

SURFACE TRANSPORTATION BOARD
QUARTERLY REPORT OF FORMAL SERVICE COMPLAINTS

Date: September 30, 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 July 1, 2017 – September 30, 2017 period, 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 filed by multiple parties and ultimately consolidated in the U.S. Court of Appeals for the Eighth Circuit. 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 motion to dismiss issued 10/21/2016.

Date Complaint Received	Type of Complaint	Title	Docket No.	Geographic Region	Complainant	Carrier(s) Involved	Resolution/Status
							<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>Oral argument on the petitions for review of EP 726 held by the Eighth Circuit 2/8/2017.</p> <p>Eighth Circuit vacated Board's EP 726 on-time performance final rule 7/12/2017.</p>
2/27/2013	Application for terminal trackage rights	BNSF Railway Company— Terminal Trackage Rights—Kansas City Southern Railway and Union Pacific Railroad Company	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 Circuit 9/1/2016. Appeal ordered to be held in abeyance by the DC Circuit 1/3/2017 to allow parties to reach agreement regarding certain terms and conditions.</p>
11/17/2014	Failure to prioritize Amtrak trains over freight trains	National Railroad Passenger Corporation— Investigation of	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 EP 726. Petitions for judicial review of those rules filed by multiple parties

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		Substandard Performance of the Capital Limited					<p>and ultimately consolidated in the U.S. Court of Appeals for the Eighth Circuit.</p> <p>Amtrak revised on-time performance data submitted 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>Oral argument on the petitions for review of EP 726 held by the Eighth Circuit 2/8/2017.</p> <p>Eighth Circuit vacated Board's EP 726 on-time performance final rule 7/12/2017.</p> <p>Norfolk Southern Railway Company's request that the Board act on its motion to dismiss received 9/1/2017. Amtrak's request for an extension to submit its reply received 9/11/2017.</p>
3/31/2015	Unreasonable tariff and practices	North American Freight Car Association v. Union Pacific Railroad Company	NOR 42144	Nationwide	North American Freight Car Association; American Fuel & Petrochemicals Manufacturers; The	Union Pacific Railroad Company	Motion to consolidate this proceeding with NOR 42150 and NOR 42152 received 1/26/2017. Decision consolidating NOR 42150, NOR 42152, and NOR 42144

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					Chlorine Institute; The Fertilizer Institute; American Chemistry Council; Ethanol Products, LLC d/b/a Poet Ethanol Products; Poet Nutrition, Inc.; and Cargill Incorporated		served 3/31/2017. In discovery.
12/7/2015	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. Decision issued by Administrative Law Judge (ALJ) 1/18/2017 was appealed to the Board 1/25/2017. ALJ decision affirmed by the Board 3/24/2017. Finch Paper's supplemental opening filed 6/26/2017; CP Rail's supplemental reply due 7/17/2017; and Finch Paper's rebuttal due 7/31/2017. Decision granting a joint motion to dismiss the petition for declaratory order served 8/29/2017.
6/30/2016	Common carrier violation and unreasonable practices	Dyno Nobel Louisiana Ammonia, LLC v. NuStar Pipeline Operating	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. Petition for reconsideration of that

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		Partnership, L.P.					decision filed 4/7/2017; reply filed 4/27/2017. Decision issued September 29, 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 consolidating NOR 42150, NOR 42152, and NOR 42144 served 3/31/2017. In discovery.
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 NOR 42150, NOR 42152, and NOR 42144 served 3/31/2017. In discovery.
1/4/2017	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 1/4/2017. Answer filed 1/24/2017. Joint motion requesting Board-sponsored mediation granted 2/6/2017. Joint procedural schedule adopted 2/27/2017. Mediation period extended to 10/5/2017.
2/1/2017	Petition for enforcement of merger condition to	Union Pacific Corporation, Union Pacific Railroad	FD 32760	Texas	BNSF Railway Company & Mission Rail	Union Pacific Railroad Company, BNSF	Joint petition for enforcement filed 2/1/2017. Reply filed 5/25/2017. Rebuttal and

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	permit a railroad access to another railroad's line	Company & Missouri Pacific Railroad Company— Control and Merger— Southern Pacific Rail Corporation, Southern Pacific Transportation Company, St. Louis Southwestern Railway Company, SPCSL Corp. and The Denver and Rio Grande Western Railroad Company			Industrial Park, LLC	Railway Company	<p>Petition for Leave filed 6/16/2017.</p> <p>Motion to dismiss or hold proceeding in abeyance to allow for arbitration filed 2/21/2017; replies filed 3/7/2017. Decision denying the motion served 5/5/2017.</p> <p>Drafting decision.</p>
8/1/2017	Unreasonable practice and violation of statutory obligation to compensate car owners	Arkema Inc. v. Union Pacific Railroad Company	NOR 42153	Unspecified	Arkema Inc.	Union Pacific Railroad Company	Complaint filed 8/1/2017. Union Pacific's motion to consolidate with NOR 42150, NOR 42152, and NOR 42144, received 8/9/2017; answer to the complaint (8/23/2017), reply (8/29/2017), and supplement to the motion to consolidate (9/8/2017) received.

Date Complaint Received	Type of Complaint	Title	Docket No.	Geographic Region	Complainant	Carrier(s) Involved	Resolution/Status
8/11/2017	Service issues, common carrier violation, and unreasonable practices	Foresight Coal Sales, LLC v. CSX Transportation	NOR 42155	Nationwide	Foresight Coal Sales, LLC; Sugar Camp Energy, LLC; and Williamson Energy, LLC	CSX Transportation, Inc.	Complaint filed 8/11/2017. Answer and motion to dismiss filed 8/31/2017.
8/11/2017	Service issues, common carrier violation, and unreasonable practices	Consolidation Coal Co. v. CSX Transportation, Inc.	NOR 42156	Nationwide	Consolidation Coal Company	CSX Transportation, Inc.	Complaint filed 8/11/2017. Answer and motion to dismiss filed 8/31/2017.
8/14/2017	Service issues, including an unlawful embargo.	Monticello Farm Service, Inc. v. CSXT Transportation, Inc.	NOR 42154	Indiana	Monticello Farm Service, Inc.	CSXT Transportation, Inc.	Complaint filed 8/14/2017. Answer filed 9/1/2017. Joint procedural schedule filed 9/20/2017.
8/21/2017	Petition to institute a proceeding to address service issues.	Joint Petition of Foresight Coal Sales, LLC, Sugar Camp Energy, LLC, Williamson Energy, LLC, & Consolidation Coal Company to Institute a Proceeding to Address the Adequacy of CSX Transportation, Inc.'s Coal Transportation Service	EP 741	Illinois Basin & Northern Appalachia	Foresight Coal Sales, LLC, Sugar Camp Energy, LLC, Williamson Energy, LLC, & Consolidation Coal Company	CSX Transportation, Inc.	Petition filed 8/21/2017. Petition denied, by decision served 8/24/2017, as unnecessary given the ongoing efforts in <i>Public Listening Session Regarding CSX Transportation, Inc.'s Rail Service Issues</i> , Docket No. EP 742.

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		Originating in the Illinois Basin & Northern Appalachia					

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

Date: September 30, 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 July 1, 2017 through September 30, 2017, the STB received the following informal complaints¹:

Date ²	Type of Informal Complaint	Geographic Region ³	Resolution / Status	Complainant ⁴ CONFIDENTIAL
03/28/2017	Railroad service issue	South	Shipper's inbound cars are not switched in a timely manner and railroad has been unresponsive to requests for information; railroad service issues are causing production problems at shipper's plant; RCPA provided information on formal and informal options; shipper will review and follow up [Pending]	

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
04/25/2017	Railroad service issue	South	Shipper expressed concern over deteriorating and unreliable service leading to delays in receiving loaded cars; RCPA per shipper's request, liaised with serving railroad and shipper; following series of communications with both parties, service improved; shipper and RCPA continue to monitor the developments, and further discussions may take place, as needed [Closed]	
05/15/2017	Railroad demurrage issue	South	Shipper presented concern over rail operations causing demurrage; railroad did not serve customer for several weeks, then delivered bunched cars; accumulated cars took several days to unload because of limited capacity at shipper's plant; shipper has requested RCPA assistance in communicating with railroad [Pending]	
06/13/2017	Railroad service issue	South	Shipper voiced concern about deteriorating rail service and shortage of car supply, which have disrupted its supply chain; RCPA offered informal guidance on commercial and operational issues; and offered to liaise with railroad; shipper requested that RCPA liaise with railroad, but not disclose its identity; RCPA contacted railroad [Closed]	
06/15/2017	Railroad service issue	Midwest	Shipper relayed concerns about cars stuck at local serving yard for several days and not being switched to plant, which is threatening production; at request of shipper, RCPA has contacted railroad to ascertain service issues and secure delivery of stranded cars [Closed]	

Date ²	Type of Informal Complaint	Geographic Region ³	Resolution / Status	Complainant ⁴ CONFIDENTIAL
06/29/2017	Railroad service issue	West	Shortline railroad requested assistance from RCPA concerning suspension of interchange with Class I railroad; after conferring with shortline, RCPA reached out to Class I railroad to discuss issues and resumption of interchange [Pending]	
06/30/2017	Railroad service issue	South	Shipper contacted RCPA to discuss concerns over problems with switching outbound traffic and delays at interchange between bridge carrier and Class I railroads, which are disrupting its supply chain; RCPA reached out to shipper to discuss issues and explore options to improve service [Pending]	
07/05/2017	Railroad service issue	South	Shipper contacted RCPA to discuss concerns over disruptions to rail service, following railroad's change in operating plan; shipper stated that due to unreliable service, it was shipping product by truck; furthermore, shipper stated that service changes were put into effect without notice; RCPA provided informal guidance and counseling to shipper; shipper did not request direct assistance with railroad [Closed]	
07/10/2017	Railroad service issue	West	Shipper contacted RCPA about service disruption arising from dispute over spur track maintenance responsibilities; RCPA counseled shipper on legal and commercial issues and offered to liaise with railroad on shipper's behalf; shipper and railroad were able to resolve disputed issues, allowing repair work to commence and rail service to be restored [Closed]	

Date ²	Type of Informal Complaint	Geographic Region ³	Resolution / Status	Complainant ⁴ CONFIDENTIAL
07/11/2017	Railroad service issue	South	Shipper contacted RCPA about rail service problems arising after railroad implemented new operating plan, in particular, loaded cars stranded at yards and extended transit times; RCPA liaised with both short line and Class I railroad to reestablish regular interchange and expedite the flow of inbound empty equipment [Closed]	
07/13/2017	Railroad common carrier obligation	West	Shipper contacted RCPA concerning efforts to move historical rolling stock, asserting that railroad was refusing to provide requested service; liaised informally with shipper and railroad in order to facilitate movement of rolling stock; however, favorable resolution was not achieved [Closed]	
07/17/2017	Railroad track lease agreement	West	Logistics services provider requested assistance in renewal of railroad track lease agreement integral to its operations; provider was facing possible loss of use of the track; RCPA facilitated communications between parties [Closed]	
07/18/2017	Railroad tariff access	West	Consulting firm contacted RCPA seeking access to railroad tariffs under new STB rules; liaised with railroad personnel on firm's behalf to secure access in accordance with STB regulations [Closed]	

Date ²	Type of Informal Complaint	Geographic Region ³	Resolution / Status	Complainant ⁴ CONFIDENTIAL
07/18/2017	Railroad service issue	South	Shipper contacted RCPA about deterioration in rail service following railroad's changes to operating plan, including loaded cars stuck at interchange with originating carrier and not being pulled by railroad; shipper stated it was trucking its product and implementing other mitigation measures; inbound empty cars were also delayed, forcing production slowdown; RCPA repeatedly liaised with railroad to understand service problems and bring about improvement [Pending]	
07/19/2017	Railroad service issue	Midwest	Shipper contacted RCPA about deterioration in rail service following railroad's changes to operating plan, including a significant increase in missed loadings and increased transit times; RCPA provided information about formal and informal pathways before the Board and liaised with railroad about service issues; however, shipper declined to continue with informal RCPA assistance [Closed]	
07/20/2017	Railroad service issue	South and Midwest	Shipper trade association contacted RCPA to discuss deterioration of service on railroad following changes to railroad's operating plan; association members were experiencing erratic service and significant increases in transit times; RCPA discussed service problems and potential formal and informal actions of the STB [Closed]	

Date ²	Type of Informal Complaint	Geographic Region ³	Resolution / Status	Complainant ⁴ CONFIDENTIAL
07/20/2017	Railroad service issue	Midwest	Shipper contacted RCPA about unreliable and erratic rail service following changes to railroad's operating plan; shipper was unable to obtain empty cars to load product, forcing slowdown and/or shutdown of production and lost business opportunities; shipper requested and received guidance from STB on potential formal and informal avenues for reestablishing access to rail network [Closed]	
07/20/2017	Railroad service issue	South	Shipper contacted RCPA about rail service problems arising after railroad implemented new operating plan, in particular, loaded cars stranded at yards and extended transit times; RCPA liaised with shortline and Class I railroad to reestablish regular interchange and expedite the flow of inbound empty equipment [Closed]	
07/20/2017	Railroad service issue	Northeast and South	Shipper contacted RCPA about significant deterioration in rail service following railroad's changes to operating plan; shipper's plants were not being switched, loaded and empty cars were not moving, and cars were not being interchanged with other railroads; RCPA liaised with railroad on behalf of shipper to reiterate concerns and obtain information about service recovery efforts; RCPA also assisted shipper in getting railroad to move critical loads [Pending]	

Date ²	Type of Informal Complaint	Geographic Region ³	Resolution / Status	Complainant ⁴ CONFIDENTIAL
07/20/2017	Railroad service issue	Northeast and South	Shipper contacted RCPA about decline in rail service following railroad's changes to operating plan; shipper's loaded and empty cars were not moving, cars were not being interchanged with other railroads, and shipper's transit times increased dramatically; RCPA liaised with railroad on behalf of shipper to reiterate concerns and obtain information about service recovery efforts [Pending]	
07/21/2017	Railroad service issue	South	Shipper contacted RCPA about serious decline in rail service following railroad's change in operating plan; shipper discussed massive increases in transit times, which forced shipper to move freight via truck, inconsistent service, and shortages of equipment; RCPA provided information of potential formal and informal actions by the STB to facilitate service improvements; shipper declined direct RCPA contact with railroad about service issues [Pending]	
07/21/2017	Railroad service issue	South	Shipper contacted RCPA about serious deterioration in rail service following railroad's changes to operating plan; shipper's plants were not being switched, loaded and empty cars were not moving, and cars were not being interchanged with other railroads; RCPA liaised with railroad on behalf of shipper to reiterate concerns and obtain information about service recovery efforts, and also discussed potential formal and informal action by the Board [Pending]	

Date ²	Type of Informal Complaint	Geographic Region ³	Resolution / Status	Complainant ⁴ CONFIDENTIAL
07/24/2017	Railroad service issue	South	Shipper contacted RCPA about deterioration in rail service following railroad's changes to operating plan; shipper's plant was not receiving empty cars to load, causing production slow down, and loaded cars were not reaching customers, causing loss of business; RCPA liaised with railroad on shipper's behalf and assisted in securing movement of empty and loaded cars [Pending]	
07/25/2017	Railroad service issue	Unknown	Shipper contacted RCPA about railroad's deterioration in service, and sought information about the common carrier obligation; RCPA provided informal guidance on the common carrier obligation [Closed]	
07/27/2017	Railroad service issue	Midwest and South	Shipper contacted RCPA about decline in rail service following railroad's changes to operating plan; shipper's fleet was experiencing massive increase in overall transit time, and cars were not being interchanged with other railroads; shipper also noted new commercial practices which were impacting its ability to send shipments to various locations; shipper also discussed railroad's lack of equipment and crew resources; however, shipper declined direct RCPA involvement on its behalf [Pending]	
07/27/2017	Railroad service issue	South	Shipper contacted RCPA about disruption to rail service following railroad's implementation of new operating plan, and requested immediate assistance in movement of critical loads to prevent shutdown; RCPA liaised with railroad to ascertain status of cars and facilitate movement to destination [Closed]	

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07/27/2017	Railroad service issue	Midwest	Shipper contacted RCPA about decline in rail service following railroad's implementation of new operating plan; shipper expressed concern about loaded railcars stuck in yards, and longer, circuitous and/or unpredictable routings; RCPA discussed problems with shipper and potential formal and informal STB actions, but shipper declined direct RCPA assistance with railroad [Closed]	
07/28/2017	Railroad service issue	South	Shipper contacted RCPA about decline in rail service following railroad's implementation of new operating plan; shipper relayed concern over three-day plant shutdown due to delayed inbound raw materials; RCPA liaised with railroad to secure prompt delivery from local yard, allowing production to resume [Closed]	
07/28/2017	Railroad service issue	South	Shipper contacted RCPA about decline in rail service following railroad's implementation of new operating plan; RCPA provided information about potential formal and informal STB actions to improve service; shipper declined direct RCPA assistance with railroad [Closed]	
07/28/2017	Railroad service issue	Midwest	Shipper contacted RCPA about service disruptions following railroad's implementation of new operating plan, including inconsistent local switching and cars stranded in rail yards; RCPA liaised with railroad on shipper's behalf to expedite movement of delayed cars and obtain information about service issues [Pending]	

Date ²	Type of Informal Complaint	Geographic Region ³	Resolution / Status	Complainant ⁴ CONFIDENTIAL
07/28/2017	Railroad service issue	South	Shipper contacted RCPA about service problems arising after railroad initiated new operating plan; outbound cars not being accepted in interchange and transit times have increased significantly; shipper requested informal guidance on potential legal actions against railroad, but declined informal assistance from RCPA [Pending]	
07/28/2017	Railroad service issue	South	Shipper contacted RCPA about service problems after railroad implemented changes to operating plan, resulting in delayed interchange of inbound raw materials with shortline carrier; cars were stuck in transit and at yards, significantly increasing transit time and forcing plant shutdown; shipper also noted lack of equipment, causing shipper to move product by truck; RCPA liaised with railroad on shipper's behalf in order to move critical cars and avert shutdown [Pending]	
07/28/2017	Railroad service issue	South, Northeast and Midwest	Shipper contacted RCPA about service disruptions across its network after railroad implemented changes to operating plan, including missed switches, cars stuck in yards, and out of route movements; shipper also reported delayed delivery of empty cars, forcing production slowdown; RCPA liaised with railroad to facilitate movement of critical cars and elevate service issues with railroad [Closed]	

Date ²	Type of Informal Complaint	Geographic Region ³	Resolution / Status	Complainant ⁴ CONFIDENTIAL
07/31/2017	Railroad service issue	Multiple	Third-party logistics provider contacted RCPA about disruptions to clients' supply chains following railroad's changes to operating plan; 3PL advised that customers' ordering was severely curtailed without notice and that railroad ceased making equipment available to customers; 3PL also reported informational anomalies such as rail cars being re-waybilled in transit and being mistakenly shown as departed or arrived; RCPA provided informal guidance and counseling [Pending]	
07/31/2017	Railroad service issue	Multiple	Shipper contacted RCPA to raise concern over curtailed equipment availability, after railroad implemented new operating plan; RCPA liaised with railroad regarding equipment supply; shipper did not request direct RCPA involvement on its behalf [Closed]	
08/01/2017	Railroad service issue	Multiple	Third-party logistics provider contacted RCPA about potential legal action against railroad due to service disruptions following implementation of new operating plan; RCPA provided informal guidance on the availability of actions in court or before the STB [Closed]	
08/01/2017	Railroad service issue	South	Shipper contacted RCPA about rail service problems arising after railroad implemented new operating plan, in particular, loaded cars stranded at yards and extended transit times; RCPA liaised with railroad to expedite movement of stranded cars [Closed]	

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08/01/2017	Railroad rate increase	Multiple	Shipper association contacted RCPA concerning rate increase on product moving in private equipment and differential versus railroad equipment; RCPA provided informal guidance on commercial and legal issues, and liaised with railroad on behalf of association [Closed]	
08/02/2017	Railroad service issue	South	Shipper contacted RCPA about disruption to rail supply chain following railroad's implementation of new operating plan, resulting in customer facility being out of its product; RCPA contacted shipper for additional information; however, shipper declined to pursue the matter [Closed]	
08/02/2017	Railroad service issue	Multiple	Shipper contacted RCPA about rail service problems arising after railroad implemented new operating plan, in particular, loaded cars stranded at yards and extended transit times; RCPA offered to assist shipper in expediting movement of cars; however, shipper declined to pursue [Closed]	
08/02/2017	Railroad service issue	South	Shipper contacted RCPA about deteriorating rail service following railroad's implementation of new operation plan, including cars stuck in yards and increased transit times for loaded and empty cars; RCPA liaised with railroad to facilitate movement of cars and provide information about service disruption [Closed]	
08/02/2017	Railroad service issue	South and Midwest	Shipper contacted RCPA about disruption of rail service following railroad's implementation of new operating plan; RCPA provided informal guidance to shipper on legal and commercial issues; shipper declined informal RCPA outreach to railroad [Pending]	

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08/03/2017	Railroad service issue	Midwest	Shipper contacted RCPA about deteriorating rail service following railroad's implementation of new operating plan; RCPA provided guidance on potential formal and informal actions of the STB in order to facilitate service improvements [Closed]	
08/03/2017	Railroad service issue	South	Shipper contacted RCPA about deteriorating rail service following railroad's implementation of new operating plan, including missed switches and shortage of cars for loading; RCPA liaised with railroad to facilitate movement of shipper's traffic [Closed]	
08/03/2017	Railroad service issues	South	Shipper contacted RCPA about deteriorating rail service following railroad's implementation of new operation plan, including missed switches, increased transit times for loaded and empty cars, and production shutdown; shipper advised that it is trucking product in order to maintain production; RCPA liaised with the railroad to facilitate movement of loaded railcars to shipper's facility [Closed]	
08/03/2017	Railroad blocked crossing	Midwest	City official contacted RCPA about railroad blocking multiple grade crossings for lengthy time periods; RCPA liaised with railroad to understand causes of blockings and request changes to alleviate problems [Closed]	

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08/04/2017	Railroad service issue	South	Shipper contacted RCPA about deteriorating rail service following railroad's implementation of new operation plan, negatively affecting interchange traffic and delaying cars in transit; RCPA liaised with railroad and other carriers to obtain information about causes of congestion, facilitate movement of shipper's traffic and return of empty cars [Closed]	
08/04/2017	Railroad service issue	Multiple	Shipper trade association contacted RCPA about disruption of its members' rail service after railroad implemented new operating plan; RCPA provided guidance on formal and informal actions being taken by the Board to facilitate service improvements [Closed]	
08/06/2017	Railroad service issue	South and Midwest	Shipper contacted RCPA about rail service problems arising after railroad implemented new operating plan, in particular, loaded cars stranded at yards and extended transit times; RCPA liaised with railroad about service problems affecting shipper [Closed]	
08/07/2017	Railroad service issue	South	Shipper contacted RCPA concerning shortage of equipment to load outbound products from its facility; RCPA liaised with railroad and secured commitment to place additional equipment in service, which alleviated supply chain issues [Closed]	
08/07/2017	Railroad service issue	South	Shipper contacted RCPA seeking assistance with shortline railroad concerning inadequate service; RCPA provided guidance on potential formal and informal pathways to improve service [Pending]	

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08/07/2017	Railroad service issue	South	Shipper contacted RCPA about service problems following railroad's implementation of new operating plan; RCPA provided guidance on potential formal and informal STB actions to improve rail service; shipper declined direct RCPA assistance [Closed]	
08/08/2017	Railroad service issue	Midwest	Shipper contacted RCPA about service problems following railroad's implementation of new operating plan, including loaded and billed cars stuck at facility and empty cars delayed in transit; shipper also noted that loaded cars were moving out of route and being shuttled between yards; RCPA liaised with railroad to facilitate movement of loaded and empty cars [Closed]	
08/08/2017	Railroad service issue	South	Shipper contacted RCPA about rail service problems arising after railroad implemented new operating plan, in particular, loaded cars stranded at yards and extended transit times; RCPA worked with railroad to reestablish regular and more balanced local service to shipper to alleviate gaps in the flow of inbound raw materials [Closed]	
08/08/2017	Railroad service issue	South	Shipper contacted RCPA about rail service problems following railroad's implementation of new operating plan, including significant delay of inbound carloads of raw materials; RCPA liaised with railroad to bring attention to service issues and facilitate movement of delayed cars [Closed]	

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08/08/2017	Railroad service issue	South	Shipper contacted RCPA about rail service problems arising after railroad implemented new operating plan, including delayed delivery of inbound raw materials and resulting plant shutdown; shipper advised that it was trucking product and increasing its fleet to make up for increased and erratic transit times; RCPA liaised with railroad to obtain information about causes of service failures and to facilitate movement of shipper's traffic [Closed]	
08/08/2017	Railroad service issue	Northeast and South	Shipper contacted RCPA about rail service problems arising after railroad implemented new operating plan, including inconsistent service and shortages of railroad equipment; RCPA provided guidance on potential informal and formal pathways for improving rail service and gave update on actions taken by STB; shipper did not wish to pursue direct engagement by RCPA on its behalf [Closed]	
08/09/2017	Railroad rate availability	West	Third-party logistics provider contacted RCPA about problems obtaining rate quotes from railroad; RCPA provided informal guidance on railroad's duty to quote rates in connection with a request for service [Closed]	
08/09/2017	Railroad service issue	South	Shipper contacted RCPA about rail service problems arising after railroad implemented new operating plan and requested guidance on formal legal actions against railroad; RCPA provided informal guidance on actions potentially available to shipper before the STB and in court [Closed]	

Date ²	Type of Informal Complaint	Geographic Region ³	Resolution / Status	Complainant ⁴ CONFIDENTIAL
08/10/2017	Railroad service issue	South	Shipper contacted RCPA about rail service problems arising after railroad implemented new operating plan, including missed switches, out of route movements, and cars stranded in yards; RCPA provided guidance on formal and informal actions being taken by the STB to improve service; shipper declined direct assistance from RCPA [Closed]	
08/10/2017	Railroad service issue	Midwest	Shipper contacted RCPA about rail service problems arising after railroad implemented new operating plan, in particular, loaded cars stranded at yards and extended transit times; RCPA liaised with railroad to facilitate movement of cars and to provide information to shipper on status of cars [Closed]	
08/10/2027	Railroad service issue	South	Shipper contacted RCPA about rail service problems arising after railroad implemented new operating plan, in particular, loaded cars stranded at yards and extended transit times; however, shipper did not request direct assistance from RCPA [Closed]	
08/10/2017	Railroad service issue	Multiple	Shipper contacted RCPA about rail service problems arising after railroad implemented new operating plan, including cars delayed in transit and stuck in yards, inconsistent and out of route moves, and poor information on car status; RCPA provided informal guidance on formal and informal actions being taken by the STB to improve rail service; shipper did not request direct assistance from RCPA [Closed]	

Date ²	Type of Informal Complaint	Geographic Region ³	Resolution / Status	Complainant ⁴ CONFIDENTIAL
08/11/2017	Railroad car supply	Midwest	Shipper contacted RCPA about problems ordering cars and orders not being filled; RCPA liaised with railroad to discuss ordering process and fulfillment in order to improve shipper's understanding of railroad's ordering tool; railroad marketing personnel arranged meeting with shipper to address concerns [Closed]	
08/11/2017	Railroad service issue	South and Northeast	Shipper contacted RCPA about deterioration in rail service following railroad's changes to operating plan, including missed switches, increased transit times, and potential production shutdown; RCPA liaised with railroad to facilitate movement of critical carloads and obtain status of cars stranded in yards [Closed]	
08/11/2017	Railroad service issue	Midwest and South	Shipper contacted RCPA about rail service deterioration arising after railroad implemented new operating plan, including cars delayed in transit and stuck in yards, out of route moves, lack of customer service support, unreliable information on car status, and production shutdowns/slow-downs; RCPA liaised with railroad to highlight service problems and to facilitate movement of critical cars [Closed]	
08/11/2017	Railroad service issue	Northeast and South	Shipper contacted RCPA about rail service problems arising after railroad implemented new operating plan, including cars delayed in transit and stuck in yards, inconsistent and out of route moves, and poor information on car status; RCPA provided informal guidance on formal and informal actions being taken by the STB to improve rail service; shipper did not request direct assistance from RCPA [Closed]	

Date ²	Type of Informal Complaint	Geographic Region ³	Resolution / Status	Complainant ⁴ CONFIDENTIAL
08/11/2017	Railroad service issue	South	Shipper contacted RCPA about track/switch maintenance fees imposed by railroad; after discussing matter with RCPA, shipper decided to work directly with railroad; shipper will advise RCPA if further assistance is required [Closed]	
08/15/2017	Railroad service issue	South and Midwest	Shipper contacted RCPA about rail service problems arising after railroad implemented new operating plan, including cars delayed in transit and stuck in yards, leading to potential shutdown of customer; shipper stated that it is trucking product to maintain its supply chain, but cannot continue to do so; RCPA liaised with railroad to facilitate movement of stranded cars and to obtain information on car status [Closed]	
08/15/2017	Railroad service issue	South	Shipper contacted RCPA about rail service problems arising after railroad implemented new operating plan, in particular, loaded cars stranded at yards and extended transit times; RCPA liaised with railroad to ensure that adequate, timely service was reestablished [Closed]	
08/17/2017	Railroad service issue	South	Shipper contacted RCPA about rail service problems arising after railroad implemented new operating plan, including cars delayed in transit and stuck in yards, leading to potential shutdown of customers; shipper stated that it is barging and trucking product to maintain its supply chain; shipper requested information on potential legal remedies against railroad; RCPA provided informal guidance on legal actions available in court and before the STB [Closed]	

Date ²	Type of Informal Complaint	Geographic Region ³	Resolution / Status	Complainant ⁴ CONFIDENTIAL
08/17/2017	Railroad service issue	Midwest and South	Shipper contacted RCPA about rail service deterioration arising after railroad implemented new operating plan, including cars delayed in transit, missed switches and stuck in yards, resulting in production slow down; RCPA liaised with railroad to facilitate movement of stranded cars and to obtain information on car status and strategies for improving service [Closed]	
08/17/2017	Railroad service issue	South	Shipper contacted RCPA about rail service problems arising after railroad implemented new operating plan, primarily delayed delivery of inbound raw materials and increased transit times; shipper advised that it is trucking product in order to maintain plant production; RCPA provided informal guidance on formal and informal actions being taken by the STB to improve rail service; shipper did not request direct assistance from RCPA [Pending]	
08/17/2017	Railroad service issue	South	Shipper contacted RCPA about rail service problems arising after railroad implemented new operating plan, including extended transit times and inconsistent service to customers; shipper noted that it is adding railcars to its fleet and altering production to mitigate service disruptions; RCPA liaised with railroad to facilitate delivery of cars to shipper's customers [Closed]	
08/21/2017	Railroad service issue	West	Shipper contacted RCPA about problems with inconsistent and unreliable service by shortline railroad; RCPA contacted shortline railroad to address service failures and increase communication between the parties regarding service requirements [Pending]	

Date ²	Type of Informal Complaint	Geographic Region ³	Resolution / Status	Complainant ⁴ CONFIDENTIAL
08/23/2017	Railroad service issue	South	Shipper contacted RCPA about rail service problems arising after railroad implemented new operating plan, including extended transit times and inconsistent service causing potential plant shutdown; RCPA liaised with railroad to facilitate movement of cars stuck in yards or delayed in transit [Closed]	
08/23/2017	Railroad service issue	South	Shipper contacted RCPA about rail service problems arising after railroad implemented new operating plan, causing delayed movement of product; shipper noted that it is trucking product in order to keep customer from shutting down operations; however, shipper did not pursue direct assistance from RCPA [Closed]	
08/23/2017	Railroad service issue	South	Shipper contacted RCPA about rail service problems arising after railroad implemented new operating plan, primarily doubling of transit time on inbound raw materials; shipper noted that it has trucked product to avert plant shutdown; however, shipper did not seek direct assistance from RCPA [Closed]	
08/24/2017	Railroad rate levels	West	Shipper contacted RCPA about railroad rate increases at its other facilities after it shifted business from incumbent carrier; RCPA provided informal guidance on STB rate regulation and potential actions before the Board for rate relief [Closed]	
08/25/2017	Railroad service issue	South	Shipper contacted RCPA about rail service problems arising after railroad implemented new operating plan; RCPA provided guidance on formal and informal actions being taken by the Board to facilitate service improvements; shipper did not seek direct assistance from RCPA [Closed]	

Date ²	Type of Informal Complaint	Geographic Region ³	Resolution / Status	Complainant ⁴ CONFIDENTIAL
08/25/2017	Railroad service issue	South	Shipper contacted RCPA about rail service problems arising after railroad implemented new operating plan, primarily cars not being interchanged at gateway and delayed in transit; RCPA provided information on current service issues; shipper declined direct RCPA assistance with railroad after railcars started to move toward destination [Closed]	
08/27/2017	Railroad service issue	South	Shipper contacted RCPA about deteriorating rail service after railroad implemented new operating plan, including increased transit times, unpredictable and unreliable local service, and cars stranded in rail yards, which resulted in loss of plant production; RCPA provided information on current service issues and explained formal and informal actions being taken by the STB; shipper declined direct RCPA assistance with railroad [Closed]	
08/29/2017	Railroad demurrage issue and rate levels	West	Third-party logistics provider contacted RCPA about demurrage dispute and rate increases; RCPA provided informal guidance on liability for demurrage, potential avenues for relief, STB jurisdiction over rates, and a railroad's duty to quote rates on reasonable request; RCPA contacted railroad on 3PL's behalf to discuss rate increases [Pending]	
08/30/2017	Railroad service issue	West	Shipper contacted RCPA about delayed delivery of inbound shipments and out of route movements for its traffic; RCPA contacted railroad to discuss service issues; however, shipper subsequently advised that cars were delivered [Closed]	

Date ²	Type of Informal Complaint	Geographic Region ³	Resolution / Status	Complainant ⁴ CONFIDENTIAL
08/31/2017	Railroad service issue	South	Shipper contacted RCPA about deteriorating rail service after railroad implemented new operating plan, including increased transit times and increased dwell in rail yards; shipper noted that it was trucking product in order to supply customers; RCPA contacted shipper to discuss service issues; however, shipper declined to pursue the matter further [Closed]	
09/01/2017	Railroad service issue	South	Shipper contacted RCPA about deteriorating rail service after railroad implemented new operating plan, including unreliable and inconsistent local service, loaded and empty cars stuck in yards, significant increases in transit times, out of route movements and poor communications; RCPA contacted shipper; however, shipper did not pursue matter with RCPA [Closed]	
09/05/2017	Railroad Demurrage Issue	Northeast	Shipper contacted RCPA regarding disputed demurrage bills; bills accrued when carrier delayed cars prior to delivery; railroad and shipper agreed to informal mediation to resolve issue [Pending]	
09/06/2017	Railroad service issue	Multiple	Shipper contacted RCPA about deteriorating rail service after railroad implemented new operating plan and requested information about the STB listening session; RCPA provided informal guidance about the listening session, in addition to formal and informal actions being taken by the STB to facilitate service improvement [Closed]	
09/07/2017	Railroad service issue	Northeast	Shipper contacted RCPA about shortline railroad refusing to install switch to provide rail service to its facility; RCPA is liaising with parties for purposes of informal dispute resolution [Pending]	

Date ²	Type of Informal Complaint	Geographic Region ³	Resolution / Status	Complainant ⁴ CONFIDENTIAL
09/12/2017	Railroad service issue	South	Shipper contacted RCPA about deteriorating rail service after railroad implemented new operating plan, including significant increases in transit times; shipper noted that it is barging product to customers; shipper requested contact at railroad to discuss service shortfalls, which RCPA provided; shipper declined additional RCPA assistance [Closed]	
09/13/2017	Railroad service issue	Northeast	Shipper contacted RCPA about demurrage issues and rail service problems on shortline railroad; RCPA provided guidance on formal and informal pathways for resolving dispute and offered to provide informal assistance; shipper postponed RCPA involvement until after further discussions with shortline [Pending]	
09/14/2017	Railroad service issue	South	Shipper contacted RCPA about deteriorating rail service after railroad implemented new operating plan; RCPA provided information about formal and informal actions being taken by the STB to facilitate service improvements and sent notice for listening session [Pending]	
09/14/2017	Railroad service issue	Midwest and Northeast	Shipper contacted RCPA about deteriorating rail service after railroad implemented new operating plan, including significant increases in transit times and inconsistent local service at origin and destination; shipper noted that it is trucking product to customers to prevent production shutdown; RCPA provided perspective on formal and informal actions being taken by the STB to facilitate service improvement, and offered to liaise directly with railroad about critical carloads [Pending]	

Date ²	Type of Informal Complaint	Geographic Region ³	Resolution / Status	Complainant ⁴ CONFIDENTIAL
09/14/2017	Railroad service issue	South	Shipper contacted RCPA about deteriorating rail service after railroad implemented new operating plan; RCPA provided guidance on formal and informal actions being taken by the STB to facilitate service improvement [Pending]	
09/14/2017	Railroad service issue	South	Shipper contacted RCPA about deteriorating rail service after railroad implemented new operating plan, including inconsistent local service, significant increases in transit times, and loaded and empty cars stuck in yards; RCPA provided perspective on formal and informal actions being taken by the STB to facilitate service improvements; shipper declined informal RCPA assistance on its behalf [Closed]	
09/15/2017	Railroad service issue	South	Shipper contacted RCPA about deteriorating rail service after railroad implemented new operating plan, including inconsistent local service, significant increases in transit times, and poor communication from railroad; shipper also raised concerns about a car delayed for several months while awaiting repairs; RCPA discussed informal and formal actions being taken by the STB to facilitate service improvements and reached out to railroad to discuss problems [Pending]	
09/20/2017	Railroad service issue	South	Shipper contacted RCPA about deteriorating rail service after railroad implemented new operating plan; RCPA contacted shipper to set up time to discuss service issues [Pending]	

Date ²	Type of Informal Complaint	Geographic Region ³	Resolution / Status	Complainant ⁴ CONFIDENTIAL
09/21/2017	Railroad service issue	South	Shipper contacted RCPA about deteriorating rail service after railroad implemented new operating plan, including unreliable local service, loaded and empty cars stuck in yards, significant increases in transit times, out of route movements; shipper noted that it is trucking product to supplement poor rail service; RCPA reached out to railroad to discuss service issues [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

3rd Quarter 2017 Cases by Category/Region

Issue Category	All Regions	Northeast	South	Midwest	West	Not Specified
Abandonment Records	46	6	6	11	4	18
Acquisition and Operation/Exemption	1	0	0	0	0	1
Arrange Meeting	2	1	0	0	1	0
Bus Issue	3	1	0	0	0	2
Household Movers	14	3	5	0	2	4
Information-Economic Data	9	1	2	2	0	4
Information-Non Economic Request	2	1	1	0	0	0
Motor Carriers (trucks)	8	1	0	0	0	7
Railroad Abandonment/Loss of Service	4	1	1	0	0	2
Railroad Amtrak/Passenger Issue	3	0	1	1	0	0
Railroad Billing Dispute	1	0	0	0	0	1
Railroad Blocked Crossings	4	0	1	1	0	2
Railroad Car Supply	2	0	0	0	1	1
Railroad Claims	1	0	0	0	0	1
Railroad Common Carrier Obligation	2	0	0	1	0	1
Railroad Competition Issues	1	0	0	0	0	1
Railroad Demurrage Charges	2	1	0	0	0	1
Railroad Denial of Rail Service	2	0	0	1	0	1
Railroad Environmental Issues	3	1	0	0	0	2
Railroad Idling Engines/Parked Trains	2	0	0	0	1	1
Railroad Interchange Issue	2	0	1	1	0	0
Railroad Labor Issues	6	2	1	2	1	0
Railroad Lease of track or equipment	1	0	0	0	0	1
Railroad Liability Issues	1	0	0	0	0	1
Railroad Miscellaneous Charges	1	1	0	0	0	0
Railroad Noise - Airhorn, Safety, etc	3	1	0	1	0	1

Issue Category	All Regions	Northeast	South	Midwest	West	Not Specified
Railroad Operating Authority Issue	1	0	0	1	0	0
Railroad Paper Barriers	1	1	0	0	0	0
Railroad Preemption	4	0	1	0	0	3
Railroad Rate Levels/Increases	5	1	1	1	1	1
Railroad Service Issue	87	7	32	12	2	31
Railroad Tariff Issue	1	0	0	0	1	0
Rails to Trails	9	2	0	5	0	2
Real Estate Matter	4	0	2	2	0	0
STB Authority Question	5	2	1	1	0	1
STB Fees	1	0	0	0	0	1
STB Information	42	6	3	4	4	25
STB Jurisdictional Question	8	2	1	1	0	4
STB Oral Hearings	1	1	0	0	0	0
STB Procedural Assistance	58	10	4	13	4	26
STB Recordations or Security Interests on Rail Cars	9	2	1	1	2	3
STB Records Assistance	27	5	8	5	3	6
STB Webpage/Downloading Assistance	2	1	0	0	0	1
Water Carrier	6	0	0	0	0	4
Wrong Agency Calls	9	0	2	0	0	7
Other	5	0	3	1	0	1
Total	403	61	78	68	27	169

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

3rd Quarter 2017 Cases per Commodity Group*

Commodity Group	Number
Aggregates	6
Agricultural Products	25
Automobile	1
Chemicals	26
Coal	6
Construction Materials	1
Forest Products	3
Household Goods	11
Industrial Products	10
Intermodal	3
Metals and Minerals	5
Not Specified by Shipper	4
N/A	292
Other	7
Passenger	9
TIH	2
Total	411

*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.