

SURFACE TRANSPORTATION BOARD



Regulatory Status – 2021/22 Federal Regulations

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

November 23, 2022

Key Updates on IANA Policy Issues

- **STB announces hearing on 12/13/22 and 12/14/22 to discuss the causes and effects of Union Pacific's increase in embargoes. ([More info](#)).**

Type	Date Posted	Title <i>(As Published in the Federal Register)</i>	Federal Register Page # (Vol. #)	Status
Notice of Public Hearing	11/22/22	Oversight Hearing Pertaining to Union Pacific Railroad Company's Embargoes <i>Keywords: Rail</i>	Notice	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 and Request for Comments	11/03/22	[Docket No. EP 770] Urgent Issues in Freight Rail Service <i>Keywords: Rail</i>	66345(87)	STB extends reporting requirements to 05/05/23. Comments due 01/03/23.
Notice and Request for Comments	06/03/22		33868(87)	STB seeks comments on Class I reporting requirements.
Decision	05/06/22		Decision	STB requires all Class I to submit reports on rail service, performance, and employment; 4 carriers must also submit service recovery plans.
Notice	10/31/22	[Docket No. EP 526 (Sub-No. 15)] Notice of Railroad-Shipper Transportation Advisory Council Vacancies <i>Keywords: Surface Transportation Advisory Board; Rail</i>	65639(87)	STB seeks nominations for two RSTAC vacancies. Nominations due 11/30/22.
Update	09/22/22	[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>	Schedule	STB releases schedule of appearances for upcoming hearing discussing the CP-KCS merger.
Update	08/16/22		Update	Committee on Foreign Investment in the United States provides regulatory clearance for proposed CP-KCS merger.
Notice of Public Hearing	07/27/22		45144(87)	STB announces public hearings on 09/28, 09/29, and 09/30/22 to discuss proposed CP-KCS merger.

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Decision	11/23/21		<u>Decision</u>	STB accepts for consideration the merger application filed by CP and KCS.
Notice of Decision	09/07/22	[Docket No. EP 552 (Sub-No. 26)] Railroad Revenue Adequacy—2021 Determination <i>Keywords: Surface Transportation Board</i>	<u>54748(87)</u>	STB finds that five Class I railroads were revenue adequate for 2021.
Decision	08/02/22	[Docket No. EP 558] (Sub-No. 25) Railroad Cost of Capital – 2021 <i>Keywords: Rail; Railroad Regulation (Staggers Act)</i>	<u>Decision</u>	STB determines railroad cost of capital was 10.37% for 2021.
Decision	02/11/22		<u>Notice</u>	STB seeks comments from Class I railroads and other interested parties to assist in determining the railroad cost of capital for 2021.
Notice of Proposed Rulemaking	04/22/22	[Docket No. EP 762] Revisions To Regulations For Expedited Relief For Service Emergencies <i>Keywords: Rail</i>	<u>Decision</u>	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>	<u>Update</u>	STB approves CSX acquisition of Pan Am Railways.
Update	07/02/21		<u>Update</u>	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 <i>Keywords: Rail</i>	<u>20370(87)</u>	STB seeks comments regarding railroads' use of private freight cars. Comments due 06/30/22. Replies due 08/01/22.
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.

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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.