

SURFACE TRANSPORTATION BOARD
QUARTERLY REPORT ON PENDING REGULATORY PROCEEDINGS

Q3 2026

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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: Notice of Proposed Rulemaking (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 an NPRM 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. Chairman Fuchs expects to offer a different draft action for consideration by the full Board in late 2026.

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	10/2026	01/2027	N/A

Explanation for any delay: Over the past five-plus years, other proceedings—both mandatory and discretionary—have been prioritized over this docket. The agency is currently undertaking a detailed review of the existing exemption framework, how current procedures support or hinder parties' ability to seek relief, and opportunities to modernize the agency's regulatory framework.

Federal Register Citation for Next Action: N/A

Surface Transportation Board

2. 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 America 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. As indicated below, the Board issued a decision in this docket in 2025, and it intends to take further action in late 2026.

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	06/2025		06/2025
Next Action	11/2026	12/2026	

Explanation for any delay: In May 2025, 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, and intends to take further action in December 2026.

Federal Register Citation for Next Action: N/A

Surface Transportation Board

3. Petition for Rulemaking — Amendments to Regulations Governing Ex Parte Communications

Popular Title: Ex Parte Communications

RIN 2140-AB65

Stage: Proposed Rule

Previous Stage: Advance Notice of Proposed Rulemaking (ANPRM) served 4/14/2026; End of comment period 5/29/2026.

Abstract: In response to a petition by the Association of American Railroads, the Board instituted a rulemaking proceeding and issued an ANPRM to consider revisions to its regulations governing ex parte communications. The Board is considering several changes to those regulations and sought comment from interested persons. The Board also invited commenters to identify additional options for revisions to the Board's ex parte communication regulations.

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
ANPRM Service Date	04/2026		04/14/2026
Comments Due	05/29/2026		05/29/2026
Next Action	10/2026	01/2027	

Explanation for any delay: The Board's projected next action date reflects its best estimate, accounting for other proceedings with statutory or other legal deadlines.

Federal Register Citation for Next Action: N/A

Surface Transportation Board

4. Eliminating Regulatory Barriers to Competition: Review of Part 1144

Popular Title: N/A

RIN 2140-AB66

Stage: Final Rule

Previous Stage: NPRM served 1/7/2026; End of comment period 4/24/2026.

Abstract: The Board proposes to repeal its regulations on “Intramodal Rail Competition,” which implement the agency’s statutory authority to prescribe reciprocal switching agreements, through routes, and through rates. The approach set out in the regulations, which narrows the Board’s statutory discretion, may no longer be appropriate on an industrywide basis, and its repeal would allow the Board to consider the prescription of through routes, through rates, and reciprocal switching agreements on a case-by-case basis under the applicable statutory standards.

Effects: None

Prompting Action: Board Initiative.

Legal Deadline: None

Rulemaking Project Initiated: 1/7/2026

Docket Number: EP 788

Dates for Next Action:

Milestone	Scheduled Date	New Projected Date	Actual Date
Comments Due	03/10/2026		03/10/2026
Replies Due	04/24/2026		04/24/2026
Next Action	10/2026	11/2026	

Explanation for any delay: The Board’s projected next action date reflects its best estimate, accounting for other proceedings with statutory or other legal deadlines.

Federal Register Citation for Next Action: N/A

Surface Transportation Board

5. Permitting Reform—Environmental Review Process

Popular Title: N/A

RIN 2140-AB62

Stage: Final Rule

Previous Stage: NPRM served 3/25/2026. Decision setting end date for ex parte meetings and deadline for responses to ex parte meeting summaries served 4/20/2026. End of NPRM comment period 4/24/2026. Ex parte meeting period closed 5/4/2026.

Abstract: The Board proposes to clarify, update, and streamline its existing environmental regulations implementing the National Environmental Policy Act (NEPA) and to add delegations of authority related to environmental review. The Board is taking this action to conform its regulations to current practices and changes in the law and to support government-wide consistency in the NEPA process to the extent practicable and in accordance with Board authorities. Among those changes are the Council on Environmental Quality's (CEQ) rescission of its NEPA implementing regulations, the 2023 and 2025 amendments to NEPA, changes to other relevant statutes, executive orders, and case law relating to the implementation of NEPA, including recent U.S. Supreme Court precedent. These revisions will also ensure the development and continuance of a sound rail transportation system and reduce regulatory barriers to entry into and exit from the rail industry.

Effects: None

Prompting Action: Board Initiative, CEQ Guidance, Statutory Changes, and Court Decisions.

Legal Deadline: None

Rulemaking Project Initiated: 3/25/2026

Docket Number: EP 779

Dates for Next Action:

Milestone	Scheduled Date	New Projected Date	Actual Date
Comments Due	04/24/2026		04/24/2026
Next Action	10/2026	11/2026	

Explanation for any delay: The Board's projected next action date reflects its best estimate, accounting for other proceedings with statutory or other legal deadlines.

Federal Register Citation for Next Action: N/A

Surface Transportation Board

6. Review of Replies to Replies

Popular Title:

RIN 2140-AB71

Stage: Proposed Rule

Previous Stage: Advance Notice of Proposed Rulemaking (ANPRM) served 5/18/2026; End of comment period 6/17/2026.

Abstract: The Board is considering whether to modify its regulations or practices to allow replies to replies (and if so, to what extent) and seeks comments on how the Board's regulations on such filings would best promote fairness, efficiency, and predictability for all parties that appear in proceedings before the Board.

Effects: None

Prompting Action: Board Initiative

Legal Deadline: None

Rulemaking Project Initiated: N/A

Docket Number: EP 790

Dates for Next Action:

Milestone	Scheduled Date	New Projected Date	Actual Date
Comments Due	06/2026		06/17/2026
Next Action	12/2026		

Explanation for any delay: N/A

Federal Register Citation for Next Action: N/A