



Member of the Board

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

April 3, 2017

The Honorable Mario Diaz-Balart
Chairman
House Appropriations Subcommittee on
Transportation, Housing and Urban
Development, and Related Agencies
440 Cannon House Office Building
Washington, DC 20515

The Honorable David Joyce
Ranking Member
House Appropriations Subcommittee on
Transportation, Housing and Urban
Development, and Related Agencies
1124 Longworth House Office Building
Washington, DC 20515

Dear Chairman Diaz-Balart and Ranking Member Joyce:

On behalf of the Surface Transportation Board (STB or Board), I am pleased to provide the Board's first quarterly 2017 reports in accordance with the Surface Transportation Board Reauthorization Act of 2015 (STB Reauthorization Act), along with an update on recent Board matters that have occurred since I was designated Acting Chairman by President Trump on January 23, 2017. I want to assure you that in carrying out my new duties, I remain committed to working with Congress, my Board Member colleagues, and Board staff to help make the agency more accountable, transparent, and timely for the benefit of our stakeholders and the public. I greatly appreciate my Member colleagues' and staff's support over the past few months as the agency transitions and prepares for two new Board Members.

First and foremost, the Board is continuing its work to ensure full implementation of the STB Reauthorization Act, which will remain a top priority. Last week, the Board issued a notice of proposed rulemaking pursuant to Section 11 of the STB Reauthorization Act, which requires the agency to consider how procedures for expediting court litigation might be applied to rate cases. These proposed rules in Expediting Rate Cases, Docket No. EP 733, were developed after seeking public comment last year on how to improve and expedite rail rate reasonableness proceedings.

The proposed rules are not the final action the Board needs to take to improve the Board's rate review processes. In addition to pursuing a new rate review methodology for grain and other shippers, the Board must continue to pursue ideas to further expedite the rate case process. This effort is essential for the Board to meet the new, shortened period for making a final determination on large rate cases.

Last fall, the Board indicated that a hearing would be held soon after its October 2016 economic roundtable discussion on the InterVISTAS rate case methodology report to provide an opportunity for public comment on the report and issues raised at the roundtable. In early January, former Chairman Elliott indicated that the hearing would occur in April. However, it is my preference that the Board proceed with a hearing when it is more likely a full complement of Members can consider these very important and challenging issues.

Similarly, you may recall that the forecasted dates for action on three regulatory proceedings were changed to “TBD” in the quarterly unfinished regulatory proceedings report provided to you in early January 2017. Because the Board remains in a period of transition, the target date for one additional major proceeding, Railroad Revenue Adequacy, Docket No. EP 722, has also been changed to “TBD” in the enclosed quarterly report. It was also necessary to adjust the projected date for action on Review of the General Purpose Costing System, Docket No. EP 431 (Sub-No. 4), due to the complexity of the issues involved. Rather than missing a target date and disclosing that fact in a later report, I want to inform all interested stakeholders now.

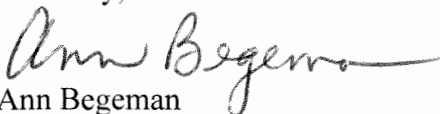
Postponing action on these important regulatory proceedings also creates an opportunity for the Board to focus additional attention on our large docket of cases. In fact, we are working hard to move our cases expeditiously and are establishing target deadlines, as soon as possible, for each pending case where a record has closed. Doing so creates a shared expectation among Board Members and staff about when final decisions on cases should be reached. Once we have more experience with this approach, my goal is to make the target deadlines public so our stakeholders will have a better sense of when to expect a decision from the Board.

I also want to update you on additional Board matters that may be of interest. The Board has been working with the General Services Administration (GSA) since 2013 in preparation for the February 2017 expiration of the lease of our building located in Southwest Washington, DC. GSA had informed the Board that we would either move to a new location or occupy a smaller footprint in our current location. Because a new lease for the agency has still not been announced by GSA, we are in a “hold-over” lease in our current facilities. The prolonged uncertainty has had a real impact on our staff, and it has become very challenging to prepare accurate estimates of our rental costs for the fiscal year 2018 budget submission. I have been in contact with GSA officials and hope to soon receive clear information about our future location and associated annual rental expenses.

Finally, I also want to make you aware that, later this week, the Board will appear before the House Committee on Oversight and Government Reform Subcommittee on Government Operations during its hearing on “*The Best and Worst Places to Work in the Federal Government*.” You may recall that from 2009 through 2014, the STB was ranked the best small agency in the government, according to the annual Federal Employee Viewpoint Survey. Our scores have recently declined, placing the Board at 16 out of 29 small agencies last year. The Board’s Managing Director has been invited to discuss our efforts to promote growth in employee engagement. The Board values its employees and is firmly committed to being a great place to work and getting things done for the benefit of our stakeholders and the public.

Again, thank you for your supportive oversight and strong interest in the Board and its work. If you have any questions, I can be reached at 202-245-0204.

Sincerely,



Ann Begeman
Acting Chairman

Enclosures

Report on Pending STB Regulatory Proceedings – April 3, 2017

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Surface Transportation Board

1. Review of the General Purpose Costing System
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Popular Title: Review of the General Purpose Costing System

RIN 2140-AB14

Stage: Proposed Rule

Previous Stage: NPRM: Publication Date 02/04/2013; End of Comment Period 06/20/2013; End of Reply Comment Period 09/05/2013; SNPRM Served 08/04/2016 (published in Fed. Reg. 08/10/2016); End of Comment Period 10/11/2016; End of Reply Comment Period 11/07/2016.

Abstract: The Board proposes certain changes to its general purpose costing system—the Uniform Railroad Costing System (URCS). Specifically, the Board proposes in a Supplemental Notice of Proposed Rulemaking to modify certain inputs into Phase II of URCS and to modify certain cost calculations in Phase III of URCS in order to eliminate the “make-whole adjustment” in Phase III. The Board proposes certain other related changes to URCS, including proposals for locomotive unit-miles and train miles allocations, that would result in more appropriate rail movement costs.

Effects:

Paperwork Reduction Act

Prompting action: Board Initiative

Legal Deadline: None

Rulemaking Project Initiated: 02/04/2013

Docket Number: EP 431 (Sub-No. 4)

Dates for Next Action:

Milestone	Scheduled Date	New Projected Date	Actual Date
Service Date	05/2017	11/2017	N/A

Explanation for any delay: The Board will need additional time to work on this proposal given the complexity of the issues involved.

Federal Register Citation for Next Action: N/A

Surface Transportation Board

2. Rail Fuel Surcharges (Safe Harbor)

Popular Title: Rail Fuel Surcharges (Safe Harbor)

RIN 2140-AB17

Stage: Pre-Rule

Previous Stage: ANPRM: Publication Date 05/29/2014; End of Comment Period 08/04/2014; End of Reply Comment Period 10/15/2014.

Abstract: The Board is giving shippers, rail carriers, and other interested parties the opportunity to comment on the Board's "safe harbor" standard, which allows carriers to rely on a Board-approved fuel index to measure changes in fuel prices for purposes of their fuel surcharge programs.

Effects:

None

Prompting action: Board Initiative

Legal Deadline: None

Rulemaking Project Initiated: 05/29/2014

Docket Number: EP 661 (Sub-No. 2)

Dates for Next Action:

Milestone	Scheduled Date	New Projected Date	Actual Date
Service Date	09/2016	TBD	N/A

Explanation for any delay: The new projected date was modified in the January 2017 report, explaining that the Board is in a time of transition with potential changes to the Board's membership due to the changeover in administration. The new projected target date remains TBD.

Federal Register Citation for Next Action: N/A

Surface Transportation Board

3. Expanding Access to Rate Relief

Popular Title: N/A

RIN 2140-AB16

Stage: Pre-Rule

Previous Stage: ANPRM served 08/31/2016; Comment period closed 12/19/2016.

Abstract: The Board is considering procedures that could comprise a new rate reasonableness methodology for use in very small disputes, which would be available to shippers of agricultural products and all other commodities.

Effects:

None

Prompting action: Board Initiative

Legal Deadline: None

Rulemaking Project Initiated: 08/31/2016

Docket Number: EP 665 (Sub-No. 2)

Dates for Next Action:

Milestone	Scheduled Date	New Projected Date	Actual Date
Service Date	06/2017	N/A	N/A

Explanation for any delay: N/A

Federal Register Citation for Next Action: N/A

Surface Transportation Board

4. Review of Commodity, Boxcar, and TOFC/COFC Exemptions

Popular Title: Review of Commodity, Boxcar, and TOFC/COFC Exemptions
RIN 2140-AB29

Stage: Proposed Rule

Previous Stage: NPRM served 03/23/2016; Order granting the Association of American Railroads' request for extension of time served 05/06/2016; Comment period closed 08/26/2016.

Abstract: In this proceeding, the Board proposes to revoke the existing class exemptions under 49 C.F.R. Part 1039 for (1) crushed or broken stone or rip rap; (2) hydraulic cement; and (3) coke produced from coal, primary iron or steel products, and iron or steel scrap, wastes or tailings.

Effects:

Regulatory Flexibility Act

Prompting action: Board Initiative

Legal Deadline: None

Rulemaking Project Initiated: 03/23/2016

Docket Number: EP 704 (Sub-No. 1)

Dates for Next Action:

Milestone	Scheduled Date	New Projected Date	Actual Date
Service Date	01/2017	TBD	N/A

Explanation for any delay: The new projected date was modified in the January 2017 report, explaining that the Board is in a time of transition with potential changes to the Board's membership due to the changeover in administration. The new projected target date remains TBD.

Federal Register Citation for Next Action: N/A

Surface Transportation Board

5. Reciprocal Switching

Popular Title: Competitive Switching Rules

RIN 2140-AB10

Stage: Proposed Rule

Previous Stage: NPRM served 07/27/2016.

Abstract: The Board proposes regulations which would allow a party to seek a reciprocal switching prescription that is either practicable and in the public interest or necessary to provide competitive rail service, in accordance with 49 U.S.C. § 11102(c)(1).

Effects:

None

Prompting action: Petition from the National Industrial Transportation League.

Legal Deadline: None

Rulemaking Project Initiated: 07/27/2016

Docket Number: EP 711 (Sub-No. 1)

Dates for Notice of Proposed Rulemaking:

Milestone	Scheduled Date	New Projected Date	Actual Date
NPRM Service Date	06/2016	07/2016	07/27/2016
Comment Period Ends	09/26/2016	10/26/2016	N/A
Reply Period Ends	10/10/2016	01/13/2017	N/A
Ex Parte Meetings	Beginning 01/30/2017	N/A	N/A

Explanation for any delay: N/A

Federal Register Citation for NPRM: 81 Fed. Reg. 51,149 (Aug. 3, 2016)

Surface Transportation Board

6. Railroad Revenue Adequacy

Popular Title: Revenue Adequacy

RIN 2140-AB19

Stage: Pre-Rule

Previous Stage: Notice 04/02/2014; End of Comment Period 09/05/2014; End of Reply Comment Period 11/04/2014; Hearing 07/22/2015 and 07/23/2015.

Abstract: The Board is exploring its methodology for determining railroad revenue adequacy, as well as the revenue adequacy component used in judging the reasonableness of rail freight rates.

Effects:

None

Prompting action: Board Initiative

Legal Deadline: None

Rulemaking Project Initiated: 04/02/2014

Docket Number: EP 722

Dates for Next Action:

Milestone	Scheduled Date	New Projected Date	Actual Date
Service Date	10/2016	TBD	N/A

Explanation for any delay: The new projected target date has been changed from June 2017 to TBD, in recognition of a new Administration and expected changes to the Board's membership.

Federal Register Citation for Next Action: N/A

Surface Transportation Board

7. Offers of Financial Assistance

Popular Title: Offers of Financial Assistance

RIN 2140-AB27

Stage: Proposed Rule

Previous Stage: ANPRM issued 12/11/2015; End of Comment Period 02/12/2016; End of Reply Comment Period 03/14/2016; NPRM served 09/30/2016.

Abstract: The Board is proposing to update its rules pertaining to offers of financial assistance under 49 U.S.C. § 10904 to improve that process and protect it against abuse.

Effects:

None

Prompting action: Board Initiative

Legal Deadline: None

Rulemaking Project Initiated: 12/11/2015

Docket Number: EP 729

Dates for Next Action:

Milestone	Scheduled Date	New Projected Date	Actual Date
Service date	6/2017	N/A	N/A

Explanation for any delay: N/A

Federal Register Citation for Next Action: N/A.

Surface Transportation Board

8. Expediting Rate Cases

Popular Title: Expediting Rate Cases

RIN # 2140-AB33

Stage: Proposed Rule

Previous Stage: ANPRM served 06/15/2016; end of comment period 08/29/2016; NPRM served 03/31/2017.

Abstract: As mandated by the Surface Transportation Board Reauthorization Act of 2015, P.L. 114-110, the Board is assessing procedures that are available to parties in litigation before courts to expedite rate litigation and consider the potential application of any such procedures to rate cases. The Board is also assessing whether there are additional changes to the SAC case process that could help the Board meet the expedited timeline for a final decision established under the STB Reauthorization Act.

Effects:

None

Prompting action: Surface Transportation Board Reauthorization Act of 2015

Legal Deadline: 06/15/2016 (Initiate Proceeding)

Rulemaking Project Initiated: 12/18/2015

Docket Number: EP 733

Dates for Notice of Proposed Rulemaking:

Milestone	Scheduled Date	New Projected Date	Actual Date
NPRM Service Date	03/2017	N/A	03/31/2017
Comment Period Ends	05/15/2017	N/A	N/A
Reply Period Ends	06/14/2017	N/A	N/A

Explanation for any delay: N/A

Federal Register Citation for NPRM: TBD

Surface Transportation Board

9. Publication Requirements for Agricultural Products

Popular Title: 2140-AB35

RIN # TBD

Stage: Proposed Rules

Previous Stage: NPRM served 12/29/2016; end of comment period 3/20/2017.

Abstract: The Board is proposing amendments to its regulations governing the publication, availability, and retention for public inspection of rail carrier rate and service terms for agricultural products and fertilizer. In this proceeding, the Board also clarifies its policies on standing and aggregation of claims as they relate to rate complaint procedures.

Effects:

None

Prompting action: Board Initiative

Legal Deadline: None

Rulemaking Project Initiated: 12/29/2016

Docket Number: EP 528 (Sub-No. 1)

Dates for Next Action:

Milestone	Scheduled Date	New Projected Date	Actual Date
Service Date	6/2017	N/A	N/A

Explanation for any delay: N/A

Federal Register Citation for Next Action: N/A

Quarterly Status Report of Rate Complaint Cases Before the STB - 1ST QUARTER 2017

Docket No:	NOR 42121	NOR 42142
Case Name:	Total Petrochemicals & Refining USA Inc. v. CSX Transportation, Inc.	Consumers Energy Co. v. CSX Transportation, Inc.
Commodities:	4 Chemical Commodities	Coal

Rate Review Type (SAC, SSAC, 3-Benchmark or Other):	SAC	SAC and Revenue Adequacy
Origin(s):	4 Origins	Interchange with BNSF in the vicinity of Chicago, IL
Destination(s):	62 Destinations	Campbell Generating Station near West Olive, MI

Procedural Schedule:		
Date on Which Proceeding Began	May 3, 2010	January 13, 2015
*Discovery Completed:	October 17, 2013	July 1, 2015
Opening Evidence:	February 18, 2014 / October 7, 2015 (supplemental)	November 2, 2015 / January 23, 2017 (supplemental)
Reply Evidence:	July 21, 2014 / November 20, 2015 (supplemental)	March 7, 2016 / March 6, 2017 (supplemental)
Rebuttal Evidence:	November 5, 2014	May 20, 2016 / April 13, 2017 (supplemental)
Closing Briefs:	December 14, 2015	June 24, 2016

Italics indicate dates of future events, which are subject to change.

Merits Decision:	September 14, 2016	<i>January 12, 2018</i>
Petition for Reconsideration or Reopening	October 24, 2016 (CSXT)**	NA
Replies to Petitions for Reconsideration or Reopening	Not filed	NA
Decision Making Technical Corrections	January 4, 2017***	NA
Merits Decision on Reconsideration or Reopening	January 4, 2017***	NA

Italics indicate dates of future events, which are subject to change.

Brief Description of the Final Decisions:		
	In the merits decision, the Board found that the rates challenged by the complaining shipper were not shown to be unreasonably high. The Board dismissed as moot the railroad's petitions for reconsideration and technical corrections.	TBD

** Parties often set the schedule for discovery and do not necessarily inform the Board. This date is based on the information in the Board's possession, but may have changed.*

*** CSXT also filed a petition for technical corrections on October 24, 2016. TPI did not respond to the petition for reconsideration or the petition for technical corrections.*

**** Merits not reached. Petitions dismissed as moot.*

TOTAL PETROCHEMICALS & REFINING USA v. CSX TRANSPORTATION, Docket No. NOR 42121

Complete Timeline (Significant Filings and Decisions Only)

TPI Complaint	May 3, 2010
CSXT Answer	May 24, 2010
TPI 1st Amended Complaint	July 26, 2010
CSXT Answer to 1st Amended Complaint	August 16, 2010
CSXT Motion for Expedited Determination of Jurisdiction over Challenged Rates	October 1, 2010
TPI 2nd Amended Complaint	October 4, 2010
Close of First Discovery Period*	October 15, 2010
TPI Motion for Expedited Determination of Jurisdiction over Challenged Rates	October 21, 2010
Joint Submission of Operating Characteristics	November 29, 2010
TPI Appeal of Director Decision Denying TPI's 1st Motion to Compel	November 30, 2010
CSXT Reply to TPI Appeal	December 3, 2010
le Gulf Railway, and South Carolina Central Railroad Answers to 2nd Amended Complaint	December 9, 2010
Pioneer Valley Railroad Answer to 2nd Amended Complaint	December 10, 2010
STB Decision Denying TPI's Appeal of Director Decision Denying First Motion to Compel	December 23, 2010
TPI 3rd Amended Complaint	January 4, 2011
Mohawk, Adirondack & Northern Railroad Corp. Answer to 3rd Amended Complaint	January 14, 2011
R.J. Corman Railroad Answer to Third Amended Complaint	January 24, 2011
TPI 4th Amended Complaint	February 3, 2011
STB Decision Bifurcating Proceeding into Separate Market Dominance and Rate Reasonableness Phases	April 5, 2011
TPI Opening Market Dominance Evidence	May 5, 2011
CSXT Motion to Redesignate	May 17, 2011
TPI Reply to Motion to Redesignate	May 19, 2011
STB Decision Addressing CSXT Motion to Redesignate	July 15, 2011
CSXT Reply Market Dominance Evidence	August 5, 2011
TPI Rebuttal Market Dominance Evidence	September 6, 2011
CSXT Motion to Strike Portions of TPI's Rebuttal Market Dominance Evidence	September 29, 2011
TPI Reply to Motion to Strike	October 17, 2011
STB Decision on Market Dominance	May 31, 2013
CSXT and TPI Petitions for Reconsideration	June 20, 2013
STB Decision Ordering Supplemental Discovery	July 19, 2013
CSXT and TPI Replies to Petitions for Reconsideration	July 24, 2013
Association of American Railroads Petition to Intervene	July 24, 2013
Close of Supplemental Discovery	October 17, 2013
STB Decision Denying Petitions for Reconsideration of Market Dominance Decision	December 19, 2013
CSXT Petition for Judicial Review in the D.C. Circuit	December 26, 2013
CSXT Petition for a Stay	December 26, 2013
TPI Reply to Motion for Stay	December 30, 2013
STB Decision Denying CSXT Request for Stay	January 2, 2014
TPI Opening Rate Reasonableness Evidence	February 18, 2014
CSXT Reply Rate Reasonableness Evidence	July 21, 2014
TPI Rebuttal Rate Reasonableness Evidence	November 5, 2014
TPI Petition to Supplement the Record	November 5, 2014
CSXT Reply to Petition to Supplement the Record	November 25, 2014
D.C. Circuit Decision Denying CSXT Petition for Judicial Review	December 16, 2014
STB Decision Ordering Technical Conference	May 18, 2015
Technical Conference	May 27, 2015
STB Decision Addressing TPI Petition to Supplement and Ordering Supplemental Evidence	July 24, 2015
STB Decision Ordering Compliance Evidence	July 24, 2015
TPI Petition for Reconsideration and Clarification	July 31, 2015
CSXT Reply to TPI Petition	August 12, 2015
STB Decision on Petition for Reconsideration	September 4, 2015
TPI and CSXT Supplemental and Compliance Evidence	October 7, 2015
TPI and CSXT Supplemental and Compliance Reply Evidence	November 20, 2015
TPI Motion to Strike	November 25, 2015
CSXT Reply to Motion to Strike	December 7, 2015
TPI and CSXT Final Briefs	December 14, 2015
STB Decision on the Merits	September 14, 2016
TPI Motion for Extension of Time	September 20, 2016
STB Decision Granting TPI Motion for Extension of Time	September 22, 2016
CSXT Petition for Technical Corrections	October 24, 2016
CSXT Petition for Reconsideration	October 24, 2016
CSXT Letter Addressing No Response to CSXT Petitions	November 21, 2016
STB Decision Dismissing as Moot CSXT Petitions for Reconsideration and Technical Corections	January 4, 2017

** Parties often set the schedule for discovery and do not necessarily inform the Board. This date is based on the information in the Board's possession, but may have changed*

CONSUMERS ENERGY CO. v. CSX TRANSPORTATION, Docket No. NOR 42142

Complete Timeline (Significant Filings and Decisions Only)

Consumers Complaint	January 13, 2015
CSXT Answer	February 2, 2015
CSXT Motion to Dismiss Revenue Adequacy Claim	March 24, 2015
Consumers Reply to CSXT Motion to Dismiss	April 13, 2015
Discovery Conference	April 21, 2015
STB Decision Denying CSXT Motion to Dismiss Rev. Adeq. Claim	June 15, 2015
Technical Conference	June 23, 2015
Close of Discovery*	July 1, 2015
STB Decision Adopting Procedures for Formatting of Evidence	July 15, 2015
Discovery Conference	July 20, 2015
Consumers Opening Evidence	November 2, 2015
CSXT Reply Evidence	March 7, 2016
CSXT Reply	March 7, 2016
CSXT Workpapers	March 7, 2016
CSXT Errata Sheet	March 8, 2016
CSXT Errata Sheet	March 8, 2016
Consumers Petition for Technical Conference	March 14, 2016
STB Decision directing CSXT to file Response to Technical Conference	March 16, 2016
CSXT Reply to Consumers Technical Conference	March 21, 2016
STB Decision denying request for Technical Conference	April 6, 2016
CSXT Reply and Submission of Workpapers in response to STB Decision	April 8, 2016
Consumers Motion to Modify Procedule Schedule	April 13, 2016
CSXT Reply to Consumers Motion to Modify the Procedule Schedule	April 15, 2016
STB Decision Granting in Part Consumers Motion to Modify Procedurale Schedule	April 20, 2016
Consumers Workpapers	May 20, 2016
Consumers Rebuttal	May 20, 2016
Consumers Rebuttal	May 20, 2016
CSXT Confidential Errata to Reply Evidence	May 26, 2016
CSXT Errata Sheet	May 26, 2016
Consumers Reply to CSXT Errata Evidence	May 27, 2016
CSXT Letter requesting the Board to accept its Errata Sheet	June 1, 2016
STB Decision Directing Parties to Prepare Closing Briefs	June 3, 2016
Consumers Errata Sheet	June 3, 2016
Consumers Errata Sheet	June 3, 2016
CSXT Motion to Strike	June 24, 2016
CSXT Motion to Strike	June 24, 2016
CSXT Final Brief	June 24, 2016
CSXT Final Brief	June 24, 2016
Consumers Final Brief	June 24, 2016
Consumers Final Brief	June 24, 2016
Consumers Motion to Remove CSXT Motion to Strike	June 27, 2016
Consumers Reply to CSXT Motion to Strike	July 14, 2016
Consumers Petition for Leave to Supplement Record	July 14, 2016
CSXT Reply to Consumers Petition for Leave to Supplement Record	July 26, 2016
STB Decision Ruling on Consumers Petition for Leave to Supplement Record and CSXT Motion to Strike, and Directing Parties to File Supplemental Evidence	December 9, 2016
Consumers Supplemental Opening Evidence	January 23, 2017
CSXT Supplemental Reply Evidence	March 6, 2017

** Parties often set the schedule for discovery and do not necessarily inform the Board. This date is based on the information in the Board's possession, but may have changed*

Rail Rate Cases at the STB

(1996 to Present) - Last Updated 03/21/2017

Docket No	Case Name	Commodity	Guidelines Used	Date of Decision	Decision
41191	West Texas v. BNSF	Coal	SAC	5/3/1996	Rates Unreasonable
37809	McCarty Farms v. BN	Grain	SAC	8/20/1997	Rates Reasonable
41185	APS v. ATSF	Coal	SAC	4/17/1998	Rates Unreasonable
41989	Pepco v. CSX	Coal	SAC	6/18/1998	Settlement
42012	Sierra Pacific v. UP	Coal	SAC	7/17/1998	Settlement
41670	Shell Chemical v. NS	Chemical	Simplified	3/12/1999	Settlement
41295	PPL v. Conrail	Coal	SAC	5/13/1999	Settlement
42034	PSI Energy v. Soo	Coal	SAC	5/13/1999	Settlement
42022	FMC v. UP	Minerals	SAC	5/12/2000	Rates Unreasonable
42038	MN Power v. DMIR	Coal	Stipulated R/VC	1/5/2001	Settlement
42051	WPL v. UP	Coal	SAC	5/14/2002	Rates Unreasonable
42054	PPL v. BNSF	Coal	SAC	8/20/2002	Rates Reasonable
42059	Northern States v. UP	Coal	Stipulated R/VC	8/7/2003	Settlement
42077	APS v. BNSF	Coal	SAC	12/31/2003	Withdrawn
42056	TMPA v. BNSF	Coal	SAC	9/27/2004	Rates Unreasonable
42069	Duke v. NS	Coal	SAC	10/20/2004	Rates Reasonable
42070	Duke v. CSXT	Coal	SAC	10/20/2004	Rates Reasonable
42072	Carolina Power v. NS	Coal	SAC	10/20/2004	Rates Reasonable
42057	Xcel v. BNSF	Coal	SAC	12/14/2004	Rates Unreasonable
42058	AEP v. BNSF	Coal	SAC	3/15/2005	Rates Reasonable
42093	BP Amoco v. NS	Chemical	Simplified	6/28/2005	Settlement
42071	Otter Tail v. BNSF	Coal	SAC	1/27/2006	Rates Reasonable
42091	APS v. BNSF	Coal	SAC	2/10/2006	Settlement
42097	Albemarle v. LNW	Chemical	SAC	11/14/2006	Settlement
42098	Williams Olefins v. GTC	Chemical	Simplified	2/15/2007	Settlement
42095	KCPL v. UP	Coal	Stipulated R/VC	5/19/2008	Rates Unreasonable
42088	Western Fuels v. BNSF	Coal	SAC	2/18/2009	Rates Unreasonable
42112	E.I. Dupont v. CSX	Chemical	SAC	5/11/2009	Settlement
41191 (S1)	AEP Texas v. BNSF	Coal	SAC	5/15/2009	Rates Reasonable
42111	Oklahoma Gas v. UP	Coal	Stipulated R/VC	7/24/2009	Rates Unreasonable
42099	DuPont v. CSXT	Chemical	Three-Benchmark	9/1/2009	Settlement
42100	DuPont v. CSXT	Chemical	Three-Benchmark	9/1/2009	Settlement
42101	DuPont v. CSXT	Chemical	Three-Benchmark	9/1/2009	Settlement
42114	U.S. Magnesium v. UP	Chemical	Three-Benchmark	1/28/2010	Rates Unreasonable
42115	U.S. Magnesium v. UP	Chemical	Simplified Sac	4/2/2010	Settlement
42116	U.S. Magnesium v. UP	Chemical	Simplified Sac	4/2/2010	Settlement
42122	NRG v. CSXT	Coal	SAC	7/8/2010	Settlement
42110	Seminole Electric v. CSXT	Coal	SAC	9/27/2010	Settlement
42113 (S1)	AEP v. UP	Coal	SAC	4/15/2011	Settlement
42128	SMEPA v. NS	Coal	SAC	8/31/2011	Settlement
41191 (S1)	AEP Texas v. BNSF	Coal	SAC-Remand	10/26/2011	Settlement
42113	AEP v. BNSF & UP	Coal	SAC	11/22/2011	Rates Unreasonable
42132	Canexus v. BNSF	Chemical	Three-Benchmark	7/20/2012	Settlement
42127	IPA v. UP	Coal	SAC	11/2/2012	Withdrawn
42123	M&G Polymers v. CSXT	Chemicals	SAC	1/7/2013	Settlement
42125	DuPont v. NS	Chemicals	SAC	3/24/2014	Rates Reasonable
42130	SunBelt v. NS	Chemical	SAC	6/20/2014	Rates Reasonable
42136	IPA v. UP	Coal	SAC	10/8/2014	Settlement
42088	Western Fuels v. BNSF	Coal	SAC	6/15/2015	Settlement
42121	TPI v. CSXT	Chemicals	SAC	9/14/2016	Rates Reasonable

Pending before the STB

Docket No	Case Name	Commodity	Guidelines Used	Date of Decision	Decision
42142	Consumers v. CSXT	Coal	SAC	TBD	TBD

Notes to Table:

1. SAC = Stand-Alone Cost Methodology Applied for a Hypothetical Railroad.
2. Simplified = Using a Simplified, Rather than SAC, Methodology for Determining the Reasonableness of Rates as Set Forth in Coal Rate Guidelines, Nationwide, 1 I.C.C.2d 520 (1985) (Guidelines).
3. Stipulated R/VC = Parties Agreed to Use Revenue to Variable Cost (R/VC) Ratios @ 180% Level, in Lieu of Using SAC.
4. Three-Benchmark Methodology = Methodology of Seeking Relief Pursuant to the Revised Simplified Procedures as Set Forth in Simplified Standards for Rail Rate Cases, STB Ex Parte No. 646 (Sub-No. 1) (STB served Sept. 5, 2007) and any additional Sub-No. decisions.

SURFACE TRANSPORTATION BOARD
QUARTERLY REPORT OF FORMAL SERVICE COMPLAINTS

Date: April 3, 2017

The Surface Transportation Board Reauthorization Act of 2015 mandated that the Surface Transportation Board (STB) publish a quarterly report of formal service complaints received by the agency. See STB Reauthorization Act of 2015, sec. 6(b), Pub. L. No. 114-110 (2015). During the period January 1, 2017 – March 31, 2017, the following formal service-related complaints were pending:

Formal Service-Related Complaints:

Date Complaint Received	Type of Complaint	Title	Docket No.	Geographic Region	Complainant	Carrier(s) Involved	Resolution/Status
1/19/2012	Failure to prioritize Amtrak trains over freight trains	National Railroad Passenger Corporation— Section 213 Investigation of Substandard Performance on Rail Lines of Canadian National Railway Company	NOR 42134	Midwest	National Railroad Passenger Corporation (Amtrak)	Canadian National Railway Company, Grand Trunk Western Railway, Illinois Central Railroad	Final rules regarding on-time performance standard issued 7/28/2016, in Docket No. EP 726. Petitions for judicial review of those rules were filed by multiple parties and ultimately consolidated in the U.S. Court of Appeals for the Eighth Circuit. This proceeding removed from abeyance by decision served 9/15/2016. Amtrak revised on-time performance data filed 10/17/2016. Decision denying a petition for reconsideration of an earlier

Date Complaint Received	Type of Complaint	Title	Docket No.	Geographic Region	Complainant	Carrier(s) Involved	Resolution/Status
							<p>motion to dismiss issued 10/21/2016.</p> <p>Requests to hold the proceeding in abeyance and responses to Amtrak's on-time performance data received 10/25/2016; reply to the motion to hold in abeyance received 11/10/2016.</p> <p>Eighth Circuit held oral argument on the petitions for review on 2/08/2017.</p>
2/27/2013	Application for terminal trackage rights	BNSF Railway—Terminal Trackage Rights—Kansas City Southern Railway	FD 32760 (Sub-No. 46)	Louisiana	BNSF Railway Company	BNSF Railway Company, Union Pacific Railroad Company, Kansas City Southern Railway	<p>Decision granting BNSF's application for terminal trackage rights served 7/5/2016.</p> <p>Appeal filed with the U.S. Court of Appeals for the District of Columbia on 9/1/2016. The Court of Appeals ordered the appeal to be held in abeyance 1/03/2017.</p>
11/17/2014	Failure to prioritize Amtrak trains over freight trains	National Railroad Passenger Corporation—Investigation of Substandard	NOR 42141	Midwest, Mid-Atlantic	National Railroad Passenger Corporation (Amtrak)	CSX Transportation, Inc.; Norfolk Southern Railway Company	Final rules regarding on-time performance standard issued 7/28/2016, in Docket No. EP 726. Petitions for judicial review of those rules were filed by multiple parties and

Date Complaint Received	Type of Complaint	Title	Docket No.	Geographic Region	Complainant	Carrier(s) Involved	Resolution/Status
		Performance of the Capital Limited					<p>ultimately consolidated in the U.S. Court of Appeals for the Eighth Circuit.</p> <p>Amtrak submitted revised on-time performance data in this proceeding 10/17/2016. Requests to hold the proceeding in abeyance and responses to Amtrak's on-time performance data received 10/25/2016; reply to the motion to hold in abeyance received 11/10/2016.</p> <p>Eighth Circuit held oral argument on the petitions for review on 2/08/2017.</p>
3/31/2015	Unreasonable tariff and practices	North American Freight Car Association v. Union Pacific Railroad	NOR 42144	Nationwide	North American Freight Car Association; American Fuel & Petrochemicals Manufacturers; The Chlorine Institute; The Fertilizer Institute; American Chemistry Council; Ethanol Products, LLC d/b/a Poet	Union Pacific Railroad Company	Motion to consolidate this proceeding with NOR 42150 and NOR 42152 received 1/26/2017. Decision consolidating Docket Numbers NOR 42150, NOR 42152, and NOR 42144 served on 3/31/2017.

Date Complaint Received	Type of Complaint	Title	Docket No.	Geographic Region	Complainant	Carrier(s) Involved	Resolution/Status
					Ethanol Products; Poet Nutrition, Inc.; and Cargill Incorporated		
12/07/2015	Demurrage and service frequency issues	Finch Paper LLC—Petition for Declaratory Order	FD 35981	Mid-Atlantic	Finch Paper LLC	Canadian Pacific Railway, Delaware and Hudson Railway Company	Evidentiary record being developed. Procedural schedule held in abeyance 10/06/2016, pending appeal of an administrative law judge (ALJ) decision. On 1/11/2017, the Board remanded the matter to the ALJ. In response, the ALJ issued a decision on 1/18/2017. That decision was appealed on 1/25/2017. By decision served 3/24/2017, the Board affirmed the ALJ's 1/18/2017 decision.
4/25/2016	Common carrier violation and unreasonable practices	American Fuel & Petrochemicals Manufacturers v. BNSF Railway Company	NOR 42146	Nationwide	American Fuel & Petrochemicals Manufacturers	BNSF Railway Company	Decision dismissing complaint served 2/8/2017.
6/10/2016	Demurrage	C.L. Consulting & Management Corp.—Petition for Declaratory Order Reasonableness	FD 36042	New Jersey	C.L. Consulting & Management Corp.	Norfolk Southern Railway Company	Merits decision served 1/25/2017 denying the petition for declaratory order.

Date Complaint Received	Type of Complaint	Title	Docket No.	Geographic Region	Complainant	Carrier(s) Involved	Resolution/Status
		of Demurrage Charges					
6/30/2016	Common carrier violation and unreasonable practices	Dyno Nobel Louisiana Ammonia, LLC v. NuStar Pipeline Operating Partnership, L.P.	NOR 42147	Louisiana	Dyno Nobel Louisiana Ammonia, LLC	NuStar Pipeline Operating Partnership, L.P.	Decision holding the proceeding in abeyance pending resolution of the parties' state law issues served 3/24/2017.
10/04/2016	Unlawful suspension of service	North Coast Railroad Authority & Northwestern Pacific Railroad Company— Petition for Declaratory Order	FD 36077	California	North Coast Railroad Authority & Northwestern Pacific Railroad Company	North Coast Railroad Authority & Northwestern Pacific Railroad Company (Petitioners); Sonoma-Marin Area Rail Transit District (Respondent)	The parties settled and the proceeding was closed by decision served on 2/28/2017.
11/03/2016	Unlawful practice and unreasonable tariffs	Richard Best Transfer Inc. v. Union Pacific Railroad Company	NOR 42149	California	Richard Best Transfer Inc.	Union Pacific Railroad Company	Decision granting a joint petition to dismiss served 3/24/2017.
12/19/2016	Unreasonable practice and violation of statutory obligation to compensate car owners	Valero Marketing & Supply Company v. Union Pacific Railroad Company	NOR 42150	Unspecified	Valero Marketing & Supply Company; and Valero Rail Partners, LLC	Union Pacific Railroad Company	Complaint filed 12/19/2016. Motion for abeyance received 1/6/2017; reply and motion to consolidate received 1/26/2017; motion to compel received 2/24/2017. Decision

Date Complaint Received	Type of Complaint	Title	Docket No.	Geographic Region	Complainant	Carrier(s) Involved	Resolution/Status
							consolidating Docket Numbers NOR 42150, NOR 42152, and NOR 42144 served on 3/31/2017.
12/30/2016	Unreasonable practice and violation of statutory obligation to compensate car owners	Tesoro Refining & Marketing Company LLC v. Union Pacific Railroad Company	NOR 42152	Unspecified	Tesoro Refining & Marketing Company LLC; Tesoro Great Plains Gathering & Marketing LLC; and Dakota Prairie Refining, LLC	Union Pacific Railroad Company	Complaint filed 12/30/2016. Motion for abeyance received 1/6/2017; reply and motion to consolidate received 1/26/2017; motion to compel received 2/24/2017. Decision consolidating Docket Numbers NOR 42150, NOR 42152, and NOR 42144 served on 3/31/2017.
1/04/2017	Unreasonable practice and petition for injunctive relief	CF Industries Sales, LLC v. Canadian National Railway Company	NOR 42151	Unspecified	CF Industries Sales, LLC	Canadian National Railway Company	Complaint filed 1/4/17. Answer filed 1/24/17. Joint motion requesting Board-sponsored mediation granted 2/6/17. Joint procedural schedule adopted 2/27/17.
2/01/2017	Petition for enforcement of merger condition to permit a railroad access to another railroad's line	Union Pacific Corporation, Union Pacific Railroad Company & Missouri Pacific Railroad Company— Control and Merger— Southern	FD 32760	Texas	BNSF Railway Company & Mission Rail Industrial Park, LLC	Union Pacific Railroad Company, BNSF Railway Company	Joint petition for enforcement filed 2/01/2017. Motion to dismiss or hold proceeding in abeyance to allow for arbitration filed 2/21/2017; replies filed 3/07/2017.

Date Complaint Received	Type of Complaint	Title	Docket No.	Geographic Region	Complainant	Carrier(s) Involved	Resolution/Status
		Pacific Rail Corporation, Southern Pacific Transportation Company, St. Louis Southwestern Railway Company, SPCSL Corp. and The Denver and Rio Grande Western Railroad Company					

SURFACE TRANSPORTATION BOARD
 QUARTERLY REPORT OF INFORMAL SERVICE COMPLAINTS RECEIVED
 FIRST QUARTER 2017

Date: April 3, 2017

The Surface Transportation Board Reauthorization Act of 2015 mandated that the Surface Transportation Board (STB) publish a quarterly report of informal service complaints received by the agency. See STB Reauthorization Act of 2015, sec. 6(b), Pub. L. No: 114-110 (2015). During the period from January 1, 2017 through March 31, 2017, the STB received the following informal complaints¹:

Date ²	Type of Informal Complaint	Geographic Region ³	Resolution / Status	Complainant ⁴ CONFIDENTIAL
08/12/2016	Railroad operating issues; stopped trains; idling locomotives	South	Local officials expressed concern over noise and emissions related to stopped trains and locomotive idling; RCPA provided informal guidance to locality related to railroad operating practices; discussed potential options to mitigate noise and nuisance issues; facilitated discussions between parties to mitigate disturbances [Closed]	

¹ A table showing the quarterly inquiries received by the STB’s Rail Customer and Public Assistance (RCPA) office is attached as an Appendix to this report.

² Matters reported as “Pending” on the previous quarterly report are carried forward to the next quarterly report.

³ **Northeast:** Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New Jersey, New York, and Pennsylvania; **South:** Maryland, Delaware, West Virginia, Virginia, Kentucky, Tennessee, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Arkansas, Louisiana, Oklahoma, and Texas; **Midwest:** North Dakota, South Dakota, Nebraska, Kansas, Missouri, Iowa, Minnesota, Wisconsin, Illinois, Michigan, Indiana, and Ohio; **West:** Washington, Idaho, Montana, Wyoming, Oregon, California, Nevada, Utah, Colorado, Arizona, New Mexico, Alaska, and Hawaii.

⁴ This Quarterly Report may identify the complainant that submitted an informal complaint only upon the written consent of the complainant. Surface Transportation Board Reauthorization Act of 2015, sec. 6(b).

Date ²	Type of Informal Complaint	Geographic Region ³	Resolution / Status	Complainant ⁴ CONFIDENTIAL
10/03/2016	Railroad demurrage issue	West	Shipper expressed concern over demurrage charges related to inconsistent rail service; RCPA provided informal guidance on commercial and operational circumstances giving rise to demurrage and facilitated ongoing dialogue between parties for purposes of dispute resolution [Closed]	
10/17/2016	Railroad operations; noise and emissions	Midwest	Local officials expressed concern over railroad construction activity; RCPA provided informal guidance concerning construction of side/staging tracks next to existing line, and associated increased rail operations; explained STB jurisdiction over railroad operations and potential preemption issues related to local regulations; liaised with railroad personnel on behalf of community to discuss expansion plans and related concerns [Closed]	
10/27/2016	Railroad service issue; railroad track lease	Midwest	Shipper expressed concern over terms and conditions of track lease agreement; RCPA provided informal guidance to shipper about options regarding renewing track lease as well as a railroad's common carrier obligation to serve facility [Closed]	
11/04/2016	Railroad service issue; infrastructure requirements for service at facility	West	Shipper expressed concern over railroad's infrastructure requirements to support service to facility; RCPA conferred with shipper about switch and rail infrastructure required; liaised with railroad on behalf of shipper to provide shipper with more insight into the need for the specific infrastructure requirements [Closed]	

Date ²	Type of Informal Complaint	Geographic Region ³	Resolution / Status	Complainant ⁴ CONFIDENTIAL
11/22/2016	Railroad demurrage issue	West	Shipper expressed concern over demurrage charges related to inconsistent rail service; RCPA provided informal guidance to shipper pertaining to demurrage charges assessed by shortline serving carrier; discussed operational and commercial issues giving rise to demurrage; assisted shipper in reviewing and recalculating demurrage; liaised with shortline serving carrier to seek informal resolution; engaging with both parties to pursue mediation of dispute [Pending]	
11/28/2016	Railroad side track agreement	West	Shipper expressed concern over terms of side track agreement; RCPA provided informal guidance to shipper regarding railroad policy on billing for maintenance of track and siding; offered to liaise with railroad regarding proposed terms and conditions for siding agreement and billing; shipper declined to pursue [Closed]	
11/29/2016	Railroad billing dispute; administrative charges associated with rate	Northeast	Provided informal guidance to shipper regarding error made by consignor which caused railroad to apply incorrect freight rate; after railroad refused to rectify mistake, contacted railroad on behalf of freight payor and secured correction of billings [Closed]	
12/07/2016	Railroad demurrage issue	Midwest	Shipper raised concern over demurrage charges; RCPA provided informal guidance to freight receiver regarding high demurrage charges for equipment delays as a result of car bunching; assisted shipper in settlement discussions with railroad [Closed]	

Date ²	Type of Informal Complaint	Geographic Region ³	Resolution / Status	Complainant ⁴ CONFIDENTIAL
12/20/2016	Railroad service issue; dispute between line haul railroad and handling railroad	West	Shipper expressed concern over possible disruption or loss of service resulting from dispute between railroads; RCPA provided informal guidance to shipper; conferred with handling line to express concern related to potential disruption of rail service and existing commercial practices and importance of maintaining fluid service regardless of dispute [Closed]	
12/21/2016	Railroad service issue; dispute between line haul railroad and handling railroad	West	Shipper expressed concern over possible disruption or loss of service resulting from dispute between railroads; RCPA provided informal guidance to shipper; conferred with handling line to express concern related to potential disruption of rail service and existing commercial practices and importance of maintaining fluid service regardless of dispute [Closed]	
12/21/2016	Railroad service issue	Midwest	Shipper expressed concern related to terms of railroad rate quote; RCPA provided informal guidance to shipper regarding railroad's duty to quote rates for shipper's traffic; discussed commercial issues related to traffic tendered to railroad and possible implications for rate quote [Closed]	
12/22/2016	Railroad service issue; dispute between line haul railroad and handling railroad	West	Shipper expressed concern over possible disruption or loss of service resulting from dispute between railroads; RCPA provided informal guidance to shipper; conferred with handling line to express concern related to potential disruption of rail service and existing commercial practices and importance of maintaining fluid service regardless of dispute [Closed]	

Date ²	Type of Informal Complaint	Geographic Region ³	Resolution / Status	Complainant ⁴ CONFIDENTIAL
12/22/2016	Railroad service issue; delayed delivery of railcars	West	Conferred with shipper on delayed delivery of several railcars; liaised with railroad to understand cause of delay and to explore options to expedite delivery and restore reliable service to shipper's facility [Closed]	
12/29/2016	Railroad service issue; dispute between line haul railroad and handling railroad	South	Shipper expressed concern over possible disruption or loss of service resulting from dispute between railroads; RCPA provided informal guidance to shipper; conferred with handling line to express concern related to potential disruption of rail service and existing commercial practices and importance of maintaining fluid service regardless of dispute [Closed]	
01/03/2017	Railroad service issue	Midwest	Shipper presented problem with delayed delivery of inbound railcar; RCPA conferred with serving railroad about car status; facilitated delivery of railcar to shipper's facility [Closed]	
01/05/2017	Railroad rate levels	South	Shipper expressed concern over railroad's proposed rate increases, which would prevent shipper from making sales to certain customers; RCPA discussed commercial issues with shipper; conferred with railroad about rate increases and suggested delaying or phasing rate increase to allow shipper to make commercial adjustments; railroad agreed to delay and phase-in rate increase [Closed]	
01/06/2017	Railroad rate levels	South	Shipper expressed concern over terms of proposed contract, which limited shipper's logistics options; RCPA discussed railroad's pricing and commercial approach and the distinction between contract and tariff service; offered to liaise with railroad; shipper declined to pursue [Closed]	

Date ²	Type of Informal Complaint	Geographic Region ³	Resolution / Status	Complainant ⁴ CONFIDENTIAL
01/09/2017	Railroad reciprocal switching	South	Representative of shipper expressed concern over lack of reciprocal switching, as available to other nearby shippers; RCPA provided informal guidance as to likely commercial and legal circumstances leading to different treatment; offered to liaise directly with railroad; shipper declined to pursue [Closed]	
01/10/2017	Railroad demurrage issue	West	Shipper presented concern over rail operations causing demurrage; RCPA discussed shipper's traffic flow and service plan; liaised with serving railroad to discuss problems and explore settlement; facilitated discussions leading to resolution [Closed]	
01/17/2017	Railroad tariff issue	South	Shipper presented concern with railroad's proposed modification of unit train tariff, which would impose additional costs on shipper; RCPA discussed commercial issues and provided informal guidance to shipper; offered to liaise with railroad; shipper declined to pursue [Closed]	
01/17/2017	Railroad service issue	South	Shipper described challenges in reactivating rail service to new industrial facility, including terms of railroad's proposed side track agreement; RCPA discussed commercial issues and norms for side track agreements and offered to liaise with railroad; shipper declined to pursue [Closed]	
01/18/2017	Railroad rate levels	Midwest	Railcar lessor expressed concern over private empty car moves being subject certain minimum charges, which negatively impact lessor's ability to engage potential customers; provided informal guidance to shipper on legal and commercial issues [Closed]	

Date ²	Type of Informal Complaint	Geographic Region ³	Resolution / Status	Complainant ⁴ CONFIDENTIAL
01/23/2017	Railroad service issues	Midwest	Shipper presented problem with railroad concerning side track agreement and potential for loss of rail service due to impasse; RCPA liaised with railroad to facilitate communication between the parties [Closed]	
02/01/2017	Railroad common carrier obligation	South	Shipper expressed concern over railroad's refusal to accept tendered shipment due to perceived regulatory compliance issues; RCPA provided informal guidance and perspective on commercial issues; explained potential formal remedies before the STB; facilitated further discussion between parties to work towards resolution [Closed]	
02/03/2017	Railroad demurrage issue	West	Shipper explained that it began to incur increased demurrage charges after railroad changed its operating plan; RCPA liaised with railroad to discuss operational issues and impact on demurrage; convened a call with both parties to discuss issues, which resulted in waiver of pending charges and development of process to reconcile demurrage on a weekly basis, going forward [Closed]	
02/15/2017	Railroad service issue	West	Shipper presented concern with decline in rail service to transload facility, which has negatively impacted shipper's ability to sell product to customers; RCPA liaised with transloading facility and railroad to understand operational issues; facilitated conversation between parties and commitment to improve coordination [Closed]	

Date ²	Type of Informal Complaint	Geographic Region ³	Resolution / Status	Complainant ⁴ CONFIDENTIAL
02/17/2017	Railroad rate levels	Midwest	Shipper complained that railroad increased rates but did not do so for competitors; RCPA provided informal guidance to shipper on commercial issues; explained potential remedies before the STB; offered to liaise with serving railroad; shipper declined to pursue [Closed]	
02/17/2017	Railroad service issue	Midwest	Shipper expressed concern over deteriorating service and delays in receiving empty cars for loading; RCPA provided overview of current issues affecting certain railroads' operations and magnitude of service disruption; offered to liaise with affected railroads to facilitate communication of service expectations and outlook [Closed]	
02/21/2017	Railroad demurrage issue	South	Shipper presented problem with disputed demurrage charges and railroad's notice of suspension of rail service; RCPA provided informal guidance to shipper on legal and commercial issues; offered to confer with serving railroad; shipper declined to pursue until further communications take place [Closed]	
02/27/2017	Railroad rate levels	West	Shipper presented concern with railroad's rate to interchange location; RCPA provided informal guidance to shipper on railroad rate structure and pricing practices; offered to confer with railroad; shipper declined to pursue [Closed]	
02/27/2017	Railroad demurrage issue	Midwest	Shipper expressed concern over demurrage, resulting from railroad changing its local service plan; RCPA explained potential formal remedies before the STB; offered to liaise with serving railroad; shipper requested additional guidance [Pending]	

Date ²	Type of Informal Complaint	Geographic Region ³	Resolution / Status	Complainant ⁴ CONFIDENTIAL
02/28/2017	Railroad demurrage issue	West	Shipper's representative expressed concern over demurrage charges arising from inconsistent service and bunching; RCPA discussed commercial issues and formal and informal remedies before STB; representative will follow up with RCPA, if needed [Closed]	
02/28/2017	Railroad demurrage issue	East	Shipper presented concern over demurrage charges related to missed switches and bunching; RCPA discussed operational and commercial issues and offered to liaise with railroad; discussed dispute with railroad and its outside counsel; attempting to achieve mediated settlement [Pending]	
03/03/2017	Railroad service issue	West	Shipper expressed concern over deterioration in rail service and potential shut down of operations; RCPA discussed current operational challenges affecting railroad and liaised with railroad on shipper's behalf; railroad restored operations resulting in service improvement [Closed]	
03/03/2017	Railroad service issue	Midwest	Shipper's representative presented issue relating to potential loss of rail service at shipper's facility; RCPA provided informal guidance and explained potential formal remedies before the STB [Closed]	
03/08/2017	Railroad service issue	Northeast	Shipper expressed concern over decline in rail service and inbound cars stuck at serving yard; RCPA discussed operational issues and offered to liaise with railroad; in the meantime, stranded cars were delivered to shipper, which resolved dispute [Closed]	

Date ²	Type of Informal Complaint	Geographic Region ³	Resolution / Status	Complainant ⁴ CONFIDENTIAL
03/10/2017	Railroad demurrage issue	West	Shipper expressed concern over demurrage charges related to cars in transit for extended time; RCPA provided informal guidance to shipper; liaised with railroad on operational issues, resulting in service changes that should reduce instances of demurrage going forward [Pending]	
03/21/2017	Railroad service issue	West	Shipper raised concern over delayed movement of outbound loaded railcars, arising from congestion at interchange location and inability to reroute cars to avoid delays; RCPA conferred with shipper about operational issues and liaised with shortline to ascertain the cause and magnitude of congestion issues [Pending]	
03/22/2017	Railroad service issue	Midwest	Shipper expressed concern over dispute between railroad and rail line owner, and recent degradation in service, including potential loss of rail service; RCPA discussed formal and informal pathways for seeking assistance or relief from the Board; shipper will consider options and confer with RCPA [Pending]	

Note: A table showing the quarterly inquiries received by the STB’s Rail Customer and Public Assistance (RCPA) office is attached below as an appendix to the foregoing report.

Appendix to Quarterly Report of Informal Service Complaints

1st Quarter 2017 Cases by Category/Region

Issue Category	All Regions	Northeast	South	Midwest	West	Not Specified
Abandonment Records	57	12	10	12	10	12
Acquisition and Operation Exemption	1	0	0	0	0	1
Arrange Meeting	7	1	1	0	1	4
Bus Issue	1	0	1	0	0	0
Household Movers	12	2	2	1	0	7
Information-Economic Data	8	3	1	1	0	2
Information-Non Economic Request	5	0	0	0	2	3
Motor Carriers (trucks)	5	1	1	2	0	1
Railroad Abandonment/Loss of Service	3	1	1	0	0	1
Railroad Amtrak/Passenger Issue	2	0	0	0	0	2
Railroad Blocked Crossings	2	0	0	0	1	1
Railroad Common Carrier Obligation	2	0	1	0	0	1
Railroad Demurrage Charges	7	1	1	1	4	0
Railroad Denial of Rail Service	3	1	0	0	0	2
Railroad Embargo	1	0	0	0	0	1
Railroad Environmental Issues	3	0	0	1	0	2
Railroad Hazardous Material Rules	1	0	0	0	0	1
Railroad Idling Engines/Parked Trains	1	0	0	0	0	1
Railroad Interchange Issue	1	0	0	0	0	1
Railroad Labor Issues	1	0	0	0	0	1
Railroad Lease of track or equipment	1	0	0	0	0	1
Railroad Noise - Airhorn, Safety, etc	2	0	0	0	0	2
Railroad Operating Authority Issue	2	0	0	1	1	0
Railroad Preemption	2	0	2	0	0	0
Railroad Rate Levels/Increases	6	0	1	2	1	2
Railroad Reciprocal Switching	1	0	1	0	0	0

Issue Category	All Regions	Northeast	South	Midwest	West	Not Specified
Railroad Service Issue	10	1	1	4	4	0
Railroad Stored Freight Cars	2	1	0	1	0	0
Railroad Tariff Issue	1	0	0	0	0	1
Rails to Trails	11	2	3	1	0	4
Real Estate Matter	1	0	0	0	1	0
STB Authority Question	3	0	1	2	0	0
STB Information	50	5	7	5	3	28
STB Jurisdictional Question	9	1	4	1	0	3
STB Procedural Assistance	38	5	8	6	5	14
STB Recordations or Security Interests on Rail Cars	8	2	3	2	0	1
STB Records Assistance	17	4	3	1	3	6
STB Webpage/Downloading Assistance	5	3	0	0	0	2
Water Carrier	5	0	0	0	4	1
Wrong Agency Calls	6	0	1	1	0	4
Other	2	1	0	0	0	1
Total	300	47	54	45	40	114

U.S. Census Regions:

Northeast Region	Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New Jersey, New York, and Pennsylvania
South Region	Maryland, Delaware, West Virginia, Virginia, Kentucky, Tennessee, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Arkansas, Louisiana, Oklahoma, and Texas
Midwest Region	North Dakota, South Dakota, Nebraska, Kansas, Missouri, Iowa, Minnesota, Wisconsin, Illinois, Michigan, Indiana, and Ohio
West Region	Washington, Idaho, Montana, Wyoming, Oregon, California, Nevada, Utah, Colorado, Arizona, New Mexico, Alaska, and Hawaii

Appendix to Quarterly Report of Informal Service Complaints

1st Quarter 2017 Cases per Commodity Group*

Commodity Group	Number
Agricultural Products	9
Chemicals	6
Forest Products	2
Hazardous Waste/Radioactive Waste	1
Household Goods	10
Industrial Products	6
Metals and Minerals	1
Not Specified by Shipper	5
N/A	258
Passenger	6
TIH	1
Total	305

*In many cases, the commodity is not specified or material to the case, therefore the total number for this data may not equal the total number for the quarter.