



STB ADMINISTRATIVE ISSUANCE

Issuance No.: 4-105

Date Revised: August 25, 2003

Subject: The STB Practitioner's Program

1. **Purpose.** This issuance describes the STB Practitioner's Program and specifies the responsibilities of the units and individuals who have jurisdiction over the program. This issuance is intended to supersede the 1991 issuance on the program, which outlined the various responsibilities for the program in a single issuance, by clarifying further the responsibilities of units and individuals in the Board with respect to this program.

2. **Authority/Reference.**

A. 49 U.S.C. 10308 authorizes the STB, subject to Section 500 of Title 5, "to regulate the admission of individuals to practice before it."

B. In 49 CFR 1103.1 through 1103.35, the Board provides rules to govern individuals who wish to practice before it.

3. **Background.** The Practitioner's program, which entitles individuals to present and argue cases before the Board, began in 1929. Since then, more than 17,000 non-attorneys have been enrolled as practitioners

4. **The Program.** The STB Practitioner's Program enables non-attorneys as well as attorneys to practice before the Board.

A.. **Attorneys** who desire to practice before the Board must be members in good standing of the bar of the highest court of any State, possession, territory, Commonwealth, or the District of Columbia. Attorneys seeking to practice before the Board, however, do not need to submit any written declaration to the Board.

B. **Non-Attorneys** who wish to practice before the Board must complete and file, between January and May 1 of the year in which they wish to take the examination, A Non-Attorney Application for Admission to Practice, accompanied by the appropriate filing fee, pursuant to 49 CFR 1002.2 (f) (100). The Application can be obtained from the Board. If applicants meet the education and experience standards and are found to be of good character, they will be permitted to take the examination, which is offered each year in July (with the exception noted below). After successfully passing the examination, applicants are notified, are sent a certificate signed by the Secretary and have their names entered in the Register of STB Practitioners.

The practitioner's examination will not be offered if the demand for the examination is insufficient to justify the Board staff resources involved. In such case, the examination will be offered the following year.

5. Responsibilities.

A. The Vice Chairman of the Board is responsible for oversight of the practitioner's program. Specific responsibilities include:

- (1) Reviewing examination questions prior to the administration of the examination;
- (2) Certifying the results of the examination after STB staff has graded the examination and approving the issuance of a Class B practitioner's license to applicants who passed the examination;
- (3) Releasing examination questions and unofficial answers after STB staff has graded the examinations;
- (4) Approving the release of test results approximately one week after STB staff has graded the examinations;
- (5) Approving, based on the examination of the Secretary, the cancellation of the examination; and
- (6) Considering requests for waiver of qualifications standards for applicants.

B. The Secretary has primary administrative responsibilities for the STB Practitioner's Program under the general supervision of the Vice Chairman. Specific responsibilities are:

- (1) Maintaining and updating the STB Practitioner's Register;
- (2) Scheduling and administering the annual examination of non-attorney applicants and coordinating the final selection of examination sites—once selected and approved, the examination sites can be changed only upon adequate notification of the applicants;
- (3) Notifying successful applicants of their admission to practice before the Board;
- (4) Issuing certificates to successful applicants and notifying unsuccessful candidates no later than 90 days after the examination;
- (5) Determining if the cost to the Board for administering the examination is so high, given the number of applicants, that the examination should be cancelled;

(6) When appropriate, recommending that the examination will not be administered that year and refunding applicants' fees;

(7) Notifying applicants by June 15 that the examination will not be administered that year and refunding applicants' fees;

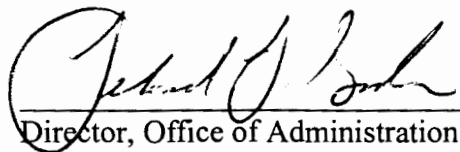
(8) Handling routine correspondence from applicants regarding the examination;

(9) Coordinating the activities of other Offices and the Association For Transportation Law, Logistics & Policy regarding the program; and

(10) Handling all other administrative duties for the program not specifically assigned to others.

6. **Inquiries.** Individuals should direct inquiries concerning provisions of this issuance to the Secretary of the Board.

7. **Effect on Other Issuances.** This issuance supersedes Issuance No. 4-105, dated March 25, 1991.


Director, Office of Administration

8/26/05
Date