



# SURFACE TRANSPORTATION BOARD

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## STATEMENT OF CHAIRMAN ROBERT E. PRIMUS ON RAILROAD RETALIATION

In my time at the Board, I frequently have heard concerns about retaliation by rail carriers against shippers and others who use or participate in the Board's regulatory proceedings. I therefore feel it is imperative to issue this statement expressing my clear opposition to any such acts or threats of retaliation.

In recent years, I have been advised of actual or threatened retaliation by railroads against stakeholders that provide the Board with information perceived as adverse to railroads or that avail themselves of STB processes. Some allegations have been made in letters, filings, and testimony in specific proceedings, and some stakeholders have raised retaliation concerns to me in informal stakeholder meetings. Forms of retaliation can vary widely but may include actual or threatened increases in rail transportation rates, cutbacks in local service, and refusals to provide new service upon request. In other instances, shippers have advised me that rail carrier representatives have admonished them for contacting the Board to discuss rail service-related concerns. And shipper trade groups have explained that their members often are reluctant to contact the Board due to fears of railroad retaliation. Carriers have generally denied that they engage in such behavior.

While I am not suggesting that most railroads engage in retaliatory acts or threats in response to shipper engagement with the agency, enough concerns have been raised that I believe it is important to remind the industry that the Board has already made clear several times over the years that it does not tolerate retaliation. Shippers must be able to participate in Board processes, both to protect their rights and to provide information to the Board that is important to our mission, without fear of retaliation.

I believe the Board should closely monitor any reports of threatened or actual retaliation by railroads against rail shippers or other stakeholders based on their use of, or participation in, Board regulatory proceedings, formal or informal. Credible claims brought to the Board should be investigated and appropriate actions taken against carriers that engage in unlawful retaliation, including, where appropriate, referring such complaints to the U.S. Department of Justice.

I encourage shippers that believe they have experienced retaliatory actions, or threats of such actions, by rail carriers regarding rail service to notify the Board. For assistance with notifying the Board on any matter, stakeholders may contact the Board's Rail Customer and Public Assistance (RCPA) program within the Board's Office of Public Assistance, Governmental Affairs, and Compliance, by calling (866) 254-1792 (toll-free) or (202) 245-0238, by emailing [rcpa@stb.gov](mailto:rcpa@stb.gov), or by submitting an electronic form available at <https://www.stb.gov/resources/need-assistance/rcpa/rail-consumer/>.

I feel strongly that the Board should address more fully the threat of retaliation, and I am disappointed that we haven't yet done something more on this important issue. So long as I am at the Board, I will continue to express my clear opposition to retaliatory threats and actions and work to make sure shippers and other stakeholders can participate in Board processes without fear of retaliation.

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