
N/A	318
<b>Total</b>	<b>461</b>

\*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.