

SURFACE TRANSPORTATION BOARD
QUARTERLY REPORT ON PENDING REGULATORY PROCEEDINGS

Q3 2025

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Surface Transportation Board

1. Review of Commodity, Boxcar, and TOFC/COFC Exemptions

Popular Title: Commodity Exemptions

RIN 2140-AB29

Stage: Proposed Rule

Previous Stage: NPRM served 3/23/2016; End of comment period 8/26/2016. Decision served 3/19/2019 waiving the prohibition on ex parte communications in this proceeding and providing a 90-day period for meetings with Board members; End of comment period in response to memoranda summaries of ex parte meetings 7/16/2019. Decision served 9/30/2020 requesting comments from interested parties. Board staff held technical conferences on 12/18/2020 and 1/15/2021. End of comment period 3/1/2021.

Abstract: In this proceeding, the Board issued a notice of proposed rulemaking seeking public comment on its proposal to revoke the existing class exemptions under 49 C.F.R. Part 1039 for crushed or broken stone or rip rap; hydraulic cement; and coke produced from coal, primary iron or steel products, and iron or steel scrap, wastes or tailings. Following the feedback received during the course of this proceeding, the Board's Office of Economics developed an approach for possible use in considering class exemption and revocation issues, and the Board sought comments on the approach from interested parties. Since January 2021, the Board has taken no action in this docket, and—over the intervening approximately four and a half years—no draft action has been sent to the full Board for consideration. Given the state of the record, the lack of action, and the agency's ability to revoke exemptions on a partial or individual basis, Chairman Fuchs does not expect to move a final rule this year and instead will offer a different draft action for consideration by the full Board.

Effects: Regulatory Flexibility Act

Prompting action: Board Initiative

Legal Deadline: None

Rulemaking Project Initiated: 3/23/2016

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

Dates for Next Action:

Milestone	Scheduled Date	New Projected Date	Actual Date
Next Action	12/2025	N/A	N/A

Explanation for any delay: Over the past four-plus years, other proceedings—both mandatory and discretionary—have been prioritized over this docket.

Federal Register Citation for Next Action: N/A

Surface Transportation Board

2. Railroad Revenue Adequacy

Popular Title: Revenue Adequacy

RIN 2140-AB19

Stage: Pre-Rule

Previous Stage: Notice served 4/2/2014; End of comment period 11/4/2014; Hearing 7/22/2015 and 7/23/2015. Hearing 12/12/2019 and 12/13/2019; Hearing record closed 2/13/2020.

Abstract: The Board has explored its methodology for determining railroad revenue adequacy, as well as the revenue adequacy component used in judging the reasonableness of rail freight rates. From December 2019 until July 2025, the Board had taken no action in this docket (outside of litigation), and—over the intervening approximately five years—no draft action had been sent to the full Board for consideration. Prior to Chairman Fuchs’ appointment to his current role, the agency submitted 20 quarterly reports without a scheduled date for next action, and—consistent with his commitment to transparency—he took action via the last report to provide such a date. On July 10, 2025, the Board discontinued this proceeding, as well as another docket related to revenue adequacy (EP 766, discussed below), to better serve the public interest by focusing the Board’s resources on other reform and potential rulemaking matters.

Effects: None

Prompting action: Board Initiative

Legal Deadline: None

Rulemaking Project Initiated: 4/2/2014

Docket Number: EP 722

Dates for Next Action:

Milestone	Scheduled Date	New Projected Date	Actual Date
Proceeding discontinued	11/2025	N/A	7/10/2025

Explanation for any delay: N/A

Federal Register Citation for Next Action: 90 FR 31,561

Surface Transportation Board

3. Joint Petition for Rulemaking—Annual Revenue Adequacy Determinations

Popular Title: N/A

RIN 2140-AB52

Stage: Pre-rule

Previous Stage: Rulemaking proceeding initiated 12/30/2020. End of comment period 8/16/2021.

Abstract: The Board opened a rulemaking proceeding to consider a petition by several Class I railroads to change the Board's procedures for annually determining whether Class I rail carriers are revenue adequate and requested public comment on the petition and several specific related issues. From July 2021 until July 2025, the Board had taken no action in this docket, and—over the intervening four years—no draft action had been sent to the full Board for consideration. On July 10, 2025, the Board discontinued this proceeding, as well as another docket related to revenue adequacy (EP 722, discussed above), to better serve the public interest by focusing the Board's resources on other reform and potential rulemaking matters.

Effects: None

Prompting action: Joint petition for rulemaking

Legal Deadline: None

Rulemaking Project Initiated: 12/30/2020.

Docket Number: EP 766

Dates for Next Action:

Milestone	Scheduled Date	New Projected Date	Actual Date
Proceeding discontinued	11/2025	N/A	7/10/2025

Explanation for any delay: N/A

Federal Register Citation for Next Action: 90 FR 31,561

Surface Transportation Board

4. First-Mile / Last-Mile Service

Popular Title: N/A

RIN 2140-AB55

Stage: Pre-Rule

Previous Stage: Request for comments served 9/2/2021; End of comment period 2/17/2022.

Abstract: The Board issued a decision seeking comments on issues regarding first-mile / last-mile (FMLM) service, particularly on whether additional metrics to measure such service might have utility that exceeds any associated burden. FMLM service refers to the movement of railcars between a local railroad serving yard and a shipper receiver facility.

On May 6, 2022, in Docket No. EP 770 (Sub-No. 1), [Urgent Issues in Freight Rail Service](#), the Board issued an order requiring all Class I rail carriers to temporarily report more customer-centric service metrics, including those related to FMLM performance. On April 30, 2024, in Docket No. EP 711, Sub-No. 2, [Reciprocal Switching for Inadequate Service](#), the Board issued a final rule that, among other things, required that each Class I carrier report certain local service metrics. That final rule, which subsumed many of the matters in this FMLM docket (Docket No. EP 767), was vacated by the United States Court of Appeals for the Seventh Circuit.

Chairman Fuchs expects that further action on FMLM service will be part of a more comprehensive data modernization initiative, which would involve (1) eliminating unneeded data collections, (2) strengthening mission-critical collections, (3) streamlining filing and automating processes, and (4) improving data visualization. Accordingly, in Docket No. 787, the Board has proposed requiring Class I carriers to report two service metrics on a weekly basis, including a measure of FMLM performance (i.e., the industry spot and pull metric).

Effects: None

Prompting action: Stakeholder feedback and Board initiative

Legal Deadline: None

Rulemaking Project Initiated: N/A

Docket Number: EP 767

Dates for Next Action:

Milestone	Scheduled Date	New Projected Date	Actual Date
Service Date	08/2022	08/2025	09/30/2025 (see abstract above)
Next Action	03/2026		

Explanation for any delay: The Board took action on FMLM issues in Docket No. EP 770, Sub-No. 1, Urgent Issues in Freight Rail Service and Docket No. EP 711, Sub-No. 2, Reciprocal Switching for Inadequate Service. As noted above, the Board recently took action on FMLM issues in Docket No. EP 787, Updating Class I Rail Carrier Reporting Requirements (STB served Sept. 30, 2025).

Federal Register Citation for Next Action: N/A

Surface Transportation Board

5. Petition for Rulemaking to Adopt Rules Governing Private Railcar Use by Railroads

Popular Title: Private Railcar Usage

RIN 2140-AB56

Stage: Pre-Rule

Previous Stage: Proceeding instituted 11/23/2021. Request for comments served 4/1/2022. End of comment period 9/8/2022.

Abstract: The Board sought public comment on a petition by the North American Freight Car Association, The National Grain and Feed Association, The Chlorine Institute, and The National Oilseed Processors Association to adopt regulations governing railroads' use of private freight cars and several specific related issues. Chairman Fuchs asked Vice Chairman Schultz to lead a legal review concerning the permissibility of adopting regulations as suggested in the petition.

Effects: None

Prompting action: Petition for rulemaking.

Legal Deadline: None

Rulemaking Project Initiated: N/A

Docket Number: EP 768

Dates for Next Action:

Milestone	Scheduled Date	New Projected Date	Actual Date
Service Date	05/2025	06/2025	06/2025
Service Date	12/2025		

Explanation for any delay: In May, Chairman Fuchs offered a draft action for consideration that did not progress to a majority decision. Chairman Fuchs stated that accountability demands an effort to resolve this long-standing proceeding, and transparency calls for Members to have an organized opportunity to explain their positions to the public. As such, on June 26, 2025, the Board issued a decision where Members expressed their current views, and the proceeding remains open. As the public now has more information, Chairman Fuchs especially welcomes collaborative discussion with interested parties about ways to improve the agency's regulatory framework in support of a sound, efficient, and competitive rail system.

Federal Register Citation for Next Action: N/A

Surface Transportation Board

6. Updating Class I Rail Carrier Reporting Requirements

Popular Title: N/A

RIN 2140-AB64

Stage: Proposed Rule

Previous Stage: NPRM served 9/30/2025.

Abstract: The Board proposes to terminate Class I carriers' supplemental reporting of certain Positive Train Control (PTC) expenditures and to require Class I carriers to report two service metrics on a weekly basis. Because PTC is now fully implemented, the Board proposed deregulatory action to end the supplemental PTC reporting. With respect to service-related reporting, the Board proposed to require Class I carriers to report two metrics that would advance the Board's objective of ensuring rail service reliability.

Effects: None

Prompting action: Board Initiative

Legal Deadline: None

Rulemaking Project Initiated: 9/30/2025

Docket Number: EP 787

Dates for Next Action:

Milestone	Scheduled Date	New Projected Date	Actual Date
Comments Due	10/30/2025		
Replies Due	11/13/2025		
Next Action	03/2026	N/A	N/A

Explanation for any delay: N/A

Federal Register Citation for Next Action: N/A

Surface Transportation Board

7. Petition for Rulemaking to Amend Regulations Governing Ex Parte Communications

Popular Title: Ex Parte Communications

RIN 2140-AB65

Stage: Pre-Rule

Previous Stage: Proceeding instituted. Decision granting Association of American Railroad's petition served 9/11/2025.

Abstract: The Board granted a petition by the Association of American Railroads and instituted a rulemaking proceeding to consider revisions to the Board's regulations governing ex parte communications.

Effects: None

Prompting action: Petition for rulemaking.

Legal Deadline: None

Rulemaking Project Initiated: N/A

Docket Number: EP 782

Dates for Next Action:

Milestone	Scheduled Date	New Projected Date	Actual Date
Service Date	02/2026	N/A	N/A

Explanation for any delay: N/A

Federal Register Citation for Next Action: N/A