

SURFACE TRANSPORTATION BOARD
QUARTERLY REPORT OF FORMAL SERVICE COMPLAINTS

Date: April 1, 2016

The Surface Transportation Board Reauthorization Act of 2015 mandated that the Surface Transportation Board (STB) publish a quarterly report of formal service complaints received by the agency. See STB Reauthorization Act of 2015, sec. 6(b), Pub. L. No: 114-110 (2015). During the period January 1, 2016 - March 31, 2016, the STB had the following formal service-related complaints pending:

Formal Service-Related Complaints:

Date Complaint Received	Type of Complaint	Title	Docket No.	Geographic Region	Complainant	Railroad(s) Involved	Resolution/Status
1-19-2012	Failure to prioritize Amtrak trains over freight trains.	National Railroad Passenger Corporation—Section 213 Investigation of Substandard Performance on Rail Lines of Canadian National Railway Company	NOR 42134	Midwest	National Railroad Passenger Corporation (Amtrak)	Canadian National Railway Company, Grand Trunk Western Railway, Illinois Central Railroad	In abeyance, in light of pending rulemaking.
2-27-2013	Application for terminal trackage rights.	BNSF Railway—Terminal Trackage Rights—Kansas City Southern Railway	FD 32760 (Sub-No. 46)	Louisiana	BNSF Railway Company	BNSF Railway Company, Union Pacific Railroad Company, Kansas City Southern Railway	Final briefs received on 12-30-2015.

Date Complaint Received	Type of Complaint	Title	Docket No.	Geographic Region	Complainant	Railroad(s) Involved	Resolution/Status
11-17-2014	Failure to prioritize Amtrak trains over freight trains.	National Railroad Passenger Corporation— Investigation of Substandard Performance of the Capital Limited	NOR 42141	Midwest, Mid-Atlantic	National Railroad Passenger Corporation (Amtrak)	CSX Transportation, Inc.; Norfolk Southern Railway Company	In abeyance, in light of pending rulemaking.
3-31-2015	Unreasonable tariff and practices.	North American Freight Car Association v. Union Pacific Railroad	NOR 42144	Nationwide	North American Freight Car Association; American Fuel & Petrochemicals Manufacturers; The Chlorine Institute; The Fertilizer Institute; American Chemistry Council; Ethanol Products, LLC d/b/a Poet Ethanol Products; Poet Nutrition, Inc.; and Cargill Incorporated	Union Pacific Railroad Company	Record scheduled to be closed 11-22-2016.
5-15-2015	Unreasonable tariff/practice.	Agrium Inc. v. Canadian Pacific Railway	NOR 42145	Midwest, Mid-Atlantic	Agrium Inc. and Agrium U.S. Inc.	Canadian Pacific Railway Company	Record building. Record extended by parties' request until 11-07-2016.

Date Complaint Received	Type of Complaint	Title	Docket No.	Geographic Region	Complainant	Railroad(s) Involved	Resolution/Status
12-07-2015	Demurrage and service frequency issues.	Finch Paper LLC—Petition for Declaratory Order	FD 35981	Mid-Atlantic	Finch Paper LLC	Canadian Pacific Railway, Delaware and Hudson Railway Company	Record building. Record due to close on 8-15-2016.

SURFACE TRANSPORTATION BOARD
QUARTERLY REPORT OF INFORMAL SERVICE COMPLAINTS RECEIVED

Date: April 1, 2016

The Surface Transportation Board Reauthorization Act of 2015 mandated that the Surface Transportation Board (STB) publish a quarterly report of informal service complaints received by the agency. See STB Reauthorization Act of 2015, sec. 6(b), Pub. L. No: 114-110 (2015). During the period January 1, 2016 - March 31, 2016, the STB received the following informal complaints¹:

Date	Type of Informal Complaint	Geographic Region ²	Resolution / Status	Complainant ³ CONFIDENTIAL
01-12-2016	Rail service issues; rail car availability and deteriorating service levels	Multiple locations	Provided informal guidance (in-person meeting with RCPA staff) on legal and commercial aspects of service issues; anticipate follow-up discussions with individual shippers and outreach to involved railroads [Pending]	
01-21-2016	Rail service issues; demurrage issue arising from weather related disruption in rail service	South	Provided informal guidance to shipper; evaluated circumstances giving rise to demurrage charges and opportunity for potential relief; liaised with railroad customer service to review charges [Pending]	

¹ A table showing the quarterly inquiries received by the STB's Rail Customer and Public Assistance (RCPA) office is attached as an Appendix to this report.

² **Northeast:** Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New Jersey, New York, and Pennsylvania; **South:** Maryland, Delaware, West Virginia, Virginia, Kentucky, Tennessee, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Arkansas, Louisiana, Oklahoma, and Texas; **Midwest:** North Dakota, South Dakota, Nebraska, Kansas, Missouri, Iowa, Minnesota, Wisconsin, Illinois, Michigan, Indiana, and Ohio; **West:** Washington, Idaho, Montana, Wyoming, Oregon, California, Nevada, Utah, Colorado, Arizona, New Mexico, Alaska, and Hawaii.

³ This Quarterly Report may identify the complainant that submitted an informal complaint only upon the written consent of the complainant. Surface Transportation Board Reauthorization Act of 2015, sec. 6(b).

Date	Type of Informal Complaint	Geographic Region ²	Resolution / Status	Complainant ³ CONFIDENTIAL
02-04-2016	Rail service issue; railroad declining to provide service without shipper infrastructure investment	Northeast	Provided informal guidance to shipper; held in-person informal facilitation meeting with shipper and railroad representatives, which resulted in mutually agreed strategy to resolve key disputed items [Pending]	
02-08-2016	Rail service issue; shipper requiring assistance with submitting service request	West	Provided informal guidance to shipper; assisted shipper in locating railroads potentially available to provide service [Closed]	
02-09-2016	Rail service issue; objection to level of rate quoted by railroad to transport commodity	Midwest	Provided informal guidance to shipper; discussed commercial and competitive issues related to potential movement, and likely factors influencing rate level [Closed]	
02-16-2016	Rail service issue; railroad seeking to compel shipper to assume maintenance costs for rail spur to shipper's facility	Midwest	Provided informal guidance to shipper; discussed background commercial issues, the extent of railroad's obligation to serve, and shipper's potential legal options for relief before the STB [Closed]	
02-16-2016	Rail service issue; shipper requiring assistance with submitting request for rail service	Midwest	Provided informal guidance to shipper; assisted shipper in locating railroads potentially available to originate traffic [Closed]	
02-23-2016	Rail service issue; loss of service; damage to track	West	Provided informal guidance to shipper; contacted railroad concerning service failure; facilitated teleconference with parties which resulted in restoration of service [Closed]	
02-23-2016	Rail service issue; demurrage issue; reduction in number of weekly switches	Multiple	Provided informal guidance to shipper; discussed commercial considerations, implications of STB's demurrage rulemaking, and potential legal remedies before the STB; offered to mediate disputes [Pending]	

Date	Type of Informal Complaint	Geographic Region ²	Resolution / Status	Complainant ³ CONFIDENTIAL
02-24-2016	Rail service issue; inadequate and inconsistent switching	East	Provided informal guidance to shipper; held discussion with shipper and potential switching contractor to explore options to improve switching operations; discussed potential for a new entrant carrier to provide switching and relevant STB procedures [Closed]	
02-26-2016	Rail service issue; demurrage charges; unfair practices	Midwest	Provided informal guidance, including copies of STB case law concerning demurrage charges [Closed]	
02-26-2016	Rail service issue; delayed delivery of empty railcars to shipper facility	Midwest	Provided informal guidance to shipper; contacted railroad concerning service failure, resulting in empty cars promptly being delivered to facility [Closed]	
03-01-2016	Rail service issue; improper weighing of cars	West	Provided informal guidance to shipper; discussed shipper's potential options for relief before STB [Closed]	
03-02-2016	Rail service issue; excessive fuel surcharge; car supply; timely delivery of empty cars	West	Provided informal guidance to shipper; discussed commercial and legal issues related to fuel surcharge; discussed common carrier obligation; contacted railroad customer service in order to discuss car supply and service issues, resulting in delivery of cars and improvement in service [Closed]	
03-03-2016	Rail service issue; excessive storage charges; track lease	South	Provided informal guidance to shipper; offered to mediate dispute and suggested strategies to resolve disagreement [Closed]	
03-07-2016	Rail service issue; deterioration of service; disruption of car supply	South	Provided informal guidance to shipper; discussed commercial issues; offered to mediate dispute [Pending]	
03-08-2016	Rail service; deterioration of service; delayed delivery of empty cars	Midwest	Provided informal guidance to shipper; liaised with railroad customer service, resulting in empty cars promptly being delivered to facility [Closed]	

Date	Type of Informal Complaint	Geographic Region ²	Resolution / Status	Complainant ³ CONFIDENTIAL
03-11-2016	Rail service issue; bunching of inbound railcars; demurrage	Not disclosed	Provided informal guidance to shipper; additional information not provided by shipper [Closed]	
03-11-2016	Rail service issue; service decline; missed switches	Midwest	Provided informal guidance to shipper; offered to mediate dispute; awaiting further instruction from shipper [Pending]	
03-15-2016	Rail service issues; missed switches; bunching of inbound rail cars; demurrage	West	Provided informal guidance; contacted railroad customer service in order to discuss service issues and resolve dispute [Pending]	
03-17-2016	Rail service issue; loss of service due to long-term embargo	Midwest	Provided informal guidance on potential avenues for interested party to acquire embargoed line; offered to provide assistance in facilitating communication with railroad [Pending]	
03-23-2016	Rail service issue; cancellation of side track agreement; reduction in switching service	South	Provided informal guidance to shipper; discussed commercial and legal issues; offered to mediate dispute; shipper declined further informal assistance [Closed]	
03-23-2016	Rail service issue; potential loss of service	West	Provided informal guidance to shipper; discussed procedural requirements and substantive standards for railroad to lawfully abandon line [Pending]	
03-25-2016	Rail service issue; bunching of inbound railcars; inconsistent service; demurrage	South	Provided informal guidance; contacted railroad customer service in order to discuss service issues and resolve dispute [Pending]	
03-29-2016	Rail service issue; unresponsiveness to rate and service request; access to other railroad	West	Provided initial informal guidance; waiting for additional information and instructions from shipper [Pending]	
03-30-2016	Rail service issue; cars stranded in transit	Midwest	Contacted railroad customer service in order to ascertain status of cars and request immediate movement, resulting in prompt interchange of cars to connecting carrier for delivery [Closed]	

Date	Type of Informal Complaint	Geographic Region ²	Resolution / Status	Complainant ³ CONFIDENTIAL
03-31-2016	Rail service issue; inconsistent switching; loss of service; poor communication	West	Obtaining additional information from shipper in order to liaise with railroad customer service contact to explore opportunities to improve service [Pending]	

Note: A table showing the quarterly inquiries received by the STB's Rail Customer and Public Assistance (RCPA) office is attached below as an appendix to the foregoing report.

Appendix to Quarterly Report of Informal Service Complaints

1st Quarter 2016 All Inquiries to RCPA by Category/Region*

Issue Category	All Regions	Northeast	South	Midwest	West	Not Specified
Abandonment Records	32	4	4	4	3	17
Arrange Meeting	6	0	1	0	0	5
Bus Issue	8	2	1	0	2	3
Household Movers	18	0	10	3	1	3
Information-Economic Data	11	3	0	2	0	6
Information-Non Economic Request	10	0	4	1	1	4
Motor Carriers (trucks)	10	2	1	0	0	7
Non-Railroad Service Issue	1	1	0	0	0	0
Railroad Abandonment/Loss of Service	4	1	0	1	2	0
Railroad Amtrak/Passenger Issue	8	4	1	1	1	0
Railroad Billing Dispute	1	0	0	0	0	1
Railroad Blocked Crossings	3	0	1	0	1	1
Railroad Car Supply	1	0	0	0	1	0
Railroad Claims	2	0	0	0	0	2
Railroad Credit Terms	1	0	0	0	0	1
Railroad Demurrage Charges	6	1	1	0	2	2
Railroad Embargo	1	0	0	0	0	1
Railroad Environmental Issues	3	1	0	0	0	2
Railroad Grade Crossing Issues	2	0	1	1	0	0
Railroad Labor Issues	1	0	0	1	0	0
Railroad Lease of track or equipment	2	0	0	0	0	2
Railroad Liability Issues	1	0	0	0	0	1
Railroad Miscellaneous Charges	1	0	0	0	0	1
Railroad Noise - Airhorn, Safety, etc	4	0	1	1	1	1
Railroad Operating Authority Issue	1	0	0	0	0	1

Issue Category	All Regions	Northeast	South	Midwest	West	Not Specified
Railroad Preemption	8	1	1	1	3	2
Railroad Rate Levels/Increases	4	0	0	2	0	2
Railroad Service Issue	13	2	2	2	4	2
Railroad Side Track Agreement	3	0	1	0	0	2
Railroad Tariff Issue	1	0	0	0	0	1
Rails to Trails	10	0	2	3	0	5
Real Estate Matter	3	0	0	0	2	1
STB Authority Question	1	0	1	0	0	0
STB Fees	3	0	0	1	1	1
STB Information	34	2	3	1	0	27
STB Jurisdictional Question	26	2	5	3	1	15
STB Procedural Assistance	46	6	6	5	6	23
STB Recordations or Security Interests on Rail Cars	9	1	1	0	1	6
STB Records Assistance	27	2	6	3	2	14
STB Track Exemption Issue	1	0	0	0	1	0
STB Webpage/Downloading Assistance	11	0	0	2	0	9
Water Carrier	4	0	0	0	0	4
Wrong Agency Calls	11	0	1	0	0	10
Other	2	0	0	1	0	1
Total	351	35	55	39	36	186

*U.S. Census Regions:

Northeast Region	Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New Jersey, New York, and Pennsylvania
South Region	Maryland, Delaware, West Virginia, Virginia, Kentucky, Tennessee, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Arkansas, Louisiana, Oklahoma, and Texas
Midwest Region	North Dakota, South Dakota, Nebraska, Kansas, Missouri, Iowa, Minnesota, Wisconsin, Illinois, Michigan, Indiana, and Ohio
West Region	Washington, Idaho, Montana, Wyoming, Oregon, California, Nevada, Utah, Colorado, Arizona, New Mexico, Alaska, and Hawaii

1st Quarter 2016 Inquiries to RCPA by Commodity Group*

Commodity Group	Number
Aggregates	2
Agricultural Products	11
Automobile	2
Chemicals	9
Coal	1
Empty Freight Cars	1
Forest Products	2
Household Goods	18
Industrial Products	4
Metals and Minerals	1
Municipal Waste	1
Not Specified by Shipper	3
N/A	271
Other	2
Passenger	27
Total	355

*In many cases, the commodity is not specified or material to the Case, therefore the total number for this data may not equal the total number for the quarter.