



SURFACE TRANSPORTATION BOARD

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STB ADVANCES RATE REVIEW RULEMAKINGS FOR SMALL RATE DISPUTES

The Surface Transportation Board today announced that it has advanced two rulemakings to establish rate reasonableness processes for small rate disputes: a Notice of Proposed Rulemaking (NPRM) to establish a voluntary arbitration program for small rate disputes, and a supplemental Notice of Proposed Rulemaking (SNPRM) for the Final Offer Rate Review (FORR) procedure.

Both the NPRM for voluntary arbitration and the FORR SNPRM continue the efforts of the Board's Rate Reform Task Force to determine, among other things, how best to provide a rate review process for small cases.

In response to a joint petition filed by five Class I rail carriers, the Board proposes to modify its existing arbitration rules and establish a new voluntary arbitration program for small rate disputes, which would function alongside its existing arbitration program. Simultaneously, the Board is issuing the FORR SNPRM to invite comment on certain modifications to the new rate case procedure proposed in the NPRM issued on September 12, 2019.

Today's issuance of the arbitration NPRM and the FORR SNPRM will ensure parallel consideration of both rulemakings by the Board and stakeholders before final action is taken on either. The Board emphasizes that through the concurrent consideration of both rulemakings, it is continuing to prioritize the goal of enhancing accessibility to the Board's rate reasonableness processes.

Comments to both rulemakings are due by January 14, 2022, and reply comments are due by March 15, 2022. Ex parte communications regarding matters related to both rulemakings are allowed between November 15, 2021 and February 23, 2022.

The Board's decision in Joint Petition for Rulemaking to Establish a Voluntary Arbitration Program for Small Rate Disputes, Docket No. EP 765, may be viewed and downloaded [here](#). The Board's decision in Expanding Access to Rate Relief, Docket No. EP 665 (Sub-No. 2), and Final Offer Rate Review, Docket No. EP 755, may be viewed and downloaded [here](#).

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