

SURFACE TRANSPORTATION BOARD
QUARTERLY REPORT OF FORMAL SERVICE COMPLAINTS

Third 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 third 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> <p>UP and KCS filed replies to BNSF’s petition on 6/25/2018</p>

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							<p>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 parties to submit a joint procedural schedule to govern discovery and briefing on the remaining issues regarding compensation.</p>

Complaint Received	Type of Complaint	Title	Docket No.	Geographic Region	Complainant	Carrier(s) Involved	Resolution/Status
							<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 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>

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							<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 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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							<p>A staff-supervised technical conference with the parties was held on 6/13/2024.</p> <p>By decision served 6/25/2024, the Board set a procedural schedule for KCS to submit supplemental analysis and data, including workpapers, for its line segment earnings calculations. By decision served 7/23/2024, KCS was granted an unopposed extension of the procedural schedule. KCS filed its supplemental data on 8/23/2024, and BNSF filed a reply on 9/23/24. KCS's rebuttal is due on 10/7/2024.</p>

Complaint Received	Type of Complaint	Title	Docket No.	Geographic Region	Complainant	Carrier(s) Involved	Resolution/Status
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>

Complaint Received	Type of Complaint	Title	Docket No.	Geographic Region	Complainant	Carrier(s) Involved	Resolution/Status
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>

Complaint Received	Type of Complaint	Title	Docket No.	Geographic Region	Complainant	Carrier(s) Involved	Resolution/Status
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>

Complaint Received	Type of Complaint	Title	Docket No.	Geographic Region	Complainant	Carrier(s) Involved	Resolution/Status
7/8/2019	Unreasonable practice and violation of statutory obligation to compensate car owners	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>
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	<p>Complaint filed 12/8/2022 along with proposed procedures and framework for investigation and remediation. By decision served 7/12/2023, the Board instituted a proceeding, asked investigative questions, ordered that parties may seek discovery, and assigned an Administrative Law Judge (ALJ) to handle discovery disputes. Board staff held a technical conference on 7/21/2023.</p> <p>On 9/12/2023, the Board added CPKC as a party of record and directed CPKC to respond to the Board’s request for information.</p> <p>On 11/20/2023, the Board directed the parties to clarify some of their responses to the Board’s requests for information.</p>

Complaint Received	Type of Complaint	Title	Docket No.	Geographic Region	Complainant	Carrier(s) Involved	Resolution/Status
							<p>On 2/13/2024, the Board directed the parties to provide narrative explanations and information regarding certain instances where Amtrak trains were delayed. Parties provided narrative explanations and information in filings submitted in April, June, July, and August 2024.</p> <p>On 8/19/2024, the Board established a schedule for the filing of pleadings and provided guidance on subjects to be addressed in those pleadings, including on the definition of “preference” in 49 U.S.C. § 24308(c). Under that schedule, Amtrak’s opening statement is due 10/07/2024, railroad replies are due 12/23/2024, non-party replies are due 1/22/2025, and Amtrak’s and railroad rebuttals are due 2/21/2025.</p> <p>Discovery concluded on 8/23/2024. UP supplemented its root cause narratives on 9/9/2024.</p> <p>By decision served 9/26/2024, the Board ordered UP, CPKC, and the Southern California Regional Rail Authority to provide more information about certain train delay events. The supplements are due 10/10/2024, and Amtrak may supplement its 10/7/2024</p>

Complaint Received	Type of Complaint	Title	Docket No.	Geographic Region	Complainant	Carrier(s) Involved	Resolution/Status
							opening statement by 10/24/2024.
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	<p>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.</p> <p>Proceeding in abeyance until 5/6/2024.</p> <p>BNSF filed partial motion to dismiss 5/17/2024. BNSF filed answer to complaint 5/20/2024. Evergy filed reply to partial motion to dismiss 6/6/2024.</p> <p>Parties filed joint conference report 6/4/2024.</p> <p>By decision served 6/10/2024, the Board adopted a procedural schedule.</p>

Complaint Received	Type of Complaint	Title	Docket No.	Geographic Region	Complainant	Carrier(s) Involved	Resolution/Status
							<p>By decision served 9/24/2024, the Board directed BNSF to serve a copy of its petition for subpoena and a copy of the Board's decision on Southwest Power Pool by 9/27/2024.</p> <p>On 9/27/2024, BNSF filed a motion to compel discovery from Evergy.</p>
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	<p>By decision served 3/1/24, the Board issued a 30-day emergency service order.</p> <p>On 3/15/24, the Oklahoma Department of Transportation (ODOT) and Blackwell Industrial Authority (BIA) filed a request to extend the emergency service order for an additional 120 days. By decision served 3/28/24, the Board granted the petition, extending the emergency service order until 7/29/24.</p> <p>On 7/23/24, ODOT and BIA filed a request to extend the emergency service order for an additional 120 days. By decision served 7/26/24, the Board granted the petition, extending the emergency service order until 11/26/24.</p>

SURFACE TRANSPORTATION BOARD
QUARTERLY REPORT OF INFORMAL SERVICE COMPLAINTS RECEIVED

Third 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 second quarter of 2024 (July 1, 2024 – September 30, 2024), the STB received the following informal complaints¹:

Date ²	Type of Informal Complaint	Geographic Region ³	Resolution / Status	Complainant ⁴ CONFIDENTIAL
5/8/2024	Railroad service issue	Midwest	Railroad sought RCPA assistance in communications with local government and community groups regarding the possible restoration of rail service over an inactive rail line; RCPA liaised with a local representative and discussed the history and future prospects of the line; RCPA offered informal guidance on pathways to restore service and to facilitate further discussions with the railroad; however, no further action was requested. [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
6/4/2024	Railroad service issue	Northeast	Shipper contacted RCPA for assistance after its serving railroad stated that it was ceasing operations over its rail line; RCPA discussed the situation with the shipper, including regulatory requirements for a railroad to halt operations; RCPA offered to confer directly with the railroad; the shipper requested that RCPA monitor developments; RCPA updated the shipper when the railroad filed for formal discontinuance authority. [Closed]	
6/27/2024	Railroad service issue	West	Shipper contacted RCPA for assistance with restoring rail service to its facility; the shipper explained that the railroad referred to track safety issues, but was delaying its inspection to identify specific items; RCPA facilitated direct communications between the shipper and the railroad to address the status of the track. [Closed]	
6/27/2024	Railroad rate levels	Midwest	Shipper contacted RCPA about recent rate increases imposed by the railroad serving its facility; RCPA discussed the issues with the shipper, including the shipper's commodities and routings, and offered informal assistance; however, the shipper decided to continue direct negotiations with the railroad about its rates. [Closed]	
7/2/2024	Railroad service issue	West	Shipper requested RCPA assistance due to a shutdown situation at its facility, after the railroad missed several switches; RCPA discussed the issues with the shipper and liaised with the railroad to secure weekend and make-up switches; the additional switches resolved the shutdown situation and the railroad committed to better communication and consistent service going forward. [Closed]	
7/3/2024	Railroad service issue	South	Shipper contacted RCPA due to delays on inbound shipments and missed switches, which put its plant at risk of shutdown; RCPA discussed the issues with the shipper and then liaised with the railroad to expedite the inbound shipments, averting a shutdown; the railroad committed to better communication with the shipper and acknowledged resource constraints. [Closed]	
7/10/2024	Railroad rate levels	South	Shipper contacted RCPA about rate increases proposed by a railroad serving its manufacturing facilities; RCPA discussed the increases with the shipper, including the railroad's justification; RCPA also provided informal guidance on the STB's rate review framework and offered to confer with the railroad; however, the shipper advised that it would continue to negotiate directly with the railroad. [Closed]	

Date ²	Type of Informal Complaint	Geographic Region ³	Resolution / Status	Complainant ⁴ CONFIDENTIAL
7/17/2024	Railroad service issue	Northeast	Shipper requested RCPA assistance with loaded inbound railcars that were significantly delayed in transit; RCPA liaised with the railroad, resulting in the cars being delivered to the shipper's plant. [Closed]	
7/19/2024	Railroad tariff issue	West	Several shippers contacted RCPA about a railroad's new tariff items, involving increases to accessorial charges and new commercial terms; RCPA discussed the new tariff material with the shippers and offered to liaise with the railroad to better understand the background and intent of the changes; after liaising with the railroad, RCPA reported back to the shippers. [Closed]	
7/19/2024	Railroad service issue	West	Shipper association contacted RCPA to discuss service disruptions pertaining to cross-border traffic and a railroad's imposition of embargoes on certain cross-border moves, as well as permit availability; RCPA discussed the issues with the association, including the STB's active monitoring of the situation, as well as interaction with other stakeholders; RCPA also discussed the permitting process and offered to follow up with the railroad on that issue; after conferring with the railroad RCPA liaised with the association to provide further information. [Closed]	
7/26/2024	Railroad service issue	West	Shipper requested RCPA assistance due to delayed inbound shipments and missed switches, which put its facility at risk of shutdown; RCPA liaised with the railroad to elevate attention to the problems and expedite the inbound shipments, which allowed the facility to maintain production; RCPA continued to monitor the shipper's inbound cars until the supply chain was normalized. [Closed]	
7/26/2024	Railroad interchange issue	West	Shipper sought assistance from RCPA due to railcars that were delayed at an interchange between two railroads; the shipper had been unable to obtain information about the cause of the delay and the status of the cars; RCPA contacted the originating railroad, which facilitated prompt interchange of the cars to the destination railroad; subsequently, RCPA liaised with the destination railroad to ensure that the cars were en route and being closely monitored. [Closed]	

Date ²	Type of Informal Complaint	Geographic Region ³	Resolution / Status	Complainant ⁴ CONFIDENTIAL
8/2/2024	Railroad rate levels	Midwest	Shipper contacted RCPA about a railroad's misapplication of a tariff rate to its shipment; RCPA discussed the situation with the shipper and then conferred with the railroad about the applicable rate; the railroad reviewed the circumstances and re-rated the shipment in accordance with the governing private contract. [Closed]	
8/5/2024	Railroad service issue	West	Shipper sought RCPA assistance due to several outbound railcars that were delayed in transit to destination; the shipper advised that the railroad referred to locomotive and crew resource issues; RCPA liaised with the railroad about the delay, resulting in the railcars being delivered promptly to destination. [Closed]	
8/5/2024	Railroad commercial issue	Northeast	Shipper contacted RCPA for assistance due to a railroad's failure to promptly quote tariff rates for moving its traffic; RCPA contacted the railroad, which reviewed the situation and determined that there was internal confusion relating to the shipper and its logistics provider; the railroad advised that it had resolved the confusion. [Closed]	
8/7/2024	Railroad tariff issue	West	Shipper contacted RCPA for assistance related to a new item in a railroad's tariff, which increased the amount of insurance coverage required for the railroad to transport certain commodities; at the shipper's request RCPA conferred with the railroad to obtain a copy of the new item, as well as an explanation of the rationale; RCPA provided the information to the shipper and offered further assistance if needed. [Closed]	
8/8/2024	Railroad service issue	West	Shipper sought RCPA assistance concerning a block of loaded outbound cars that were delayed at origin for over two weeks, despite being billed and available for pick up; RCPA contacted the shortline serving carrier, resulting in the cars being pulled from origin and promptly interchanged to a line-haul carrier; RCPA monitored the status through the cars' next interchange. [Closed]	
8/9/2024	Railroad service issue	Midwest	Shipper contacted RCPA for assistance relating to a railroad's requirements for moving a bad-ordered railcar containing hazardous materials residue; the shipper advised that it had flared the car, but the railroad was requiring the car to be cleaned; RCPA contacted the railroad to discuss the status of the car and the cleaning requirement, and relayed the railroad's position to the shipper; however, RCPA was unable to resolve the dispute. [Closed]	

Date ²	Type of Informal Complaint	Geographic Region ³	Resolution / Status	Complainant ⁴ CONFIDENTIAL
8/13/2024	Railroad demurrage charges	South	Shipper contacted RCPA for assistance in addressing significant demurrage charges assessed by a railroad; the shipper advised that it has been unable to engage in discussions with a senior level railroad representative; RCPA conferred with the railroad and relayed contact information for a senior manager. [Closed]	
8/13/2024	Railroad embargo	Multiple	Shipper trade association contacted RCPA about embargoes being implemented by two railroads in response to a potential labor dispute affecting other railroads; the association believed that the embargoes were precipitous and overly disruptive; RCPA discussed the circumstances with the trade association, including the timing; however, the association did not seek any direct RCPA intervention. [Closed]	
8/14/2024	Railroad rate levels	Midwest	Shipper contacted RCPA to raise awareness of certain pricing movements related to a railroad's transportation of certain commodities; however, the shipper did not seek direct assistance from RCPA. [Closed]	
8/14/2024	Railroad service issue	West	Shipper requested RCPA assistance with a shutdown situation at its facility related to a railroad's missed switches; RCPA engaged with the railroad to elevate the urgency of the predicament and facilitate make-up switches; the railroad assisted the shipper with intra-plant switching to move loaded cars into place and then provided make-up switches to spot cars from the serving yard until operations were normalized. [Closed]	
8/21/2024	Railroad embargo	West	Shipper contacted RCPA about a railroad's embargo relating to cross-border traffic and lack of permit availability; RCPA discussed the issues with the shipper, including the STB's framework for assessing the validity of an embargo; RCPA advised that the agency is actively monitoring the situation; however, the shipper did not seek direct RCPA assistance. [Closed]	
8/21/2024	Railroad service issue	South	Shipper sought assistance from RCPA related to its efforts to secure service from a railroad that would support its expansion of an existing facility and optimize production; RCPA discussed the issues with the shipper, including the railroad's restrictions on switching and offered informal mediation; the shipper wished to pursue direct discussions, but will engage RCPA if necessary. [Pending]	

Date ²	Type of Informal Complaint	Geographic Region ³	Resolution / Status	Complainant ⁴ CONFIDENTIAL
8/22/2024	Railroad demurrage issue	West	Shipper requested RCPA assistance concerning a significant amount of demurrage assessed by a railroad in connection with a unique service arrangement between two linehaul railroads, under a legacy agreement governing consolidated operations; RCPA discussed the issues with the shipper and then convened a informal mediation meeting between the parties to facilitate better communication and coordination, as well as a detailed review and confirmation of the outstanding demurrage, including application of credits. [Pending]	
9/2/2024	Railroad common carrier obligation	Midwest	Shipper sought informal guidance from RCPA on the meaning of “reasonable dispatch” in relation to a railroad’s common carrier obligation; RCPA discussed the shipper’s recent experience with the railroad’s service performance and provided informal guidance on STB and court precedent considering and applying the “reasonable dispatch” requirement. [Closed]	
9/3/2024	Railroad liability issues	South	Shipper requested informal guidance from RCPA pertaining to certain commercial terms proposed by a railroad, relating to insurance coverage, indemnification and loss and damage liability; RCPA discussed the issues with the shipper in reference to recent trends, as well as STB case law, and offered to provide informal mediation; however, the shipper did not seek direct RCPA involvement. [Closed]	
9/4/2024	Railroad sidetrack agreement	West	Shipper sought informal guidance from RCPA relating to a railroad’s decision to terminate a legacy sidetrack agreement and remove a switch while negotiations over a new agreement were pending; RCPA discussed the issues with the shipper and provided informal guidance on the railroad’s common carrier obligation and duty to maintain under reasonable conditions a switch connection to a private sidetrack; however, the shipper did not seek direct RCPA involvement. [Closed]	

Date ²	Type of Informal Complaint	Geographic Region ³	Resolution / Status	Complainant ⁴ CONFIDENTIAL
9/6/2024	Railroad service issue	South	Shipper requested assistance from RCPA in connection with a rail service cessation related to a labor disruption at the shipper's facility; RCPA discussed the issues with the shipper, including formal and informal pathways for assistance, and, at the shipper's request, consulted with the railroad about options to maintain near-term service continuity to the facility; the railroad worked with the shipper on a short-term contingency service plan and the labor disruption was subsequently resolved. [Closed]	
9/6/2024	Railroad service issue	South	Shipper contacted RCPA for assistance due to a railroad's cessation of service to its facility ostensibly due to deteriorated mainline track conditions; the shipper advised RCPA that the railroad had not repaired the track for several months and was unresponsive to the shipper's request for updates on the timing for repairs; at the shipper's request, RCPA is liaising with the railroad to facilitate restoration of rail service. [Pending]	
9/17/2024	Railroad service issue	West	Shipper contacted RCPA for assistance with railcars that were stranded on a railroad's line due to track maintenance issues; RCPA discussed the circumstances with the shipper and liaised with the railroad to facilitate movement of the cars; however, due to track conditions and safety issues, the cars cannot be retrieved in the near term. [Closed]	
9/18/2024	Railroad demurrage charges	South	Third-party logistics provider (3PL) requested assistance from RCPA relating to charges assessed on containers that were still on free time at a railroad's ramp; RCPA conferred with the 3PL and is liaising with the railroad to clarify the application of the charges. [Pending]	
9/25/2024	Railroad service issue	West	Shipper requested RCPA assistance due to its inability to secure railcar reservations to meet anticipated demand; the shipper explained that efforts to utilize the railroad's online portal were not successful; at the shipper's request, RCPA contacted the railroad to elevate the problem and to explore avenues to secure car supply for the shipper; RCPA relayed instructions from the railroad to facilitate obtaining car reservations, going forward. [Closed]	

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

3rd Quarter 2024 Cases by Category/Region

Issue Category	All Regions	Northeast	South	Midwest	West	US Territory	International	Not Specified
Meeting Request	2	1	1	0	0	0	0	0
Passenger Bus Issue	1	0	0	0	1	0	0	0
Household Goods Moving Issue	24	3	6	6	9	0	0	0
Information-Economic Data	14	4	4	4	1	0	1	0
Information-Non Economic Request	47	20	10	12	3	0	2	0
Motor Carriers (Trucking) Issue	4	2	2	0	0	0	0	0
Amtrak or Passenger Rail Issue	4	1	2	0	1	0	0	0
Railroad Commercial or Billing Issue	2	1	0	0	1	0	0	0
Railroad Blocked Crossings	15	0	5	8	2	0	0	0
Railroad Common Carrier Obligation	2	1	0	1	0	0	0	0
Railroad Demurrage Charges	4	2	0	0	1	1	0	0
Railroad Embargo	3	2	0	1	0	0	0	0
Railroad Environmental Issues	1	0	1	0	0	0	0	0
Railroad Freight Car Repair	1	0	0	1	0	0	0	0
Railroad Fuel Surcharge	1	0	0	1	0	0	0	0
Railroad Interchange Issue	1	0	1	0	0	0	0	0
Railroad Labor Issues	11	2	0	3	6	0	0	0
Railroad Liability Issues	1	0	1	0	0	0	0	0
Railroad Maintenance Issue	4	2	2	0	0	0	0	0
Railroad Noise - Airhorn, Safety	10	2	4	4	0	0	0	0
Railroad Preemption	1	0	1	0	0	0	0	0
Railroad Rate Levels/Increases	4	1	1	1	1	0	0	0
Railroad Service Issue	14	2	4	4	4	0	0	0

Issue Category	All Regions	Northeast	South	Midwest	West	US Territory	International	Not Specified
Railroad Side Track Agreement	1	0	0	1	0	0	0	0
Railroad Tariff Issue	3	1	1	0	1	0	0	0
Rails to Trails	4	1	2	0	1	0	0	0
Real Estate Matter	6	3	1	2	0	0	0	0
STB Fees	1	0	1	0	0	0	0	0
STB Jurisdictional Question	7	2	2	0	3	0	0	0
STB Procedural Assistance	59	37	9	8	2	2	1	0
STB Recordations or Security Interests on Rail Cars	5	0	3	2	0	0	0	0
STB or ICC Records Assistance	62	12	21	20	9	0	0	0
STB Webpage/Downloading Assistance	2	2	0	0	0	0	0	0
Water Carrier Issue (Non-contiguous Domestic Trade)	5	0	2	2	1	0	0	0
Wrong Agency Calls	6	2	2	1	1	0	0	0
Total	332	106	89	82	48	3	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

3rd Quarter 2024 Cases per Commodity Group*

Commodity Group	Number
Agricultural Products	15
Aggregates	1
Automobile	1
Chemicals	15
Coal	3
Construction Materials	1
Empty Freight Cars	1
Hazardous Waste/Radioactive Waste	2
Household Goods	24
Industrial Products	4
Intermodal	5
Not Specified by Shipper	4
Passenger	5
Other	2
N/A	249
Total	332

*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.