

**SURFACE TRANSPORTATION BOARD SEEKS COMMENT ON SMALL RAILROAD PROPOSAL FOR OBTAINING  
EXPEDITED RELIEF FOR SERVICE INADEQUACIES**

Surface Transportation Board (Board) Chairman Linda J. Morgan announced today that the Board, as part of its existing proceeding to develop expedited procedures to address rail service inadequacies, has sought public comment on a proposal by smaller railroads under which they could obtain access to an additional carrier when the service of their connecting railroad is seriously disrupted.

As an offshoot of its proceeding in *Review of Rail Access and Competition Issues*, STB Ex Parte No. 575, the Board initiated a rulemaking proceeding--*Expedited Relief for Service Inadequacies*, STB Ex Parte No. 628, issued May 12, 1998 (see "Surface Transportation Board News" release No. 98-31 issued that date)--to develop procedures under which shippers may be able to require a "host" or "incumbent" carrier to open up its lines to another carrier if, over an identified period of time, there has been a substantial, measurable deterioration in the rail service provided by the incumbent carrier. The proposal, while not specifically limited to shippers, did not explicitly cover smaller railroads. Yet, at the time the Ex Parte No. 628 proceeding was initiated, the smaller railroads were not in a position to participate and suggest how their interests could be addressed because, in accordance with the Board's directive as part of the Ex Parte No. 575 process, they were conducting discussions with the larger railroads to address privately a variety of concerns.

On September 22, 1998, the Board announced that the large and small railroads had reached agreement as to several issues (see "Surface Transportation Board News" release No. 98-60 issued that date). One issue as to which the parties did not agree, however, was the question of access of smaller railroads to additional large railroads during periods of disrupted service. The American Short Line and Regional Railroad Association (ASLRRRA) therefore filed its pleading asking the Board to address the issue. ASLRRRA suggested various ways in which to provide temporary access to a second carrier during a temporary service disruption: relief from the terms of an existing barrier (such as a "paper" barrier limiting the carriers with which the small railroad may interchange), to permit direct access to the additional carrier; permitting the small railroad access over the incumbent carrier in order to reach the additional carrier; or permitting the additional carrier access over the incumbent to reach the small railroad. The Association of American Railroads (AAR) responded to the ASLRRRA request, agreeing in principle but taking issue with certain aspects of the ASLRRRA proposal.

In the decision issued today, the Board concluded that the ASLRRRA request should be considered in the Ex Parte No. 628 proceeding. Comments on the matter are due on **October 30, 1998**, with replies due on **November 7, 1998**.

The Board's decision was issued today in *Expedited Relief For Service Inadequacies*, Ex Parte No. 628, and is available on the Board's web site at **ww.stb.dot.gov**.

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