



SURFACE TRANSPORTATION BOARD

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www.stb.gov

Contact:
Media@stb.gov
202-245-0245

STB PROPOSES TO ELIMINATE BARRIERS TO COMPETITION BY REPEALING REGULATIONS AT 49 C.F.R. PART 1144

The Surface Transportation Board (STB or Board) today announced a unanimous decision proposing a significant pro-competitive action: repeal of 49 C.F.R. part 1144, which governs the prescription of reciprocal switching, through routes, and through rates. Today's Notice of Proposed Rulemaking (NPRM) would promote market forces in the freight rail industry. The NPRM would remove regulatory barriers that limit options for American businesses critical to our economy, including both shippers, such as manufacturers, utilities, and agricultural companies, and railroads seeking to innovate and compete. In removing these regulations, the Board would employ reasoned case-by-case approaches.

The deregulatory Staggers Rail Act provided the Board authority to require reciprocal switching under 49 U.S.C. § 11102—transfers between rail carriers that take place within the shipment's originating or terminating terminal area that are incidental to a line haul—when “practicable and in the public interest” or when “necessary to provide competitive rail service.” In addition, under 49 U.S.C. § 10705, the Board has statutory authority to prescribe through routes and rates—long distance movements performed by two or more carriers and the rates for those movements—when “desirable in the public interest.”

The current regulations, adopted in 1985, have been interpreted to require shippers to demonstrate “anticompetitive conduct” and meet other requirements to obtain relief. The regulations narrowed the agency’s statutory discretion to issue competitive access prescriptions. Since the adoption of these regulations, the statutory framework has changed, the rail industry and its traffic portfolio have evolved significantly, and the regulations no longer have broad support across rail transportation stakeholders. Despite the authority granted in the Staggers Rail Act over 40 years ago, the agency has never issued a prescription under part 1144.

Today's proposal would streamline the path for shippers to obtain competitive access before the Board, bringing the agency's approach more closely in line with statutory intent. The NPRM would restore the Board's discretion to consider—on a case-by-case basis—the merits of each case brought before the agency under the statutory standards set by Congress. The statutes recognize that competitive access issues do not have a one-size-fits-all solution and allow the Board to consider these cases in the full context of a carrier's operations, competitive situation, and other considerations.

This action follows the March 2025 launch of the U.S. Department of Justice’s Anticompetitive Regulations Task Force in response to Executive Order 14192, which declares a policy that federal agencies “alleviate unnecessary regulatory burdens placed on the American people.” Responding to the Task Force’s request for comments, many rail shipper groups—collectively representing chemical, agricultural, energy, and other businesses that use rail, many of which are small and medium-sized with limited to no transportation choice—submitted comments seeking action on part 1144.

“This proposal would embrace market forces, enable meaningful choice for American businesses as provided under the statutes, and eliminate regulatory barriers unnecessarily stifling rail competition,” said STB Chairman Patrick J. Fuchs. “By proposing to remove these regulations, the Board would return to the text of statutes that advance excellence, entrepreneurship, and innovation to support economic growth and supply chain resilience.”

The NPRM in Eliminating Regulatory Barriers to Competition: Review of Part 1144, Docket No. EP 788, may be viewed and downloaded [here](#).

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