



SURFACE TRANSPORTATION BOARD

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STB PROPOSES REVISED EMERGENCY SERVICE RULES

The Surface Transportation Board today issued a Notice of Proposed Rulemaking (NPRM) to amend its emergency service rules to provide relief for shippers in situations that require immediate relief. The Board proposes, among other things, to clarify that it may act on its own initiative to direct emergency rail service, and to establish an accelerated process for acute service emergencies.

Over the last year, the Board has heard informally from a broad range of stakeholders about inconsistent and unreliable rail service. In recent weeks rail service has become even more unreliable, with most stakeholder concerns focusing on crew shortages and inability to move trains. The Board has also heard reports of challenges including tight car supply and unfilled car orders, delays in transportation for carload and bulk traffic, increased origin dwell time for released unit trains, missed switches, and ineffective customer assistance. As a result of these issues, the Board recently announced that it would hold a hearing on April 26 and 27, 2022, on current rail service problems impacting the network and the recovery efforts involving several Class I carriers. In addition, in recent years Board staff held informal meetings with stakeholders who observed that the existing regulations governing expedited relief for service emergencies are inadequate and the process is too prolonged, resulting in the regulations being rarely used. The recent acute service issues have made clear the need for the Board to provide the opportunity for shippers to receive swift action to ensure that the nation's freight rail traffic continues to move. As a result, the Board is also issuing this NPRM.

“The rail service challenges shippers are currently experiencing are amplified by certain recent conditions but are not new,” said Chairman Martin J. Oberman. “For several years the Board has gathered information showing that the existing emergency service rules are too cumbersome to be of use to shippers in need of immediate relief. This proposed rule would make it possible for a shipper to receive relief in a short but reasonable amount of time during an emergency. Given the persistent and serious problems presently affecting freight rail service, it is important for the Board to consider new approaches for providing much needed relief to rail customers, not only for the customers' benefit, but for the well-being of the nation's economy and all consumers.”

Separately, the Board has proposed regulations regarding reciprocal switching under which the Board could require rail carriers to establish switching arrangements in certain circumstances.

Chairman Oberman emphasized that today's proposal for amendments to the emergency service rules are in no way intended to be a substitute for the Board's ongoing consideration of whether to adopt the reciprocal switching rule changes proposed in pending Reciprocal Switching, Docket No. EP 711 (Sub-No. 1). Mr. Oberman said that work on that proposal will continue as one of his priorities for the Board's attention this year.

Comments on today's NPRM are due by May 23, 2022, and reply comments are due by June 6, 2022. Considering the consistent and pervasive nature of these service issues, the Board is limiting the comment period to 30 days and the reply period to 15 days.

The decision in Revisions to Regulations for Expedited Relief for Service Emergencies, Docket No. EP 762, may be viewed and downloaded [here](#).

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