

STB EX PARTE NO. 573

RAIL SERVICE IN THE WESTERN UNITED STATES

Decided December 18, 1998

The Board terminates the imposed data reporting requirements upon issuance of the first class I carrier weekly performance reports discussed in this proceeding.

BY THE BOARD:

In *Joint Petition For a Further Service Order*, 3 S.T.B. 612 (1998) (*July 31 Decision*), we declined to issue a further emergency service order requiring Union Pacific Railroad Company (UP) to give up traffic to other carriers in the Houston, TX, region, because of the significant improvements in rail service in that area since the issuance of an earlier emergency service order.¹ Nevertheless, we determined that data reporting by UP and Burlington Northern and Santa Fe Railway Company (BNSF) continued to be necessary and appropriate at that time.²

There have been significant further improvements in rail service in the Western United States subsequent to our *July 31 Decision*. Additionally, we note that, as a result of shipper-railroad discussions suggested by the Board, the U.S. and Canadian Class I carrier members of the Association of American Railroads have agreed to start issuing a series of weekly reports in January 1999, that will contain information similar to, and in some respects, more expansive than that contained in the reports we have required from UP and BNSF. Accordingly, we believe that elimination of the continued reporting and discontinuance of the Ex Parte No. 573 proceeding is now appropriate.

¹ *Joint Petition For Service Order*, 2 S.T.B. 725 (1997), and modified in subsequent orders at 2 S.T.B. 744 (1997), and 3 S.T.B. 24 and 44 (1998).

² The reporting requirements were reconfigured to reduce any unnecessary burdens imposed on the carriers, while continuing to provide us with the data needed to closely monitor the situation.

The performance data contained in the Class I carrier reports should be useful over the longer term, as they will include additional carriers and terminals, and more specific breakdowns of certain of the data. As an example, the reports that we have required from UP have included a single measurement for average train speed, whereas the Class I carrier reports will include average train speed for each railroad by type of train (such as coal, grain, intermodal, and manifest).³

We applaud the carriers' efforts to provide more data regarding their performance and to otherwise improve communications with shippers. We believe that these efforts will benefit day-to-day shipper-carrier relations and provide information needed to ensure early recognition of any service problems that may begin to develop in the future.

In light of the industry-wide data and the service improvement in the West, we are eliminating the reporting required in this proceeding effective after the first weekly industry reports are issued by the Class I carriers. We believe that it is preferable that performance measures for Class I carriers be reported on an industry-wide basis to encourage a uniform basis for the reported data. Nevertheless, we will not hesitate to impose selective reporting requirements in the future when we have reason to believe that such requirements are needed in the public interest. Furthermore, we urge the Class I carriers to add to the industry-wide reporting that will be made available in January 1999, grain car loading data similar to what the Board has required in this proceeding.

It is ordered:

1. The reporting requirements imposed on UP and BNSF are terminated upon the issuance of the first Class I carrier weekly performance reports discussed in this decision.
2. This proceeding will be discontinued effective February 1, 1999.
3. This decision is effective on December 22, 1998.

By the Board, Chairman Morgan and Vice Chairman Owen.

³ However, the Class I carriers do not plan to include in those reports certain of the data that we have required from BNSF and UP, regarding the bi-weekly total of grain car loadings by state.