

STB EX PARTE NO. 542 (SUB-NO. 2)

REGULATIONS GOVERNING FEES FOR SERVICES PERFORMED
IN CONNECTION WITH LICENSING AND RELATED SERVICES--
1998 UPDATE

Decided February 9, 1998

The Board adopts the 1998 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 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. 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 - 1997 Update*, 2 S.T.B. 1 (1997).

Because Board employees received a salary increase of 2.45% in January 1998, 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).

1998 UPDATE FACTORS

For this update, the direct labor cost data have been revised to reflect the combined 1998 Government-wide general salary and 1998 locality salary increase of 2.45% that took effect in January 1998. The Government Fringe

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Benefit Cost used in the update formula remains at 49.55%. Based on the Board's fiscal year 1997 actual budget data, the Office General and Administrative Expense Factor has *increased* from 20.06% to 30.11%, while the Board's General and Administrative Expense Factor has decreased from 12.20% to 9.27%. In addition, the Operations Overhead Factor, which is developed from fiscal year 1997 payroll cost data, has slightly increased from 23.13% to 23.80%. The 1998 full cost for each fee item developed from these factors is set forth in APPENDIX A.

FEES ITEMS NOT TOTALLY AFFECTED BY THIS UPDATE

In *Regulations Governing Fees for Service*, 1 S.T.B. 179 (1996) (*1996 Fee Update I*), based on concerns expressed by various parties commenting in that decision, the Board determined that fees for formal complaints would be set at 10% of the full cost and would be increased gradually to the full cost level. 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, and remain in effect today. In the current update we will not increase the application percentage to 20% of full cost as we are entitled to do but will instead continue to apply 10% of the current full cost shown in APPENDIX A for these fee items. The revised fees for these two types of complaint proceedings thus are set at \$27,000 and \$2,600, respectively.¹ We will reassess whether to increase the application percentages for these fee 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 of

¹ We adopt a fee for item 56(i), Formal complaints filed under the coal rate guidelines set at \$27,000 per filing [\$270,193.30 (total 1998 cost) times 10% and then rounded]. We also adopt a fee for item 56(iii), All other formal complaints set at \$2,600 per filing [\$26,807.77 (total 1998 cost) times 10% and then rounded].

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), 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.

OTHER ADJUSTMENTS TO THE FEE SCHEDULE

In *Arbitration of Disputes Subject to Stat. Juris. of the STB*, 2 S.T.B. 564 (1997), the Board adopted rules providing a means for the binding voluntary arbitration of certain rail disputes subject to the statutory jurisdiction of the Board and adopted fees for this arbitration process. This arbitration will not be available for obtaining a license (such as authority to construct, acquire, operate over, or abandon a line, or to merge or pool resources with another carrier) or an exemption from regulation, or for prescribing for the future any conduct, rules or results of general, industry-wide applicability. Rather, this arbitration is designed for the resolution of specific disputes between specific parties involving the payment of money or involving rates or practices related to rail transportation or service that is subject to the statutory jurisdiction of the Board. In accordance with the final rules for this process, we have included a small group of fees for these types of disputes in the user fee schedule under item 87(i)-(v).

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 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 March 20, 1998.

By the Board, Chairman Morgan and Vice Chairman Owen.

APPENDIX A

FEE	1997 DIRECT LABOR		1988 DIRECT LABOR UPDATE	GOVT FRINGES	TOTAL 2+3	OPERATIONS OVERHEAD	OFFICE G&A	BOARD G&A	PUBLICATION COST	TOTAL SUM(4-8)
	1	2								
1	1,063.95	1,090.02	540.10	1,630.12	387.97	607.65	243.41	4.00	2,873.14	
2	448.55	459.54	227.70	687.24	163.56	256.18	102.62	149.88	1,359.48	
3	6,595.03	6,756.61	3,347.90	10,104.51	2,404.87	3,766.57	1,508.78	149.88	17,934.62	
4i	1,063.95	1,090.02	540.10	1,630.12	387.97	607.65	243.41	149.88	3,019.02	
4ii	25.57	26.20	12.98	39.18	9.32	14.60	5.85	0.00	68.95	
5	120.00	122.94	60.92	183.86	43.76	68.53	27.45	5.00	328.60	
11i	1,710.64	1,752.55	868.39	2,620.94	623.78	976.99	391.35	126.00	4,739.06	
11ii	366.30	375.27	185.95	561.22	133.57	209.20	83.80	231.00	1,218.80	
11iii	2,978.60	3,051.58	1,512.06	4,563.63	1,086.14	1,701.15	681.43	149.88	8,182.23	
12i	17,876.39	18,314.36	9,074.77	27,389.13	6,518.61	10,209.62	4,089.68	162.00	48,369.04	
12ii	366.30	375.27	185.95	561.22	133.57	209.20	83.80	231.00	1,218.80	
12iii	17,876.39	18,314.36	9,074.77	27,389.13	6,518.61	10,209.62	4,089.68	162.00	48,369.04	
13	5,490.71	5,625.23	2,787.30	8,412.54	2,002.18	3,135.87	1,256.14	147.00	14,953.73	
14i	1,448.11	1,483.59	735.12	2,218.71	528.05	827.05	331.29	149.88	4,054.98	
14ii	366.30	375.27	185.95	561.22	133.57	209.20	83.80	231.00	1,218.80	
14iii	1,544.35	1,582.19	783.97	2,366.16	563.15	882.01	353.31	165.38	4,330.01	
15	369.78	378.84	187.72	566.55	134.84	211.19	84.60	128.86	1,126.04	
21i	5,289.51	5,419.10	2,685.17	8,104.27	1,928.82	3,020.96	1,210.11	126.00	14,390.16	
21ii	789.61	808.96	400.84	1,209.79	287.93	450.96	180.64	319.78	2,449.11	
21iii	1,465.96	1,501.88	744.18	2,246.06	534.56	837.24	335.38	183.67	4,136.91	
22	114.40	117.20	58.07	175.28	41.72	65.34	26.17	0.00	308.50	

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SURFACE TRANSPORTATION BOARD REPORTS

FEE	1997 DIRECT LABOR		1998 DIRECT LABOR UPDATE	GOVT. FRINGES	TOTAL 2+3	OPERATIONS OVERHEAD	OFFICE G&A	BOARD G&A	PUBLICATION COST	TOTAL SUM(4-8)
	1	2								
23	456.45	467.63	231.71	699.35	166.44	260.69	104.42	0.00	1,230.90	
24	436.76	447.46	221.72	669.18	159.26	249.44	99.92	0.00	1,177.81	
25	375.70	384.90	190.72	575.62	137.00	214.57	85.95	0.00	1,013.15	
26	5,444.00	5,577.38	2,763.97	8,340.97	1,985.15	3,109.19	1,245.45	0.00	14,680.77	
27	281.68	288.58	142.99	431.57	102.71	160.87	64.44	0.00	759.60	
26	4,509.36	4,619.84	2,289.13	6,908.97	1,644.33	2,575.40	1,031.63	149.88	12,310.22	
37	2,414.97	2,474.14	1,225.93	3,700.07	880.62	1,379.25	552.49	149.88	6,662.30	
38i	356,763.67	365,504.38	181,107.42	546,611.80	130,093.61	203,756.00	81,618.77	4,630.50	966,710.68	
38ii	71,354.16	73,102.34	36,222.21	109,324.54	26,019.24	40,752.01	16,324.08	926.10	193,345.98	
38iii	1,448.11	1,483.59	735.12	2,218.71	528.05	827.05	331.29	1,183.96	5,089.06	
38iv	343.39	351.80	174.32	526.12	125.22	196.12	78.56	216.57	1,142.59	
38v	1,448.11	1,483.59	735.12	2,218.71	528.05	827.05	331.29	1,183.96	5,089.06	
38vi	2,210.46	2,264.62	1,122.12	3,386.73	806.04	1,262.44	505.70	149.88	6,110.80	
39i	356,763.67	365,504.38	181,107.42	546,611.80	130,093.61	203,756.00	81,618.77	4,630.50	966,710.68	
39ii	71,354.16	73,102.34	36,222.21	109,324.54	26,019.24	40,752.01	16,324.08	926.10	193,345.98	
39iii	1,448.11	1,483.59	735.12	2,218.71	528.05	827.05	331.29	1,183.96	5,089.06	
39iv	249.23	255.34	126.52	381.86	90.88	142.34	57.02	233.10	905.20	
39v	1,448.11	1,483.59	735.12	2,218.71	528.05	827.05	331.29	1,183.96	5,089.06	
39vi	2,210.46	2,264.62	1,122.12	3,386.73	806.04	1,262.44	505.70	149.88	6,110.80	
40i	356,763.67	365,504.38	181,107.42	546,611.80	130,093.61	203,756.00	81,618.77	4,630.50	966,710.68	
40ii	71,354.16	73,102.34	36,222.21	109,324.54	26,019.24	40,752.01	16,324.08	926.10	193,345.98	
40iii	1,448.11	1,483.59	735.12	2,218.71	528.05	827.05	331.29	1,183.96	5,089.06	
40iv	230.86	236.52	117.19	353.71	84.18	131.85	52.82	190.59	813.15	

FEE	1997 DIRECT LABOR	1998 DIRECT LABOR UPDATE	GOVT. FRINGES	TOTAL 2+3	OPERATIONS OVERHEAD	OFFICE G&A	BOARD G&A	PUBLICATION COST	TOTAL SUM(4-8)
	1	2	3	4	5	6	7	8	9
40v	1,448.11	1,483.59	735.12	2,218.71	528.05	827.05	331.29	1,183.96	5,089.06
40vi	2,210.46	2,264.62	1,122.12	3,386.73	806.04	1,262.44	505.70	149.88	6,110.80
41i	356,763.67	365,504.38	181,107.42	546,611.80	130,093.61	203,756.00	81,618.77	4,630.50	966,710.68
41ii	71,354.16	73,102.34	36,222.21	109,324.54	26,019.24	40,732.01	16,324.08	926.10	193,345.98
41iii	1,448.11	1,483.59	735.12	2,218.71	528.05	827.05	331.29	1,183.96	5,089.06
41iv	274.48	281.20	139.34	420.54	100.09	156.76	62.79	216.00	956.19
41v	1,448.11	1,483.59	735.12	2,218.71	528.05	827.05	331.29	1,183.96	5,089.06
41vi	1,544.35	1,582.19	783.97	2,366.16	561.15	882.02	353.31	165.38	4,330.01
42	495.69	507.83	251.63	759.47	180.75	283.10	113.40	273.00	1,609.72
43	16,728.98	17,138.84	8,492.30	25,631.14	6,100.21	9,554.31	3,827.18	149.88	45,262.71
44i	3,064.81	3,139.90	1,555.82	4,695.72	1,117.58	1,750.38	701.15	149.88	8,414.72
44ii	25.57	26.20	12.98	39.18	9.32	14.60	5.85	0.00	68.95
45	190.36	195.02	96.63	291.66	69.41	108.72	43.55	0.00	513.34
46	1,881.15	1,927.24	954.95	2,882.18	685.96	1,074.37	430.36	149.88	5,222.75
47	36,182.07	37,068.53	18,367.46	55,435.99	13,193.77	20,664.42	8,277.57	0.00	97,571.74
48	43,884.99	44,960.17	22,277.77	67,237.94	16,002.63	25,063.74	10,039.81	0.00	118,344.11
56i	100,194.51	102,649.28	50,862.72	153,511.99	36,535.85	57,223.40	22,922.05	0.00	270,193.30
56ii	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,000.00
56iii	9,941.00	10,184.55	5,046.45	15,231.00	3,624.98	5,677.54	2,274.26	0.00	26,807.77
56iv	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	150.00
57	2,132.20	2,184.44	1,082.39	3,266.83	777.51	1,217.75	487.80	0.00	5,749.88
58i	2,003.07	2,052.15	1,016.84	3,068.98	730.42	1,144.00	458.25	472.50	5,874.15
58ii	1,584.94	1,623.77	804.58	2,428.35	577.95	905.20	362.60	126.00	4,400.09

FEE	1997 DIRECT LABOR	1998 DIRECT LABOR UPDATE	GOVT. FRINGES	TOTAL 2+3	OPERATIONS OVERHEAD	OFFICE G&A	BOARD G&A	PUBLICATION COST	TOTAL SUM(4-8)
	1	2	3	4	5	6	7	8	9
59	1,647.72	1,688.09	836.45	2,524.54	600.84	941.05	376.96	149.88	4,993.27
60	3,265.04	3,345.03	1,657.46	5,002.50	1,190.59	1,864.74	746.96	0.00	8,804.79
61	1,591.75	1,630.75	808.04	2,438.78	580.43	909.08	364.15	0.00	4,292.45
62	2,521.78	2,583.56	1,280.16	3,863.72	919.57	1,440.25	576.92	0.00	6,800.45
76	298.45	305.76	151.51	457.27	108.83	170.45	68.28	2.00	806.83
77	31.57	32.34	16.03	48.37	11.51	18.03	7.22	0.00	83.13
78i	5.94	6.09	3.02	9.10	2.17	3.39	1.36	0.00	16.02
78ii	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
79i	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
79ii	37.61	38.53	19.09	57.62	13.71	21.48	8.60	0.00	101.42
80	147.21	150.82	74.73	225.55	53.68	84.08	33.68	0.00	396.98
81i	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
81ii	37.61	38.53	19.09	57.62	13.71	21.48	8.60	0.00	101.42
82	59.78	61.24	30.35	91.59	21.80	34.14	13.68	0.00	161.21
83	9.88	10.12	5.02	15.14	3.60	5.64	2.26	0.00	26.64
84	64.03	65.60	32.50	98.10	23.35	36.37	14.65	0.00	172.67
85	275.22	281.96	139.71	421.68	100.36	157.19	62.96	0.00	742.18
86	358.59	367.38	182.03	549.41	130.76	204.80	82.04	0.00	967.01
87i	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
87ii	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
87iii	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
87iv	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

FEE	1997 DIRECT LABOR	1998 DIRECT LABOR UPDATE	GOVT. FRINGES	TOTAL 2+3	OPERATIONS OVERHEAD	OFFICE G&A	BOARD G&A	PUBLICATION COST	TOTAL SUM(4-8)
	1	2	3	4	5	6	7	8	9
87v	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	150.00
96	7.72	7.91	3.92	11.83	2.82	4.41	1.77	0.00	20.82
97	5.88	6.02	2.98	9.01	2.14	3.36	1.35	0.00	15.86
98i	74.74	76.57	37.94	114.51	27.25	42.69	17.10	0.00	201.55
98ii	111.36	114.09	56.53	170.62	40.61	63.60	25.48	126.00	426.30
99i	45.93	47.06	23.32	70.37	16.75	26.23	10.51	0.00	123.86
99ii	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
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	50.00
101vi	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	50.00
*102	4.10	4.20	2.08	6.28	1.50	2.34	0.94	0.00	11.06
*103	25.34	25.96	12.86	38.82	9.24	14.47	5.80	0.00	68.33
*104	17.54	17.97	8.90	26.87	6.40	10.02	4.01	0.00	47.30
*105	0.58	0.59	0.29	0.89	0.21	0.33	0.13	0.00	1.56
*106	44.11	45.19	22.39	67.58	16.08	25.19	10.09	0.00	118.95

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APPENDIX B

For the reasons set forth in the preamble, title 49, chapter X, part 1002, of the Code of Federal Regulations are 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) and (e)(1) and the chart in paragraph (f)(6) to read as follows:

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

(a) Certificate of the Secretary, \$11.00.

(e) ***

(1) A fee of \$45.00 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	\$ 7.55	GS-9	\$17.63
GS-2	8.22	GS-10	19.41
GS-3	9.26	GS-11	21.32
GS-4	10.40	GS-12	25.56
GS-5	11.63	GS-13	30.39
GS-6	12.97	GS-14	35.92
GS-7	14.41	GS-15 and	42.25
GS-8	15.96	over	

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

§ 1002.2 *Filing fees.*

(a) ***

(f) *Schedule of filing fees.*

Type of Proceeding	Fee
PART I: Non-Rail Applications or Proceedings to Enter Upon a Particular Financial Transaction or Joint Arrangement:	
(1) An application for the pooling or division of traffic	\$2,800.
(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	\$1,300.
(3) An application for approval of a non-rail rate association agreement. 49 U.S.C. 13706.....	\$17,900.
(4) An application for approval of an amendment to a non-rail rate association agreement:	
(i) Significant amendment	\$3,000.
(ii) Minor amendment	\$60.
(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	\$4,700.
(ii) Notice of exemption under 49 CFR 1150.31-1150.35	\$1,200.
(iii) Petition for exemption under 49 U.S.C. 10502	\$8,100.
(12) (i) An application involving the construction of a rail line ..	\$48,300.
(ii) A notice of exemption involving construction of a rail line under 49 CFR 1150.36	\$1,200.
(iii) A petition for exemption under 49 U.S.C. 10502 involving construction of a rail line	\$48,300.
(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

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(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	\$4,000.
(ii) Notice of exemption under 49 CFR 1150.41 - 1150.45	\$1,200.
(iii) Petition for exemption under 49 U.S.C. 10502 relating to an exemption from the provisions of 49 U.S.C. 10902	\$4,300.
(15) A notice of a modified certificate of public convenience and necessity under 49 CFR 1150.21-1150.24	\$1,100.
(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	\$14,300.
(ii) Notice of an exempt abandonment or discontinuance under 49 CFR 1152.50	\$2,400.
(iii) A petition for exemption under 49 U.S.C. 10502	\$4,100.
(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.	\$300.
(23) Abandonments filed by bankrupt railroads	\$1,200.
(24) A request for waiver of filing requirements for abandonment application proceedings	\$1,100.
(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	\$1,000.
(26) A request to set terms and conditions for the sale of or subsidy for a rail line proposed to be abandoned	\$14,600.
(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	\$12,300.
(37) An application for the pooling or division of traffic. 49 U.S.C. 11322	\$6,600.
(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	\$966,700.
(ii) Significant transaction	\$193,300.
(iii) Minor transaction	\$5,000.
(iv) Notice of an exempt transaction under 49 CFR 1180.2(d)	\$1,100.
(v) Responsive application	\$5,000.
(vi) Petition for exemption under 49 U.S.C. 10502	\$6,100.
(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	\$966,700.
(ii) Significant transaction	\$193,300.
(iii) Minor transaction	\$5,000.
(iv) A notice of an exempt transaction under 49 CFR 1180.2(d)	\$900.
(v) Responsive application	\$5,000.
(vi) Petition for exemption under 49 U.S.C. 10502	\$6,100.
(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	\$966,700.
(ii) Significant transaction	\$193,300.
(iii) Minor transaction	\$5,000.
(iv) Notice of an exempt transaction under 49 CFR 1180.2(d)	\$800.
(v) Responsive application	\$5,000.
(vi) Petition for exemption under 49 U.S.C. 10502	\$6,100.
(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	\$966,700.
(ii) Significant transaction	\$193,300.

(iii) Minor transaction	\$5,000.
(iv) Notice of an exempt transaction under 49 CFR 1180.2(d)	\$950.
(v) Responsive application	\$5,000.
(vi) Petition for exemption under 49 U.S.C. 10502	\$4,300.
(42) Notice of a joint project involving relocation of a rail line under 49 CFR 1180.2(d)(5)	\$1,600.
(43) An application for approval of a rail rate association agreement. 49 U.S.C. 10706	\$45,200.
(44) An application for approval of an amendment to a rail rate association agreement. 49 U.S.C. 10706:	
(i) Significant amendment	\$8,400.
(ii) Minor amendment	\$60.
(45) An application for authority to hold a position as officer or director under 49 U.S.C. 11328	\$500.
(46) A petition for exemption under 49 U.S.C. 10502 (other than a rulemaking) filed by rail carrier not otherwise covered ..	\$5,200.
(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 carriers:	
(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 ..	\$27,000.
(ii) A formal complaint involving rail maximum rates filed by a small shipper	\$1,000.
(iii) All other formal complaints (except competitive access complaints)	\$2,600.
(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	\$5,700.

(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)	\$4,500.
(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	\$800.
(77) An application for special permission for short notice or the waiver of other tariff publishing requirements	\$80.
(78) (i) The filing of tariffs, including supplements, or contract summaries	\$1 per page. (\$16 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	\$50.
(ii) Applications involving over \$25,000	\$100.
(80) Informal complaint about rail rate applications	\$350.
(81) Tariff reconciliation petitions from motor common carriers:	
(i) Petitions involving \$25,000 or less	\$50.
(ii) Petitions involving over \$25,000	\$100.
(82) Request for a determination of the applicability or reasonableness of motor carrier rates under 49 U.S.C. 13710(a)(2) and (3)	\$150.

SURFACE TRANSPORTATION BOARD REPORTS

(83) Filing of documents for recordation. 49 U.S.C. 11301 and 49 CFR 1177.3(c)	\$26. per document.
(84) Informal opinions about rate applications (all modes)	\$150.
(85) A railroad accounting interpretation	\$700.
(86) An operational interpretation	\$950.
(87) Arbitration of Certain Disputes Subject to the Statutory Jurisdiction of the Surface Transportation Board under 49 CFR 1108:	
(i) Complaint	\$75.
(ii) Answer (per defendant), Unless Declining to Submit to Any Arbitration	\$75.
(iii) Third Party Complaint	\$75.
(iv) Third Party Answer (per defendant), Unless Declining to Submit to Any Arbitration	\$75.
(v) Appeals of Arbitration Decisions or Petitions to Modify or Vacate an Arbitration Award	\$150.
(88)-(95) [Reserved]	
PART VII: Services:	
(96) Messenger delivery of decision to a railroad carrier's Washington, DC, agent	\$20 per delivery.
(97) Request for service or pleading list for proceedings	\$15 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	\$200.
(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.
(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.
