



Member of the Board

Surface Transportation Board
Washington, D.C. 20423-0001

January 2, 2018

The Honorable Mario Diaz-Balart
Chairman
House Appropriations Subcommittee on
Transportation, Housing and Urban
Development, and Related Agencies
440 Cannon House Office Building
Washington, DC 20515

The Honorable David E. Price
Ranking Member
House Appropriations Subcommittee on
Transportation, Housing and Urban
Development, and Related Agencies
2108 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Diaz-Balart and Ranking Member Price:

On behalf of the Surface Transportation Board (STB or Board), I am pleased to provide the Board's fourth quarter 2017 reports in accordance with the Surface Transportation Board Reauthorization Act of 2015 (STB Reauthorization Act). I will also provide an update on several matters that you may find of interest.

The Board continues to closely monitor rail service on CSX Transportation, Inc. (CSX) as it implements a new operating plan across its network. Although several key CSX performance measures are showing sustained improvement, other metrics, such as car order fulfillment and local service performance, are lagging. The Board has also heard concerns from some shippers about CSX's "last mile" performance and lack of advance notice about service changes. Accordingly, on December 14, 2017, the Board asked CSX for an update on the current state of its network and its progress in restoring reliable rail service, including additional information on key performance metrics. We also requested CSX to inform the Board of any significant operating changes that are expected in 2018, along with projected timelines and how such changes will be timely communicated to affected shippers or other railroads. Finally, we asked to meet CSX's new Chief Operating Officer, James Foote. Following the sudden passing of Mr. E. Hunter Harrison on December 16, Mr. Foote was named President and Chief Executive Officer. I look forward to meeting with Mr. Foote in the weeks ahead.

With respect to regulatory proceedings, the Board concluded two proceedings during the fourth quarter. In Expediting Rate Cases, Docket No. EP 733, the Board issued a final rule on November 30, 2017. This new rule is in response to Section 11 of the STB Reauthorization Act, which required the Board to assess procedures for expediting court litigation that might be applied to agency rate cases. However, this is not the only action the Board needs to take to improve our rate review processes, as I will discuss further below. The Board also completed action in Revisions to the Cost-of-Capital Composite Railroad Criteria, Docket No. EP 664 (Sub-No. 3). This new rule updates one of the screening criteria used in the Board's annual cost-of-capital determination to better reflect the current marketplace.

The Board Members and Board staff have been expending considerable effort to complete the pending rate review challenge, Consumers Energy Co. v. CSX Transportation, Inc., Docket No. NOR 42142. As the rate case review metrics report indicates, the Board intends to issue a final decision on this important case by January 12, 2018. Upon its completion, the Board will establish an internal Rate Reform Task Force, modeled after our Regulatory Reform Task Force. The goal of this independent committee will be to develop recommendations to reform and streamline our rate review process for large cases, which seem to become even more costly and time consuming with every case litigated, and to determine how to best provide a rate review process for smaller rate cases.

Finally, last month marked two years for the Board as a fully independent agency. While the Board has been focused on the successful fulfillment of its core mission—the efficient, timely, and balanced resolution of matters subject to its jurisdiction—the Board also recognizes that it must heighten its focus on meeting its new administrative demands. For example, the Board has been working hard during the past quarter to address the cybersecurity issues and recommendations noted in the Fiscal Year 2017 FISMA audit, which was completed in October by the Department of Transportation’s Office of Inspector General (IG). This was the agency’s first FISMA audit as an independent agency, which the IG conducted at our request under contract. The Board has established a plan, which has been shared with the IG, to address the IG’s recommendations and make needed remediation efforts, prioritizing the most critical deficiencies. Last week, an Information Systems Security Manager joined the agency’s staff, who will lead the Board’s efforts to improve and strengthen our cybersecurity program, with the assistance of our IT staff. This effort and undertaking is an important Board priority.

Thank you for your continued interest in the Board and its work. If you or your staff have any questions, please contact me at 202-245-0204.

Sincerely,


Ann Begeman
Acting Chairman

Report on Pending STB Regulatory Proceedings – December 31, 2017

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Surface Transportation Board

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:

Milestone	Scheduled Date	New Projected Date	Actual Date
Service Date	05/2017	01/2018	N/A

Explanation for any delay: The October 2017 report extended the previous projected target date of 11/2017 to 01/2018 to provide the Board additional time to work on this proposal given the complexity of the issues involved.

Federal Register Citation for Next Action: N/A

Surface Transportation Board

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:

Milestone	Scheduled Date	New Projected Date	Actual Date
Service Date	09/2016	TBD	N/A

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 because the Board has not reached a consensus on a next action.

Federal Register Citation for Next Action: N/A

Surface Transportation Board

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:

Milestone	Scheduled Date	New Projected Date	Actual Date
Service Date	06/2017	TBD	N/A

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.

Federal Register Citation for Next Action: N/A

Surface Transportation Board

4. Review of Commodity, Boxcar, and TOFC/COFC Exemptions

Popular Title: Expanding Access to Rate Relief

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:

Milestone	Scheduled Date	New Projected Date	Actual Date
Service Date	01/2017	TBD	N/A

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

Surface Transportation Board

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:

Milestone	Scheduled Date	New Projected Date	Actual Date
NPRM Service Date	06/2016	07/2016	07/27/2016
Comment Period Ends	09/26/2016	10/26/2016	N/A
Reply Period Ends	10/10/2016	01/13/2017	N/A
Ex Parte Meetings	Beginning 01/30/2017	N/A	N/A

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:

Milestone	Scheduled Date	New Projected Date	Actual Date
Service Date	10/2016	TBD	N/A

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 new Administration and expected changes to the Board's membership. The new projected target date remains TBD.

Federal Register Citation for Next Action: N/A

Surface Transportation Board

7. Expediting Rate Cases

Popular Title: Expediting Rate Cases

RIN # 2140-AB33

Stage: Final Rule

Previous Stage: ANPRM served 06/15/2016; End of Comment Period 08/29/2016; NPRM served 03/31/2017; End of Comment Period 06/14/2017; Final Rule served 11/30/2017.

Abstract: As mandated by the Surface Transportation Board Reauthorization Act of 2015, Pub. L. No 114-110, the Board assessed its procedures that are available to parties in litigation before courts to expedite rate litigation and considered the potential application of any such procedures to rate cases. The Board also assessed whether there were additional changes to the SAC case process that could help the Board meet the expedited timeline for a final decision established under the STB Reauthorization Act. Based on these assessments, the Board modified its rules pertaining to its rate case procedures.

Effects:

None

Prompting action: Surface Transportation Board Reauthorization Act of 2015

Legal Deadline: 06/15/2016 (Initiate Proceeding)

Rulemaking Project Initiated: 12/18/2015

Docket Number: EP 733

Dates for Final Rule:

Milestone	Scheduled Date	New Projected Date	Actual Date
Final Rule Served	11/2017	N/A	11/30/2017

Explanation for any delay: N/A

Federal Register Citation for Final Rule: 82 Fed. Reg. 57,370 (Dec. 5, 2017)

Surface Transportation Board

8. Revisions to the Cost-of-Capital Composite Railroad Criteria

Popular Title: Revisions to the Cost-of-Capital Composite Railroad Criteria

RIN # N/A

Stage: Final Rule

Previous Stage: NPRM served 4/18/2017; End of Comment Period 6/19/2017; Final Rule served 10/25/2017.

Abstract: To better reflect the current marketplace, the Board adopted a Final Rule to update one of the screening criteria used to create the “composite railroad” for the Board’s annual cost-of-capital determination. Specifically, the Board’s screening criteria now requires a company’s stock to be listed on either the New York Stock Exchange (NYSE) or the Nasdaq Stock Market (NASDAQ), rather than be listed on either the NYSE or American Stock Exchange (AMEX), as the AMEX is no longer in existence.

Effects:

None

Prompting action: Board Initiative

Legal Deadline: None

Rulemaking Project Initiated: 04/18/2017

Docket Number: EP 664 (Sub-No. 3)

Dates for Final Rule:

Milestone	Scheduled Date	New Projected Date	Actual Date
Final Rule Served	10/2017	N/A	10/25/2017

Explanation for any delay: N/A

Federal Register Citation for Final Rule: 82 Fed. Reg. 49,295 (Oct. 25, 2017)

Surface Transportation Board

9. Ex Parte Communications in Informal Rulemaking Proceedings

Popular Title: Ex Parte

RIN # 2140-AB39

Stage: Proposed Rules

Previous Stage: NPRM served 09/29/2017; End of Comment Period 11/16/2017.

Abstract: The Board is proposing to modify its regulations to permit, subject to disclosure requirements, ex parte communications in informal rulemaking proceedings. The Board is also proposing other changes to its ex parte rules that would clarify and update when and how interested persons may communicate informally with the Board regarding pending proceedings other than rulemakings. The intent of the proposed regulations is to enhance the Board's ability to make informed decisions through increased stakeholder communications while ensuring that the Board's record-building process in rulemaking proceedings remains transparent and fair.

Effects:

None

Prompting action: Board Initiative

Legal Deadline: None

Rulemaking Project Initiated: 09/29/2017

Docket Number: EP 739

Dates for Next Action:

Milestone	Scheduled Date	New Projected Date	Actual Date
Service Date	02/2018	N/A	N/A

Explanation for any delay: N/A

Federal Register Citation for Next Action: N/A

Quarterly Status Report of Rate Complaint Cases Before the STB - 4TH QUARTER 2017

Docket No:	NOR 42142
Case Name:	Consumers Energy Co. v. CSX Transportation, Inc.
Commodities:	Coal

Rate Review Type (SAC, SSAC, 3-Benchmark or Other):	SAC and Revenue Adequacy
Origin(s):	Interchange with BNSF in the vicinity of Chicago, IL
Destination(s):	Campbell Generating Station near West Olive, MI

Procedural Schedule:	
Date on Which Proceeding Began:	January 13, 2015
*Discovery Completed:	July 1, 2015
Opening Evidence:	November 2, 2015 / January 23, 2017 (supplemental)
Reply Evidence:	March 7, 2016 / March 6, 2017 (supplemental)
Rebuttal Evidence:	May 20, 2016 / April 13, 2017 (supplemental)
Closing Briefs:	June 24, 2016

Merits Decision:	<i>January 12, 2018</i>
Petition for Reconsideration or Reopening	NA
Replies to Petitions for Reconsideration or Reopening	NA
Decision Making Technical Corrections	NA
Merits Decision on Reconsideration or Reopening	NA

Italics indicate dates of future events, which are subject to change.

Brief Description of the Final Decisions:	
	<i>TBD</i>

** Parties often set the schedule for discovery and do not necessarily inform the Board. This date is based on the information in the Board's possession, but may have changed.*

CONSUMERS ENERGY CO. v. CSX TRANSPORTATION, Docket No. NOR 42142

Complete Timeline (Significant Filings and Decisions Only)

Consumers Complaint	January 13, 2015
CSXT Answer	February 2, 2015
CSXT Motion to Dismiss Revenue Adequacy Claim	March 24, 2015
Consumers Reply to CSXT Motion to Dismiss	April 13, 2015
Discovery Conference	April 21, 2015
STB Decision Denying CSXT Motion to Dismiss Rev. Adeq. Claim	June 15, 2015
Technical Conference	June 23, 2015
Close of Discovery*	July 1, 2015
STB Decision Adopting Procedures for Formatting of Evidence	July 15, 2015
Discovery Conference	July 20, 2015
Consumers Opening Evidence	November 2, 2015
CSXT Reply Evidence	March 7, 2016
CSXT Reply	March 7, 2016
CSXT Workpapers	March 7, 2016
CSXT Errata Sheet	March 8, 2016
CSXT Errata Sheet	March 8, 2016
Consumers Petition for Technical Conference	March 14, 2016
STB Decision directing CSXT to file Response to Technical Conference	March 16, 2016
CSXT Reply to Consumers Technical Conference	March 21, 2016
STB Decision denying request for Technical Conference	April 6, 2016
CSXT Reply and Submission of Workpapers in response to STB Decision	April 8, 2016
Consumers Motion to Modify Procedure Schedule	April 13, 2016
CSXT Reply to Consumers Motion to Modify the Procedure Schedule	April 15, 2016
STB Decision Granting in Part Consumers Motion to Modify Procedural Schedule	April 20, 2016
Consumers Workpapers	May 20, 2016
Consumers Rebuttal	May 20, 2016
Consumers Rebuttal	May 20, 2016
CSXT Confidential Errata to Reply Evidence	May 26, 2016
CSXT Errata Sheet	May 26, 2016
Consumers Reply to CSXT Errata Evidence	May 27, 2016
CSXT Letter requesting the Board to accept its Errata Sheet	June 1, 2016
STB Decision Directing Parties to Prepare Closing Briefs	June 3, 2016
Consumers Errata Sheet	June 3, 2016
Consumers Errata Sheet	June 3, 2016
CSXT Motion to Strike	June 24, 2016
CSXT Motion to Strike	June 24, 2016
CSXT Final Brief	June 24, 2016
CSXT Final Brief	June 24, 2016
Consumers Final Brief	June 24, 2016
Consumers Final Brief	June 24, 2016
Consumers Motion to Remove CSXT Motion to Strike	June 27, 2016
Consumers Reply to CSXT Motion to Strike	July 14, 2016
Consumers Petition for Leave to Supplement Record	July 14, 2016
CSXT Reply to Consumers Petition for Leave to Supplement Record	July 26, 2016
STB Decision Ruling on Consumers Petition for Leave to Supplement Record and CSXT Motion to Strike, and Directing Parties to File Supplemental Evidence	December 9, 2016
Consumers Supplemental Opening Evidence	January 23, 2017
CSXT Supplemental Reply Evidence	March 6, 2017
Consumers Supplemental Rebuttal Evidence	April 13, 2017
CSXT Motion to Strike	May 3, 2017
Consumers Reply to CSXT Motion to Strike	May 23, 2017
<i>STB Decision on the Merits</i>	<i>January 12, 2018</i>

* Parties often set the schedule for discovery and do not necessarily inform the Board. This date is based on the information in the Board's possession, but may have changed

Italics indicate dates of future events, which are subject to change.

Rail Rate Cases at the STB

(1996 to Present) - Last Updated 12/31/2017

Docket No	Case Name	Commodity	Guidelines Used	Date of Decision	Decision
41191	West Texas v. BNSF	Coal	SAC	5/3/1996	Rates Unreasonable
37809	McCarty Farms v. BN	Grain	SAC	8/20/1997	Rates Reasonable
41185	APS v. ATSF	Coal	SAC	4/17/1998	Rates Unreasonable
41989	Pepco v. CSX	Coal	SAC	6/18/1998	Settlement
42012	Sierra Pacific v. UP	Coal	SAC	7/17/1998	Settlement
41670	Shell Chemical v. NS	Chemical	Simplified	3/12/1999	Settlement
41295	PPL v. Conrail	Coal	SAC	5/13/1999	Settlement
42034	PSI Energy v. Soo	Coal	SAC	5/13/1999	Settlement
42022	FMC v. UP	Minerals	SAC	5/12/2000	Rates Unreasonable
42038	MN Power v. DMIR	Coal	Stipulated R/VC	1/5/2001	Settlement
42051	WPL v. UP	Coal	SAC	5/14/2002	Rates Unreasonable
42054	PPL v. BNSF	Coal	SAC	8/20/2002	Rates Reasonable
42059	Northern States v. UP	Coal	Stipulated R/VC	8/7/2003	Settlement
42077	APS v. BNSF	Coal	SAC	12/31/2003	Withdrawn
42056	TMPA v. BNSF	Coal	SAC	9/27/2004	Rates Unreasonable
42069	Duke v. NS	Coal	SAC	10/20/2004	Rates Reasonable
42070	Duke v. CSXT	Coal	SAC	10/20/2004	Rates Reasonable
42072	Carolina Power v. NS	Coal	SAC	10/20/2004	Rates Reasonable
42057	Xcel v. BNSF	Coal	SAC	12/14/2004	Rates Unreasonable
42058	AEPCO v. BNSF	Coal	SAC	3/15/2005	Rates Reasonable
42093	BP Amoco v. NS	Chemical	Simplified	6/28/2005	Settlement
42071	Otter Tail v. BNSF	Coal	SAC	1/27/2006	Rates Reasonable
42091	APS v. BNSF	Coal	SAC	2/10/2006	Settlement
42097	Albemarle v. LNW	Chemical	SAC	11/14/2006	Settlement
42098	Williams Olefins v. GTC	Chemical	Simplified	2/15/2007	Settlement
42095	KCPL v. UP	Coal	Stipulated R/VC	5/19/2008	Rates Unreasonable
42088	Western Fuels v. BNSF	Coal	SAC	2/18/2009	Rates Unreasonable
42112	E.I. Dupont v. CSX	Chemical	SAC	5/11/2009	Settlement
41191 (S1)	AEP Texas v. BNSF	Coal	SAC	5/15/2009	Rates Reasonable
42111	Oklahoma Gas v. UP	Coal	Stipulated R/VC	7/24/2009	Rates Unreasonable
42099	DuPont v. CSXT	Chemical	Three-Benchmark	9/1/2009	Settlement
42100	DuPont v. CSXT	Chemical	Three-Benchmark	9/1/2009	Settlement
42101	DuPont v. CSXT	Chemical	Three-Benchmark	9/1/2009	Settlement
42114	U.S. Magnesium v. UP	Chemical	Three-Benchmark	1/28/2010	Rates Unreasonable
42115	U.S. Magnesium v. UP	Chemical	Simplified Sac	4/2/2010	Settlement
42116	U.S. Magnesium v. UP	Chemical	Simplified Sac	4/2/2010	Settlement
42122	NRG v. CSXT	Coal	SAC	7/8/2010	Settlement
42110	Seminole Electric v. CSXT	Coal	SAC	9/27/2010	Settlement
42113 (S1)	AEPCO v. UP	Coal	SAC	4/15/2011	Settlement
42128	SMEPA v. NS	Coal	SAC	8/31/2011	Settlement
41191 (S1)	AEP Texas v. BNSF	Coal	SAC-Remand	10/26/2011	Settlement
42113	AEPCO v. BNSF & UP	Coal	SAC	11/22/2011	Rates Unreasonable
42132	Canexus v. BNSF	Chemical	Three-Benchmark	7/20/2012	Settlement
42127	IPA v. UP	Coal	SAC	11/2/2012	Withdrawn
42123	M&G Polymers v. CSXT	Chemicals	SAC	1/7/2013	Settlement
42125	DuPont v. NS	Chemicals	SAC	3/24/2014	Rates Reasonable
42130	SunBelt v. NS	Chemical	SAC	6/20/2014	Rates Reasonable
42136	IPA v. UP	Coal	SAC	10/8/2014	Settlement
42088	Western Fuels v. BNSF	Coal	SAC	6/15/2015	Settlement
42121	TPI v. CSXT	Chemicals	SAC	9/14/2016	Rates Reasonable

Pending before the STB

Docket No	Case Name	Commodity	Guidelines Used	Date of Decision	Decision
42142	Consumers v. CSXT	Coal	SAC	By January 12, 2018	TBD

Notes to Table:

1. SAC = Stand-Alone Cost Methodology Applied for a Hypothetical Railroad.
2. Simplified = Using a Simplified, Rather than SAC, Methodology for Determining the Reasonableness of Rates as Set Forth in Coal Rate Guidelines, Nationwide, 1 I.C.C.2d 520 (1985) (Guidelines).
3. Stipulated R/VC = Parties Agreed to Use Revenue to Variable Cost (R/VC) Ratios @ 180% Level, in Lieu of Using SAC.
4. Three-Benchmark Methodology = Methodology of Seeking Relief Pursuant to the Revised Simplified Procedures as Set Forth in Simplified Standards for Rail Rate Cases, STB Ex Parte No. 646 (Sub-No. 1) (STB served Sept. 5, 2007) and any additional Sub-No. decisions.

SURFACE TRANSPORTATION BOARD
QUARTERLY REPORT OF FORMAL SERVICE COMPLAINTS

Date: December 31, 2017

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 October 1, 2017 – December 31, 2017 period, the following formal service-related complaints were pending:

Formal Service-Related Complaints:

Date Complaint Received	Type of Complaint	Title	Docket No.	Geographic Region	Complainant	Carrier(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	Final rules regarding on-time performance standard issued 7/28/2016 in Docket No. EP 726. Petitions for judicial review of those rules filed by multiple parties and ultimately consolidated in the U.S. Court of Appeals for the Eighth Circuit. Requests to hold the proceeding in abeyance and responses to Amtrak’s on-time performance data received 10/25/2016; reply to the motion to hold in abeyance received 11/10/2016.

Date Complaint Received	Type of Complaint	Title	Docket No.	Geographic Region	Complainant	Carrier(s) Involved	Resolution/Status
							<p>Oral argument on the petitions for review of EP 726 held by the Eighth Circuit 2/8/2017.</p> <p>Eighth Circuit vacated Board's EP 726 on-time performance final rule 7/12/2017.</p> <p>Amtrak and organizations representing passenger interests filed petitions for certiorari with the U.S. Supreme Court on 11/13/17 and 11/14/17, respectively.</p>
2/27/2013	Application for terminal trackage rights	BNSF Railway Company— Terminal Trackage Rights—Kansas City Southern Railway and Union Pacific Railroad Company	FD 32760 (Sub-No. 46)	Louisiana	BNSF Railway Company	BNSF Railway Company, Union Pacific Railroad Company, Kansas City Southern Railway	<p>Decision granting BNSF's application for terminal trackage rights served 7/5/2016.</p> <p>Appeal filed with the U.S. Court of Appeals for the District of Columbia Circuit 9/1/2016. Appeal ordered to be held in abeyance by the DC Circuit 1/3/2017 to allow parties to reach agreement regarding certain terms and conditions.</p>
11/17/2014	Failure to prioritize Amtrak trains over freight trains	National Railroad Passenger Corporation— Investigation of Substandard Performance of	NOR 42141	Midwest, Mid-Atlantic	National Railroad Passenger Corporation (Amtrak)	CSX Transportation, Inc.; Norfolk Southern Railway Company	Final rules regarding on-time performance standard issued 7/28/2016 in EP 726. Petitions for judicial review of those rules filed by multiple parties and ultimately consolidated in

Date Complaint Received	Type of Complaint	Title	Docket No.	Geographic Region	Complainant	Carrier(s) Involved	Resolution/Status
		the Capital Limited					<p>the U.S. Court of Appeals for the Eighth Circuit.</p> <p>Amtrak revised on-time performance data submitted 10/17/2016. Requests to hold the proceeding in abeyance and responses to Amtrak's on-time performance data received 10/25/2016; reply to the motion to hold in abeyance received 11/10/2016.</p> <p>Oral argument on the petitions for review of EP 726 held by the Eighth Circuit 2/8/2017.</p> <p>Eighth Circuit vacated Board's EP 726 on-time performance final rule 7/12/2017. Norfolk Southern Railway Company's request that the Board act on its motion to dismiss received 9/1/2017.</p> <p>The Board granted two unopposed requests by Amtrak to extend the reply deadline to the motion to dismiss.</p> <p>Amtrak and organizations representing rail passenger interests filed petitions for certiorari with the U.S.</p>

Date Complaint Received	Type of Complaint	Title	Docket No.	Geographic Region	Complainant	Carrier(s) Involved	Resolution/Status
							Supreme Court on 11/13/17 and 11/14/17, respectively. Deadline for Amtrak's reply to the motion to dismiss extended until 10 days after U.S. Supreme Court ruling.
3/31/2015	Unreasonable tariff and practices	North American Freight Car Association v. Union Pacific Railroad Company	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	Motion to consolidate this proceeding with NOR 42150 and NOR 42152 received 1/26/2017. Decision consolidating NOR 42150, NOR 42152, and NOR 42144 served 3/31/2017. Decision consolidating NOR 42153 with NOR 42150, NOR 42152, and NOR 42144 served 10/05/2017. In discovery.
12/19/2016	Unreasonable practice and violation of statutory obligation to compensate car owners	Valero Marketing & Supply Company v. Union Pacific Railroad Company	NOR 42150	Unspecified	Valero Marketing & Supply Company; and Valero Rail Partners, LLC	Union Pacific Railroad Company	Complaint filed 12/19/2016. Motion for abeyance received 1/6/2017; reply and motion to consolidate received 1/26/2017; motion to compel received 2/24/2017. Decision consolidating NOR 42150 with NOR 42152 and NOR 42144 served 3/31/2017. Decision consolidating NOR 42153 with NOR 42150, NOR 42152, and

Date Complaint Received	Type of Complaint	Title	Docket No.	Geographic Region	Complainant	Carrier(s) Involved	Resolution/Status
							NOR 42144 served 10/05/2017. In discovery.
12/30/2016	Unreasonable practice and violation of statutory obligation to compensate car owners	Tesoro Refining & Marketing Company LLC v. Union Pacific Railroad Company	NOR 42152	Unspecified	Tesoro Refining & Marketing Company LLC; Tesoro Great Plains Gathering & Marketing LLC; and Dakota Prairie Refining, LLC	Union Pacific Railroad Company	Complaint filed 12/30/2016. Motion for abeyance received 1/6/2017; reply and motion to consolidate received 1/26/2017; motion to compel received 2/24/2017. Decision consolidating NOR 42150, NOR 42152, and NOR 42144 served 3/31/2017. Decision consolidating NOR 42153 with NOR 42150, NOR 42152, and NOR 42144 served 10/05/2017. In discovery.
1/4/2017	Unreasonable practice and petition for injunctive relief	CF Industries Sales, LLC v. Canadian National Railway Company	NOR 42151	Unspecified	CF Industries Sales, LLC	Canadian National Railway Company	Complaint filed 1/4/2017. Answer filed 1/24/2017. Joint motion requesting Board-sponsored mediation granted 2/6/2017. Joint procedural schedule adopted 2/27/2017. Mediation period extended to 10/5/2017. Decision granting complainant's motion to dismiss served 10/20/2017.
2/1/2017	Petition for enforcement of merger condition to permit a railroad access to another railroad's line	Union Pacific Corporation, Union Pacific Railroad Company & Missouri Pacific Railroad Company—	FD 32760	Texas	BNSF Railway Company & Mission Rail Industrial Park, LLC	Union Pacific Railroad Company, BNSF Railway Company	Joint petition for enforcement filed 2/1/2017. Reply filed 5/25/2017. Rebuttal and Petition for Leave filed 6/16/2017. Motion to dismiss or hold proceeding in abeyance to

Date Complaint Received	Type of Complaint	Title	Docket No.	Geographic Region	Complainant	Carrier(s) Involved	Resolution/Status
		Control and Merger— Southern Pacific Rail Corporation, Southern Pacific Transportation Company, St. Louis Southwestern Railway Company, SPCSL Corp. and The Denver and Rio Grande Western Railroad Company					allow for arbitration filed 2/21/2017; replies filed 3/7/2017. Decision denying the motion served 5/5/2017. Draft decision under internal review.
8/1/2017	Unreasonable practice and violation of statutory obligation to compensate car owners	Arkema Inc. v. Union Pacific Railroad Company	NOR 42153	Unspecified	Arkema Inc.	Union Pacific Railroad Company	Complaint filed 8/1/2017. Union Pacific's motion to consolidate with NOR 42150, NOR 42152, and NOR 42144, received 8/9/2017; answer to the complaint (8/23/2017), reply (8/29/2017), and supplement to the motion to consolidate (9/8/2017) received. Decision consolidating NOR 42153 with NOR 42150, NOR 42152, and NOR 42144 served 10/05/2017. In discovery.

Date Complaint Received	Type of Complaint	Title	Docket No.	Geographic Region	Complainant	Carrier(s) Involved	Resolution/Status
8/11/2017	Service issues, common carrier violation, and unreasonable practices	Foresight Coal Sales, LLC v. CSX Transportation	NOR 42155	Nationwide	Foresight Coal Sales, LLC; Sugar Camp Energy, LLC; and Williamson Energy, LLC	CSX Transportation, Inc.	Complaint filed 8/11/2017. Answer and motion to dismiss filed 8/31/2017. Decision granting joint motion to dismiss served 10/17/2017.
8/11/2017	Service issues, common carrier violation, and unreasonable practices	Consolidation Coal Co. v. CSX Transportation, Inc.	NOR 42156	Nationwide	Consolidation Coal Company	CSX Transportation, Inc.	Complaint filed 8/11/2017. Answer and motion to dismiss filed 8/31/2017. Decision granting joint motion to dismiss served 10/17/2017.
8/14/2017	Service issues, including an unlawful embargo	Monticello Farm Service, Inc. v. CSXT Transportation, Inc.	NOR 42154	Indiana	Monticello Farm Service, Inc.	CSXT Transportation, Inc.	Complaint filed 8/14/2017. Answer filed 9/1/2017. Joint procedural schedule request granted by decision served 11/13/2017; record scheduled to close 3/7/2018.

SURFACE TRANSPORTATION BOARD
 QUARTERLY REPORT OF INFORMAL SERVICE COMPLAINTS RECEIVED
 FOURTH QUARTER 2017

Date: January 2, 2018

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 from October 1, 2017 through December 31, 2017, the STB received the following informal complaints¹:

Date ²	Type of Informal Complaint	Geographic Region ³	Resolution / Status	Complainant ⁴ CONFIDENTIAL
03/28/2017	Railroad service issue	South	Shipper's inbound cars are not switched in a timely manner and the railroad has been unresponsive to requests for information, causing production problems at the shipper's plant; RCPA provided information on formal and informal options to improve service; shipper chose not to pursue further assistance [Closed]	

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 Matters reported as "Pending" on the previous quarterly report are carried forward to the next quarterly report.

³ **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.

⁴ 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 ²	Type of Informal Complaint	Geographic Region ³	Resolution / Status	Complainant ⁴ CONFIDENTIAL
05/15/2017	Railroad demurrage issue	South	Shipper presented concern over rail operations causing demurrage; the railroad did not serve the customer for several weeks, then delivered bunched cars; the accumulated cars took several days to unload because of limited capacity at the shipper's plant; RCPA provided advice and information about informal resolution; the shipper did not pursue further assistance [Closed]	
06/29/2017	Railroad service issue	West	Shortline railroad requested assistance from RCPA concerning suspension of its interchange with a Class I railroad; after conferring with the shortline, RCPA reached out to the Class I railroad to discuss issues and resumption of interchange [Pending]	
06/30/2017	Railroad service issue	South	Shipper contacted RCPA to discuss concerns over problems with switching outbound traffic and delays at interchange between bridge carrier and Class I railroads, which are disrupting its supply chain; RCPA reached out to the shipper to discuss issues and liaised with the serving carriers to resolve service issues [Closed]	
07/18/2017	Railroad service issue	South	Shipper contacted RCPA about deterioration in rail service following a railroad's changes to operating plan, including loaded cars stuck at interchange with originating carrier and not being pulled by the railroad; the shipper stated it was trucking its product and implementing other mitigation measures; inbound empty cars were also delayed, forcing production slowdown; RCPA liaised with the railroad to understand service problems and facilitate improvement [Closed]	

Date ²	Type of Informal Complaint	Geographic Region ³	Resolution / Status	Complainant ⁴ CONFIDENTIAL
07/20/2017	Railroad service issue	Northeast and South	Shipper contacted RCPA about significant deterioration in its rail service following railroad's changes to operating plan; the shipper's plants were not being switched, loaded and empty cars were not moving, and cars were not being interchanged with other railroads; RCPA liaised with the railroad on behalf of shipper to reiterate concerns and obtain information about service recovery efforts; RCPA also assisted the shipper in getting railroad to move critical loads [Closed]	
07/20/2017	Railroad service issue	Northeast and South	Shipper contacted RCPA about a decline in rail service following a railroad's changes to its operating plan; the shipper's cars were not moving, or being interchanged with other railroads, and the shipper's transit times increased dramatically; RCPA liaised with the railroad on behalf of the shipper to reiterate concerns and obtain information about service recovery efforts [Closed]	
07/21/2017	Railroad service issue	South	Shipper contacted RCPA about serious decline in rail service following a railroad's change in its operating plan; the shipper discussed increases in transit times, which forced the shipper to move freight via truck, inconsistent service, and shortages of equipment; RCPA provided information on potential formal and informal actions by the STB to facilitate service improvements; the shipper declined direct RCPA contact with the railroad about service issues [Closed]	

Date ²	Type of Informal Complaint	Geographic Region ³	Resolution / Status	Complainant ⁴ CONFIDENTIAL
07/21/2017	Railroad service issue	South	Shipper contacted RCPA about serious deterioration in its rail service following a railroad's changes to its operating plan; the shipper's plants were not being switched, its cars were not moving, or being interchanged with other railroads; RCPA liaised with the railroad on behalf of the shipper to reiterate concerns and obtain information about service recovery efforts and expedite delayed shipments [Closed]	
07/24/2017	Railroad service issue	South	Shipper contacted RCPA about deterioration in rail service following a railroad's changes to its operating plan; the shipper's plant was not receiving empty cars to load, causing production slow down, and loaded cars were not reaching customers, causing loss of business; RCPA liaised with the railroad on the shipper's behalf and assisted in securing movement of empty and loaded cars [Closed]	
07/27/2017	Railroad service issue	Midwest and South	Shipper contacted RCPA about decline in rail service following a railroad's changes to operating plan; the shipper's fleet was experiencing increase in overall transit time, and cars were not being interchanged with other railroads; the shipper also noted new commercial practices which were impacting its ability to send shipments to various locations; the shipper also discussed railroad's lack of equipment and crew resources; however, the shipper declined direct RCPA assistance [Closed]	

Date ²	Type of Informal Complaint	Geographic Region ³	Resolution / Status	Complainant ⁴ CONFIDENTIAL
07/28/2017	Railroad service issue	Midwest	Shipper contacted RCPA about service disruptions following a railroad's implementation of a new operating plan, including inconsistent local switching and cars stranded in rail yards; RCPA liaised with the railroad on the shipper's behalf to expedite movement of delayed cars and obtain information about service issues [Closed]	
07/28/2017	Railroad service issue	South	Shipper contacted RCPA about service problems arising after a railroad initiated a new operating plan; outbound cars not being accepted at interchange and transit times increased significantly; the shipper requested informal guidance on potential legal actions against railroad, but declined informal assistance from RCPA [Closed]	
07/28/2017	Railroad service issue	South	Shipper contacted RCPA about service problems after a railroad implemented changes to its operating plan, resulting in delayed interchange of inbound raw materials, cars stuck in transit, and increased transit time forcing plant shutdown; the shipper also noted lack of equipment, causing the shipper to move product by truck; RCPA liaised with the railroad on the shipper's behalf to move critical cars and avert shutdown [Closed]	

Date ²	Type of Informal Complaint	Geographic Region ³	Resolution / Status	Complainant ⁴ CONFIDENTIAL
07/31/2017	Railroad service issue	Multiple	Third-party logistics provider contacted RCPA about disruptions to clients' supply chains following a railroad's changes to operating plan; the 3PL advised that its customers' ordering was curtailed without notice and that the railroad ceased making equipment available; the 3PL also reported informational anomalies such as rail cars being re-waybilled in transit and being mistakenly shown as departed or arrived; RCPA provided informal guidance and counseling [Closed]	
08/02/2017	Railroad service issue	South and Midwest	Shipper contacted RCPA about disruption of rail service following a railroad's implementation of new operating plan; RCPA provided informal guidance to the shipper on legal and commercial issues; RCPA liaised with the railroad to improve service [Closed]	
08/07/2017	Railroad service issue	South	Shipper contacted RCPA seeking assistance with a shortline railroad concerning inadequate service; RCPA provided guidance on potential formal and informal pathways to improve service [Closed]	
08/17/2017	Railroad service issue	South	Shipper contacted RCPA about rail service problems arising after railroad implemented new operating plan, primarily delayed delivery of inbound raw materials and increased transit times; the shipper advised that it is trucking product to maintain plant production; RCPA provided informal guidance on formal and informal actions being taken by the STB to improve rail service; the shipper did not request direct assistance from RCPA [Closed]	

Date ²	Type of Informal Complaint	Geographic Region ³	Resolution / Status	Complainant ⁴ CONFIDENTIAL
08/21/2017	Railroad service issue	West	Shipper contacted RCPA about problems with inconsistent and unreliable service by a shortline railroad; RCPA contacted the shortline railroad to address service failures and increase communication between the parties [Closed]	
08/29/2017	Railroad demurrage issue and rate levels	West	Third-party logistics provider contacted RCPA about demurrage dispute and rate increases; RCPA provided informal guidance on liability for demurrage, potential avenues for relief, STB jurisdiction over rates, and a railroad's duty to quote rates on reasonable request; RCPA contacted the railroad on the 3PL's behalf to discuss rate increases; assisted 3PL in establishing contact with the railroad's marketing personnel to discuss rates and service [Closed]	
09/05/2017	Railroad Demurrage Issue	Northeast	Shipper contacted RCPA regarding disputed demurrage bills; bills accrued when the carrier delayed cars prior to delivery; the railroad and shipper agreed to informal mediation to resolve the issue; following mediation, the parties agreed to continue discussions independently to resolve matter [Closed]	
09/07/2017	Railroad service issue	Northeast	Shipper contacted RCPA about a shortline railroad refusing to install a switch to provide rail service to its facility; RCPA liaised with the parties for purposes of informal dispute resolution [Closed]	

Date ²	Type of Informal Complaint	Geographic Region ³	Resolution / Status	Complainant ⁴ CONFIDENTIAL
09/13/2017	Railroad service issue	Northeast	Shipper contacted RCPA about demurrage issues and rail service problems on a shortline railroad; RCPA provided guidance on formal and informal pathways for resolving the dispute and offered to provide informal assistance; following informal discussions, the shipper and railroad pursued independent settlement discussions. [Closed]	
09/14/2017	Railroad service issue	South	Shipper contacted RCPA about deteriorating rail service after a railroad implemented a new operating plan; RCPA provided information about formal and informal actions being taken by the STB to facilitate service improvements [Closed]	
09/14/2017	Railroad service issue	Midwest and Northeast	Shipper contacted RCPA about deteriorating rail service after a railroad implemented a new operating plan, including increases in transit times and inconsistent local service at origin and destination; shipper noted that it is trucking product to customers to prevent production shutdown; RCPA provided perspective on formal and informal actions being taken by the STB to facilitate service improvement; RCPA continues to facilitate ongoing discussions between the railroad and shipper regarding service issues [Pending]	
09/14/2017	Railroad service issue	South	Shipper contacted RCPA about deteriorating rail service after a railroad implemented a new operating plan; RCPA provided guidance on formal and informal actions being taken by the STB to facilitate service improvement [Closed]	

Date ²	Type of Informal Complaint	Geographic Region ³	Resolution / Status	Complainant ⁴ CONFIDENTIAL
09/15/2017	Railroad service issue	South	Shipper contacted RCPA about deteriorating rail service after a railroad implemented a new operating plan, including inconsistent local service, significant increases in transit times, and poor communication from the railroad; the shipper also raised concerns about a car delayed for several months while awaiting repairs; RCPA contacted carrier, which addressed issue [Closed]	
09/20/2017	Railroad service issue	South	Shipper contacted RCPA about deteriorating rail service after a railroad implemented a new operating plan; RCPA contacted the shipper to discuss its service issues; however, the shipper did not follow up [Closed]	
09/21/2017	Railroad service issue	South	Shipper contacted RCPA about deteriorating rail service after a railroad implemented a new operating plan, including unreliable local service, cars stuck in yards, increases in transit times, and out-of-route movements; the shipper noted that it is trucking product to supplement rail service; RCPA reached out to the railroad to discuss service issues and expedite delivery of critical traffic [Closed]	
10/10/2017	Railroad service issue	Midwest	Shipper contacted RCPA about deteriorating rail service, in particular, a significant increase in its transit times; RCPA provided perspective on service issues; however, the shipper declined informal RCPA assistance [Closed]	
10/10/2017	Railroad service issue	Midwest	Shipper contacted RCPA about deteriorating rail service, in particular, repeated failures to interchange loaded and empty cars with a shortline railroad; RCPA liaised with the railroad to improve coordination with the shortline and facilitate the timely movement of the shipper's cars [Closed]	

Date ²	Type of Informal Complaint	Geographic Region ³	Resolution / Status	Complainant ⁴ CONFIDENTIAL
10/11/2017	Railroad service issue	South	Shipper contacted RCPA about an overdue shipment of animal feed; RCPA liaised with the railroad and secured prompt delivery of the shipment [Closed]	
10/13/2017	Railroad service issue	South	Shipper contacted the Board about deteriorating rail service, which was referred to RCPA; RCPA reached out to the shipper to provide assistance, but the shipper did not respond to RCPA's overture [Closed]	
10/17/2017	Railroad service issue; common carrier obligation	Northeast	Shipper contacted RCPA about a railroad's reluctance to transport hazardous materials and its imposition of onerous conditions on the shipper; RCPA provided informal guidance on the common carrier obligation, as it relates to hazardous materials [Closed]	
10/18/2017	Railroad service issue	Midwest	Shipper contacted RCPA about deterioration in rail service, including missed switches and delays in transit; RCPA explained informal assistance and offered to liaise with the railroad; however, the shipper declined assistance [Closed]	
10/19/2017	Railroad service issue	Multiple	Shipper contacted RCPA about inadequate supply of empty cars and delays in transit, and requested information on formal pathways before the STB; RCPA provided informal guidance on potential actions available before the agency [Closed]	
10/24/2017	Railroad service issue	Midwest	Shortline railroad contacted RCPA concerning actions of adjacent landowner, which blocked the railroad's right of way; RCPA liaised with the adjacent landowner to express the railroad's concerns and clarify the factual circumstances; subsequently, the parties resolved their dispute [Closed]	

Date ²	Type of Informal Complaint	Geographic Region ³	Resolution / Status	Complainant ⁴ CONFIDENTIAL
10/25/2017	Railroad service issue	Midwest	Shipper contacted RCPA about railroad's prolonged delay in delivering empty railcars to the shipper's facility; RCPA liaised with the railroad to ascertain the status of shipper's cars and emphasize the urgency related to the shipper's request; the railroad explained the circumstances related to the delay and delivered the needed cars [Closed]	
10/31/2017	Railroad service issue	Multiple	Shipper contacted RCPA about numerous railcars that were delayed in transit or stranded at local serving yards; RCPA liaised with the railroad about car status and service issues, and facilitated the movement of cars to destination or interchange locations [Closed]	
11/03/2017	Railroad service issue	Midwest	Shipper contacted RCPA about railcar that was misrouted and delayed in transit, and lack of effective communication with the railroad; RCPA liaised with the railroad and facilitated movement of railcar to interchange location [Closed]	
11/06/2017	Railroad service issue	South	Shipper contacted RCPA about delayed delivery of incoming railcars, and railroad's failure to deliver the cars to its local serving yard; RCPA liaised with the railroad and facilitated delivery of the cars [Closed]	
11/08/2017	Railroad service issue	Northeast	Shipper contacted RCPA about a railroad's plan to reduce switching at its facility; RCPA liaised with the railroad to express the shipper's concerns and discuss options for maintaining current switching levels; ultimately, the railroad decided to postpone its service change [Closed]	

Date ²	Type of Informal Complaint	Geographic Region ³	Resolution / Status	Complainant ⁴ CONFIDENTIAL
11/13/2017	Railroad service issue	South	Shipper contacted RCPA about a railroad's failure to pull loaded cars from its facility and delays in interchanging cars to another railroad; RCPA liaised with the railroad to elevate shipper's concerns and ascertain information about the causes of the problems; the railroad provided further information and committed to better communication and coordination with the shipper [Closed]	
11/14/2017	Railroad service issue	Midwest	Shipper contacted RCPA about railcars delayed in transit, in particular, prolonged dwell at intermediate yards; RCPA contacted the railroad to facilitate movement of specific cars and to better understand the causes of delay; the railroad provided updates on the cars and advised RCPA that it was increasing communications with the shipper and focusing on consistent service [Closed]	
11/14/2017	Railroad rate level	West	Shipper contacted RCPA about a railroad's method of applying surcharges on its moves in Canada and requested informal guidance on challenging the surcharges; RCPA advised the shipper that the moves were not subject to STB jurisdiction, and therefore that the shipper did not have recourse before the STB [Closed]	
11/15/2017	Railroad service issues	South	Shipper contacted RCPA about railcars delayed in transit, in particular prolonged delay at yards and out-of-route movements; RCPA liaised with the railroad to facilitate movement of cars and discuss service problems; the railroad committed to better service and communication with the shipper [Closed]	

Date ²	Type of Informal Complaint	Geographic Region ³	Resolution / Status	Complainant ⁴ CONFIDENTIAL
11/17/2017	Railroad service issue	Midwest	Shipper contacted RCPA about bunching of railcars at intermediate yards and disruption of its supply chain; RCPA contacted the railroad to discuss these issues and gain information about the problems; the railroad advised that several of the problem cars were spotted or moving and that it anticipated being able to restore fluidity to the shipper's supply chain [Closed]	
11/20/2017	Railroad blocked crossing	Midwest	Numerous citizens and civic leaders contacted RCPA about increased frequency and duration of blocked crossings on local roads; RCPA contacted the railroad to elevate the concerns and gain additional information; RCPA liaised with officials to provide information about the crossings and the railroad's operations [Pending]	
11/20/2017	Railroad demurrage issue	Northeast	Representative of transloader contacted RCPA about the transloader's problems with demurrage, including excessive demurrage and inaccurate records of car placement and release; RCPA offered assistance and guidance [Pending]	
11/22/2017	Railroad demurrage issue	West	Shipper contacted RCPA about issues with demurrage but did not request informal assistance; RCPA provided information and perspective on demurrage problems [Closed]	
11/27/2017	Railroad tariff rules and charges	Midwest	Shipper contacted RCPA about a shortline railroad's tariff surcharge related to safety compliance costs; RCPA provided informal guidance on STB caselaw, as related to similar surcharges [Pending]	

Date ²	Type of Informal Complaint	Geographic Region ³	Resolution / Status	Complainant ⁴ CONFIDENTIAL
11/27/2017	Railroad service issue	Northeast	Shipper contacted RCPA about missed switches, and railcars delayed in transit and stranded at local yards; RCPA liaised with the railroad about specific railcars to facilitate movement, and to improve the railroad's communication with the shipper [Pending]	
11/30/2017	Railroad service issue	Midwest	Shipper contacted RCPA about problems with overweight railcars and related problems raised by the railroad; RCPA liaised with the railroad to address the shipper concerns [Pending]	
12/05/2017	Railroad service issue	Midwest	Shipper contacted concerns about a railroad's ability to handle increased traffic volume in light of recent service problems, including missed switches and delays in transit; RCPA provided overview of options for providing informal assistance; the shipper advised that it would consider options and follow up with RCPA [Pending]	
12/08/2017	Railroad service issue	South	Shipper contacted RCPA with concerns about delays in moving shipments from local serving yard to facility and coordination between the railroads providing service to facility; RCPA liaised with both railroads providing service to better understand commercial and operational considerations [Pending]	
12/08/2017	Railroad side track agreement	South	Warehouse operator contacted RCPA about its financial dispute with a railroad related to the railroad maintaining access to the operator's facility; the operator contested charges assessed by the railroad; RCPA liaised with the railroad to understand the basis for the charges in question [Pending]	

Date ²	Type of Informal Complaint	Geographic Region ³	Resolution / Status	Complainant ⁴ CONFIDENTIAL
12/13/2017	Railroad service issue	Northeast	Railroad historical society contacted RCPA about difficulty in arranging shipment of historical equipment to its museum; RCPA provided informal guidance to historical society on options for transporting equipment [Closed]	
12/14/2017	Railroad side track agreement	Midwest	Shipper contacted RCPA about difficulty with railroad in negotiating track lease agreement; RCPA provided informal guidance on commercial and legal issues related to lease and offered to provide further assistance as needed [Pending]	
12/14/2017	Railroad tariff charges	Northeast	Shipper contacted RCPA about a railroad's charges for demurrage and interplant switching under new tariff; RCPA provided informal guidance on the charges and then facilitated a call with the shipper and the railroad to discuss the issues and improve overall communication [Closed]	
12/18/2017	Railroad car supply	West	Local shippers' association contacted RCPA about problems with railcar availability for its shipper-members; RCPA explained its informal pathways to assist individual shippers having trouble with car supply and offered to work with them; association advised that it would instruct shippers to contact RCPA [Closed]	
12/18/2017	Railroad service issue	Midwest	Shipper association contacted RCPA to provide information about service challenges for its members in certain locations, including loaded cars delayed at origin and increasing transit times; however, the association did not request direct assistance from RCPA [Closed]	

Date ²	Type of Informal Complaint	Geographic Region ³	Resolution / Status	Complainant ⁴ CONFIDENTIAL
12/20/2017	Railroad service issue	Northeast	Shortline railroad contacted RCPA on behalf of its shipper-customer about a delayed inbound railcar stranded in a yard of a Class I railroad; RCPA contacted the Class I railroad to elevate the concern and facilitate movement of the car on the next available train, resulting in interchange of the car and delivery [Closed]	
12/20/2017	Railroad service issue	Midwest	Railroad contacted RCPA about another railroad's plan for reducing service over the Christmas holiday and the potential for congestion to result; RCPA liaised with the other railroad to elevate the concern; however, the railroad declined to modify its holiday operating plan [Closed]	
12/21/2017	Railroad car supply	West	Shipper contacted RCPA about its backlog of unfilled requests for equipment to move agricultural products; RCPA discussed options for informal assistance and the extent of the shipper's problem; RCPA reached out to the railroad to seek assistance for the shipper [Pending]	
12/22/2017	Railroad service issue	West	Shipper contacted RCPA about missed switches and delayed delivery of empty equipment causing its plant to curtail production; RCPA contacted the railroad to discuss repeated service issues at the facility and gain an understanding of the cause(s); the railroad explained recent service design changes; RCPA is working to facilitate a three-party conference call [Pending]	

Date ²	Type of Informal Complaint	Geographic Region ³	Resolution / Status	Complainant ⁴ CONFIDENTIAL
12/28/2017	Railroad service issue	West	Shipper contacted RCPA about a car delayed in transit and urgently needed; RCPA liaised with the railroad to facilitate expedited movement of the car to destination; as a result, the car was scheduled to be spotted in advance of the shipper's deadline [Closed]	

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

4th Quarter 2017 Cases by Category/Region

Issue Category	All Regions	Northeast	South	Midwest	West	Not Specified
Abandonment Records	46	7	9	8	8	14
Bus Issue	1	0	0	1	0	0
Household Movers	21	4	5	0	3	9
Information-Economic Data	1	0	0	1	0	0
Information-Non Economic Request	3	0	0	0	0	2
Motor Carriers (trucks)	6	2	0	0	1	3
Railroad Abandonment/Loss of Service	5	0	2	1	1	1
Railroad Agricultural Contract Filing	1	0	0	0	1	0
Railroad Amtrak/Passenger Issue	5	0	3	0	0	2
Railroad Blocked Crossings	23	1	1	8	0	13
Railroad Car Supply	2	0	0	1	0	1
Railroad Demurrage Charges	2	0	0	0	1	1
Railroad Environmental Issues	2	0	0	0	0	2
Railroad Grade Crossing Issues	4	0	0	4	0	0
Railroad Interchange Issue	1	0	0	0	0	1
Railroad Noise - Airhorn, Safety, etc	1	0	0	1	0	0
Railroad Operating Authority Issue	2	2	0	0	0	0
Railroad Preemption	5	1	1	1	1	1
Railroad Rate Levels/Increases	3	0	1	0	1	1
Railroad Service Issue	29	8	3	6	1	11
Railroad Side Track Agreement	2	1	0	1	0	0
Railroad Tariff Issue	1	0	1	0	0	0
Rails to Trails	8	2	1	1	2	2
Real Estate Matter	3	0	1	1	1	0
STB Authority Question	1	1	0	0	0	0
STB Information	39	6	2	5	5	21

Issue Category	All Regions	Northeast	South	Midwest	West	Not Specified
STB Jurisdictional Question	11	3	0	0	1	7
STB Practitioners Exam	1	1	0	0	0	0
STB Procedural Assistance	33	7	2	7	5	12
STB Recordations or Security Interests on Rail Cars	3	0	2	1	0	0
STB Records Assistance	21	1	3	1	3	13
STB Webpage/Downloading Assistance	3	2	0	0	0	1
Water Carrier	5	0	3	0	2	0
Wrong Agency Calls	4	0	0	0	1	3
Total	297	49	40	49	38	121

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

Appendix to Quarterly Report of Informal Service Complaints

4th Quarter 2017 Cases per Commodity Group*

Commodity Group	Number
Aggregates	1
Agricultural Products	19
Chemicals	6
Forest Products	3
Hazardous Waste/Radioactive Waste	2
High/Wide Loads	1
Household Goods	16
Industrial Products	8
Intermodal	2
Metals and Minerals	1
Not Specified by Shipper	2
N/A	230
Passenger	7
Total	298

*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.