

# SURFACE TRANSPORTATION BOARD



## Regulatory Status — 2022/23 Federal Regulations

(Items in **red** text indicate a change of status or new item)

September 22, 2023

### Key Updates on IANA Policy Issues

Type	Date Posted	Title <i>(As Published in the Federal Register)</i>	Federal Register Page # (Vol. #)	Status
Notice of Proposed Rulemaking	09/07/23	Docket No. EP 711 (Sub-No. 2) Reciprocal Switching for Inadequate Service <i>Keywords: Rail</i>	<u><a href="#">63897(88)</a></u>	STB proposes establishing paths for a reciprocal switching agreement due to inadequate service. Comments due 10/23/23.
Notice of Decision	09/06/23	[Docket No. EP 552 (Sub-No. 26)] Railroad Revenue Adequacy—2021 Determination <i>Keywords: Surface Transportation Board</i>	<u><a href="#">61004(88)</a></u>	STB finds that five Class I railroads were revenue adequate for 2022.
Decision	08/03/23	[Docket No. EP 558] (Sub-No. 26) Railroad Cost of Capital – 2022 <i>Keywords: Rail; Railroad Regulation (Staggers Act)</i>	<u><a href="#">Decision</a></u>	STB determines railroad cost of capital was 10.58% for 2022.
Notice	02/10/23		<u><a href="#">8984(88)</a></u>	STB seeks comments from Class I railroads and other interested parties to assist in determining the railroad cost of capital for 2022.
Notice of vacancy And solicitation of nominations	07/14/23	Notice of Railroad-Shipper Transportation Advisory Council Vacancy <i>Keywords: Surface Transportation Board; Rail</i>	<u><a href="#">45267(88)</a></u>	STB seeks nominations to fill RSTAC vacancy for at-large (public interest) representative, due 08/14/23.
Update	05/03/23	[Docket No. FD 36500] Canadian Pacific Railway Limited; Canadian Pacific Railway Company; Soo Line Railroad Company; Central Maine & Quebec Railway US Inc; Dakota, Minnesota & Eastern Railroad Corporation; and Delaware & Hudson Railway Company, Inc – Control – Kansas City Southern Railway Company, Gateway Eastern Rail Company, and the Texas Mexican Railway Company <i>Keywords: Surface Transportation Board; Rail</i>	<u><a href="#">Petition</a></u>	UP seeks judicial review of STB decision approving merger of CP and KCS.
Update	04/14/23		<u><a href="#">Update</a></u>	CP and KCS combine to form CPKC.
Decision	03/15/23		<u><a href="#">Decision</a></u>	STB approves merger of CP and KCS.
Update	09/22/22		<u><a href="#">Schedule</a></u>	STB releases schedule of appearances for upcoming hearing discussing the CP-KCS merger.
Update	08/16/22		<u><a href="#">Update</a></u>	Committee on Foreign Investment in the United States provides regulatory clearance for proposed CP-KCS merger.

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Notice of Public Hearing	07/27/22		<a href="#">45144(87)</a>	STB announces public hearings on 09/28, 09/29, and 09/30/22 to discuss proposed CP-KCS merger.
Decision	11/23/21		<a href="#">Decision</a>	STB accepts for consideration the merger application filed by CP and KCS.
Decision	05/02/23	[Docket No. EP 770] Urgent Issues in Freight Rail Service <i>Keywords: Rail</i>	<a href="#">Decision</a>	STB extends reporting requirements for three carriers until 12/31/23.
Notice and Request for Comments	01/12/23		<a href="#">2151(88)</a>	STB issues 30-day notice on its intent to extend reporting requirements. Comments due 02/13/23.
Notice and Request for Comments	11/03/22		<a href="#">66345(87)</a>	STB extends reporting requirements to 05/05/23. Comments due 01/03/23.
Notice and Request for Comments	06/03/22		<a href="#">33868(87)</a>	STB seeks comments on Class I reporting requirements.
Decision	05/06/22		<a href="#">Decision</a>	STB requires all Class I to submit reports on rail service, performance, and employment; 4 carriers must also submit service recovery plans.
Decision	02/14/23	[Docket No. EP 738] Regulatory Reform Task Force <i>Keywords: Surface Transportation Board (STB)</i>	<a href="#">Decision</a>	STB denies second CSX, CN, NS, and UP petition to stay Pre-Review Opt-In Requirement in the voluntary arbitration program.
Petition	02/03/23		<a href="#">Notice</a>	CSX, CN, NS, and UP renew petition for STB to stay the Pre-Review Opt-In Requirement in the voluntary arbitration program for small rate disputes.
Decision	01/24/23		<a href="#">Decision</a>	STB denies CSX, CN, NS, and UP petition to stay Pre-Review Opt-In Requirement in the voluntary arbitration program.
Petition	12/29/22		<a href="#">Notice</a>	CSX, CN, NS, and UP petition STB to stay the Pre-Review Opt-In Requirement in the

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Final Rule	12/19/22		<u>700(88)</u>	voluntary arbitration program for small rate disputes.  STB issues final rule establishing voluntary arbitration program for small rate disputes, effective 02/03/23.
Final Rule	12/19/22		<u>299(88)</u>	STB issues final rule forming the Final Offer Rate Review process for rate reasonableness proceedings, effective 03/06/23.
Notice of proposed rulemaking	12/03/20		<u>78075(85)</u>	STB grants petition by five Class I railroads to initiate rulemaking considering new arbitration program for small rate disputes.
Final rule	09/03/20		<u>54936(85)</u>	STB publishes final rule to improve waybill sample reporting and data collection for non-intermodal and intermodal shipments, effective 01/01/21.
Final rule	08/06/20		<u>47675(85)</u>	STB adopts streamlined approach for pleading market dominance in rate reasonableness cases, effective 09/05/20.
Decision	05/15/20		<u>Decision</u>	STB waives prohibition on ex parte communications to seek additional stakeholder input on Final Offer Rate Review proposed rulemaking.
Notice of proposed rulemaking	11/29/19		<u>65768(84)</u>	STB proposes changes to waybill sampling rates for both non-intermodal and intermodal shipments. Comments due 01/28/20.
Notice of public hearing	11/22/19		<u>Decision</u>	STB publishes speaker list for its hearing on revenue adequacy and announces the hearing will take place over two days: 12/12/19-12/13/19.

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Notice of proposed rulemaking; request for comments	09/12/19		<a href="#"><u>48872(84)</u></a>	STB proposes a new process for smaller cases challenging the reasonableness of railroad rates. Comments due 11/12/19.
Notice of proposed rulemaking	09/12/19		<a href="#"><u>48882(84)</u></a>	STB proposes a streamlined approach for pleading market dominance in rate reasonableness proceedings. Comments due 11/12/19.
Notice of public hearing	09/12/19		<a href="#"><u>48982(84)</u></a>	STB will hold a public hearing to discuss RRTF's recommendations regarding revenue adequacy on 12/12/19.
Report	04/25/19		<a href="#"><u>Report</u></a>	The Rate Reform Task Force submits report to STB recommending possible changes to rate review methodologies and processes.
Final Rule	04/03/19		<a href="#"><u>12940(84)</u></a>	STB adopts modifications to certain payment, filing and service procedures at the recommendation of the Regulatory Reform Task Force.
Notice of Public Hearing	11/28/22	Oversight Hearing Pertaining to Union Pacific Railroad Company's Embargoes <i>Keywords: Rail</i>	<a href="#"><u>73062(87)</u></a>	STB announces hearing on 12/13/22 and 12/14/22 to discuss the causes and effects of Union Pacific's increase in embargoes.
Notice of Proposed Rulemaking	04/22/22	[Docket No. EP 762] Revisions To Regulations For Expedited Relief For Service Emergencies <i>Keywords: Rail</i>	<a href="#"><u>Decision</u></a>	STB proposes changes to emergency service regulations.
Decision	04/13/22	[Docket No. FD 36472] CSX Corporation and CSX Transportation, Inc., et al.—Control and Merger—Pan Am Systems, Inc., Pan Am Railways, Inc., Boston and Maine Corporation, Maine Central Railroad Company, Northern Railroad, Pan Am Southern LLC, Portland Terminal Company, Springfield Terminal Railway Company, Stony Brook Railroad Company, and Vermont & Massachusetts Railroad Company <i>Keywords: Surface Transportation Board; Rail</i>	<a href="#"><u>Update</u></a>	STB approves CSX acquisition of Pan Am Railways.
Update	07/02/21		<a href="#"><u>Update</u></a>	CSX submits amended application for merger.
Petition for rulemaking	04/07/22	[Docket No. EP 768] Petition for Rulemaking To Adopt Rules Governing Private Railcar Use by Railroads	<a href="#"><u>20370(87)</u></a>	STB seeks comments regarding railroads' use of private freight cars. Comments due 06/30/22. Replies due 08/01/22.

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		<i>Keywords: Rail</i>		
Decision	02/07/22	Railroad Cost Recovery Procedures – Productivity Adjustment <i>Keywords: Surface Transportation Board</i>	<u>Notice</u>	STB proposes 1.025 (2.5% per year) as the measure of average change in railroad productivity for the 2016-2020 period, an increase of 1.7% from the average for the 2015-2019 period.
Final Rule	04/06/21	[Docket No. EP 754] Oversight Hearing on Demurrage and Accessorial Charges <i>Keywords: Surface Transportation Board (STB)</i>	<u>17735(86)</u>	STB issues final rule adopting minimum information requirements for Class I demurrage invoices. Effective 10/06/21.
Final Rule	05/06/20		<u>26858(85)</u>	STB adopts new demurrage billing requirements for Class I carriers, effective 06/20/20.
Statement of Board Policy	05/06/20		<u>26866(85)</u>	STB issues final policy statement clarifying how it will evaluate the reasonableness of demurrage and accessorial charges, effective 05/30/20.
Final rule	03/04/20		<u>12749(85)</u>	STB adopts revisions to clarify demurrage charges apply to miscellaneous commodities and box car transportation, effective 04/03/20.
Final Rule	04/05/21	[Docket No. EP 763] Montana Rail Link, Inc.—Petition for Rulemaking—Classification of Carriers <i>Keywords: Surface Transportation Board (STB)</i>	<u>17548(86)</u>	STB adopts final rule raising revenue thresholds for Class I classification. Effective 06/04/21.
Final rule	09/03/20	[Docket No. EP 738] Regulatory Reform Task Force <i>Keywords: Surface Transportation Board (STB)</i>	<u>54936(85)</u>	STB publishes final rule to improve waybill sample reporting and data collection for non-intermodal and intermodal shipments, effective 01/01/21.
Final rule	08/06/20		<u>47675(85)</u>	STB adopts streamlined approach for pleading market dominance in rate reasonableness cases, effective 09/05/20.