

Surface Transportation Board Adopts Revisions to Its User Fees; Action Reflects Inflationary Cost Increases, Changes to Overhead Factors

Surface Transportation Board (Board) Chairman Linda J. Morgan announced today that the Board has adopted its 2002 User Fee Update Schedule (2002 Update) for the processing of various transportation financial transactions and other types of proceedings filed with the Board. The 2002 Update primarily is designed to offset the combined 2002 federal government-wide general and locality salary increase of 4.77 percent that became effective in January 2002. It also is designed to reflect changes to the Board's overhead factors (increases to two factors and a decrease to another).

The 2002 Update maintains the same 114 fee items or sub-fee items (items) from the Board's 2001 User Fee Update Schedule (2001 Update). Of the 114 fee items, 67 (approximately 59 percent) reflect increases over the Board's 2001 Update, ranging from a small increase of \$1.00 for five items and \$2.00 for three other items, to a \$69,800 increase for the processing of a major railroad merger application filed under the Board's guidelines. Among the increased items, 64 percent (43 items) are increased by \$300 or less, while the remainder are increased by more than \$300 each (24 items). Forty-seven existing items remain unchanged.

Fee increases involved in the 2002 Update generally were derived from the application of the update formula at section 1002.3(d) of Title 49, United States Code [49 CFR 1002.3(d)], adopted by the Board (following public notice and comment procedures) in the proceeding entitled, *Regulations Governing Fees for Services—1987 Update, 4 I.C.C. 2d 137 (1987)*. The regulations at 49 CFR 1002 require the Board to conduct such a proceeding annually to update its user fee schedule to reflect the cost of services that it provides. The 2002 Update is in accordance with the Congressional directive, included in the fiscal year 2002 transportation appropriations legislation, that the Board raise \$950,000 in fees to cover a portion of its budget.

The Board issued its 2002 Update in the proceeding entitled *Regulations Governing Fees for Services Performed in Connection with Licensing and Related Services—2002 Update*, STB Ex Parte No. 542 (Sub-No. 8). In adopting the 2002 Update, the Board reiterated that the regulations provide for the waiver of a fee for any entity demonstrating that payment of such a fee will present a financial hardship.

A printed copy of today's decision in Ex Parte No. 542 (Sub-No. 8) is available for a fee by contacting **D~ 2 D~ Legal Copy Service, Suite 405, 1925 K Street, N.W., Washington, DC 20006, telephone (202) 293-7776**, or via da2dalegal@earthlink.net. The decision also is available for viewing and downloading via the Board's website at <http://www.stb.dot.gov>.

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