

## **STB PROPOSES TO MODIFY REGULATIONS ON EX PARTE COMMUNICATIONS TO FACILITATE INTERACTION WITH STAKEHOLDERS**

The Surface Transportation Board today proposed to update its long-standing rules on ex parte communications in informal rulemaking proceedings to permit such communications, subject to disclosure requirements, and to make other clarifications as to when and how interested persons may communicate with the Board about other pending proceedings.

In two recent rulemaking proceedings, the Board has waived its rules on ex parte communications to allow individual Board members or Board staff to participate in one-on-one meetings, subject to public disclosure requirements. The Board has found these meetings useful, and has recognized that significant benefits flow from direct and candid discussions with stakeholders. More generally, many federal agencies now have regulations and policies facilitating direct interaction with stakeholders on regulatory matters. The Board believes that it is appropriate to revisit and modify its longstanding rules on ex parte communications, which, in the past, have largely been prohibited.

Today's proposal makes several changes to the Board's rules, designed to encourage dialogue with stakeholders. For example, the rules would permit ex parte communications in rulemaking proceedings up until the Board issues a notice of proposed rulemaking (NPRM). And, after the issuance of an NPRM, ex parte communications would be allowed until 20 days before reply comments are due, subject to public disclosure requirements. Additionally, the proposed rules clarify that certain other communications, such as interaction related to the Board's implementation of the National Environmental Policy Act, do not constitute ex parte communications.

The Board's Notice of Proposed Rulemaking in [Ex Parte Communications in Informal Rulemaking Proceedings, EP 739](#) may be viewed and downloaded at [www.stb.gov](http://www.stb.gov), under "E-LIBRARY / Decisions & Notices / 09 / 24 / 17".

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