

SURFACE TRANSPORTATION BOARD REQUIRES ADDITIONAL REPORTING FOR INTERCHANGE COMMITMENTS

The Surface Transportation Board announced its adoption of final rules establishing disclosure requirements for transactions involving interchange agreements.

Interchange commitments are contractual provisions, included within a rail line lease or sale, limiting the incentive or ability of a tenant or purchaser railroad to interchange traffic with a railroad other than the leasing or selling railroad. Under the Board's former rules, if a proposed rail line acquisition involves an interchange commitment, the proponent must inform the Board of the commitment, and must file with the agency a complete and confidential version of the agreement containing that commitment.

In November 2012, the Board proposed additional reporting for interchange commitments in both leases and sales. The Board adopts its proposal, with modifications. The Board will now require parties to file (1) information concerning shippers, carloads and potential interchanging railroads on the affected line, (2) a verification that shippers on the line have been notified, (3) an estimate of the lease- or sale-price differential with and without an interchange commitment, and (4) a case caption that indicates an interchange commitment. The Board will treat the shipper, carload, and lease- or sale-price information as confidential.

The Board's decision in [Information Required in Notices and Petitions Containing Interchange Commitments, EP 714](#), may be viewed and downloaded at the Board's website, www.stb.dot.gov, under "E-LIBRARY / Decisions & Notices / 09/ 05 /13".

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