

STB EX PARTE NO. 552 (SUB-NO. 8)

RAILROAD REVENUE ADEQUACY - 2003 DETERMINATION

Decided August 11, 2004

No Class I railroad is found to be revenue adequate for the year 2003.

BY THE BOARD:

This annual determination of railroad revenue adequacy is made in accordance with the standards and procedures developed in *Standards for Railroad Revenue Adequacy*, 364 I.C.C. 803 (1981), *Standards for Railroad Revenue Adequacy*, 3 I.C.C.2d 261 (1986), and *Supplemental Reporting of Consolidated Information for Revenue Adequacy Purposes*, 5 I.C.C.2d 65 (1988). Pursuant to those procedures, which are essentially mechanical, a railroad is considered revenue adequate under 49 U.S.C. 10704(a) if it achieves a rate of return on net investment (ROI) equal to at least the current cost of capital for the railroad industry. We perform the annual revenue adequacy exercise because we have been directed to do so by Congress.

In *Railroad Cost of Capital - 2003*, 7 S.T.B. 742 (2004), we determined that the 2003 railroad industry cost of capital was 9.4%. By comparing this figure to the 2003 ROI data obtained from the carriers' Annual Report R-1 Schedule 250 filings, we have made revenue adequacy calculations for each of the Class I freight railroads that were in operation as of December 31, 2003.

Consummation of the proposed reorganization of Conrail, which the Board approved in *CSX Corp. Et al.-Control-Conrail, Inc. Et. al.-Supp. Order*, 7 S.T.B. 205 (2003), will affect the revenue adequacy calculations for Norfolk Southern and CSXT in 2004. At that time, the two companies will own certain Conrail assets that they now lease, and the net investment base for both NSR and CSXT will then be significantly increased. Depending on changes to NSR and CSXT's net railway operating incomes, the return on investment of each company may decline because of the differences in accounting treatment of such assets, including recognition of the higher investment costs that arise from ownership.

A summary of the ROIs for all Class I railroads is set forth in the Appendix to this decision. We find no carrier to be revenue adequate for 2003. Our findings with respect to the Class I carriers will be final on the effective date of this decision.

Environmental and Energy Considerations

We conclude that this action will not significantly affect either the quality of the human environment or the conservation of energy resources.

Regulatory Flexibility Analysis

Pursuant to 5 U.S.C. 603(b), we conclude that our action in this proceeding will not have a significant economic impact on a substantial number of small entities. The purpose and effect of the action are merely to update the annual railroad industry revenue adequacy finding. No new reporting or other regulatory requirements are imposed, directly or indirectly, on small entities.

It is ordered:

This decision is effective August 12, 2004.

By the Board, Chairman Nober, Vice Chairman Mulvey, Commissioner Buttrey.

APPENDIX

Railroad	ROI
Burlington Northern and Santa Fe Railway Company	6.2%
CSX Transportation, Incorporated	4.0%
Grand Trunk Corporation Consolidated (Including all Canadian National U.S. affiliates)	4.5%
Kansas City Southern Railway Company	3.7%
Norfolk Southern Railroad Company	9.1%
Soo Line Railroad Company (Including all Canadian Pacific U.S. affiliates)	0.9%
Union Pacific Railroad Company	7.3%