

SURFACE TRANSPORTATION BOARD ADOPTS FINAL RULES ESTABLISHING PROCEDURES FOR BOARD-INITIATED INVESTIGATIONS

The Surface Transportation Board announced today that it has adopted a final rule to establish procedures for Board-initiated investigations concerning railroad issues of national or regional significance pursuant to Section 12 of the Surface Transportation Board Reauthorization Act of 2015 (Reauthorization Act), Pub. L. No. 114-110, 129 Stat. 2228 (2015). Before passage of the Reauthorization Act, the Board could commence an investigation only in response to a stakeholder's complaint, rather than upon its own initiative. Today's final rule also marks the last milestone in the Board's implementation of the Reauthorization Act.

The Reauthorization Act provides the overarching procedural framework for investigations initiated by the Board. Building on the statutory framework, the STB's final rule establishes a three-stage process of preliminary fact-finding; Board-initiated investigation; and formal Board proceeding.

The Board will apply the "national or regional significance" standard on a case-by-case basis, considering factors such as the impact of the potential violation on national or regional rail traffic, customers, or third parties, as well as the geographic scope of the potential violation. The Board's investigative authority does not apply to disputes over individual rail rates.

"With our new investigative authority, the Board is better equipped to explore and resolve significant railroad issues," said Chairman Daniel R. Elliott. "These rules ensure appropriate protections for due process, separation of fact-finding versus adjudication, and the timely resolution of investigations. I appreciate the thoughtful comments of our stakeholders throughout the process of this rulemaking, and hope that these rules facilitate investigations of regional or national significance that inspire the public trust."

The Board's detailed decision announcing the final rules adopted in [Rules Relating to Board-Initiated Investigations, EP 731](#), can be found at the STB's website, www.stb.gov, under "E-LIBRARY / Decisions & Notices / 12/14 /2016" .

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