

Surface Transportation Board Issues Decision on Use of Arbitration to Resolve Disputes in Railroad Matters

Surface Transportation Board (Board) Chairman Linda J. Morgan today announced various steps the Board has taken to address the appropriate role of arbitration in resolving disputes involving railroad matters. These steps include preparing an updated roster of available arbitrators, amending its rules to impose a new requirement that complainants bringing cases before the Board must state that they have considered using the agency's voluntary arbitration process, and reporting to Congress on public comments filed with the agency regarding whether binding arbitration of small railroad rate disputes should be mandated through legislation. These actions announced today follow the Board's initiation of a proceeding in which it sought comments from interested parties on several matters relating to the use of arbitration as an effective means of resolving disputes subject to Board jurisdiction.

After reviewing comments received, the Board prepared an updated roster of 29 available arbitrators with relevant experience. Any party interested in pursuing arbitration under the procedures of Part 1108 of Title 49, United States Code (49 CFR Part 1108) may obtain a copy of the roster by telephoning the Board's Office of Congressional and Public Services at **(202) 565-1594**. Additionally, as a reminder to parties of the availability of voluntary arbitration under 49 CFR Part 1108, and to encourage the use of arbitration procedures where appropriate, the Board added a new requirement, at 49 CFR 1111.1, that, in complaint cases potentially arbitrable under Part 1108, the complainant must include a statement that arbitration was considered, but rejected, as a means of dispute resolution.

Finally, when it instituted its proceeding, the Board sought to provide a record for Congress on the issue of whether binding arbitration of small rail rate disputes should be mandated through legislation. In the decision issued today, the Board noted that it had received comments from 21 parties, including governmental entities, railroads and railroad groups, shippers and shipper groups, and others. It also noted that the comments revealed basic differences of opinion as to whether or not legislative change to mandate arbitration would be appropriate or desirable, and as to matters such as which types of disputes should be covered, what standards (if any) should apply, the scope of review of arbitral awards, and other matters. A summary of the comments submitted is being provided by letter to Congress.

The Board issued its decision today in the proceeding entitled *Arbitration--Various Matters Relating to its Use as an Effective Means of Resolving Disputes That Are Subject to the Board's Jurisdiction*, STB Ex Parte No. 586. A printed copy of the decision is available for a fee by contacting **D~ 2 D~ Legal Copy Service, Suite 405, 1925 K Street, N.W., Washington, DC 20006, telephone (202) 293-7776**, or via da2dalegal@earthlink.net. The decision also is available for viewing and downloading via the Board's website at <http://www.stb.dot.gov>.

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