Report on Pending STB Regulatory Proceedings – June 30, 2018

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1. Review of the General Purpose Costing System

Popular Title: Review of the General Purpose Costing System

RIN 2140-AB14

Stage: Proposed Rule

Previous Stage: NPRM served 02/04/2013; End of Comment Period 09/05/2013; SNPRM served 08/04/2016 (published in Fed. Reg. 08/10/2016); End of Comment Period 11/07/2016.

Abstract: The Board proposes certain changes to its general purpose costing system—the Uniform Railroad Costing System (URCS). Specifically, the Board proposes in a Supplemental Notice of Proposed Rulemaking to modify certain inputs into Phase II of URCS and to modify certain cost calculations in Phase III of URCS in order to eliminate the “make-whole adjustment” in Phase III. The Board proposes certain other related changes to URCS, including proposals for locomotive unit-miles and train miles allocations, that would result in more appropriate rail movement costs.

Effects:

   Paperwork Reduction Act

Prompting action: Board Initiative

Legal Deadline: None

Rulemaking Project Initiated: 02/04/2013

Docket Number: EP 431 (Sub-No. 4)

Dates for Next Action:

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<th>milestone</th>
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<tr>
<td>Service Date</td>
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Explanation for any delay: The previous projected target date of 01/2018 was changed to TBD in the April 2018 report. The Board has not reached a consensus on the next action.

Federal Register Citation for Next Action: N/A
2. Rail Fuel Surcharges (Safe Harbor)

Popular Title: Rail Fuel Surcharges (Safe Harbor)

RIN 2140-AB17

Stage: Pre-Rule

Previous Stage: ANPRM served 05/29/2014; End of Comment Period 10/15/2014.

Abstract: The Board is giving shippers, rail carriers, and other interested parties the opportunity to comment on the Board’s “safe harbor” standard, which allows carriers to rely on a Board-approved fuel index to measure changes in fuel prices for purposes of their fuel surcharge programs.

Effects: None

Prompting action: Board Initiative

Legal Deadline: None

Rulemaking Project Initiated: 05/29/2014

Docket Number: EP 661 (Sub-No. 2)

Dates for Next Action:

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<tbody>
<tr>
<td>Service Date</td>
<td>09/2016</td>
<td>TBD</td>
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Explanation for any delay: The new projected date was modified in the January 2017 report, explaining that the Board is in a time of transition with potential changes to the Board’s membership due to the changeover in administration. The new projected target date remains TBD.

Federal Register Citation for Next Action: N/A
3. Expanding Access to Rate Relief

**Popular Title:** Expanding Access to Rate Relief

**RIN 2140-AB37**

**Stage:** Pre-Rule

**Previous Stage:** ANPRM served 08/31/2016; End of Comment Period 12/19/2016.

**Abstract:** The Board is considering procedures that could comprise a new rate reasonableness methodology for use in very small disputes, which would be available to shippers of agricultural products and all other commodities.

**Effects:**

None

**Prompting action:** Board Initiative

**Legal Deadline:** None

**Rulemaking Project Initiated:** 08/31/2016

**Docket Number:** EP 665 (Sub-No. 2)

**Dates for Next Action:**

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<td>Service Date</td>
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**Explanation for any delay:** The 06/2017 date for next action was established in the January 2017 report. The Board did not reach a consensus on a June Board action. The new projected target date was changed to TBD in the July 2017 report. Note, on March 28, 2018, the Board issued a decision waiving the prohibition on ex parte communications in this proceeding.

**Federal Register Citation for Next Action:** N/A
4. Review of Commodity, Boxcar, and TOFC/COFC Exemptions

Popular Title: Commodity Exemptions

RIN 2140-AB29

Stage: Proposed Rule

Previous Stage: NPRM served 03/23/2016; Order granting the Association of American Railroads' request for extension of time served 05/06/2016; End of Comment Period 08/26/2016.

Abstract: In this proceeding, the Board proposes to revoke the existing class exemptions under 49 C.F.R. Part 1039 for (1) crushed or broken stone or rip rap; (2) hydraulic cement; and (3) coke produced from coal, primary iron or steel products, and iron or steel scrap, wastes or tailings.

Effects:

Regulatory Flexibility Act

Prompting action: Board Initiative

Legal Deadline: None

Rulemaking Project Initiated: 03/23/2016

Docket Number: EP 704 (Sub-No. 1)

Dates for Next Action:

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<td>Service Date</td>
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Explanation for any delay: The new projected date was modified in the January 2017 report, explaining that the Board is in a time of transition with potential changes to the Board’s membership due to the changeover in administration. The new projected target date remains TBD.

Federal Register Citation for Next Action: N/A
5. Reciprocal Switching

**Popular Title:** Competitive Switching Rules

**RIN 2140-AB32**

**Stage:** Proposed Rule

**Previous Stage:** NPRM served 07/27/2016.

**Abstract:** The Board proposes regulations which would allow a party to seek a reciprocal switching prescription that is either practicable and in the public interest or necessary to provide competitive rail service, in accordance with 49 U.S.C. § 11102(c)(1).

**Effects:**

None

**Prompting action:** Petition from the National Industrial Transportation League.

**Legal Deadline:** None

**Rulemaking Project Initiated:** 07/27/2016

**Docket Number:** EP 711 (Sub-No. 1)

**Dates for Notice of Proposed Rulemaking:**

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<td>Reply Period Ends</td>
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**Explanation for any delay:** N/A

**Federal Register Citation for NPRM:** 81 Fed. Reg. 51,149 (Aug. 3, 2016)
Surface Transportation Board

6. Railroad Revenue Adequacy

**Popular Title:** Revenue Adequacy

**RIN 2140-AB19**

**Stage:** Pre-Rule

**Previous Stage:** Notice served 04/02/2014; End of Comment Period 11/04/2014; Hearing 07/22/2015 and 07/23/2015.

**Abstract:** The Board is exploring its methodology for determining railroad revenue adequacy, as well as the revenue adequacy component used in judging the reasonableness of rail freight rates.

**Effects:**

None

**Prompting action:** Board Initiative

**Legal Deadline:** None

**Rulemaking Project Initiated:** 04/02/2014

**Docket Number:** EP 722

**Dates for Next Action:**

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<td>Service Date</td>
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**Explanation for any delay:** The new projected target date was modified in the April 2017 report, changing it from June 2017 to TBD, in recognition of a changeover in administration and expected changes to the Board’s membership. The new projected target date remains TBD. Note, on March 28, 2018, the Board issued a decision clarifying that a prohibition on ex parte communications in this proceeding is not applicable.

**Federal Register Citation for Next Action:** N/A
7. Updating the Code of Federal Regulations

Popular Title: None

RIN # 2140-AB40

Stage: Final Rules

Previous Stage: None.

Abstract: The Board updated its regulations to replace certain obsolete or incorrect references in the regulations.

Effects:

None

Prompting action: Board Initiative

Legal Deadline: None

Rulemaking Project Initiated: 1/31/2018

Docket Number: EP 746

Dates for Final Rules:

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Explanation for any delay: N/A

8. On-Time Performance Under Section 213 of the Passenger Rail Investment & Improvement Act of 2008

**Popular Title:** On-Time Performance; OTP

**RIN # 2140-AB22**

**Stage:** Final Rules; removal

**Previous Stage:** None.

**Abstract:** The Board removed its final rule concerning on-time performance of intercity passenger rail service because it was invalidated upon judicial review.

**Effects:**

None

**Prompting action:** Court decision

**Legal Deadline:** None

**Rulemaking Project Initiated:**

**Docket Number:** EP 726

**Dates for Final Rules:**

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**Explanation for any delay:** N/A

**Federal Register Citation for Final Rules:** 83 Fed. Reg. 19,647 (May 4, 2018)