



Surface Transportation Board
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Meeting under Section 5, STB Reauthorization Act

April 5, 2016

Present: Chairman Elliott
Vice Chairman Miller
Commissioner Begeman
General Counsel Craig Keats
Chris Diamond (Chairman Elliott's Office); Brian O'Boyle (Vice Chairman Miller's Office); James Boles (Commissioner Begeman's Office); Scott Zimmerman (Office of Proceedings); Alison Graab (Office of Proceedings); Ted Hunt (Office of the General Counsel)

Topic: Investigations Under Section 12, STB Reauthorization Act (49 U.S.C. 11701(a))

Summary of the Matters Discussed, Prepared by General Counsel Craig Keats

Chairman Elliott proposed this meeting to discuss an anticipated rulemaking regarding the provisions of § 12 of the STB Reauthorization Act. Section 12 amends 49 U.S.C. § 11701(a) to give the Board new authority to investigate potential violations of the rail provisions of the Interstate Commerce Act that are of national or regional significance on its own initiative, subject to certain limitations. Section 12 also directs the Board to adopt rules to implement this new authority. The Members and staff discussed the following matters:

- Section 11701(a).
 - Own-initiative investigations of potential statutory violations;
 - Initial investigation leading to possible formal agency proceeding;
 - Rulemaking to be completed by 12/18/16.
- Steps and issues.
 - Fact-finding, possible investigation, possible formal proceeding;
 - Separation of investigative and decision-making functions.
- Investigation.
 - How investigation is initiated;
 - Confidentiality;
 - Timing of rulemaking, length of comment periods, etc.
- Experience and procedures at other agencies.