

SURFACE TRANSPORTATION BOARD
QUARTERLY REPORT OF FORMAL SERVICE COMPLAINTS

Fourth 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 fourth 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	<p>Decision granting BNSF’s application for terminal trackage rights served on 7/5/2016.</p> <p>Appeal filed with the U.S. Court of Appeals for the District of Columbia Circuit on 9/1/2016. Appeal ordered to be held in abeyance by the D.C. Circuit on 1/3/2017 to allow parties to reach agreement regarding certain terms and conditions.</p> <p>BNSF filed petition to establish conditions of use and compensation on 1/12/2018. KCS filed motion to dismiss petition on 2/1/2018. Additional pleadings by BNSF, UP, and KCS filed.</p> <p>Decision denying KCS motion to dismiss served on 5/1/2018.</p>

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

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

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

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>

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12/30/2016	Unreasonable practice and violation of statutory obligation to compensate car owners	Tesoro Refining & Marketing Company LLC v. Union Pacific Railroad Company	NOR 42152	Unspecified	Tesoro Refining & Marketing Company LLC; Tesoro Great Plains Gathering & Marketing LLC; and Dakota Prairie Refining, LLC	Union Pacific Railroad Company	<p>Complaint filed on 12/30/2016. Motion for abeyance received on 1/6/2017; reply and motion to consolidate received on 1/26/2017; motion to compel received on 2/24/2017. Decision consolidating NOR 42150, NOR 42152, and NOR 42144 served on 3/31/2017. Decision consolidating NOR 42153 with NOR 42150, NOR 42152, and NOR 42144 served on 10/05/2017.</p> <p>Discovery in consolidated proceedings concluded on 1/22/2019. Opening evidence filed on 2/22/2019. Reply filed on 4/26/19. Rebuttal filed on 5/31/19.</p> <p>By decision served 3/22/2021, the Board directed the parties to submit further briefing on two issues of statutory interpretation and application, which were filed on 4/21/2021; replies to those were filed on 5/21/2021.</p>

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8/1/2017	Unreasonable practice and violation of statutory obligation to compensate car owners	Arkema Inc. v. Union Pacific Railroad Company	NOR 42153	Unspecified	Arkema Inc.	Union Pacific Railroad Company	<p>Complaint filed on 8/1/2017. Union Pacific's motion to consolidate with NOR 42150, NOR 42152, and NOR 42144, received on 8/9/2017; answer to the complaint (8/23/2017), reply (8/29/2017), and supplement to the motion to consolidate (9/8/2017) received. Decision consolidating NOR 42153 with NOR 42150, NOR 42152, and NOR 42144 served on 10/05/2017.</p> <p>Discovery in consolidated proceedings concluded on 1/22/2019. Opening evidence filed on 2/22/2019. Reply filed on 4/26/19. Rebuttal filed on 5/31/19.</p> <p>By decision served 3/22/2021, the Board directed the parties to submit further briefing on two issues of statutory interpretation and application, which were filed on 4/21/2021; replies to those were filed on 5/21/2021.</p>

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

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

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							postpone briefing on damages to allow the parties to conduct negotiations that could potentially resolve the dispute.
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 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

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

Complaint Received	Type of Complaint	Title	Docket No.	Geographic Region	Complainant	Carrier(s) Involved	Resolution/Status
12/8/2022	Failure to provide statutory preference to Amtrak	Complaint & Petition of the National Railroad Passenger Corp. Under 49 U.S.C. § 24308(f)—for Substandard Performance of Amtrak’s Sunset Limited Trains 1 & 2	NOR 42175	Louisiana, Texas, New Mexico, Arizona, and California	National Railroad Passenger Corp. (Amtrak)	Union Pacific Railroad Company; BNSF Railway, Inc.; Canadian National Railway Company; Southern California Regional Rail Authority; and Canadian Pacific Kansas City	Complaint filed 12/8/2022 along with proposed procedures and framework for investigation and remediation. By decision served 7/12/23, the Board instituted a proceeding and asked investigative questions. Board staff held a technical conference on 7/21/23. On September 12, 2023, the Board added CPKC as a party of record and directed CPKC to respond to the Board’s request for information. On 11/20/23, the Board directed the parties to clarify some of their responses to the Board’s requests for information.
12/27/2022	Failure to provide transportation or service on reasonable request. Failure to provide continuous carriage.	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 designation of information as confidential filed 3/10/23. Response to complainants’ reply to motion to dismiss filed 3/20/23. By decision served on November 13, 2023, the Board granted in part and denied in part the motion to dismiss. By decision served on November 20, 2023, the Board granted complainant’s request to withdraw its amended complaint.

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							Amended complaint filed 3/24/23. Answer and motion to dismiss filed 4/13/23. Request for extension of time filed 4/21/23. Extension request granted by decision served 4/24/23. Reply to motion to dismiss filed 5/3/23. Status report filed 5/8/23.
4/14/2023	Petition for emergency service order, or, in the alternative, injunctive relief, to require adequate service.	Navajo Transitional Energy Company, LLC—Ex Parte Petition for Emergency Service Order	NOR 42178	Montana	Navajo Transitional Energy Company, LLC	BNSF	Petition filed 4/14/23. Reply filed 4/19/23. Protective Order issued 4/19/23. Oral argument before the Board held 5/10/23. Parties submitted supplemental filings 5/15/23. By decision served 6/23/23, the Board granted NTEC's request for a preliminary injunction. The parties have submitted status reports since 6/30/23. On 8/14/23, the Board denied BNSF's petition to stay the contingent portion of the injunction. BNSF petition for judicial review docketed 7/28/23 (5th Circuit). BNSF motion for partial stay of preliminary

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							<p>injunction denied by court 8/30/23.</p> <p>By decision served 12/13/23, the Board granted a joint motion to dismiss the proceeding with prejudice, denied NTEC's motion to vacate the 6/23/23 decision, and lifted the preliminary injunction.</p>
4/14/2023	Failure to provide reasonable service upon reasonable request in violation of the common carrier obligation.	Navajo Transitional Energy Company, LLC v. BNSF Railway Company	NOR 42179	Montana	Navajo Transitional Energy Company, LLC	BNSF	<p>Complaint filed 4/14/23. Protective Order issued 4/19/23. Reply filed 5/4/23. Report on parties' scheduling conference filed 5/23/23, with each side proposing a procedural schedule. On 6/30/23, the Board adopted a procedural schedule. On 8/9/23, the Board denied an appeal of the DO procedural schedule, issued a revised schedule, and appointed an ALJ to handle discovery matters. Decision modifying the procedural schedule served 9/28/23. BNSF motion to partially dismiss the complaint filed 9/29/2023.</p>

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							By decision served 12/13/23, the Board granted a joint motion to dismiss the proceeding with prejudice.
4/24/2023	Petition for Declaratory Order and Injunctive Relief	The Wenger Group, Inc., and Esbenshade, Inc.—Petition for Declaratory Order and Injunctive Relief—Rail Service to Pennsylvania Feed Mills and Other Facilities	FD 36695	Pennsylvania	The Wenger Group, Inc., and Esbenshade, Inc. (Petitioners) Kellogg Company (Intervenor)	National Railroad Passenger Corp. (Amtrak)	<p>Petition and motion for protective order filed 4/24/2023. Motion for protective order granted 4/26/2023. Decision setting reply deadlines served 4/26/2023.</p> <p>Replies from Norfolk Southern Railway Company (NSR) and Amtrak filed 5/1/2023. Decision directing parties to file a status report served 5/2/2023. Status report filed 5/3/2023.</p> <p>Kellogg Company petition to intervene filed 5/4/2023. National Grain and Feed Association support statement filed 5/4/2023.</p>

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							<p>Amtrak request for abeyance, indicating settlement in principle between Amtrak and petitioners, filed 5/10/2023. Decision granting abeyance request, tolling all deadlines, and ordering a status report no later than 5/30/2023 served 5/11/2023.</p> <p>NSR letter requesting the Board lift abeyance with respect to Kellogg and set deadlines for replies to Kellogg’s petition filed 5/12/2023. Decision granting Kellogg’s petition to intervene, lifting the abeyance with respect to Kellogg, and ordering the submission of additional information served 5/18/2023.</p> <p>NSR reply to Kellogg’s petition filed 5/23/2023. Kellogg supplemental information filed 5/23/2023.</p> <p>Amtrak extension request filed and modified 5/26/2023. Kellogg and NSR letters in opposition to Amtrak’s extension request filed 5/26/2023. Decision denying Amtrak’s extension request served 5/26/2023. Amtrak’s reply to Kellogg’s petition filed 5/30/2023.</p>

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							<p>Petitioners motion to dismiss their petition filed 5/30/2023.</p> <p>NSR letter requesting expedited reply deadline and Amtrak letter in opposition to NSR's request both filed 6/1/2023. Decision setting Amtrak response deadline served 6/2/2023.</p> <p>Amtrak reply filed 6/6/2023.</p> <p>Kellogg and Amtrak joint status report indicating ongoing negotiations filed 6/14/2023.</p> <p>Amtrak request for abeyance, indicating settlement in principle between Amtrak and Kellogg, filed 6/22/2023. Decision granting abeyance request and ordering a status update by 7/10/2023 served 6/23/2023.</p> <p>Kellogg and Amtrak status update filed July 10, 2023. On July 17, 2023, Kellogg filed a motion to dismiss with prejudice informing the Board that it and Amtrak reached a settlement agreement. Decision granting Petitioners' and Kellogg's motions to dismiss served July 20, 2023, discontinuing the proceeding.</p>

SURFACE TRANSPORTATION BOARD
QUARTERLY REPORT OF INFORMAL SERVICE COMPLAINTS RECEIVED

Fourth 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 fourth quarter of 2023 (October 1, 2023 – December 31, 2023), the STB received the following informal complaints¹:

Date ²	Type of Informal Complaint	Geographic Region ³	Resolution / Status	Complainant ⁴ CONFIDENTIAL
5/22/2023	Railroad service issue	South	Shortline railroad customer contacted RCPA for assistance with mounting demurrage charges and the railroad’s statement that it would refuse further service in the absence of an escrow arrangement; RCPA facilitated several discussions between the parties and rail service was maintained; RCPA is continuing to facilitate negotiations related to disputed past demurrage. [Pending]	

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

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

³ **Northeast:** Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New Jersey, New York, and Pennsylvania; **South:** Maryland, Delaware, West Virginia, Virginia, Kentucky, Tennessee, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Arkansas, Louisiana, Oklahoma, and Texas; **Midwest:** North Dakota, South Dakota, Nebraska, Kansas, Missouri, Iowa, Minnesota, Wisconsin, Illinois, Michigan, Indiana, and Ohio; **West:** Washington, Idaho, Montana, Wyoming, Oregon, California, Nevada, Utah, Colorado, Arizona, New Mexico, Alaska, and Hawaii.

⁴ This quarterly report may identify the complainant that submitted an informal complaint only upon the written consent of the complainant. Surface Transportation Board Reauthorization Act of 2015, Sec. 6(b).

Date ²	Type of Informal Complaint	Geographic Region ³	Resolution / Status	Complainant ⁴ CONFIDENTIAL
9/1/2023	Railroad rate levels	South	Shipper contacted RCPA for assistance related to rate increases proposed by its line haul railroad, which the shipper believed were significantly above market, and inconsistent service from its last mile carrier; RCPA liaised with the shipper about the increases, and facilitated further discussions with the line haul railroad about the rate increases, as well as ways the line haul railroad could work with the last mile carrier to improve service. [Closed]	
9/6/2023	Railroad interchange issue	West	Shortline railroad requested RCPA assistance with an interchange carrier that was not taking railcars from the shortline and moving them to the linehaul carrier; the shortline advised that congestion was affecting its ability to serve customers; RCPA liaised with the interchange carrier and the linehaul carrier, resulting in the shortline working directly with the linehaul carrier to reduce congestion and improve fluidity; RCPA monitored the issue until congestion abated. [Closed]	
9/13/2023	Railroad service issue	Midwest	Shipper requested RCPA assistance with several rail service issues, including a reduction in its weekly switches, missed switches, and delayed handling of bad order cars; RCPA discussed the issues with the shipper and the railroad's past response; the shipper requested that RCPA not take action until the shipper was able to conduct high-level meetings with the railroad; subsequently, RCPA was advised that the service issues had improved significantly. [Closed]	
9/26/2023	Railroad demurrage issue	Midwest	Shipper contacted RCPA for assistance, relating to a railroad's demurrage billing practices; the shipper believed that the railroad was not in compliance with STB requirements that railroads provide shippers with supporting information; RCPA discussed the issues with the shipper and liaised with the railroad; RCPA is continuing to work on the issues on behalf of the shipper. [Pending]	

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9/26/2023	Railroad service issue	Northeast	Shipper contacted RCPA to discuss concerns and questions associated with a railroad’s provision of continued service to a railroad-owned transloading site, including the ability of the shipper to make modifications to the site in order to accommodate its shipments, and the railroad’s common-carrier obligation to provide continued service to the location; RCPA discussed the issues with the shipper, including STB case law; however, the shipper advised that it had been able to reach an acceptable commercial resolution with the railroad. [Closed]	
9/26/2023	Railroad service issue	West	Shipper reached out to RCPA to request assistance with rail cars stalled at interchange; the extended cycle times forced the shipper to move bulk products by truck at a substantially higher cost; RCPA contacted the railroad on the shipper's behalf; the railroad cited resource challenges at the interchange and committed to communicating with the shipper to ensure accurate information; the shipper advised RCPA that there were significant improvements in interchange of cars and communications. [Closed]	
9/26/2023	Railroad service issue	West	Shipper contacted RCPA to revisit a previously resolved complaint with a shortline railroad, relating to missed switches and not pulling the correct number of cars; RCPA contacted the shortline, which referred to staffing and waybilling problems; at the shipper’s request, RCPA hosted several joint calls between the parties resulting in improved service performance and more effective communications. [Closed]	

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9/29/2023	Railroad service issue	Northeast	Shipper contacted RCPA for assistance due to a deterioration in local service, including missed switches and failure to spot and pull available cars, leading the shipper to rely on trucking and to consider production curtailments; RCPA contacted the railroad, which advised that a derailment had impaired local switching; the railroad advised that critical cars would be spotted that day or as soon as possible; RCPA hosted a follow-up meeting between the railroad and the shipper to discuss the issues; the shipper subsequently advised RCPA of service improvements. [Closed]	
10/10/2023	Railroad service issue	Midwest	Shipper contacted RCPA to express concerns regarding unit trains that were delayed for several days in transit and a railroad's preparedness to handle upcoming shipment volumes; RCPA acknowledged the shipper's concerns and offered to engage with the railroad; however, the shipper did not request further assistance. [Closed]	
10/10/2023	Railroad service issue	West	Shipper advised RCPA of deterioration in railroad service performance; the shipper reported that some of its cars had been delayed by up to ten days in transit; however, the shipper did not seek direct intervention with the railroad; RCPA advised that it would continue to monitor the situation. [Closed]	
10/12/2023	Railroad service issue	South	Shipper contacted RCPA about a Class I railroad's procedures for diverting railcars that are released empty; the shipper advised that railcars released on a shortline serving carrier cannot be diverted to a new destination; RCPA liaised with the customer and facilitated direct communications with the Class I railroad to resolve the issue; no further RCPA assistance was requested. [Closed]	

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10/12/2023	Railroad service issue	South	Shipper sought RCPA assistance to address repeated delays to its railcars while in transit, particularly at key yards and interchanges; RCPA liaised with the railroad to address the situation; the railroad advised that some of the delays had been caused by crew shortages at its yards and that it would take steps to address the issues; the railroad also advised that it would increase interchange events at certain locations where the shipper was served by connecting shortline railroads. [Closed]	
10/13/2023	Railroad embargo	Midwest	Shortline railroad contacted RCPA to discuss the use of embargos by other shortlines; RCPA discussed the issues with the railroad and provided informal guidance. [Closed]	
10/17/2023	Railroad service issue	West	Shipper contacted RCPA to inquire about the possibility of obtaining reciprocal switching service from an alternate carrier, due to poor service, including missed switches, from the established carrier; RCPA contacted the railroad, which took steps to improve service. [Closed]	
10/24/2023	Railroad service issue	South	Shipper sought RCPA assistance in addressing deteriorating railroad service, including several missed switches at its receiving facilities; RCPA liaised with the railroad about the issues; the railroad acknowledged the missed switches and associated issues at an intermediate yard; it advised that measures were put into place to ensure better service and that it was closely monitoring movement of the shipper's traffic. [Closed]	
10/24/2023	Railroad embargo	International	Shipper trade association contacted RCPA to raise concerns over the impact of embargoes being implemented by a foreign railroad, which were impacting its members' ability to reach foreign customers; RCPA discussed the issues with the representative of the association and then gathered further information on the cause of the embargoes; RCPA engaged informally with certain Class I railroads to understand their approaches to the embargoes and their efforts to facilitate the movement of affected traffic. [Closed]	

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10/24/2023	Railroad demurrage charges	West	Shipper sought informal guidance from RCPA related to the process for disputing a railroad's demurrage charges, including timing considerations and the impact of an embargo; RCPA discussed the issues informally with the shipper and provided relevant STB decisions, including the policy statement on demurrage. [Closed]	
10/26/2023	Railroad service issue	Northeast	Shipper sought RCPA assistance in addressing poor service and an associated backup of traffic destined for its facility; the service issues included railcars spotted to the wrong track, and missed service due to what the railroad characterized as track problems at the shipper's facility; RCPA liaised with the railroad about the issues, resulting in service improvements and better communication. [Closed]	
11/1/2023	Railroad service issue	Midwest	Shipper contacted RCPA for assistance with outstanding demurrage charges, which the shipper believed to be improperly charged due to the railroad's insufficient service; RCPA elevated the issue with the railroad and the parties resumed discussions regarding the charges; the matter remains open with plans for further analysis of the underlying service issues. [Pending]	
11/2/2023	Railroad real estate	South	Stakeholder contacted RCPA for assistance concerning a railroad's plan to develop a new rail-served automotive facility in an area previously designated for a logistics park; RCPA held several separate calls with local officials and the railroad and facilitated a joint meeting between the parties; the parties are continuing to negotiate regarding project mitigation measures, and RCPA remains available to assist if needed in the future. [Closed]	
11/2/2023	Railroad demurrage charges	South	Shipper contacted RCPA for assistance concerning a pending demurrage dispute with a railroad and its lack of progress in resolving the matter; RCPA discussed the issues with the shipper, including the impacts of bunching on the shipper's ability to unload and release railcars; RCPA contacted the railroad on the shipper's behalf, resulting in direct discussions regarding the disputed charges. [Closed]	

Date ²	Type of Informal Complaint	Geographic Region ³	Resolution / Status	Complainant ⁴ CONFIDENTIAL
11/2/2023	Railroad demurrage charges	South	Shipper contacted RCPA for assistance with negotiations over an outstanding demurrage invoice with a Class I railroad; the shipper asserted that a reduction in days of service coupled with misplaced railcars erroneously caused the demurrage; RCPA held several separate discussions with the shipper and railroad, and the demurrage bill was subsequently reduced. [Closed]	
11/2/2023	Railroad maintenance issue	Midwest	Shipper contacted RCPA for assistance after a railroad removed a switch accessing shipper's track without notification or indicating that it would be replaced; RCPA contacted the railroad and confirmed that the switch would be replaced prior to the next delivery. [Closed]	
11/3/2023	Railroad service issue	Midwest	Prospective shipper contacted RCPA regarding its request for new rail service at a planned facility; the shipper was engaged in discussions with the relevant railroads and sought advice concerning the common carrier obligation to provide the service; RCPA provided informal guidance on the common carrier obligation and offered to liaise with the railroads if desired, in the future. [Closed]	
11/7/2023	Railroad embargo	West	Shipper reached out to RCPA regarding a railroad embargo that limited shipments to its facility; the shipper had raised the embargo with the railroad but was informed that no permits would be issued until it reduced its inbound shipments; RCPA contacted the railroad to discuss the embargo, but received no response; subsequently, the shipper advised that permits were issued and successfully metered traffic while still allowing the shipper to move its freight. [Closed]	
11/8/2023	Railroad freight car repair	Midwest	Shipper requested RCPA assistance obtaining a status update on a bad ordered railcar; RCPA offered to contact the railroad to discuss the car, however, in the meantime, the railroad responded directly to shipper and RCPA assistance was no longer required; RCPA offered to contact the railroad as needed in the future. [Closed]	

Date ²	Type of Informal Complaint	Geographic Region ³	Resolution / Status	Complainant ⁴ CONFIDENTIAL
11/8/2023	Railroad commercial issue	South	3PL contacted RCPA for assistance with obtaining a more detailed receipt from a Class I railroad's port terminal; RCPA contacted the railroad to explore various options but the railroad advised that it was unable to provide the requested detail in the receipt. [Closed]	
11/16/2023	Railroad intermodal service	South	Shipper sought RCPA assistance with its ongoing effort to establish rail service to move intermodal traffic to its facility; RCPA contacted the railroad to discuss the request and the railroad was amenable to providing the service; RCPA connected the shipper with the railroad directly, for further discussion about initiating service. [Closed]	
11/17/2023	Railroad demurrage charges	Midwest	Shipper sought RCPA guidance concerning railroad demurrage invoices that it claimed resulted from railroad's bunching of cars; RCPA provided informal guidance on demurrage, including discussion of the Board's policy statement, and offered to liaise with the railroad; the shipper communicated its concerns directly to the railroad and will seek future RCPA assistance if necessary. [Closed]	
11/20/2023	Railroad rate levels	Northeast	Shipper contacted RCPA regarding a significant proposed rate increase for 2024, which the railroad attributed to inflation; RCPA contacted the railroad to highlight the shipper's pricing concerns and the parties were able to negotiate a substantially lower rate increase. [Closed]	
11/28/2023	Railroad miscellaneous charges	South	Shipper contacted RCPA to express concerns about a Class I railroad's recent ancillary fee increases for overloaded cars; RCPA offered to contact the railroad to address the fee increases; however, the shipper did not request additional assistance. [Closed]	
11/30/2023	Railroad liability issue	Northeast	Shipper contacted RCPA to express concern over damaged cars on a Class I railroad; the railroad had previously claimed the cars were damaged due to lack of experience at flat switching yards; RCPA liaised with the railroad, which advised that it was further investigating the circumstances. [Closed]	

Date ²	Type of Informal Complaint	Geographic Region ³	Resolution / Status	Complainant ⁴ CONFIDENTIAL
11/30/2023	Railroad embargo	Northeast	Shipper expressed concern to RCPA over the threat of embargoes due to current rail volumes not matching historical volumes; shipper sought to open the lines of communication with the railroad through RCPA to resolve bunching in service yards and the subsequent threat of embargoes; RCPA is continuing to work with the shipper on outreach to the railroad. [Pending]	
12/1/2023	Railroad service issue	South	Shipper contacted RCPA seeking guidance regarding the ability of a railroad to unilaterally terminate a reciprocal switching agreement, resulting in a loss of competition at a rail-served facility; RCPA discussed the issues with the shipper, including relevant STB precedent; RCPA offered to provide further assistance in the event that the railroad decides to terminate the agreement. [Closed]	
12/6/2023	Railroad service issue	West	Shipper contacted RCPA describing an issue with a railroad failing to complete delivery of loaded cars, rebilling as if delivered, and returning the loaded cars; the shipper reported that this issue has occurred sporadically for 1-2 years, and is costly to address; the shipper is working directly with the railroad, and will seek direct RCPA assistance if necessary. [Closed]	
12/7/2023	Railroad service issue	Midwest	Shipper contacted RCPA for assistance locating a missing railcar; RCPA contacted the railroad, which initially provided unresponsive information about the status of the car; RCPA is continuing to assist the shipper with the railroad conducting a more detailed investigation. [Pending]	
12/12/2023	Railroad demurrage charges	West	Shipper contacted RCPA to express concerns about a railroad's demurrage billing practices, including untimely, unclear and/or erroneous invoices; however, the shipper did not want to be directly identified; RCPA discussed the issues with railroad without referring to the shipper in order to better understand the railroad's practices, including the capabilities of its online dashboard; RCPA subsequently liaised with the shipper and offered further assistance, if needed. [Closed]	

Date ²	Type of Informal Complaint	Geographic Region ³	Resolution / Status	Complainant ⁴ CONFIDENTIAL
12/13/2023	Railroad service issue	West	Shipper contacted RCPA for assistance, after a railroad decided to terminate the rights of a second railroad to serve its facility; RCPA discussed the issues with the shipper and reviewed relevant materials and then contacted the railroad; shortly thereafter, the railroad advised that it had reached an agreement with the second carrier to preserve access to the shipper's facility, which resolved the issue. [Closed]	
12/13/2023	Railroad inter-carrier disputes	West	Shortline railroad contacted RCPA for assistance with a disruption of its ability to serve a customer due to interference by two other railroads that were leaving cars on, or otherwise blocking its access to tracks in a shared yard facility; RCPA convened a call with two of the parties to discuss the issues and facilitate coordination of operations; separately, RCPA is working with the third railroad to explore operational modifications to alleviate the interference. [Pending]	
12/13/2023	Railroad liability issues	Midwest	Shipper contacted RCPA about the frequency of mechanical damage to its railcars on the lines of a specific railroad; the shipper sought assistance in determining how the frequency of damage compared to other railroads and whether there are rules governing the timeliness of a railroad providing notification of damage to a car owner; RCPA directed the shipper to certain data available online and certain industry-wide materials relating to car handling and maintenance responsibilities. [Closed]	
12/15/2023	Railroad service issue	Northeast	Shipper contacted RCPA for assistance with a railcar that was stuck at rail yard for several months, apparently due to an embargo that had since expired; the shipper had been unable to retrieve the car; RCPA contacted the railroad on behalf of the shipper to ascertain the status of the car and facilitate its release. [Pending]	

Date ²	Type of Informal Complaint	Geographic Region ³	Resolution / Status	Complainant ⁴ CONFIDENTIAL
12/18/2023	Railroad demurrage charges	West	Shipper contacted RCPA for assistance in a dispute over unpaid demurrage, spanning several years; the shipper believed that the demurrage was due primarily to a reduction in service days at its facility, in addition to other railroad-caused factors, such as bunching; RCPA discussed the issues with the shipper, including pathways for informal assistance; RCPA contacted the railroad on behalf of the shipper to explore options for an informal resolution. [Pending]	
12/19/2023	Railroad tariff issue	Midwest	Shipper sought informal guidance from RCPA pertaining to a railroad's newly-imposed insurance and liability requirements set forth in its tariff; RCPA discussed the issues with the shipper, including pathways for formal STB review of the requirements; however, the shipper did not request direct RCPA intervention at this time; RCPA will be available for further consultations, as needed. [Closed]	
12/22/2023	Railroad embargo	Midwest	Shipper contacted RCPA about potential disruption of service to its customers due to the effects of the closure of two railroad international border crossings; RCPA offered perspective on the situation and potential steps taken by affected railroads to mitigate service interruptions; however, the rail crossings were reopened that same day, alleviating the shipper's concerns. [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

4th Quarter 2023 Cases by Category/Region

Issue Category	All Regions	Northeast	South	Midwest	West	US Territory	International	Not Specified
Meeting Request	1	1	0	0	0	0	0	0
Passenger Bus Issue	1	0	0	0	1	0	0	0
Household Goods Moving Issue	25	8	8	3	5	1	0	0
Information-Economic Data	7	1	2	2	1	0	1	0
Information-Non Economic Request	48	18	9	11	3	6	1	0
Motor Carriers (Trucking) Issue	8	3	3	1	1	0	0	0
Pipeline Issue	1	1	0	0	0	0	0	0
Railroad Agricultural Contract Filing	1	0	0	1	0	0	0	0
Amtrak or Passenger Rail Issue	1	1	0	0	0	0	0	0
Railroad Commercial or Billing Issue	3	1	1	1	0	0	0	0
Railroad Blocked Crossings	9	0	3	4	1	1	0	0
Railroad Demurrage Charges	8	0	3	1	3	1	0	0
Railroad Embargo	8	3	0	3	1	0	1	0
Railroad Environmental Issues	1	1	0	0	0	0	0	0
Railroad Freight Car Repair or Dispo	1	0	0	1	0	0	0	0
Railroad Inter-carrier disputes	1	0	0	0	1	0	0	0
Railroad Intermodal Service	1	0	1	0	0	0	0	0
Railroad Labor Issues	4	0	2	2	0	0	0	0
Railroad Liability Issues	3	0	0	2	0	1	0	0
Railroad Maintenance Issue	3	0	1	1	0	1	0	0
Railroad Miscellaneous Charges	1	0	1	0	0	0	0	0
Railroad Noise - Airhorn, Safety, etc	9	3	2	2	1	1	0	0
Railroad Preemption	4	1	3	0	0	0	0	0
Railroad Rate Levels/Increases	2	1	0	1	0	0	0	0
Railroad Service Issue	15	2	4	5	4	0	0	0
Rails to Trails	6	3	1	2	0	0	0	0

Issue Category	All Regions	Northeast	South	Midwest	West	US Territory	International	Not Specified
Real Estate Matter	7	1	2	3	1	0	0	0
STB Authority Question	5	2	1	1	1	0	0	0
STB Fees	2	0	0	2	0	0	0	0
STB Jurisdictional Question	9	2	2	5	0	0	0	0
STB Procedural Assistance	54	27	9	12	5	1	0	0
STB Recordations or Security Interests on Rail Cars	3	1	2	0	0	0	0	0
STB or ICC Records Assistance	59	13	19	21	6	0	0	0
STB Webpage/Downloading Assistance	3	2	0	0	1	0	0	0
Water Carrier Issue (Non-contiguous Domestic Trade)	1	1	0	0	0	0	0	0
Wrong Agency Calls	4	1	1	2	0	0	0	0
Total	319	98	80	89	36	13	3	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

4th Quarter 2023 Cases per Commodity Group*

Commodity Group	Number
Agricultural Products	20
Automobile	2
Chemicals	6
Construction Materials	4
Forest Products	1
Hazardous Waste/Radioactive Waste	2
Household Goods	22
Industrial Products	4
Intermodal	2
Metals and Minerals	1
Not Specified by Shipper	7
Passenger	9
Other	5
Toxic By Inhalation	1
N/A	233
Total	319

*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.