

Surface Transportation Board Proposes Exemption from Requirement for Designation of Railroad Agents; Outlines Alternative Methods of Public Notice

Surface Transportation Board (Board) Chairman Linda J. Morgan announced today that the Board is proposing an exemption from the present requirement of Section 723 of Title 49, United States Code (49 U.S.C. 723) that railroads designate agents in the District of Columbia on whom the Board may "serve" (officially issue) decisions and/or notices in proceedings before the agency. The Board believes that designation of, and service on, agents is no longer necessary in that railroads currently have available to them alternative methods for obtaining decisions and/or notices of official Board actions. This proposal is just one of a number of actions being taken by the Board to update and modernize its practices and regulations.

The Board daily issues the majority of its decisions and/or notices as "regular releases" at 10:30 a.m. and others, on occasion, as "late releases" at other times later in the day. At 10:30 a.m. each day, official copies of all of the Board's regular-release decisions and/or notices are placed in the Board's 7th Floor Docket File Reading Room, Room 755, in its headquarters in the Mercury Building, 1925 K Street, N.W., Washington, D.C., where they may be read or photocopied. Messengers are contacted at approximately 10:30 a.m. daily to retrieve decision and/or notice copies for delivery to each railroad's designated agent, and the railroad is billed for the messenger's cost. If a railroad does not have a designated agent, copies of decisions and/or notices are placed on a bulletin board as public information in the Board's 1st Floor offices in Suite 100 in the Mercury Building. Decisions and/or notices are usually placed on the Board's Internet website (www.stb.dot.gov) between 10:30 and 11:30 a.m. daily. Where pertinent, decisions and/or notice copies are mailed at approximately 4:30 p.m. daily by first-class mail to all parties of record (official participants) in particular proceedings.

Late-release decisions and/or notices are also placed in the Docket File Reading Room, and copies of all late releases are placed on the Board's 1st Floor bulletin board, regardless of whether a railroad retains a designated agent. Depending on how late in the day a late release occurs, late-release decisions and/or notices are mailed, messengers are contacted, and the decisions and/or notices are placed on the Board's Internet website either that same day or the next day.

The Board also issues an index of its decisions, titled "Surface Transportation Board Daily Releases" (Daily Releases), which is placed both in the 7th Floor Docket Room and on the 1st Floor bulletin board. Each Daily Release lists all of the decisional documents and/or notices issued by the Board at 10:30 a.m. Late releases are noted in the Daily Releases issued under the date of the next business day.

Because the Board is now providing public notice in such a variety of ways, including decisional and notice posting via the agency's website, a delivery method more rapid than messenger delivery to agents, the Board believes the service of decisional and/or notice copies on a railroad's designated agent is no longer necessary. The Board believes that discontinuing the practice by adoption of the proposed exemption would end notice redundancies, with resulting cost reductions and efficiencies both for railroads and the Board. The Board thus is seeking public comments on the proposed action by **October 28, 2002**.

The Board issued its decision today in the case entitled *Exemption for Railroad Agent Designation under 49 U.S.C. 723*, STB Ex Parte No. 590. 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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