

SURFACE TRANSPORTATION BOARD
QUARTERLY REPORT OF FORMAL SERVICE COMPLAINTS

Third Quarter 2023

The Surface Transportation Board Reauthorization Act of 2015 mandated that the Surface Transportation Board (STB) publish a quarterly report of formal service complaints received by the agency. *See* STB Reauthorization Act of 2015, Sec. 6(b), Pub. L. No. 114-110 (2015). During the third quarter of 2023, the following formal service-related complaints were pending:

Complaint Received	Type of Complaint	Title	Docket No.	Geographic Region	Complainant	Carrier(s) Involved	Resolution/Status
2/27/2013	Application for terminal trackage rights	BNSF Railway Company—Terminal Trackage Rights—Kansas City Southern Railway and Union Pacific Railroad Company	FD 32760 (Sub-No. 46)	Louisiana	BNSF Railway Company	BNSF Railway Company, Union Pacific Railroad Company, Kansas City Southern Railway	<p>Decision granting BNSF’s application for terminal trackage rights served on 7/5/2016.</p> <p>Appeal filed with the U.S. Court of Appeals for the District of Columbia Circuit on 9/1/2016. Appeal ordered to be held in abeyance by the D.C. Circuit on 1/3/2017 to allow parties to reach agreement regarding certain terms and conditions.</p> <p>BNSF filed petition to establish conditions of use and compensation on 1/12/2018. KCS filed motion to dismiss petition on 2/1/2018. Additional pleadings by BNSF, UP, and KCS filed.</p>

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							<p>Decision denying KCS motion to dismiss served on 5/1/2018.</p> <p>UP and KCS filed replies to BNSF's petition on 6/25/2018 and BNSF and KCS filed rebuttals on 7/16/2018.</p> <p>The parties participated in Board-sponsored mediation in 2018. On 10/17/2018, the Board was informed that mediation was not successful.</p> <p>By decision served on 12/7/2018, the Board directed the parties to provide additional information. The parties submitted responses on 2/4/2019 and replies on 2/25/2019.</p> <p>KCS and UP filed a joint request for Board-sponsored mediation on 6/18/2019. BNSF filed a reply to the mediation request on 6/25/2019. By decision served on 7/3/2019, the Board directed the parties to engage in Board-sponsored mediation. On 11/29/2019, the mediators informed the Board that mediation was not successful.</p>

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							<p>By decision served 2/21/2020, the Board established conditions of use. The decision also directed the parties to submit a joint procedural schedule to govern discovery and briefing on the remaining issues regarding compensation.</p> <p>By decision served on 4/1/2020, the Board adopted a procedural schedule jointly proposed by the parties and also granted a joint request to appoint an administrative law judge to resolve discovery disputes.</p> <p>On 4/7/2020, a second appeal was filed with the U.S. Court of Appeals for the District of Columbia Circuit.</p> <p>On 12/18/2020, BNSF filed a petition to establish conditions of use. Replies to that petition were filed on 1/19/2021, by KCS and UP. On 2/8/2021, BNSF responded to KCS's reply.</p> <p>Opening statements were filed on 1/26/2021; replies were filed on 4/12/2021; rebuttals were filed on 5/11/2021.</p>

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							<p>By decision served on 4/13/2022, the Board granted, in part, BNSF's request to establish general principles the Board expects parties to include in any future operating plans for direct service by BNSF on the Rosebluff Lead. The Board also denied BNSF's request for an expedited process for resolving disputes over conditions use.</p> <p>Appeal filed with the U.S. Court of Appeals for the District of Columbia Circuit on 4/29/2022.</p>
3/31/2015	Unreasonable tariff and practices	North American Freight Car Association v. Union Pacific Railroad Company	NOR 42144	Nationwide	North American Freight Car Association; American Fuel & Petrochemicals Manufacturers; The Chlorine Institute; The Fertilizer Institute; American Chemistry Council; Ethanol Products, LLC d/b/a Poet Ethanol Products; Poet Nutrition, Inc.; and Cargill Incorporated	Union Pacific Railroad Company	<p>Motion to consolidate this proceeding with NOR 42150 and NOR 42152 received on 1/26/2017. Decision consolidating NOR 42150, NOR 42152, and NOR 42144 served on 3/31/2017. Decision consolidating NOR 42153 with NOR 42150, NOR 42152, and NOR 42144 served on 10/5/2017.</p> <p>Discovery in consolidated proceedings concluded on 1/22/2019. Opening evidence filed on 2/22/2019. Reply</p>

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							<p>filed on 4/26/19. Rebuttal filed on 5/31/19.</p> <p>By decision served 3/22/2021, the Board directed the parties to submit further briefing on two issues of statutory interpretation and application, which were filed on 4/21/2021; replies to those were filed on 5/21/2021.</p>
12/19/2016	Unreasonable practice and violation of statutory obligation to compensate car owners	Valero Marketing & Supply Company v. Union Pacific Railroad Company	NOR 42150	Unspecified	Valero Marketing & Supply Company; and Valero Rail Partners, LLC	Union Pacific Railroad Company	<p>Complaint filed on 12/19/2016. Motion for abeyance received on 1/6/2017; reply and motion to consolidate received on 1/26/2017; motion to compel received on 2/24/2017. Decision consolidating NOR 42150 with NOR 42152 and NOR 42144 served on 3/31/2017. Decision consolidating NOR 42153 with NOR 42150, NOR 42152, and NOR 42144 served on 10/05/2017.</p> <p>Discovery in consolidated proceedings concluded on 1/22/2019. Opening evidence filed on 2/22/2019. Reply filed on 4/26/19. Rebuttal filed on 5/31/19.</p> <p>By decision served 3/22/2021, the Board directed the parties</p>

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							to submit further briefing on two issues of statutory interpretation and application, which were filed on 4/21/2021; replies to those were filed on 5/21/2021.
12/30/2016	Unreasonable practice and violation of statutory obligation to compensate car owners	Tesoro Refining & Marketing Company LLC v. Union Pacific Railroad Company	NOR 42152	Unspecified	Tesoro Refining & Marketing Company LLC; Tesoro Great Plains Gathering & Marketing LLC; and Dakota Prairie Refining, LLC	Union Pacific Railroad Company	<p>Complaint filed on 12/30/2016. Motion for abeyance received on 1/6/2017; reply and motion to consolidate received on 1/26/2017; motion to compel received on 2/24/2017. Decision consolidating NOR 42150, NOR 42152, and NOR 42144 served on 3/31/2017. Decision consolidating NOR 42153 with NOR 42150, NOR 42152, and NOR 42144 served on 10/05/2017.</p> <p>Discovery in consolidated proceedings concluded on 1/22/2019. Opening evidence filed on 2/22/2019. Reply filed on 4/26/19. Rebuttal filed on 5/31/19.</p> <p>By decision served 3/22/2021, the Board directed the parties to submit further briefing on two issues of statutory interpretation and application, which were filed on 4/21/2021; replies to those were filed on 5/21/2021.</p>

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8/1/2017	Unreasonable practice and violation of statutory obligation to compensate car owners	Arkema Inc. v. Union Pacific Railroad Company	NOR 42153	Unspecified	Arkema Inc.	Union Pacific Railroad Company	<p>Complaint filed on 8/1/2017. Union Pacific's motion to consolidate with NOR 42150, NOR 42152, and NOR 42144, received on 8/9/2017; answer to the complaint (8/23/2017), reply (8/29/2017), and supplement to the motion to consolidate (9/8/2017) received. Decision consolidating NOR 42153 with NOR 42150, NOR 42152, and NOR 42144 served on 10/05/2017.</p> <p>Discovery in consolidated proceedings concluded on 1/22/2019. Opening evidence filed on 2/22/2019. Reply filed on 4/26/19. Rebuttal filed on 5/31/19.</p> <p>By decision served 3/22/2021, the Board directed the parties to submit further briefing on two issues of statutory interpretation and application, which were filed on 4/21/2021; replies to those were filed on 5/21/2021.</p>
7/8/2019	Unreasonable practice and violation of statutory obligation to	Olin Corporation v. Union Pacific Railroad Company	NOR 42164	Unspecified	Olin Corporation	Union Pacific Railroad Company	Complaint and motion to hold proceeding in abeyance filed on 7/8/2019. Answer, reply to motion for abeyance, and motion to dismiss received on 7/29/2019. Reply to the

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	compensate car owners						<p>motion to dismiss received on 8/14/2019.</p> <p>By decision served on 9/30/2019, the Board denied the motion to dismiss and granted the motion to hold the proceeding in abeyance.</p>
11/6/2020	Failure to provide adequate rail service; failure to provide adequate notice of change in common carrier service terms; unreasonable practice	Sanimax USA LLC v. Union Pacific Railroad Company	NOR 42171	South Saint Paul, Minnesota	Sanimax USA LLC	Union Pacific Railroad Company	<p>Complaint filed 11/6/2020. Answer and motion to dismiss filed 11/30/2020.</p> <p>Decision granting joint motion for stay until 2/16/2021 to allow for settlement negotiations served 12/18/2020.</p> <p>Decision granting motion for an extension until 2/16/2021 to reply to motion to dismiss served 12/18/2020. Reply to the motion to dismiss and request for partial revocation of exemptions filed on 2/16/2021. Joint status report and proposed procedural schedule filed 2/16/2021. Reply to the request for partial revocation filed 3/8/2021.</p> <p>By decision served 11/2/2021, the Board granted the request to partially revoke the relevant commodity exemptions,</p>

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							<p>denied the motion to dismiss, and set a procedural schedule.</p> <p>On 11/23/2021, Union Pacific filed to request the Board clarify or in the alternative reconsider its 11/2/2021 decision. A reply was filed on 12/9/2021.</p> <p>By decision served 2/25/2022, the Board granted, in part, a petition for clarification regarding the Board's 11/2/2021 decision.</p> <p>Sanimax filed its opening statement on 3/2/2022. UP filed a reply on 4/1/2022, and a motion to dismiss on 5/24/2022. On 6/13/2022, Sanimax filed a reply in opposition to the motion to dismiss. On 6/23/2022, UP further replied to Sanimax, and Sanimax responded on 6/29/2022.</p>
6/15/2022	Ex parte petition for emergency service order	Foster Poultry Farms v. Union Pacific Railroad Company	FD 36609	Midwest U.S. to California	Foster Poultry Farms	Union Pacific Railroad Company	Ex parte petition filed 6/15/2022. Reply filed by UP 6/16/2022. Board order served 6/17/2022 directing UP to take certain actions concerning service to Foster Farms. Daily status updates provided by UP through 6/30/2022. Status update provided by Foster

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							<p>Farms on 6/28/2022. On 6/29/2022, Foster Farms filed a status update, asking the Board to continue to monitor the situation. By decision served 7/1/2022, the Board directed UP to continue to provide specific service commitments, participate in weekly technical conferences with the Board, and to continue to file daily status reports until 7/17/2022. On 7/15/2022, Foster Farms requested that the Board extend the Board's 6/17/2022 emergency service order. By decision served 7/20/2022, the Board denied Foster Farm's request, but left the docket open for six months in the event that further action is necessary.</p> <p>On 12/29/2022, Foster Farms filed a petition for emergency service and an additional letter on 12/30/2022. UP filed a reply on 12/30/2022; later that day Foster Farms filed a reply to UP's reply. By decision served 12/30/2022, the Board directed UP to take certain actions concerning service to Foster Farms.</p>

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							By decision served 2/14/2023, the Board denied as moot Foster Poultry Farms' petition for emergency service order, directed Union Pacific Railroad Company to file weekly status reports with the Board, and left the docket open for 180 days in the event that further action is necessary.
12/8/2022	Failure to provide statutory preference to Amtrak	Complaint & Petition of the National Railroad Passenger Corp. Under 49 U.S.C. § 24308(f)—for Substandard Performance of Amtrak's Sunset Limited Trains 1 & 2	NOR 42175	Louisiana, Texas, New Mexico, Arizona, and California	National Railroad Passenger Corp. (Amtrak)	Union Pacific Railroad Company; BNSF Railway, Inc.; Canadian National Railway Company; Southern California Regional Rail Authority; and Canadian Pacific Kansas City	Complaint filed 12/8/2022 along with proposed procedures and framework for investigation and remediation. By decision served 7/12/23, the Board instituted a proceeding and asked investigative questions. Board staff held a technical conference on 7/21/23. On September 12, 2023, the Board added CPKC as a party of record and directed CPKC to respond to the Board's request for information.
12/27/2022	Failure to provide transportation or service on reasonable request. Failure to provide continuous carriage.	Victor Insulators, Inc. v. Finger Lakes Railway Corp.	NOR 42176	New York	Victor Insulators, Inc.	Finger Lakes Railway Corp.	Complaint filed 12/27/2022. Motion to dismiss filed 2/9/23. Reply to motion to dismiss and motion to challenge designation of information as confidential filed 3/1/23. Reply to challenge to designation of information as confidential filed 3/10/23. Response to complainants' reply to motion to dismiss filed 3/20/23.

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							Amended complaint filed 3/24/23. Answer and motion to dismiss filed 4/13/23. Request for extension of time filed 4/21/23. Extension request granted by decision served 4/24/23. Reply to motion to dismiss filed 5/3/23. Status report filed 5/8/23.
4/14/2023	Petition for emergency service order, or, in the alternative, injunctive relief, to require adequate service.	Navajo Transitional Energy Company, LLC—Ex Parte Petition for Emergency Service Order	NOR 42178	Montana	Navajo Transitional Energy Company, LLC	BNSF	Petition filed 4/14/23. Reply filed 4/19/23. Protective Order issued 4/19/23. Oral argument before the Board held 5/10/23. Parties submitted supplemental filings 5/15/23. By decision served 6/23/23, the Board granted NTEC's request for a preliminary injunction. The parties have submitted status reports since 6/30/23. On 8/14/23, the Board denied BNSF's petition to stay the contingent portion of the injunction. BNSF petition for judicial review docketed 7/28/23 (5th Circuit). BNSF motion for partial stay of preliminary injunction denied by court 8/30/23.

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4/14/2023	Failure to provide reasonable service upon reasonable request in violation of the common carrier obligation.	Navajo Transitional Energy Company, LLC v. BNSF Railway Company	NOR 42179	Montana	Navajo Transitional Energy Company, LLC	BNSF	Complaint filed 4/14/23. Protective Order issued 4/19/23. Reply filed 5/4/23. Report on parties' scheduling conference filed 5/23/23, with each side proposing a procedural schedule. On 6/30/23, the Board adopted a procedural schedule. On 8/9/23, the Board denied an appeal of the DO procedural schedule, issued a revised schedule, and appointed an ALJ to handle discovery matters. Decision modifying the procedural schedule served 9/28/23. BNSF motion to partially dismiss the complaint filed 9/29/2023.
4/24/2023	Petition for Declaratory Order and Injunctive Relief	The Wenger Group, Inc., and Esbenshade, Inc.—Petition for Declaratory Order and Injunctive Relief—Rail Service to Pennsylvania Feed Mills and Other Facilities	FD 36695	Pennsylvania	The Wenger Group, Inc., and Esbenshade, Inc. (Petitioners) Kellogg Company (Intervenor)	National Railroad Passenger Corp. (Amtrak)	<p>Petition and motion for protective order filed 4/24/2023. Motion for protective order granted 4/26/2023. Decision setting reply deadlines served 4/26/2023.</p> <p>Replies from Norfolk Southern Railway Company (NSR) and Amtrak filed 5/1/2023. Decision directing parties to file a status report served 5/2/2023. Status report filed 5/3/2023.</p> <p>Kellogg Company petition to intervene filed 5/4/2023. National Grain and Feed</p>

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							<p>Association support statement filed 5/4/2023.</p> <p>Amtrak request for abeyance, indicating settlement in principle between Amtrak and petitioners, filed 5/10/2023. Decision granting abeyance request, tolling all deadlines, and ordering a status report no later than 5/30/2023 served 5/11/2023.</p> <p>NSR letter requesting the Board lift abeyance with respect to Kellogg and set deadlines for replies to Kellogg's petition filed 5/12/2023. Decision granting Kellogg's petition to intervene, lifting the abeyance with respect to Kellogg, and ordering the submission of additional information served 5/18/2023.</p> <p>NSR reply to Kellogg's petition filed 5/23/2023. Kellogg supplemental information filed 5/23/2023.</p> <p>Amtrak extension request filed and modified 5/26/2023. Kellogg and NSR letters in opposition to Amtrak's extension request filed 5/26/2023. Decision denying Amtrak's extension request served 5/26/2023. Amtrak's reply to Kellogg's petition filed 5/30/2023.</p>

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							<p>Petitioners motion to dismiss their petition filed 5/30/2023.</p> <p>NSR letter requesting expedited reply deadline and Amtrak letter in opposition to NSR's request both filed 6/1/2023. Decision setting Amtrak response deadline served 6/2/2023.</p> <p>Amtrak reply filed 6/6/2023.</p> <p>Kellogg and Amtrak joint status report indicating ongoing negotiations filed 6/14/2023.</p> <p>Amtrak request for abeyance, indicating settlement in principle between Amtrak and Kellogg, filed 6/22/2023. Decision granting abeyance request and ordering a status update by 7/10/2023 served 6/23/2023.</p> <p>Kellogg and Amtrak status update filed July 10, 2023. On July 17, 2023, Kellogg filed a motion to dismiss with prejudice informing the Board that it and Amtrak reached a settlement agreement. Decision granting Petitioners' and Kellogg's motions to dismiss served July 20, 2023, discontinuing the proceeding.</p>

SURFACE TRANSPORTATION BOARD
QUARTERLY REPORT OF INFORMAL SERVICE COMPLAINTS RECEIVED

Third Quarter 2023

The Surface Transportation Board Reauthorization Act of 2015 mandated that the Surface Transportation Board (STB) publish a quarterly report of informal service complaints received by the agency. *See* STB Reauthorization Act of 2015, Sec. 6(b), Pub. L. No: 114-110 (2015). During the third quarter of 2023 (July 1, 2023 – September 30, 2023), the STB received the following informal complaints¹:

Date ²	Type of Informal Complaint	Geographic Region ³	Resolution / Status	Complainant ⁴ CONFIDENTIAL
5/22/2023	Railroad service issue	South	Shortline railroad customer contacted RCPA for assistance with mounting demurrage charges and the railroad’s statement that it would refuse further service in the absence of an escrow arrangement; RCPA facilitated several discussions between the parties and rail service was maintained; however, RCPA is conducting ongoing negotiations related to disputed past demurrage. [Pending]	

¹ A table showing the quarterly inquiries received by the STB’s Rail Customer and Public Assistance office is attached as an Appendix to this report.

² Matters reported as “Pending” on the previous quarterly report are carried forward to the next quarterly report.

³ **Northeast:** Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New Jersey, New York, and Pennsylvania; **South:** Maryland, Delaware, West Virginia, Virginia, Kentucky, Tennessee, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Arkansas, Louisiana, Oklahoma, and Texas; **Midwest:** North Dakota, South Dakota, Nebraska, Kansas, Missouri, Iowa, Minnesota, Wisconsin, Illinois, Michigan, Indiana, and Ohio; **West:** Washington, Idaho, Montana, Wyoming, Oregon, California, Nevada, Utah, Colorado, Arizona, New Mexico, Alaska, and Hawaii.

⁴ This quarterly report may identify the complainant that submitted an informal complaint only upon the written consent of the complainant. Surface Transportation Board Reauthorization Act of 2015, Sec. 6(b).

Date ²	Type of Informal Complaint	Geographic Region ³	Resolution / Status	Complainant ⁴ CONFIDENTIAL
5/25/2023	Railroad service issue	South	Shipper sought RCPA assistance with expediting a large block of railcars that were significantly delayed; RCPA raised the concerns with the railroad, which expedited movement of some of the railcars; RCPA monitored the status of the railcars until the delays were resolved and fluid service was restored. [Closed]	
6/1/2023	Railroad service issue	South	Shipper's consultant contacted RCPA about service issues affecting a client; RCPA discussed pathways for informal assistance and upon the shipper's request, set up weekly calls with the railroad to review service. Subsequently, the shipper reported that service and communications with the railroad had improved. [Closed]	
6/5/2023	Railroad demurrage charges	Midwest	Shipper sought assistance from RCPA with demurrage charges assessed by the railroad in circumstances where railroad fault or other factors not attributable to the shipper were causing delays in unloading cars; RCPA discussed the issues with the shipper, including pathways for informal assistance; RCPA engaged with the railroad on behalf of the shipper to explore reductions in the demurrage charges, resulting in high-level, direct discussions between the parties. [Closed]	
6/29/2023	Railroad service issue	South	Shipper sought RCPA assistance in connection with deteriorating rail service at its facility; the railroad had reduced the number of daily switches, creating a risk of a plant shutdown, and forcing the shipper to divert some traffic to trucks; RCPA contacted the shipper for additional information about the problems, then liaised with the railroad to elevate the shipper's concerns; the railroad advised that it would review the situation and subsequently, the shipper reported that service had improved. [Closed]	

Date ²	Type of Informal Complaint	Geographic Region ³	Resolution / Status	Complainant ⁴ CONFIDENTIAL
7/3/2023	Railroad rate levels	Midwest	Shipper's consultant sought RCPA assistance in connection with a railcar billing dispute, related to whether a railcar would be treated as empty or loaded for billing purposes; the loaded rate was significantly higher than the empty rate; RCPA liaised with the shortline carrier responsible for issuing billing for the railcar; however, the carrier billed the railcar at the loaded rate. [Closed]	
7/5/2023	Railroad tariff issue	West	Shipper sought RCPA guidance in connection with substantial increases in tariff surcharges that were being imposed by a shortline railroad, which provided last-mile service in conjunction with a Class I carrier; RCPA discussed the commercial situation with the shipper and suggested pathways to resolve the issue; the shipper did not request direct assistance with the shortline. [Closed]	
7/13/2023	Railroad service issue	South	Shipper's representative contacted RCPA to discuss an incident in which a gate across the track leading to the shipper's facility was closed and locked by an unknown party, thereby cutting off rail service; RCPA discussed the situation with the representative, including STB jurisdiction and common carrier implications; the representative advised that he would contact RCPA for additional assistance, if necessary. [Closed]	
7/17/2023	Railroad service issue	Midwest	Shipper sought RCPA assistance in connection with several railcars en route to a customer, which had not moved for over three weeks; RCPA contacted the railroad to request expedited movement of the cars; the railroad made arrangements to move the cars. [Closed]	
7/21/2023	Railroad interchange issue	West	Shortline railroad contacted RCPA for assistance in establishing interchange agreements with two Class I railroads with which it shared trackage; RCPA contacted the Class I railroads on the shortline's behalf; one of the Class I carriers agreed to address the situation directly with the shortline; the other Class I carrier declined to establish an interchange agreement. The shortline is weighing its options to pursue a formal resolution. RCPA offered to reopen the matter if requested. [Closed]	

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7/26/2023	Railroad car supply	International	Shipper sought RCPA assistance in connection with railcar delays and extended cycle times, occurring across an international border, which were disrupting its supply chain and diminishing asset utilization; RCPA contacted the railroad's partner to address the issues, resulting in prompt movement of the delayed cars and monitoring of the shipper's traffic. [Closed]	
7/27/2023	Railroad service issue	South	Shipper contacted RCPA to request assistance expediting delivery of railcars containing refrigerated/perishable food products, after a local train scheduled to deliver the railcars had bypassed the destination on multiple occasions; RCPA contacted the railroad to address the issue, resulting in delivery of the cars. [Closed]	
7/27/2023	Railroad car supply	West	Shipper contacted RCPA to report substantially reduced rail service to its location, causing associated storage facilities to overflow while increasing the risk of a shutdown; RCPA liaised with the railroad to address the issue, and the shipper and the railroad subsequently worked together to address the situation; RCPA offered to provide further assistance if required. [Closed]	
8/2/2023	Railroad service issue	West	Shipper contacted RCPA for assistance with inconsistent switches and blocked tracks, which were negatively affecting its operations and could lead to a shutdown; RCPA communicated the concerns to the railroad; the railroad acknowledged recent disruptions resulting from service modifications, and assured RCPA that it would monitor the situation. [Closed]	
8/15/2023	Railroad service issue	Northeast	Shipper requested RCPA assistance relating to a regulatory directive that was affecting the movement of railcars containing public health commodities; RCPA discussed the concerns with the shipper and potential pathways for resolution and/or raising awareness of the issue; however, the shipper did not request that RCPA intercede directly with the railroads. [Closed]	

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8/16/2023	Railroad service issue	Midwest	Shipper contacted RCPA about a reduction in rail service at its facility, following deteriorating rail service, which forced the shipper to engage trucks; following the shipper's outreach to RCPA, rail service improved such that there was no immediate need for RCPA intervention; the shipper also discussed with RCPA its potential loss and damage against the railroad, and will seek further assistance, if needed. [Closed]	
8/24/2023	Railroad service issue	Northeast	Shortline railroad contacted RCPA for assistance with deteriorating service from a Class I railroad; RCPA communicated the concerns to the Class I railroad and received detailed plans for car movement and service improvement; RCPA relayed the information back to the shortline and no additional RCPA assistance was requested. [Closed]	
8/28/2023	Railroad service issue	Midwest	Shipper contacted RCPA for assistance with expediting a delayed car needed to supply a public health commodity and avoid a plant shutdown; RCPA had numerous communications with the shipper and railroad about the status of the car; the railroad ultimately delivered the car, later than planned, and the shipper utilized trucks in the interim to prevent an outage. [Closed]	
8/28/2023	Railroad service issue	West	Rail customer contacted RCPA about inconsistent last-mile service by its carrier; RCPA communicated the concerns to the carrier; the carrier responded that they have the capacity to meet the customer's infrequent needs and will work with the customer to provide adequate service; RCPA encouraged the customer to reach back out if service issues persist. [Closed]	
9/1/2023	Railroad rate levels	South	Shipper contacted RCPA for assistance related to rate increases proposed by its line haul carrier, which the shipper believed were significantly above market; RCPA liaised with the shipper about the increases, including the shipper's past experience, as well as its recent service issues; RCPA is assisting the shipper in ongoing negotiations with the railroad. [Pending]	

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9/5/2023	Railroad tariff issue	South	Logistics consultant sought guidance on obtaining access to railroad tariffs for agricultural products; RCPA conferred with the consultant on tariff availability under STB regulations and potential ambiguity under agency precedent; RCPA advised the consultant about public pricing information made available on railroad websites, but the consultant did not seek direct assistance with the railroads. [Closed]	
9/6/2023	Railroad service issue	West	Shipper contacted RCPA about a delayed inbound railcar, which was urgently needed in order to supply a public health commodity to its customers; RCPA engaged with the railroad on behalf of the shipper; the railroad advised that the delayed car was being expedited for placement on the next switch; the shipper advised that the car was placed, but that its customers had been forced to secure the product from other sources. [Closed]	
9/6/2023	Railroad interchange issue	West	Shortline railroad requested RCPA assistance with an interchange carrier that was not taking railcars from the shortline and moving them to the linehaul carrier; the shortline railroad advised that congestion was affecting its ability to serve customers; RCPA liaised with the interchange carrier and the linehaul carrier to better understand the scope of the problem and to explore solutions to restore fluidity. [Pending]	
9/7/2023	Railroad service issue	East	Shipper sought RCPA assistance to ensure that an urgently-needed car would be placed at its facility in order to avert a shutdown; RCPA liaised with the railroad to ascertain the status of the car and emphasize its urgency; the railroad confirmed its focus on delivering the car and subsequently reported its on-time arrival, preventing a shutdown. [Closed]	

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9/11/2023	Railroad service issue	Midwest	Shipper alerted RCPA to challenges with a shortline railroad, which had delayed several of its cars at intermediate yards; the railcars were overdue to be loaded at origin facilities; RCPA liaised with the shipper to clarify if the shipper wanted direct outreach to the shortline railroad; the shipper advised that it did not seek direct RCPA assistance, but would monitor the status of the cars. [Closed]	
9/12/2023	Railroad intermodal service	West	Shipper's representative contacted RCPA about a shortage of intermodal containers being made available by a railroad to move certain products to export markets; RCPA discussed the issue with the representative and the potential market dynamics; RCPA liaised with the railroad to determine the extent of the problem identified by the representative and how the railroad was serving the market. [Closed]	
9/13/2023	Railroad service issue	Midwest	Shipper requested RCPA assistance with several rail service issues, including a reduction in its weekly switches, missed switches, and delayed handling of bad order cars; RCPA discussed the issues with the shipper and the railroad's past response; the shipper requested that RCPA not take action until the shipper is able to conduct high-level meetings with the railroad. [Pending]	
9/14/2023	Railroad service issue	South	Shipper sought RCPA assistance with deteriorating rail service at its facility, primarily missed switches and inaccurate spotting, as well as product loss; RCPA discussed the issues with the shipper and contacted the railroad about the problems; the railroad acknowledged service challenges, but advised that recent remedial measures were effective in improving service; RCPA will assist the shipper, as needed, going forward. [Closed]	

Date ²	Type of Informal Complaint	Geographic Region ³	Resolution / Status	Complainant ⁴ CONFIDENTIAL
9/14/2023	Railroad claims issue	Multiple	Shipper contacted RCPA seeking guidance pertaining to a railroad's response to claims for loss of its product in transit and damage to its privately-owned railcars; RCPA provided informal guidance on the freight loss and damage liability framework under Federal law and the potential application of industry rules relating to car handling and compensation; the shipper did not seek direct intervention with the railroad. [Closed]	
9/22/2023	Railroad embargo	West	Shipper contacted RCPA to discuss an embargo imposed by a railroad, relating to the closure of an international border crossing, and the potential impacts upon the shipper's freight traffic; RCPA discussed the issues with the shipper, including the viability of other modes to reach destination customers; the shipper did not request direct assistance from RCPA and, shortly thereafter, the border crossing was reopened. [Closed]	
9/25/2023	Railroad freight car repair	Midwest	Shipper requested RCPA assistance with understanding a regulatory requirement being applied to a bad order railcar by a railroad; RCPA contacted the railroad in order to connect the parties for a discussion about the application of the regulatory requirements; railroad committed to discussing the requirements with the shipper. [Closed]	
9/26/2023	Railroad demurrage issue	Midwest	Shipper contacted RCPA for assistance, relating to a railroad's demurrage billing practices; the shipper believed that the railroad was not in compliance with STB requirements that railroads provide shippers with supporting information; RCPA is setting up a time to discuss the issues with the shipper and potential next steps. [Pending]	
9/26/2023	Railroad service issue	Northeast	Shipper contacted RCPA to discuss concerns and questions associated with a railroad's provision of continued service to a railroad-owned transloading site, including the ability of the shipper to make modifications to the site in order to accommodate its shipments, and the railroad's common-carrier obligation to provide continued service to the location; RCPA is setting up a time to discuss the issues with the shipper and potential next steps. [Pending]	

Date ²	Type of Informal Complaint	Geographic Region ³	Resolution / Status	Complainant ⁴ CONFIDENTIAL
9/26/2023	Railroad service issue	West	Shipper reached out to RCPA to request assistance with rail cars stalled at interchange; the extended cycle time caused by the delays forced the shipper to move bulk products by truck at a substantially higher cost; RCPA contacted the railroad on the shipper's behalf; the railroad cited resource challenges at the interchange and committed to communicating with the shipper to ensure accurate information; RCPA will continue to monitor progress and concerns. [Pending]	
9/26/2023	Railroad service issue	West	Shipper contacted RCPA to revisit a previously resolved complaint with a shortline railroad, relating to missed switches and not pulling the correct number of cars; RCPA contacted the shortline, which referred to staffing and waybilling problems; at the shortline's request, RCPA is hosting a joint call between the parties to work toward solutions that will resolve the issues. [Pending]	
9/29/2023	Railroad service issue	Northeast	Shipper contacted RCPA for assistance due to a significant deterioration in local service, including missed switches and failure to spot and pull available cars, leading the shipper to rely on trucking and to consider production curtailments; RCPA contacted the railroad, which advised that a recent derailment had impaired local switching; the railroad advised that critical cars would be spotted that day or as soon as possible; RCPA is monitoring the situation. [Pending]	

Note: A table showing the quarterly inquiries received by the STB's Rail Customer and Public Assistance office is attached below as an appendix to the foregoing report.

Appendix to Quarterly Report of Informal Service Complaints

3rd Quarter 2023 Cases by Category/Region

Issue Category	All Regions	Northeast	South	Midwest	West	US Territory	International	Not Specified
Meeting Request	6	3	1	1	0	0	1	0
Household Goods Moving Issue	19	7	3	3	5	1	0	0
Information-Economic Data	9	1	6	0	1	0	1	0
Information-Non Economic Request	55	22	14	8	5	3	3	0
Motor Carriers (Trucking) Issue	6	1	4	0	1	0	0	0
Pipeline Issue	1	0	0	0	0	0	1	0
Amtrak or Passenger Rail Issue	4	1	2	1	0	0	0	0
Railroad Commercial or Billing Issue	2	0	2	0	0	0	0	0
Railroad Blocked Crossings	9	1	0	8	0	0	0	0
Railroad Car Supply	2	0	0	0	1	0	1	0
Railroad Claims	3	0	1	1	1	0	0	0
Railroad Demurrage Charges	1	0	0	1	0	0	0	0
Railroad Environmental Issues	2	1	0	0	1	0	0	0
Railroad Freight Car Repair or Dispo	1	0	1	0	0	0	0	0
Railroad Interchange Issue	3	0	0	0	2	0	1	0
Railroad Labor Issues	9	2	2	2	1	2	0	0
Railroad Noise - Airhorn, Safety, etc	9	6	1	0	2	0	0	0
Railroad Operating Authority Issue	1	0	0	0	1	0	0	0
Railroad Preemption	5	1	1	2	1	0	0	0
Railroad Rate Levels/Increases	2	0	0	2	0	0	0	0
Railroad Reciprocal Switching	1	0	1	0	0	0	0	0
Railroad Service Issue	22	4	4	6	7	1	0	0

Issue Category	All Regions	Northeast	South	Midwest	West	US Territory	International	Not Specified
Railroad Tariff Issue	2	0	1	0	1	0	0	0
Rails to Trails	15	7	1	6	1	0	0	0
Real Estate Matter	9	1	5	3	0	0	0	0
STB Authority Question	7	1	1	3	2	0	0	0
STB Fees	1	0	0	1	0	0	0	0
STB Jurisdictional Question	13	6	4	2	1	0	0	0
STB Procedural Assistance	45	28	4	7	6	0	0	0
STB Recordations or Security Interests on Rail Cars	10	3	4	2	1	0	0	0
STB or ICC Records Assistance	55	10	13	17	14	1	0	0
STB Webpage/Downloading Assistance	5	2	2	0	0	1	0	0
Water Carrier Issue (Non-contiguous Domestic Trade)	6	2	0	1	2	0	1	0
Wrong Agency Calls	8	2	3	0	1	2	0	0
Total	348	112	81	77	58	11	9	0

U.S. Census Regions:

Northeast Region	Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New Jersey, New York, and Pennsylvania
South Region	Maryland, Delaware, West Virginia, Virginia, Kentucky, Tennessee, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Arkansas, Louisiana, Oklahoma, and Texas
Midwest Region	North Dakota, South Dakota, Nebraska, Kansas, Missouri, Iowa, Minnesota, Wisconsin, Illinois, Michigan, Indiana, and Ohio
West Region	Washington, Idaho, Montana, Wyoming, Oregon, California, Nevada, Utah, Colorado, Arizona, New Mexico, Alaska, and Hawaii

Appendix to Quarterly Report of Informal Service Complaints

3rd Quarter 2023 Cases per Commodity Group*

Commodity Group	Number
Agricultural Products	19
Aggregates	1
Chemicals	9
Coal	3
Construction Materials	1
High/Wide Loads	2
Household Goods	17
Industrial Products	4
Metals and Minerals	1
Municipal Waste	2
Not Specified by Shipper	10
Passenger	11
Other	7
N/A	261
Total	348

*In many instances, the commodity is not specified or material to the inquiry, therefore the total number for this data may not equal the total number of inquiries for the quarter.