

SURFACE TRANSPORTATION BOARD DECIDES NOT TO MODIFY UNION PACIFIC'S BI-WEEKLY SERVICE REPORTS

Surface Transportation Board (Board) Chairman Linda J. Morgan announced today that the Board has decided not to modify its order requiring Union Pacific Railroad Company (UP) to file certain information designed to assist the Board in monitoring rail service in the western United States. The Board found that the information already being provided is substantial and sufficient for the Board to monitor UP service levels.

Over the past 9 months, the Board has maintained an emergency service order directing certain changes in the way in which service is provided in the Houston area. In an order issued on July 31, 1998 [see "Surface Transportation Board News" release No. 98-47, issued on July 31, 1998], the Board found that, while service throughout the West is not at uniformly improved levels, the service emergency in Houston is over. Thus, subject to a 45-day "wind-down" period, the Board permitted the emergency service order to expire. The Board did, however, recognize the need to continue monitoring UP's service, and it therefore continued, with some modifications intended to ensure that the data filings are indeed useful and not unduly burdensome or duplicative, its requirement that the carrier file extensive operational data to facilitate the monitoring.

The National Industrial Transportation League (NITL) asked the Board to expand the UP reporting requirements. NITL raised three arguments in support of its request. First, contending that the applicants in the recently approved Conrail transaction have agreed to publicize substantial amounts of performance information, it expressed concern that some of the information required of UP is not being made available to the general public. Second, NITL noted that the information being required focuses principally on systemwide rather than corridor-specific data, and it asked that corridor-specific performance information be filed and made available to the public. Finally, NITL suggested that, by reducing rather than expanding the required reporting, the Board might not have enough information to monitor the situation adequately.

The Board disagreed with these arguments. Noting that route-specific performance information would not tell a shipper anything about its service that the shipper would not already know, the Board pointed out that all of the data being filed by UP other than those involving commercially sensitive information are being made public; that commercially sensitive data have not been public since the beginning of the "Service in the West" proceeding; that the Board did not require release of commercially sensitive information in its decision in the Conrail proceeding; and that even the agreement that the applicant railroads have reached in the Conrail proceeding does not appear to provide for the release of the type of data that NITL seeks of UP here. The Board found UP's reporting adequate for monitoring purposes, and stated that, if anything, rather than expand UP's reporting, it might be more valuable to obtain comparable reports from other western railroads. However, the Board noted, as service improves, the appropriate government response in a service oversight proceeding such as this one ought to be less rather than more intervention. The Board stated:

We recognize that shippers want carriers to publicize performance data over all routes, but that is an industrywide concern that, if not resolved privately, ought to be subject to notice and comment. The reporting requirements of this proceeding are designed to permit us to monitor service. If NITL wishes to initiate a proceeding to address [industrywide issues] on an industrywide basis, it is free to do so. In this proceeding, however, it would be inappropriate to require UP to expand its reporting or publicize commercially sensitive information, when its principal competitors are not being required to do so. We will not here modify the existing reporting requirements at this time.

The Board's decision was issued today in Rail Service in the Western United States, STB Ex Parte 573.

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