

SURFACE TRANSPORTATION BOARD
QUARTERLY REPORT OF FORMAL SERVICE COMPLAINTS

Fourth Quarter 2022

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 fourth quarter of 2022, 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. Decision denying KCS motion to dismiss served on 5/1/2018.</p>

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							<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> <p>By decision served 2/21/2020, the Board established conditions of use. The decision also directed the</p>

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							<p>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> <p>By decision served on 4/13/2022, the Board granted, in part, BNSF's request to</p>

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							<p>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 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</p>

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							two issues of statutory interpretation and application, which were filed on 4/21/2021; replies to those were filed on 5/21/2021.
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 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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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>
8/1/2017	Unreasonable practice and violation of statutory obligation to	Arkema Inc. v. Union Pacific Railroad Company	NOR 42153	Unspecified	Arkema Inc.	Union Pacific Railroad Company	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),

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	compensate car owners						<p>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 compensate car owners	Olin Corporation v. Union Pacific Railroad Company	NOR 42164	Unspecified	Olin Corporation	Union Pacific Railroad Company	<p>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 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</p>

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							granted the motion to hold the proceeding in abeyance.
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, 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</p>

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							<p>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	<p>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 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</p>

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							<p>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>
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	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; and Southern	Complaint filed 12/8/2022 along with proposed procedures and framework for investigation and remediation.

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		Substandard Performance of Amtrak's Sunset Limited Trains 1 & 2				California Regional Rail Authority	
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.

SURFACE TRANSPORTATION BOARD
QUARTERLY REPORT OF INFORMAL SERVICE COMPLAINTS RECEIVED

Fourth Quarter 2022

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 fourth quarter of 2022 (October 1, 2022 – December 31, 2022), the STB received the following informal complaints¹:

Date ²	Type of Informal Complaint	Geographic Region ³	Resolution / Status	Complainant ⁴ CONFIDENTIAL
3/29/2022	Railroad sidetrack agreement	West	Shipper contacted RCPA about a dispute with the railroad over safety and maintenance of a sidetrack leading to the shipper’s facility; because of the dispute, the railroad halted service; RCPA is continuing to facilitate and monitor the parties’ negotiations, including the railroad’s proposal to restore service. [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
4/20/2022	Railroad sidetrack agreement	West	Shipper sought assistance from RCPA in obtaining a railroad's approval of a sidetrack agreement required for rail service to commence; RCPA liaised with the railroad on the shipper's behalf to facilitate discussions for securing the agreement, resulting in an agreement to restore service. [Closed]	
6/27/2022	Railroad service issue	Northeast	Shipper contacted RCPA to discuss deteriorating service at several of its facilities; RCPA discussed pathways to provide informal assistance and liaised with the railroad to facilitate service improvements and better communication. [Closed]	
8/12/2022	Railroad service issue	Northeast	Shipper contacted RCPA to discuss ongoing rail service deficiencies; RCPA discussed the service issues with the railroad and monitored service on an ongoing basis; RCPA liaised with the railroad on the shipper's behalf to ensure clear lines of communication, resulting in better rail performance. [Closed]	
9/2/2022	Railroad service issue	Northeast	Shipper sought RCPA assistance concerning a dispute with a railroad over private equipment that the shipper intended to use to transport its freight; after initially approving the equipment, the railroad advised the shipper that it would not authorize the equipment; RCPA worked to resolve the issues, but the parties were unable to reach an agreement. [Closed]	
9/7/2022	Railroad service issue	South	Shipper sought RCPA assistance in establishing new rail service to its facility, including a switching arrangement between a shortline and a Class I railroad; RCPA contacted the Class I railroad on the shipper's behalf to facilitate its review of the proposal; the Class I railroad issued a proposal to the shipper, which the shipper addressed directly with the railroad. [Closed]	

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9/15/2022	Railroad accessorial charges	West	Shipper requested assistance from RCPA with storage fees accrued on a container that was stacked at a terminal due to unavailability of chassis; RCPA liaised with the railroad to explore a reduction or waiver of the fees; however, the railroad was unwilling to grant relief. [Closed]	
9/23/2022	Railroad intermodal service	East	Shipper contacted RCPA about an export intermodal container that was missing in transit; RCPA liaised with the railroad to ascertain whether the container was on its network; the railroad was able to locate the container and provide status information to the shipper. [Closed]	
9/26/2022	Railroad service issue	West	Shipper contacted RCPA about a railroad's embargo of its facility, which would constrain its inbound supply chain despite the availability of permits; the shipper attempted to resolve the issue directly but then sought RCPA assistance; RCPA liaised with the railroad, resulting in a review and cancellation of the embargo. [Closed]	
9/27/2022	Railroad intermodal service	Midwest	Shipper requested assistance from RCPA to expedite movement of a container that had been delayed for approximately three weeks on a train parked on a siding; RCPA contacted the railroad to discuss the situation; RCPA was advised by the shipper that the container arrived at its destination. [Closed]	
9/27/2022	Railroad intermodal service	Midwest	Shipper sought RCPA assistance to obtain the release of a container that had been stacked at a railroad's terminal and was not being made available for pickup; RCPA reached out to the railroad to explore options to secure release of the container; subsequently, the shipper informed RCPA that the container was released. [Closed]	

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9/27/2022	Railroad intermodal service	Midwest	Third-party logistics provider (3PL) requested RCPA assistance to secure the release of a container that had been stacked at a railroad's terminal and was not being made available for pickup; RCPA contacted the railroad to facilitate release of the container, which was subsequently made available. [Closed]	
9/28/2022	Railroad inter-carrier disputes	Midwest	Shortline railroad contacted RCPA for assistance in establishing an interchange arrangement with a Class I railroad; RCPA discussed the issues with the shortline and liaised with the Class I railroad to facilitate an agreement; RCPA monitored the parties' discussions until an agreement was reached. [Closed]	
10/3/2022	Railroad service issue	Midwest	Shipper sought RCPA assistance in connection with delayed railcars, which posed a potential shutdown problem for its customer; RCPA engaged with the railroads involved in the move to emphasize the urgency of the cars; the shipper advised that because of significant progress in moving the cars, the shutdown risk was averted. [Closed]	
10/4/2022	Railroad service issue	Midwest	Shipper advised RCPA of challenges using a railroad's car management tools, leading to inaccurate cars status information; RCPA contacted the railroad and facilitated direct communication between the shipper and railroad personnel to clarify features of the management tool and answer questions. [Closed]	
10/5/2022	Railroad service issue	Northeast	Shipper contacted RCPA about delays arising from a railroad's circuitous routings for its shipments; RCPA contacted the railroad on the shipper's behalf to facilitate direct discussions about alternative gateways to move the shipper's traffic and more direct routes from origin to destination. [Closed]	
10/5/2022	Railroad intermodal service	Midwest	3PL sought RCPA assistance expediting the release of an intermodal container that was stacked at a railroad's off-site, overflow facility; RCPA contacted the railroad to facilitate release of the container. [Closed]	

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10/14/2022	Railroad service issue	Northeast	Shipper requested RCPA assistance expediting movement of a delayed block of rail cars, which needed to be delivered in order to avert a plant shutdown; RCPA contacted the railroad, which took steps to expedite movement and the plant shutdown was averted. [Closed]	
10/18/2022	Railroad service issue	Northeast	Shipper contacted RCPA to discuss several aspects of deteriorating rail service, across multiple lanes; RCPA discussed the issues with the shipper and offered to provide informal assistance; however, the shipper did not seek direct RCPA intervention with the railroad. [Closed]	
10/24/2022	Railroad intermodal service	West	3PL contacted RCPA for assistance with containers that were delayed at certain railroads' intermodal yards and not being made available for pick-up; RCPA contacted each railroad to facilitate the release of the containers from the respective yards. [Closed]	
10/24/2022	Railroad maintenance issue	Midwest	Shipper sought RCPA assistance in connection with a railroad's closure/embargo of track used to serve its facilities; RCPA facilitated discussions with the railroad; the railroad offered to restore the track to service in exchange for a reimbursement from the shipper, but the parties were unable to reach a resolution. [Closed]	
10/24/2022	Railroad intermodal service	West	Shipper requested RCPA assistance with multiple containers that were delayed at a port, awaiting onward rail movement; RCPA contacted the railroad to ascertain the status of the containers; the railroad reported that the containers had not yet been in-gated at the railroad's rail ramp; the shipper subsequently advised that the containers had been in-gated for railroad movement. [Closed]	

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10/25/2022	Railroad intermodal service	West	Shipper contacted RCPA for assistance in securing the release of a delayed intermodal container from a terminal; RCPA reached out to the shipper for additional information related to its request and the shipper subsequently advised RCPA that the container had been released and delivered. [Closed]	
10/26/2022	Railroad service issue	West	Shipper contacted RCPA for assistance with an overdue order for empty railcars, which was preventing it from completing a sale; RCPA liaised with the railroad to secure fulfilment of the order and placement of needed cars that the shipper's facility. [Closed]	
10/27/2022	Railroad intermodal service	South	Shipper contacted RCPA for assistance with storage charges assessed on a container that the railroad did not make available for pick-up; RCPA liaised with the railroad on the shipper's behalf; however, the railroad declined to reduce or waive the charges on the grounds that it did not have a direct contractual relationship with the shipper. [Closed]	
10/27/2022	Railroad rate levels	South	Shipper contacted RCPA about a railroad's increase in its tariff rate applicable to the shipper's traffic; the shipper believed that the railroad did not provide sufficient notice; RCPA discussed the regulatory requirements and offered informal assistance; however, the shipper did not seek direct RCPA assistance. [Closed]	
10/27/2022	Railroad intermodal service	West	3PL sought RCPA assistance with storage charges assessed on a container that was not made available for release to the shipper; RCPA contacted the railroad on the 3PL's behalf; however, the railroad declined to provide assistance on the grounds that it did not have a direct contractual relationship with the 3PL. [Closed]	

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10/31/2022	Railroad service issue	Northeast	Shipper sought RCPA assistance in connection with a track maintenance embargo, which was preventing a railroad from moving its cars; the condition giving rise to the embargo had been resolved; RCPA contacted the railroad, which acknowledged that the embargo notification should have expired and took steps to facilitate movement of the cars at issue. [Closed]	
11/1/2022	Railroad service issue	South	Shipper sought RCPA assistance with deteriorating rail service, in particular, several missed switches; RCPA discussed the issues with the shipper and then liaised with the railroad; the railroad explained the circumstances causing the decline in performance and advised that it had implemented measures to remedy the deficiencies; RCPA followed up with the shipper to ensure that the measures were effective. [Closed]	
11/1/2022	Railroad intermodal service	Midwest	3PL sought RCPA assistance to secure the release of an intermodal container from a railroad's terminal; RCPA contacted the railroad about the container, resulting in the container being released. [Closed]	
11/2/2022	Railroad inter-carrier dispute	Midwest	Shortline railroad contacted RCPA for assistance after a Class I railroad disputed the shortline's use of trackage rights; RCPA discussed the issues with the shortline, including relevant agreements and the parties' course of dealing; RCPA liaised with the Class I railroad on behalf of the shortline to understand its objections and facilitate a resolution; after several discussions, the parties decided not to pursue the dispute, allowing for continued movement of trains. [Closed]	
11/4/2022	Railroad reciprocal switching	Midwest	Shipper contacted RCPA to discuss whether reciprocal switching could potentially ameliorate service challenges at its facility and how it could be established; RCPA discussed the situation with the shipper from an operational and regulatory standpoint, including informal and formal pathways for relief; the shipper advised RCPA that it would consider next steps internally. [Closed]	

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11/4/2022	Railroad intermodal service	Midwest	3PL contacted RCPA about an intermodal container that was accruing storage fees, but unavailable to the shipper; RCPA liaised with the railroad but was unable to achieve a reduction or waiver of the fees. [Closed]	
11/7/2022	Railroad intermodal service	Midwest	3PL requested RCPA assistance with release of an intermodal container that was stacked at a terminal and accruing storage fees; RCPA contacted the railroad, which stated that it did not have a direct relationship with the 3PL and could not provide assistance. [Closed]	
11/7/2022	Railroad service issue	International	Shipper sought RCPA assistance with movement of delayed railcars for loading; RCPA contacted the railroad, which subsequently spotted the cars for loading at shipper's facility. [Closed]	
11/7/2022	Railroad intermodal service	South	Shipper sought RCPA assistance with storage charges assessed on a container that was not made available for release and was accruing storage fees; RCPA contacted the railroad on the shipper's behalf; however, the railroad declined to provide assistance on the grounds that it did not have a direct contractual relationship with the shipper. [Closed]	
11/9/2022	Railroad service issue	Midwest	Shipper contacted RCPA to discuss a railroad's initiative to reduce network congestion through an embargo and permitting system; RCPA discussed the issues with the shipper; however, the shipper did not request direct RCPA intervention with the railroad. [Closed]	
11/9/2022	Railroad intermodal issue	South	Shipper contacted RCPA to discuss rail supply chain issues concerning intermodal congestion, container storage fees, and chassis shortages; however, the shipper did not request direct RCPA intervention with the railroad. [Closed]	

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11/9/2022	Railroad service issue	South	Shipper wished to advise RCPA about a steady decline in rail service, resulting in a lower than desirable inventory of critical raw materials; RCPA discussed the circumstances with the shipper; however, the shipper requested that RCPA refrain from contacting the railroad directly. [Closed]	
11/10/2022	Railroad service issue	West	Shipper sought RCPA assistance regarding a railroad's mandate that it reduce its fleet of private railcars; RCPA liaised with the railroad to obtain additional information concerning inventory expectations and communicated with the shipper; the shipper subsequently advised that it was able to reach a workable compromise with the railroad. [Closed]	
11/14/2022	Railroad service issue	Midwest	Shipper's counsel contacted RCPA about severe rail service underperformance affecting his client's supply of raw materials; RCPA discussed formal and informal pathways for assistance; however, counsel did not seek direct RCPA intervention with the railroad. [Closed]	
11/14/2022	Railroad service issue	Northeast	Shipper sought RCPA assistance to expedite movement of delayed railcars; RCPA discussed the issue with the railroad, and the cars were subsequently routed to their destination. [Closed]	
11/15/2022	Railroad service issue	Midwest	Shipper contacted RCPA to discuss a railroad's initiative to reduce network congestion through an embargo and permitting system; RCPA discussed the issues with the shipper, including pathways for formal and informal assistance; however, the shipper did not request direct RCPA intervention with the railroad. [Closed]	
11/15/2022	Railroad service issue	West	Shipper contacted RCPA for assistance with a delayed railcar that was urgently needed at its facility; RCPA liaised with the railroad to facilitate prompt movement of the car to destination. [Closed]	

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11/16/2022	Railroad service issue	West	Shipper sought RCPA assistance concerning a railroad's mandate that it reduce its fleet of private railcars; RCPA liaised with the railroad to obtain further information on how the restrictions were calculated and communicated with the shipper; however, despite further discussions, RCPA was unable to facilitate a modification of the railroad's restrictions. [Closed]	
11/16/2022	Railroad service issue	West	Shipper contacted RCPA about railcars that were delayed in transit at a nearby location and not moving; RCPA offered to assist the shipper by contacting the railroad; however, the shipper did not respond to RCPA's offer of assistance. [Closed]	
11/16/2022	Railroad service issue	West	Shipper contacted RCPA about delayed last-mile moves at the shipper's terminal, creating a risk of shutdown; RCPA raised the issues with the railroad, which spotted several available cars over a period of days to avert a potential shutdown; the shipper subsequently advised that it was having a direct meeting with the railroad to discuss service issues. [Closed]	
11/18/2022	Railroad intermodal service	Midwest	3PL sought RCPA assistance with securing a reservation for an intermodal container at a railroad's intermodal facility; RCPA communicated the request to the railroad, but was advised that the 3PL should work through the railroad's contractual partner. [Closed]	
11/18/2022	Railroad service issue	South	Shipper contacted RCPA to discuss a railroad's initiative to reduce network congestion through an embargo and permitting system; RCPA discussed the issues with the shipper, including pathways for formal and informal assistance; however, the shipper did not request direct RCPA intervention with the railroad. [Closed]	

Date ²	Type of Informal Complaint	Geographic Region ³	Resolution / Status	Complainant ⁴ CONFIDENTIAL
11/23/2022	Railroad intermodal service	Midwest	3PL contacted RCPA about a railroad's advance reservation system for dropping off loaded export containers and negative impacts on its business; RCPA discussed the 3PL's concerns and, per the 3PL's request, set up a direct meeting with the railroad to facilitate an in-depth discussion of the reservation system. [Closed]	
11/28/2022	Railroad intermodal service	Midwest	3PL sought RCPA assistance to obtain release of a container from an intermodal yard; RCPA contacted the railroad about the availability of the container; however, the railroad stated that it could not provide assistance because it lacked a direct contractual relationship with the 3PL. [Closed]	
11/28/2022	Railroad service issue	West	Shipper sought assistance from RCPA pertaining to a railroad's mandate that it reduce its fleet of private railcars or be subject to an embargo; RCPA discussed the issues with the shipper and then liaised with the railroad; the railroad advised that the shipper had achieved reductions that would eliminate the need for an embargo and that the railroad could be flexible, going forward, to accommodate the shipper's railcar needs. [Closed]	
11/29/2022	Railroad commercial/billing issue	West	Shipper contacted RCPA for assistance with a situation where a railroad has been submitting multiple invoices for the same shipment; RCPA is assisting the shipper to resolve the duplicate charges issue. [Pending]	
11/29/2022	Railroad intermodal service	South	Shipper contacted RCPA for assistance related to containers that it could not retrieve from an intermodal terminal and significant charges that accrued; RCPA discussed the issues with the shipper; however, the shipper did not request direct RCPA intervention with the railroad. [Closed]	

Date ²	Type of Informal Complaint	Geographic Region ³	Resolution / Status	Complainant ⁴ CONFIDENTIAL
12/1/2022	Railroad service issue	West	Shipper contacted RCPA about delayed movement of inbound railcars containing public health commodities that were needed in advance of a potential railroad strike; RCPA liaised with the railroad to ascertain the status of the cars and elevate the urgency of their prompt delivery to destination; however, shortly thereafter the potential strike was averted, and the cars arrived in a timely fashion. [Closed]	
12/2/2022	Railroad sidetrack agreement	West	Shipper contacted RCPA to discuss aspects of a railroad's proposal to restore a switch and sidetrack to the shipper's facility in order to resume rail service; RCPA discussed the issues with the shipper and potential pathways to achieve a commercially feasible arrangement; however, the shipper did not seek direct RCPA assistance with the railroad. [Closed]	
12/6/2022	Railroad intermodal service	South	3PL contacted RCPA about recent increases in drayage wait-time at a railroad's intermodal facility and a shortage of available chassis, in part due to the number of bad order units; RCPA discussed the issues with the 3PL, including pathways for informal assistance; however, the shipper declined to seek direct RCPA assistance. [Closed]	
12/9/2022	Railroad service issue	South	Shipper contacted RCPA about a railroad's potential cessation of service in connection with the termination of the railroad's operating lease; the shipper believed that arrangements to continue service were untenable and asked RCPA to review the railroad's common carrier obligation; RCPA discussed the situation with the shipper and offered to provide informal assistance; however, the shipper did not seek direct RCPA intervention. [Closed]	

Date ²	Type of Informal Complaint	Geographic Region ³	Resolution / Status	Complainant ⁴ CONFIDENTIAL
12/9/2022	Railroad service issue	Midwest	Shipper sought RCPA assistance concerning deteriorating switching service from its last mile shortline railroad, which had caused several recent shutdowns due to lack of raw materials; RCPA discussed the issues with the shipper and engaged with the shortline to ascertain the root cause of the problem and the plans for improvement and communicated this back to the shipper. [Closed]	
12/12/2022	Railroad service issue	West	Shipper contacted RCPA for assistance with delayed delivery of unit train shipments, which were hampering its ability to supply its customers; RCPA liaised with the railroad about the delays and actively monitored the status of several trains to ensure timely movement from origin to the shipper's facilities. [Closed]	
12/16/2022	Railroad service issue	West	Shipper contacted RCPA about an unfilled order for empty railcars, which was preventing it from completing a customer contract; RCPA liaised with the railroad to understand the status of the unfilled order; the railroad advised that the empty cars were expected to be spotted at the shipper's facility within the next week. [Closed]	
12/21/2022	Railroad service issue	West	Shipper requested assistance from RCPA relating to a metering framework imposed on its facility, limiting its ability to release empty railcars; RCPA discussed the issues with the shipper and offered to provide informal assistance; however, the shipper declined to seek direct assistance with the railroad. [Closed]	
12/22/2022	Railroad service issue	West	Shipper contacted RCPA for assistance with several unit train shipments that were delayed in transit and limiting its ability to support customers; RCPA liaised with the railroad about the delays and monitored the status of the shipper's trains to ensure timely movement to the destination facilities. [Closed]	

Date ²	Type of Informal Complaint	Geographic Region ³	Resolution / Status	Complainant ⁴ CONFIDENTIAL
12/22/2022	Railroad service issue	Midwest	Shipper contacted RCPA for assistance with several unit train shipments that were delayed at origin and preventing it from supplying its customers; RCPA liaised with the railroad about the delays and monitored the status of the trains to facilitate timely movement to the customer locations; the railroad apprised RCPA of its action plan for moving the trains. [Closed]	
12/26/2022	Railroad service issue	Midwest	Shipper contacted RCPA for assistance with a unit train that was delayed at origin and preventing it from supplying its customer; RCPA contacted the railroad which provided a plan to move the train; RCPA monitored the status of the train through departure and interchange to the destination railroad. [Closed]	
12/28/2022	Railroad service issue	West	Shipper requested RCPA assistance relating to bringing an additional unit train into service to support production at its manufacturing facilities; RCPA is liaising with the railroad with regard to the status of the train and the timing for its deployment. [Pending]	
12/28/2022	Railroad service issue	South	Shipper contacted RCPA for assistance with an empty unit train that had been sitting at its facility for several days, which needed to return to origin to reload; RCPA contacted the railroad to ascertain the status of the train and facilitate its movement; the railroad advised that the train's departure was delayed due to crew issues, but that it was en route to origin; RCPA relayed this information to the shipper. [Closed]	
12/28/2022	Railroad intermodal service	Midwest	3PL requested RCPA assistance with stored intermodal containers and related storage fees; RCPA offered to liaise with the railroad to address the issues. [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

4th Quarter 2022 Cases by Category/Region

Issue Category	All Regions	Northeast	South	Midwest	West	US Territory	International	Not Specified
Meeting Request	3	2	0	0	0	0	1	0
Household Goods Moving Issue	15	3	6	2	3	0	1	0
Information-Economic Data	12	5	1	5	0	1	0	0
Information-Non Economic Request	45	12	7	15	8	3	0	0
Motor Carriers (Trucking) Issue	4	2	1	1	0	0	0	0
Pipeline Issue	1	0	0	0	1	0	0	0
Amtrak or Passenger Rail Issue	5	2	2	1	0	0	0	0
Railroad Commercial or Billing Issue	2	0	0	1	1	0	0	0
Railroad Blocked Crossings	7	0	2	5	0	0	0	0
Railroad Demurrage Charges	1	0	1	0	0	0	0	0
Railroad Embargo	1	0	0	1	0	0	0	0
Railroad Environmental Issues	2	2	0	0	0	0	0	0
Railroad Freight Car Repair or Dispo	1	1	0	0	0	0	0	0
Railroad Inter-carrier disputes	1	0	0	1	0	0	0	0
Railroad Interchange Issue	1	0	0	0	1	0	0	0
Railroad Intermodal Service	17	1	5	8	3	0	0	0
Railroad Labor Issues	5	1	1	2	1	0	0	0
Railroad Maintenance Issue	2	0	1	1	0	0	0	0
Railroad Noise - Airhorn, Safety, etc	7	2	1	2	2	0	0	0
Railroad Preemption	3	1	0	2	0	0	0	0
Railroad Reciprocal Switching	1	0	0	1	0	0	0	0
Railroad Service Issue	33	7	5	9	11	0	1	0

Issue Category	All Regions	Northeast	South	Midwest	West	US Territory	International	Not Specified
Railroad Side Track Agreement	1	0	0	0	1	0	0	0
Railroad Tariff Issue	1	1	0	0	0	0	0	0
Rails to Trails	6	2	1	1	2	0	0	0
Real Estate Matter	3	0	1	2	0	0	0	0
STB Authority Question	4	1	0	1	2	0	0	0
STB Jurisdictional Question	4	0	0	0	4	0	0	0
STB Procedural Assistance	80	28	10	22	14	4	2	0
STB Recordations or Security Interests on Rail Cars	7	1	1	5	0	0	0	0
STB or ICC Records Assistance	54	7	14	26	5	2	0	0
STB Webpage/Downloading Assistance	5	2	0	1	1	0	1	0
Water Carrier Issue (Non-contiguous Domestic Trade)	5	1	2	0	1	0	1	0
Wrong Agency Calls	10	1	2	2	5	0	0	0
Total	349	85	64	117	66	10	7	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

4th Quarter 2022 Cases per Commodity Group*

Commodity Group	Number
Agricultural Products	20
Aggregates	5
Automobile	2
Chemicals	6
Coal	6
Forest Products	1
Hazardous Waste/Radioactive Waste	3
High/Wide Loads	3
Household Goods	12
Industrial Products	5
Intermodal	11
Metals and Minerals	1
Municipal Waste	1
Not Specified by Shipper	9
Passenger	12
Other	9
N/A	243
Total	349

*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.