



SURFACE TRANSPORTATION BOARD

FOR RELEASE

03/14/2025 (Friday)
No. 25-13
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CHAIRMAN FUCHS PROVIDES UPDATES ON DEREGULATORY EFFORTS

Surface Transportation Board Chairman Patrick Fuchs today announced that the Board has elected to end its litigation on the Board's Final Offer Rate Review (FORR) rule. Chairman Fuchs will propose action for the full Board in response to the United States Court of Appeals for the Eighth Circuit decision vacating the rule.

On December 19, 2022, the Board issued a final rule in Docket No. EP 755, Final Offer Rate Review, creating a new procedure for shippers to challenge railroad rates. Then-Board Member Fuchs and Board Member Schultz dissented from the final rule. Union Pacific Railroad and the Association of American Railroads appealed the rule.

In its August 20, 2024, decision vacating the Board's rule, the Eighth Circuit found that the Board lacked statutory authority to prescribe rates through FORR and that FORR was not consistent with Administrative Procedure Act hearing requirements. The Board did not seek certiorari, nor did any other party prior to the March 10, 2025 deadline.

Chairman Fuchs intends to offer a draft action regarding the FORR docket for consideration by the full Board in April 2025, pursuant to the decision by the Eighth Circuit.

"In fulfilling its overall mission, the Board must eliminate unsound and unduly burdensome regulations while facilitating access to markets on reasonable terms, including streamlined processes," said Chairman Fuchs. "I look forward to working collaboratively with shippers, carriers, and the broader public to improve the Board's adjudications, uphold the law, and make the agency more effective and efficient."

POSTED: 03/14/2025 01:16 PM