

SURFACE TRANSPORTATION BOARD
QUARTERLY REPORT ON PENDING REGULATORY PROCEEDINGS

Q4 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. Given the state of the record, the lack of action in preceding years, and the agency's ability to revoke exemptions on a partial or individual basis, Chairman Fuchs has prioritized other proceedings and expects to offer a different draft action for consideration by the full Board in 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	12/2025	06/2026	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. 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.

On September 30, 2025, in Docket No. EP 787, the Board 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). Chairman Fuchs expects that further action on FMLM service will be part of a more comprehensive data modernization initiative, which involves (1) eliminating unneeded data collections, (2) strengthening mission-critical collections, (3) streamlining filing and automating processes, and (4) improving data visualization. The Board's proposed action in EP 787 is part of that initiative.

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	04/2026	
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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 and below, 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

3. 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. 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	05/2025	06/2025	06/2025
Service Date	12/2025	11/2026	

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

4. Updating Class I Rail Carrier Reporting Requirements

Popular Title: N/A

RIN 2140-AB64

Stage: Final Rule

Previous Stage: NPRM served 9/30/2025; Decision extending comment period published 11/18/2025; End of comment period 12/08/2025.

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. Additionally, as discussed above, certain metrics proposed here implicate, and will assist the Board in monitoring, the issues raised in First-Mile / Last-Mile Service, EP 767.

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		11/24/2025
Replies Due	11/13/2025		12/08/2025
Next Action	03/2026	04/2026	N/A

Explanation for any delay: The Board's new projected 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. Petition for Rulemaking — Amendments to Regulations Governing Ex Parte Communications

Popular Title: Ex Parte Communications

RIN 2140-AB65

Stage: Proposed 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	03/2026	N/A

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

Federal Register Citation for Next Action: N/A