



Surface Transportation Board
Washington, D.C. 20423-0001

Office of the Chairman

To: Surface Transportation Board Staff
From: Patrick Fuchs, Chairman
Date: July 31, 2025
Re: Increased Use of Technical Conferences in Board Proceedings

During recent listening sessions conducted by Vice Chairman Schultz, practitioners offered a variety of ways to improve the Board's processes, including through greater and more intensive use of technical conferences. Technical conferences have proven to be a valuable, flexible tool for the agency to gather critical facts, provide guidance on submissions, or otherwise help the Board make sound decisions. This tool has also brought parties together and facilitated dispute resolution (or narrowing of issues) without further agency intervention. Given this history and the high level of expertise and professionalism among staff, the agency will begin placing greater emphasis on the use of technical conferences as follows:

- **Increase the use of technical conferences.** The agency will develop consistent practices for holding technical conferences in its proceedings, while recognizing that each case presents unique facts and circumstances. For example, I expect that the agency will determine the types of cases or matters that would typically be well-suited for technical conferences. The net effect of this approach should be to increase the number of technical conferences, in a predictable manner, maximizing value for the Board, parties, and the broader public.
- **Facilitate technical conferences early in proceedings.** Bringing parties together at the beginning of a proceeding may increase the probability of private dispute resolution, such as settlement, because early probing may elucidate flaws or limitations in a party's evidence or argument. In contrast, prolonged litigation may lead parties to harden their positions. To facilitate early action, the agency will maintain a protocol or checklist of actions necessary to schedule a technical conference without delay (including use of a template order). Through this memorandum, I also reiterate the agency's openness to requests from parties for technical conferences, including early in a proceeding. In addition, mediation remains available as an option for applicable matters.
- **Use technical conferences for probing questions and open exchange.** Staff are empowered to probe the facts of the case (including possible omissions, inconsistencies, or ambiguities in the evidence and argument) and express their views on further information that should be provided to the Board. Staff engagement will, of course, depend on the circumstances and needs of the case. However, I emphasize that staff are neither limited to discussing only the form or format of submissions nor prohibited from asking detailed follow-up questions.

Technical conferences can and should be used to gather information and deepen understanding of pertinent issues and are conducted with the understanding that no individual speaks on behalf of the Board and that staff views are purely their own and not binding on the Board.