The Surface Transportation Board today announced that it is issuing a series of decisions on
demurrage and accessorial rules and charges, continuing its efforts to promote transparency,
timeliness, and mutual accountability by rail carriers and the shippers and receivers they serve.
Informed by the significant number of comments received during the notice-and-comment
process, the Board issued three related decisions today.

In Policy Statement on Demurrage & Accessorial Rules & Charges, Docket No. EP 757, the
Board issued a final policy statement that provides the public with information on principles the
Board would consider in evaluating the reasonableness of demurrage and accessorial rules and
charges. With the policy statement, the Board intends to facilitate more effective private
negotiations and problem solving between rail carriers and shippers and receivers, to help
prevent disputes from arising, and to help resolve disputes more efficiently and cost-effectively.

In Demurrage Billing Requirements, Docket No. EP 759, the Board issued a final rule requiring
Class I carriers to directly bill the shipper for demurrage when the shipper and warehouseman
agree to that arrangement and notify the carrier. The Board intends the rule to help ensure the
responsibility for demurrage is placed on the party in the best position to expedite the loading or
unloading of rail cars.

Also, in Demurrage Billing Requirements, Docket No. EP 759, the Board issued a supplemental
notice of proposed rulemaking (SNPRM) inviting parties to comment on certain modifications
and additions to the proposed requirements for minimum information to be included on or with
Class I carriers’ demurrage invoices. The SNPRM proposes to include additional information
such as (1) the date range (i.e., the billing cycle) covered by the invoice; (2) the original
estimated date and time of arrival and the date and time cars are received at interchange; (3) the
ordered-in date and time; and (4) machine-readable data. The Board also invited further
comment from the Class I carriers regarding what actions they currently take, and from all
stakeholders on what actions Class I carriers reasonably should be required to take, to ensure that
demurrage invoices are accurate and warranted. The intent of this proceeding is to ensure that
the recipients of demurrage invoices will be provided sufficient information to readily assess the
validity of those charges without having to undertake an unreasonable effort to gather information.

The final policy statement will be effective on May 30, 2020, and the final rule in Demurrage Billing Requirements will be effective on June 20, 2020. Comments on the SNPRM in Demurrage Billing Requirements are due by June 5, 2020, and replies are due by July 6, 2020.


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