

# SURFACE TRANSPORTATION BOARD REPORTS

---

STB EX PARTE NO. 542 (SUB-NO. 1)

## REGULATIONS GOVERNING FEES FOR SERVICES PERFORMED IN CONNECTION WITH LICENSING AND RELATED SERVICES-- 1997 UPDATE

---

*Decided January 13, 1997*

---

The Board adopts the 1997 User Fee Update.

BY THE BOARD:

### BACKGROUND

The Surface Transportation Board (Board) is required by the regulations at 49 CFR 1002.3 to update its user fees annually. The Board's fees are revised based on the cost study formula set forth at 49 CFR 1002.3(d). Also, in some previous years, selected fees were modified to reflect new cost study data or changes in Board or Interstate Commerce Commission fee policy. The Board's last user fee update was issued in *Regulations Governing Fees for Service*, 1 S.T.B. 179 (1996) (1996 Fee Update I).

The Board's regulations at 49 CFR 1002.3(a) provide that the entire fee schedule or selected fees can be modified more than once a year, if necessary. Because Board employees will receive a salary increase of 3.33% in January 1997, and the cost of publishing documents in the *Federal Register* significantly increased on January 1, 1997, we are updating our user fees to recover these costs. All fees, with the exception of the ones discussed below, will be updated based on the cost formula at 49 CFR 1002.3(d).

2 S.T.B.

PG. / NO FOLIO

## 1997 UPDATE FACTORS

For this update, the direct labor cost data have been revised to reflect the combined 1997 Government-wide general salary and 1997 locality salary increase of 3.33% that will take effect in January 1997. The Government Fringe Benefit Cost used in the update formula remains at 49.55%. Based on the Board's Fiscal 1996 actual budget data,<sup>1</sup> the Office General and Administrative Expense Factor has *decreased* from 26.73% to 20.06%, while the Board's General and Administrative Expense Factor has increased from 11.36% to 12.20%. In addition, the Operations Overhead Factor, which is developed from Fiscal 1996 payroll cost data, has increased from 13.97% to 23.13%. Finally, the cost of publishing documents in the *Federal Register* has increased as discussed below. The 1997 fully allocated cost for each fee item developed from these factors is set forth in APPENDIX A.

## FEDERAL REGISTER COST

On January 1, 1997, the cost for publishing documents in the *Federal Register* increased to \$126 per column. The minimum cost for publishing a document also increased to \$126. Accordingly, we have modified the *Federal Register* cost for each fee item that includes such cost to reflect these changes.

We have determined that our current fees for items (38) through (41)(i) and (ii) involving major and significant rail finance proceedings do not include *Federal Register* publication costs. Based on a review of documents published in the *Federal Register* for two recent rail merger proceedings,<sup>2</sup> we have calculated that *Federal Register* costs of \$4,630.50 for major transactions and \$926.10 for significant transactions should be included in the cost for those fee items. We also have increased the *Federal Register* publication costs for minor transactions and responsive applications to \$1,183.96.

---

<sup>1</sup> The Board, which was created by the *ICC Termination Act of 1995*, Pub. L. No. 104-88, 109 Stat. 803 began operation on January 1, 1996. Therefore, the budget data from which these costs were derived covers the period of January 1, 1996, to September 30, 1996.

<sup>2</sup> *Burlington Northern et al. -- Merger -- Santa Fe Pacific et al.*, 10 I.C.C.2d 661 (1995), and *Union Pacific/Southern Pacific Merger*, 1 S.T.B. 233 (1996).

## FEES ITEMS NOT AFFECTED BY THIS UPDATE

In *1996 Fee Update I*, based on concerns expressed by various commenting parties in that decision, the Board determined that fees for formal complaints would be set at 10% of the fully allocated cost and would be increased gradually to the fully allocated levels. However, because of on-going legislative debate regarding complaint fees when the *1996 Fee Update I* was decided, the Board initially maintained all complaint fees at \$1,000. In *Regulations Governing Fees for Service*, 1 S.T.B. 883 (1996) (*1996 Fee Update II*), the Board established fees for items (56)(i) and (iii), which do not involve rail maximum rates filed by small shippers, at \$23,300 and \$2,300, respectively. Those fee increases became effective on January 16, 1997. Consequently, in the current update, we will not revise the fees for these two types of complaint proceedings.<sup>3</sup> We will increase the fees for these items under the formula adopted in *1996 Fee Update I*, in subsequent update proceedings.

We note that the filing fee for Item 56(ii), A formal complaint involving rail maximum rates filed by a small shipper, remains at \$1,000 in keeping with Congressional mandate discussed in *1996 Fee Update II*. In addition, the \$150 filing fees that were established in *1996 Fee Update I* for items involving trails use requests, Amtrak conveyance and compensation proceedings, appeals to Board decisions, and motor carrier undercharge proceedings and the \$150 filing fee for labor arbitration proceedings, adopted in *1996 Fee Update II*, will be maintained. Moreover, the fee for Item 13, A Feeder Line Development Program, will remain at \$2,600 and fees for Item 58(i), A Petition for declaratory order involving a dispute over an existing rate or practice, and Item 58(ii), All other petitions for declaratory order, are held at the current levels of \$1,000 and \$1,400, respectively.

---

<sup>3</sup> Under a gradual fee increase program over a multiple-year period as established in the *1996 Fee Update I*, we would be justified in adopting a fee for Item 56(i), Formal complaints filed under the coal rate guidelines set at \$24,800 per filing [\$248,533.78 (total 1997 cost) times 10% and then rounded]. We would also be justified in adopting a fee for Item 56(iii), All other formal complaints set at \$2,400 per filing [\$24,658.77 (total 1997 cost) times 10% and then rounded].

## OTHER ADJUSTMENTS TO THE FEE SCHEDULE

In *Central Power & Light Co. v. Southern Pacific et al.*, 1 S.T.B. 1059 (1996), the Board indicated that in certain cases "bottleneck" rate relief would be available in connection with the filing of a competitive access complaint. Our existing fee schedule, however, does not contain a separate fee for competitive access complaints. In light of our limited experience to date with competitive access complaint filings, we will initially set a fee of \$150 for these cases. This fee will be designated Item 56(iv), Competitive access complaints. We will reevaluate our fee for this activity as we gain further experience handling these types of proceedings.

In *Class Exem. For the Construction of Connecting Track*, 1 S.T.B. 75 (1996), the Board adopted new regulations at 49 CFR 1150.36, that allow for the filing of notices of exemption for the construction and operation of connecting railroad track. Prior to the revisions of the fee schedule in *1996 Fee Update I*, rail line acquisition and operation proceedings and construction proceedings were grouped under the same item. When these two activities were given separate fee item numbers in *1996 Fee Update I*, the revised schedule did not include a fee for notices of exemption involving construction of rail lines. Therefore, we are adding Item 12(ii), Notices of exemption involving construction of rail lines under 49 CFR 1150.36, to cover that activity. The fee for Item 12(ii), is established as \$1,100, which is the same level as the fee for notices involving acquisition or operation of rail lines. In future fee updates, that fee level may be adjusted based on our experience handling those proceedings. In order to be consistent with other fee items in our fee schedule, we are also providing for a separate Fee Item (12)(iii), Petitions for exemptions involving construction.

## NOTICE AND COMMENT REQUIREMENT

The fee increases involved here only result from the mechanical application of the current update formula at 49 CFR 1002.3(d), which was adopted through notice and comment procedures in *Regulations Governing Fees for Services-1987 Update*, 4 I.C.C.2d 137 (1987). Therefore, we believe that good cause exists for finding that notice and comment is unnecessary for this proceeding. See, *Regulations Governing Fees For Services-1990 Update*, 7 I.C.C.2d 3 (1990), *Regulations Governing Fees For Services-1991 Update*, 8 I.C.C.2d 13

(1991), *Regulations Governing Fees For Services-1993 Update*, 9 I.C.C.2d 855 (1993).

#### REGULATORY FLEXIBILITY ANALYSIS

We certify that these rules will not cause a significant economic effect on a substantial number of small entities because the Board's regulations provide for waiver of filing fees for those entities which can make the required showing of financial hardship.

*It is ordered:*

1. 49 CFR part 1002 of the *Code of Federal Regulations* is amended as set forth in APPENDIX B. Notice of the final rules adopted here will be transmitted to Congress pursuant to Pub. L. 104-121 (March 29, 1996).
2. These rules are effective on February 24, 1997.

By the Board, Chairman Morgan and Vice Chairman Owen.

## SURFACE TRANSPORTATION BOARD REPORTS

## APPENDIX A

FEE	1996	1997							
#	DIRECT	DIRECT LABOR	GOVT.	TOTAL	OPERATIONS	OFFICE	BOARD	PUBLICATION	TOTAL
	LABOR	UPDATED	FRINGES	(2+3)	OVERHEAD	G&A	G&A	COST	SUM(4-8)
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1	1,029.66	1,063.95	527.19	1,591.13	368.03	393.01	286.96	4.00	2,643.14
2	434.09	448.55	222.25	670.80	155.16	165.69	120.98	149.88	1,262.50
3	6,382.49	6,595.03	3,267.84	9,862.86	2,281.28	2,436.12	1,778.79	149.88	16,508.93
4I	1,029.66	1,063.95	527.19	1,591.13	368.03	393.01	286.96	149.88	2,789.02
4II	24.75	25.57	12.67	38.25	8.85	9.45	6.90	0.00	63.44
5	116.13	120.80	59.46	179.46	41.51	44.33	32.37	5.00	302.65
11I	1,655.51	1,710.64	847.62	2,558.26	591.73	631.89	461.39	126.00	4,369.26
11II	354.50	366.30	181.50	547.81	126.71	135.31	98.80	231.00	1,139.62
11III	2,882.61	2,978.60	1,475.90	4,454.50	1,030.33	1,100.26	803.38	149.88	7,538.34
12I	17,300.29	17,876.39	8,857.75	26,734.14	6,183.61	6,603.30	4,821.57	162.00	44,504.62
12II	354.50	366.30	181.50	547.81	126.71	135.31	98.80	231.00	1,139.62
12III	17,300.29	17,876.39	8,857.75	26,734.14	6,183.61	6,603.30	4,821.57	162.00	44,504.62
13	5,313.76	5,490.71	2,720.65	8,211.35	1,899.29	2,028.19	1,480.94	147.00	13,766.77
14I	1,401.44	1,448.11	717.54	2,165.65	500.91	534.91	390.58	149.88	3,741.93
14II	354.50	366.30	181.50	547.81	126.71	135.31	98.80	231.00	1,139.62
14III	1,494.58	1,544.35	765.23	2,309.57	534.20	570.46	416.54	165.38	3,996.16
15	357.86	369.78	183.22	553.00	127.91	136.59	99.74	128.86	1,046.10
21I	5,119.05	5,289.51	2,620.95	7,910.47	1,829.69	1,953.88	1,426.67	126.00	13,246.71
21II	764.16	789.61	391.25	1,180.86	273.13	291.67	212.97	319.78	2,278.41
21III	1,418.72	1,465.96	726.38	2,192.35	507.09	541.51	395.40	183.27	3,819.61
22	110.71	114.40	56.68	171.08	39.57	42.26	30.85	0.00	283.76
23	441.74	456.45	226.17	682.62	157.89	168.61	123.11	0.00	1,132.23
24	422.68	436.76	216.41	653.17	151.08	161.33	117.80	0.00	1,083.38
25	363.59	375.70	186.16	561.86	129.96	138.78	101.33	0.00	931.92
26	5,268.56	5,444.00	2,697.50	8,141.51	1,883.13	2,010.94	1,468.34	0.00	13,503.92
27	272.60	281.68	139.57	421.25	97.43	104.05	75.97	0.00	698.70
36	4,364.04	4,509.36	2,234.39	6,743.75	1,559.83	1,665.70	1,216.25	149.88	11,335.41
37	2,337.14	2,414.97	1,196.62	3,611.58	835.36	892.06	651.36	149.88	6,140.24
38I	345,266.30	356,763.67	176,776.40	533,540.07	123,407.82	131,783.75	96,225.26	4,630.50	889,587.39

2 S.T.B.

REGULATIONS GOVERNING FEES FOR SERVICE - 1997 UPDATE

FEE	1996	1997							
#	DIRECT	DIRECT LABOR	GOVT.	TOTAL	OPERATIONS	OFFICE	BOARD	PUBLICATION	TOTAL
	LABOR	UPDATED	FRINGES	(4+3)	OVERHEAD	G&A	G&A	COST	SUM(4-9)
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
38ii	69,854.64	71,354.16	35,355.99	106,710.15	24,682.86	26,357.28	19,245.44	926.10	177,921.01
38iii	1,401.44	1,448.11	717.54	2,165.65	500.91	534.91	390.58	1,183.96	4,776.01
38iv	332.32	343.39	170.15	513.53	118.78	126.84	92.62	216.57	1,068.34
38v	1,401.44	1,448.11	717.54	2,165.65	500.91	534.91	390.58	1,183.96	4,776.01
38vi	2,139.22	2,210.46	1,095.28	3,305.74	764.62	816.51	596.20	149.88	5,632.94
39i	345,266.30	356,763.67	176,776.40	533,540.07	123,407.82	131,783.75	96,225.26	4,630.50	889,587.39
39ii	69,854.64	71,354.16	35,355.99	106,710.15	24,682.86	26,357.28	19,245.44	926.10	177,921.01
39iii	1,401.44	1,448.11	717.54	2,165.65	500.91	534.91	390.58	1,183.96	4,776.01
39iv	241.20	249.23	123.49	372.73	86.21	92.06	67.22	233.10	851.32
39v	1,401.44	1,448.11	717.54	2,165.65	500.91	534.91	390.58	1,183.96	4,776.01
39vi	2,139.22	2,210.46	1,095.28	3,305.74	764.62	816.51	596.20	149.88	5,632.94
40i	345,266.30	356,763.67	176,776.40	533,540.07	123,407.82	131,783.75	96,225.26	4,630.50	889,587.39
40ii	69,854.64	71,354.16	35,355.99	106,710.15	24,682.86	26,357.28	19,245.44	926.10	177,921.01
40iii	1,401.44	1,448.11	717.54	2,165.65	500.91	534.91	390.58	1,183.96	4,776.01
40iv	223.42	230.86	114.39	345.25	79.86	85.28	62.27	190.59	763.24
40v	1,401.44	1,448.11	717.54	2,165.65	500.91	534.91	390.58	1,183.96	4,776.01
40vi	2,139.22	2,210.46	1,095.28	3,305.74	764.62	816.51	596.20	149.88	5,632.94
41i	345,266.30	356,763.67	176,776.40	533,540.07	123,407.82	131,783.75	96,225.26	4,630.50	889,587.39
41ii	69,854.64	71,354.16	35,355.99	106,710.15	24,682.86	26,357.28	19,245.44	926.10	177,921.01
41iii	1,401.44	1,448.11	717.54	2,165.65	500.91	534.91	390.58	1,183.96	4,776.01
41iv	265.63	274.48	136.00	410.48	94.94	101.39	74.03	216.00	896.84
41v	1,401.44	1,448.11	717.54	2,165.65	500.91	534.91	390.58	1,183.96	4,776.01
41vi	1,494.58	1,544.35	765.23	2,309.57	534.20	570.46	416.54	165.38	3,996.16
42	479.72	495.69	245.62	741.31	171.47	183.10	133.70	273.00	1,502.58
43	16,189.86	16,728.98	8,289.21	25,018.19	5,786.71	6,179.46	4,512.09	149.88	41,646.34
44i	2,966.04	3,064.81	1,518.61	4,583.42	1,060.15	1,132.10	826.63	149.88	7,752.18
44ii	24.75	25.57	12.67	38.25	8.85	9.45	6.90	0.00	63.44
45	184.23	190.36	94.33	284.69	65.85	70.32	51.34	0.00	472.20
46	1,820.53	1,881.15	932.11	2,813.27	650.71	694.87	507.38	149.88	4,816.11
47	35,016.04	36,182.07	17,928.22	54,110.29	12,515.71	13,365.18	9,758.92	0.00	89,750.10
48	42,470.72	43,884.99	21,745.02	65,630.81	15,180.22	16,210.53	11,836.53	0.00	108,857.30
56i	96,965.56	100,194.51	49,646.38	149,840.89	34,658.20	37,010.52	27,024.17	0.00	248,533.78

## SURFACE TRANSPORTATION BOARD REPORTS

FEE	1996	1997							
#	DIRECT	DIRECT LABOR	GOVT.	TOTAL	OPERATIONS	OFFICE	BOARD	PUBLICATION	TOTAL
	LABOR	UPDATED	FRINGES	(3+3)	OVERHEAD	G&A	G&A	COST	SUM(4+8)
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
56H	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,000.00
56Hh	9,620.63	9,941.00	4,925.76	14,066.76	3,438.68	3,672.07	2,681.26	0.00	24,658.77
56Hv	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	150.00
57	2,063.49	2,132.20	1,056.51	3,182.71	737.55	787.61	575.89	0.00	5,288.96
58H	1,938.52	2,003.07	992.52	2,995.60	692.88	739.91	540.26	472.50	5,441.15
58Hh	1,533.86	1,584.94	785.34	2,370.27	548.24	585.45	427.48	126.00	4,857.46
59	1,594.62	1,647.72	816.45	2,464.17	569.96	608.65	444.42	149.88	4,237.07
60	3,159.82	3,265.04	1,617.83	4,882.87	1,129.41	1,206.06	880.64	0.00	8,098.98
61	1,540.45	1,591.75	788.71	2,380.46	550.60	587.97	429.32	0.00	3,948.35
62	2,440.51	2,521.78	1,249.54	3,771.32	872.31	931.51	680.17	0.00	6,255.31
76	288.83	298.45	147.88	446.33	103.24	110.24	80.50	2.00	742.30
77	30.55	31.57	15.64	47.21	10.92	11.66	8.51	0.00	78.30
78I	5.75	5.94	2.94	8.89	2.06	2.19	1.60	0.00	14.74
78Hh	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1.00
79I	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	45.00
79Hh	36.40	37.61	18.64	56.25	13.01	13.89	10.14	0.00	93.30
80	142.47	147.21	72.94	220.16	50.92	54.38	39.71	0.00	365.17
81I	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	45.00
81Hh	36.40	37.61	18.64	56.25	13.01	13.89	10.14	0.00	93.30
82	57.85	59.78	29.62	89.40	20.68	22.08	16.12	0.00	148.28
83	9.56	9.88	4.89	14.77	3.42	3.65	2.66	0.00	24.50
84	61.97	64.03	31.73	95.76	22.15	23.65	17.27	0.00	158.84
85	266.35	275.22	136.37	411.59	95.20	101.66	74.23	0.00	682.69
86	347.03	358.59	177.68	536.27	124.04	132.46	96.72	0.00	889.48
96	7.47	7.72	3.82	11.54	2.67	2.85	2.08	0.00	19.15
97	5.69	5.88	2.91	8.79	2.03	2.17	1.59	0.00	14.58
98I	72.33	74.74	37.03	111.77	25.85	27.61	20.16	0.00	185.39
98Hh	107.77	111.36	55.18	166.54	38.52	41.13	30.04	126.00	402.23
99I	44.45	45.93	22.76	68.69	15.89	16.97	12.39	0.00	113.93
99Hh	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	25.00
100I	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	50.00



REGULATIONS GOVERNING FEES FOR SERVICE - 1997 UPDATE

FEE	1996	1997							
#	DIRECT	DIRECT	GOVT.	TOTAL	OPERATIONS	OFFICE	BOARD	PUBLICATION	TOTAL
	LABOR	LABOR	FRINGES	(2+3)	OVERHEAD	G&A	G&A	COST	SUM(4-8)
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
100II	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	10.00
100III	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	20.00
100iv	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	500.00
100v	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	400.00
100vi	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	50.00
100vii	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,500.00
101i	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	450.00
101II	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	150.00
101III	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	650.00
101iv	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	450.00
101v	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	500.00
101vi	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	50.00
* 102	3.97	4.10	2.03	6.13	1.42	1.52	1.11	0.00	10.18
* 103	24.52	25.34	12.55	37.89	2.76	9.36	6.83	0.00	62.85
* 104	16.97	17.54	3.69	26.22	6.07	6.48	4.73	0.00	43.50
* 105	0.56	0.58	0.29	0.87	0.20	0.21	0.16	0.00	1.44
* 106	42.69	44.11	21.86	65.97	15.26	16.29	11.90	0.00	109.42

## APPENDIX B

For the reasons set forth in the preamble, title 49, chapter X, part 1002, of the Code of Federal Regulations is amended as follows:

## Part 1002 - FEES

1. The authority citation for part 1002 continues to read as follows:

Authority: 5 U.S.C. 552(a)(4)(A) and 553; 31 U.S.C. 9701 and 49 U.S.C. 721(a).

2. Section 1002.1 is amended by revising paragraphs (a), (b), (c), and (e)(1) and the chart in paragraph (f)(6) to read as follows:

§ 1002.1 *Fees for records search, review, copying, certification, and related services.*

\*\*\*\*\*

(a) Certificate of the Secretary, \$10.00.

(b) Service involved in examination of tariffs or schedules for preparation of certified copies of tariffs or schedules or extracts therefrom at the rate of \$25.00 per hour.

(c) Service involved in checking records to be certified to determine authenticity, including clerical work etc., incidental thereto, at the rate of \$17.00 per hour.

\*\*\*\*\*

(e) \*\*\*

(1) A fee of \$44.00 per hour for professional staff time will be charged when it is required to fulfill a request for ADP data.

\*\*\*\*\*

(f) \*\*\*

(6) \*\*\*

Grade	Rate	Grade	Rate
GS-1	\$ 7.37	GS-9	\$17.20
GS-2	8.02	GS-10	18.95
GS-3	9.04	GS-11	20.82
GS-4	10.15	GS-12	24.95
GS-5	11.35	GS-13	29.67
GS-6	12.66	GS-14	35.06
GS-7	14.06	GS-15 and over	41.24
GS-8	15.58		

\*\*\*\*\*

2. In § 1002.2, paragraph (f) is revised to read as follows:

§ 1002.2 *Filing fees.*

(a) \*\*\*

(f) *Schedule of filing fees.*

Type of Proceeding	Fee
<b>PART I: Non-Rail Applications or Proceedings to Enter Upon a Particular Financial Transaction or Joint Arrangement:</b>	
(1) An application for the pooling or division of traffic ...	\$2,600.
(2) An application involving the purchase, lease, consolidation, merger, or acquisition of control of a motor carrier of passengers under 49 U.S.C. 14303 .....	\$1,200.
(3) An application for approval of a non-rail rate association agreement. 49 U.S.C. 13706. ....	\$16,500.
(4) An application for approval of an amendment to a non-rail rate association agreement:	
(i) Significant amendment .....	\$2,700.
(ii) Minor amendment .....	\$60.

2 S.T.B.

(5) An application for temporary authority to operate a motor carrier of passengers. 49 U.S.C. 14303(i) ..... \$300.

(6)-(10) [Reserved]

PART II: Rail Licensing Proceedings other than Abandonment or Discontinuance Proceedings:

(11) (i) An application for a certificate authorizing the extension, acquisition, or operation of lines of railroad. 49 U.S.C. 10901 ..... \$4,300.  
(ii) Notice of exemption under 49 CFR 1150.31 - 1150.35 ..... \$1,100.  
(iii) Petition for exemption under 49 U.S.C. 10502 ... \$7,500.

(12) (i) An application involving the construction of a rail line ..... \$44,500.  
(ii) A notice of exemption involving construction of a rail line under 49 CFR 1150.36 ..... \$1,100.  
(iii) A petition for exemption under 49 U.S.C. 10502 involving construction of a rail line ..... \$44,500.

(13) A Feeder Line Development Program application filed under 49 U.S.C. 10907(b)(1)(A)(i) or 10907(b)(1)(A)(ii) ..... \$2,600.

(14) (i) An application of a class II or class III carrier to acquire an extended or additional rail line under 49 U.S.C. 10902. .... \$3,700.  
(ii) Notice of exemption under 49 CFR 1150.41 - 1150.45 ..... \$1,100.  
(iii) Petition for exemption under 49 U.S.C. 10502 relating to an exemption from the provisions of 49 U.S.C. 10902 ..... \$3,900.

(15) A notice of a modified certificate of public convenience and necessity under 49 CFR 1150.21-1150.24 ..... \$1,000.

(16)-(20) [Reserved]

## PART III: Rail Abandonment or Discontinuance of Transportation Services Proceedings:

(21)(i) An application for authority to abandon all or a portion of a line of railroad or discontinue operation thereof filed by a railroad (except applications filed by Consolidated Rail Corporation pursuant to the Northeast Rail Service Act [Subtitle E of Title XI of Pub. L. 97-35], bankrupt railroads, or exempt abandonments) .....	13,200.
(ii) Notice of an exempt abandonment or discontinuance under 49 CFR 1152.50 .....	\$2,200.
(iii) A petition for exemption under 49 U.S.C. 10502 ..	\$3,800.
(22) An application for authority to abandon all or a portion of a line of a railroad or operation thereof filed by Consolidated Rail Corporation pursuant to Northeast Rail Service Act .....	\$250.
(23) Abandonments filed by bankrupt railroads .....	\$1,100.
(24) A request for waiver of filing requirements for abandonment application proceedings .....	\$1,000.
(25) An offer of financial assistance under 49 U.S.C. 10904 relating to the purchase of or subsidy for a rail line proposed for abandonment .....	\$900.
(26) A request to set terms and conditions for the sale of or subsidy for a rail line proposed to be abandoned .....	\$13,500.
(27) A request for a trail use condition in an abandonment proceeding under 16 U.S.C.1247(d) .....	\$150.
(28)-(35) [Reserved]	

## PART IV: Rail Applications to Enter Upon a Particular Financial Transaction or Joint Arrangement:

(36) An application for use of terminal facilities or other applications under 49 U.S.C. 11102 .....	\$11,300.
(37) An application for the pooling or division of traffic. 49 U.S.C. 11322 .....	\$6,100.

2 S.T.B.

(38) An application for two or more carriers to consolidate or merge their properties or franchises (or a part thereof) into one corporation for ownership, management, and operation of the properties previously in separate ownership. 49 U.S.C. 11324:	
(i) Major transaction .....	\$889,500.
(ii) Significant transaction .....	\$177,900.
(iii) Minor transaction .....	\$4,700.
(iv) Notice of an exempt transaction under 49 CFR 1180.2(d) .....	\$1,000.
(v) Responsive application .....	\$4,700.
(vi) Petition for exemption under 49 U.S.C. 10502 ..	\$5,600.
(39) An application of a non-carrier to acquire control of two or more carriers through ownership of stock or otherwise. 49 U.S.C. 11324:	
(i) Major transaction .....	\$889,500.
(ii) Significant transaction .....	\$177,900.
(iii) Minor transaction .....	\$4,700.
(iv) A notice of an exempt transaction under 49 CFR 1180.2(d) .....	\$850.
(v) Responsive application .....	\$4,700.
(vi) Petition for exemption under 49 U.S.C. 10502 ..	\$5,600.
(40) An application to acquire trackage rights over, joint ownership in, or joint use of any railroad lines owned and operated by any other carrier and terminals incidental thereto. 49 U.S.C. 11324:	
(i) Major transaction .....	\$889,500.
(ii) Significant transaction .....	\$177,900.
(iii) Minor transaction .....	\$4,700.
(iv) Notice of an exempt transaction under 49 CFR 1180.2(d) .....	\$750.
(v) Responsive application .....	\$4,700.
(vi) Petition for exemption under 49 U.S.C. 10502 ...	\$5,600.
(41) An application of a carrier or carriers to purchase, lease, or contract to operate the properties of another, or to acquire control of another by purchase of stock or otherwise. 49 U.S.C. 11324:	
(i) Major transaction .....	\$889,500.
(ii) Significant transaction .....	\$177,900.
(iii) Minor transaction .....	\$4,700.
(iv) Notice of an exempt transaction under 49 CFR 1180.2(d) .....	\$850.
(v) Responsive application .....	\$4,700.
(vi) Petition for exemption under 49 U.S.C. 10502 ..	\$3,900.

2 S.T.B.

(42) Notice of a joint project involving relocation of a rail line under 49 CFR 1180.2(d)(5) .....	\$1,500.
(43) An application for approval of a rail rate association agreement. 49 U.S.C. 10706 .....	\$41,600.
(44) An application for approval of an amendment to a rail rate association agreement. 49 U.S.C. 10706:	
(i) Significant amendment .....	\$7,700.
(ii) Minor amendment .....	\$60.
(45) An application for authority to hold a position as officer or director under 49 U.S.C. 11328 .....	\$450.
(46) A petition for exemption under 49 U.S.C. 10502 (other than a rulemaking) filed by rail carrier not otherwise covered .....	\$4,800.
(47) National Railroad Passenger Corporation (Amtrak) conveyance proceeding under 45 U.S.C. 562 .....	\$150.
(48) National Railroad Passenger Corporation (Amtrak) compensation proceeding under Section 402(a) of the Rail Passenger Service Act .....	\$150.
(49)-(55) [Reserved]	
PART V: Formal Proceedings:	
(56) A formal complaint alleging unlawful rates or practices of rail carriers, motor carriers of passengers or motor carriers of household goods:	
(i) A formal complaint filed under the coal rate guidelines (Stand-Alone Cost Methodology) alleging unlawful rates and/or practices of rail carriers under 49 U.S.C. 10704(c)(1) except a complaint filed by small shipper .....	\$23,300.
(ii) A formal complaint involving rail maximum rates filed by a small shipper .....	\$1,000.
(iii) All other formal complaints (except competitive access complaints) .....	\$2,300.
(iv) Competitive access complaints .....	\$150.
(57) A complaint seeking or a petition requesting institution of an investigation seeking the prescription or division of joint rates or charges. 49 U.S.C. 10705 .....	\$5,200.

2 S.T.B.

(58) A petition for declaratory order:	
(i) A petition for declaratory order involving a dispute over an existing rate or practice which is comparable to a complaint proceeding .....	\$1,000.
(ii) All other petitions for declaratory order .....	\$1,400.
(59) An application for shipper antitrust immunity. 49 U.S.C. 10706(a)(5)(A) .....	\$4,200.
(60) Labor arbitration proceedings .....	\$150.
(61) Appeals to a Surface Transportation Board decision and petitions to revoke an exemption pursuant to 49 U.S.C. 10502(d) .....	\$150.
(62) Motor carrier undercharge proceedings .....	\$150.
(63)-(75) [Reserved]	
PART VI: Informal Proceedings:	
(76) An application for authority to establish released value rates or ratings for motor carriers and freight forwarders of household goods under 49 U.S.C. 14706 .....	\$700.
(77) An application for special permission for short notice or the waiver of other tariff publishing requirements .....	\$70.
(78) (i) The filing of tariffs, including supplements, or contract summaries .....	\$1 per page. (\$14 minimum charge.)
(ii) Tariffs transmitted by fax .....	\$1 per page.
(79) Special docket applications from rail and water carriers:	
(i) Applications involving \$25,000 or less .....	\$45.
(ii) Applications involving over \$25,000 .....	\$90.
(80) Informal complaint about rail rate applications .....	\$350.
(81) Tariff reconciliation petitions from motor common carriers:	
(i) Petitions involving \$25,000 or less .....	\$45.
(ii) Petitions involving over \$25,000 .....	\$90.



(82) Request for a determination of the applicability or reasonableness of motor carrier rates under 49 U.S.C. 13710(a)(2) and (3) .....	\$100.
(83) Filing of documents for recordation 49 U.S.C. 11301 and 49 CFR 1177.3(c). .....	\$24 per document.
(84) Informal opinions about rate applications (all modes) .	\$150.
(85) A railroad accounting interpretation .....	\$650.
(86) An operational interpretation .....	\$850.
(87)-(95) [Reserved]	
PART VII: Services:	
(96) Messenger delivery of decision to a railroad carrier's Washington, DC, agent .....	\$19 per delivery.
(97) Request for service or pleading list for proceedings ...	\$14 per list.
(98)(i) Processing the paperwork related to a request for the Carload Waybill Sample to be used in a Surface Transportation Board or State proceeding that does not require a <i>Federal Register</i> notice .....	\$150.
(ii) Processing the paperwork related to a request for Carload Waybill Sample to be used for reasons other than a Surface Transportation Board or State proceeding that requires a <i>Federal Register</i> notice..	\$400.
(99)(i) Application fee for the Surface Transportation Board's Practitioners' Exam .....	\$100.
(ii) Practitioners' Exam Information Package .....	\$25.
(100) Uniform Railroad Costing System (URCS) software and information:	
(i) Initial PC version URCS Phase III software program and manual .....	\$50.
(ii) Updated URCS PC version Phase III cost file, if computer disk provided by requestor .	\$10.
(iii) Updated URCS PC version Phase III cost file, if computer disk provided by the Board .....	\$20.

2 S.T.B.

## SURFACE TRANSPORTATION BOARD REPORTS

(iv) Public requests for <i>Source Codes</i> to the PC version URCS Phase III .....	\$500.
(v) PC version or mainframe version URCS Phase II .....	\$400.
(vi) PC version or mainframe version Updated Phase II databases .....	\$50.
(vii) Public requests for <i>Source Codes</i> to PC version URCS Phase II .....	\$1,500.
 (101) Carload Waybill Sample data on recordable compact disk (R-CD):	
(i) Requests for Public Use File on R-CD - First Year .....	\$450.
(ii) Requests for Public Use File on R-CD Each Additional Year .....	\$150.
(iii) Waybill - Surface Transportation Board or State proceedings on R-CD - First Year .....	\$650.
(iv) Waybill - Surface Transportation Board or State proceedings on R-CD - Second Year on same R-CD .....	\$450.
(v) Waybill - Surface Transportation Board of State proceeding on R-CD - Second Year on different R-CD .....	\$500.
(vi) User Guide for latest available Carload Waybill Sample .....	\$50.

---

\*\*\*\*\*