

SURFACE TRANSPORTATION BOARD



Regulatory Status – 2023/24 Federal Regulations

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

October 4, 2024

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 Decision	09/09/24	[Docket No. EP 552 (Sub-No. 28)] Railroad Revenue Adequacy—2023 Determination <i>Keywords: Surface Transportation Board</i>	73178(89)	STB finds that three Class I railroads were revenue adequate for 2023.
Decision	08/23/24	Docket No. EP 711 (Sub-No. 2) Reciprocal Switching for Inadequate Service <i>Keywords: Rail</i>	Decision	STB extends commencement of Class I performance standard reporting requirements to 09/25/24.
Final Rule	4/30/24		38646(89)	STB issues final rule establishing paths for a reciprocal switching agreement due to inadequate service, effective 09/04/24.
Notice of Proposed Rulemaking	09/07/23		63897(88)	STB proposes establishing paths for a reciprocal switching agreement due to inadequate service.
Lawsuit	08/20/24	[Docket No. EP 738] Regulatory Reform Task Force <i>Keywords: Surface Transportation Board (STB)</i>	Decision	U.S. Court of Appeals for the 8th Circuit grants petition for review by UP and AAR; vacates STB Final Offer Rate Review rule.
Decision	02/14/23		Decision	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		Notice	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.
Final Rule	12/19/22		700(88)	STB issues final rule establishing voluntary arbitration program for small rate disputes, effective 02/03/23.

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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.
Decision	08/06/24	[Docket No. EP 558 (Sub-No. 27)] Railroad Cost of Capital—2023 <i>Keywords: Rail</i>	<u>Decision</u>	STB determines railroad cost of capital was 9.87% for 2022.
Notice	02/20/24		<u>12939(89)</u>	STB seeks comments from Class I railroads and other interested parties to assist in determining the railroad cost of capital for 2023.
Notice of Public Hearing	07/15/24	[Docket No. EP 775] Growth in the Freight Rail Industry <i>Keywords: Surface Transportation Board; Rail</i>	<u>57497(89)</u>	STB announces hearing on 09/16/24 and 09/17/24 to discuss trends and strategies for growth in the freight rail industry.
Update	05/23/24	[Docket No. EP 748] Indexing the Annual Operating Revenues of Railroads <i>Keywords: Surface Transportation Board; Rail</i>	<u>45729(89)</u>	STB publishes annual deflator factor and inflation-adjusted railroad revenue thresholds for 2023.
Notice of vacancy And solicitation of nominations	05/14/24	Notice of Railroad-Shipper Transportation Advisory Council Vacancy <i>Keywords: Surface Transportation Board; Rail</i>	<u>42049(89)</u>	STB seeks nominations to fill an RSTAC vacancy for a small railroad representative, due 06/13/24.
Decision	04/17/24	Oversight Hearing Pertaining to Union Pacific Railroad Company's Embargoes <i>Keywords: Rail</i>	<u>Decision</u>	STB closes its review of Union Pacific's use of embargoes.
Notice of Public Hearing	11/28/22		<u>73062(87)</u>	STB announces hearing on 12/13/22 and 12/14/22 to discuss the causes and effects of Union Pacific's increase in embargoes.
Decision	01/31/24	[Docket No. EP 770] Urgent Issues in Freight Rail Service <i>Keywords: Rail</i>	<u>Decision</u>	STB extends reporting requirements for Class I carriers until 12/31/24 and updates requirements for four carriers.
Decision	05/06/22		<u>Decision</u>	STB requires all Class I to submit reports on rail service, performance, and employment; 4 carriers must also submit service recovery plans.
Final Rule	01/24/24	[Docket No. EP 762] Revisions To Regulations For Expedited Relief For Service Emergencies <i>Keywords: Rail</i>	<u>4564(89)</u>	STB adopts final rule to modify emergency service regulations and provide immediate relief for shippers, effective 02/23/24.

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Decision	01/24/24	Railroad Cost Recovery Procedures – Productivity Adjustment <i>Keywords: Surface Transportation Board</i>	<u>4648(89)</u>	STB proposes 1.011 (1.1% per year) as the measure of average change in railroad productivity for the 2018-2022 period, a decrease of 1.6% from the average for the 2017-2021 period.
Update	10/05/23	[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>Petition</u>	Metra seeks judicial review of STB decision approving merger of CP and KCS.
Update	05/03/23		<u>Petition</u>	UP seeks judicial review of STB decision approving merger of CP and KCS.
Update	04/14/23		<u>Update</u>	CP and KCS combine to form CPKC.
Decision	03/15/23		<u>Decision</u>	STB approves merger of CP and KCS.
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>Decision</u>	STB determines railroad cost of capital was 10.58% for 2022.