



Office of the Chairman

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

December 1, 2016

The Honorable Bill Shuster
Chairman
Committee on Transportation
and Infrastructure
U.S. House of Representatives
2251 Rayburn House Office Building
Washington, DC 20515

The Honorable Peter DeFazio
Ranking Member
Committee on Transportation
and Infrastructure
U.S. House of Representatives
2251 Rayburn House Office Building
Washington, DC 20515

The Honorable Jeff Denham
Chairman
Subcommittee for Railroads, Pipelines
and Hazardous Materials
Committee on Transportation
and Infrastructure
U.S. House of Representatives
B-329 Rayburn House Office Building
Washington, DC 20515

The Honorable Michael E. Capuano
Ranking Member
Subcommittee for Railroads, Pipelines
and Hazardous Materials
Committee on Transportation
and Infrastructure
U.S. House of Representatives
B-329 Rayburn House Office Building
Washington, DC 20515

Dear Representatives Shuster, DeFazio, Denham and Capuano,

I am writing to provide information pertaining to the *Surface Transportation Board Reauthorization Act of 2015*, Pub. L. No. 114-110 (“Reauthorization Act” or “Act”). With this letter, please find a status chart of the major actions that the Board is undertaking to execute these requirements. I will continue to send you monthly updates until all relevant provisions of the Reauthorization Act are completed.

Investigative Authority. As you know, the record in Rules Relating to Board-Initiated Investigations, Docket No. EP 731, is now closed. The Board is on track to issue final rules implementing our new investigative authority by December 18, 2016, as required by the Reauthorization Act.

Rate Cases. As you will recall, in August the Board issued an advance notice of proposed rulemaking for small, streamlined rate reasonableness cases, intended for use by small shippers. I am looking forward to the second round of comments in Expanding Access to Rate Relief, Docket No. EP 665 (Sub-No. 2), which are due by December 19, 2016.

Regulatory Proceedings. I am pleased to announce that on November 30, 2016, the Board adopted a final rule setting permanent data reporting requirements for the Class I railroads in U.S. Rail Service Issues—Performance Data Reporting, Docket No. EP 724 (Sub-No. 4). The permanent data reporting requirements facilitate the Board’s monitoring of current service conditions in the rail industry. The final rule is effective on January 29, 2017.

Also, on November 29, 2016, the Board issued a final rule implementing passenger rail-related dispute resolution provisions of Title XI of the Fixing America’s Surface Transportation Act of 2015 (“FAST Act”), Pub. L. No. 114-94, in Dispute Resolution Procedures in Fixing America’s Surface Transportation Act of 2015, Docket No. EP 737. The FAST Act requires the Board to establish procedures for resolving certain disputes regarding the National Railroad Passenger Corporation.

Given that our agency is in a time of transition as we await the appointment of new Board members and new leadership, I recognize it may be appropriate to make some adjustments to our forecasted target dates for some of the items the Board has been working to address. As I have stated publicly, I am focusing my efforts and resources on a smooth transition, and a review of our target deadlines will be included in that effort. Any initial revisions will be included in the next quarterly regulatory proceeding, and outlined in my next update letter.

Thank you for your thoughtful oversight and ongoing interest in the Board. Please do not hesitate to contact me with any questions about this letter or any other matter before the Board.

Sincerely,



Daniel R. Elliott III
Chairman

**STB Reauthorization Act of 2015, P.L. 114-110 / STB Action Items
November 2016**

Section of Law - Action Required	Description	Deadline	Status
Sec. 6(a) - Annual Report	Report on each initiated investigation in Annual Report	Annually	To be included in FY2016 Annual Report and thereafter
Sec. 6(b) - Quarterly Rate Case Review Metrics Reports	Post quarterly reports of rate cases pending or completed during the previous quarter	Fourth Qtr 2016	Third quarterly report completed 10/3/2016; posted to website; next report underway
Sec. 6(b) - Formal Service Complaints	1. Establish & maintain formal complaint database	Fourth Qtr 2016	Database established, report format created, third quarterly report completed 10/3/2016; posted to website; next report underway
	2. Create report		
	3. Post quarterly reports on website		
Sec. 6(b) - Informal Service Complaints	1. Establish & maintain informal complaint database	Fourth Qtr 2016	Database established, report format created, third quarterly report completed 10/3/2016; posted to website; next report underway
	2. Create report		
	3. Post to website		
Sec. 11 - Rate Case Expedition Proceeding	Assess procedures to expedite litigation in courts to potentially apply to expedition of STB rate cases	6/15/2016	A series of informal meetings with stakeholders and practitioners was held to discuss ideas and proposals; an advanced notice of proposed rulemaking (EP 733, Expediting Rate Cases) was issued on 6/15/2016; comments were due by 8/1/2016; reply comments were due by 8/29/2016; intend to issue a proposal by March 2017
Sec. 11 - Maintain Simplified Rate Case Processes	Maintain one or more simplified rate case methods for when SAC is too costly given value of the case	N/A	Maintain 3B, Simplified SAC; railroad rate regulation study may result in additional ideas/approaches; Board proposed a new streamlined rate reasonableness methodology in EP 665(2) Expanding Access to Rate Relief on 8/31/2016; comments due by 11/14/2016; reply comments due by 12/19/2016
Sec. 11 - Rate Review Timelines	Implement new rate review timelines for SAC cases	Board deadline: ASAP	Final Rules issued 3/9/2016; Board is analyzing ideas to meet these timelines in EP 733, Expediting Rate Cases
Sec. 12 - Investigative Authority Rulemaking	Issue rules on STB-initiated investigations after public notice and comment	12/18/2016	Section 5 meeting conducted to discuss proposals; NPRM issued 5/16/2016; comments were due by 7/15/2016; reply comments were due by 8/12/2016; intend to issue final rules by 12/18/2016

**STB Reauthorization Act of 2015, P.L. 114-110 / STB Action Items
November 2016**

Section of Law - Action Required	Description	Deadline	Status
Sec. 13 - Arbitration Rulemaking	Promulgate regulations to establish voluntary and binding arbitration process for rate and practice complaints	12/18/2016	Section 5 meeting conducted to discuss proposals; NPRM issued 5/12/2016; comments were due by 6/13/2016; reply comments were due by 7/1/2016; Board issued final rules on 9/30/2016
Sec. 15 - Rate Case Methodology Report	Report to Congress on sufficiency of STB rate case methodologies and alternatives	12/18/2016	Railroad rate regulation study (InterVISTAS) delivered to Congress and made public on 9/22/2016; on 10/25/2016 the Board held an economic roundtable to discuss the issues and conclusions raised in the report; hearing will be scheduled in the future to provide an opportunity for public comment
Sec. 15 - Unfinished Regulatory Proceedings Quarterly Reports	Provide quarterly progress report to Congress on pending proceedings; first report due 60 days after enactment	Fourth Qtr 2016	Third quarterly report completed and submitted to Congress 10/3/2016; posted to website; next report underway