

## SURFACE TRANSPORTATION BOARD ADOPTS REVISIONS TO ITS USER FEES TO REFLECT COST OF PUBLIC SERVICES

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### SURFACE TRANSPORTATION BOARD ADOPTS REVISIONS TO ITS USER FEES TO REFLECT COST OF PUBLIC SERVICES

Surface Transportation Board (Board) Chairman Linda J. Morgan announced today that the Board has adopted its 1997 User Fee Update Schedule (1997 Update) for the processing of various transportation financial transactions and other types of proceedings filed with the Board. The 1997 Update is primarily designed to offset the combined 1997 federal government-wide general and locality salary increase of 3.33% that became effective in January 1997. It also is designed to cover the significantly increased cost to the Board, from \$100 per column to a minimum cost of \$126 per column, effective January 1, 1997, of having many of its official decisions and other matters published in the Federal Register, as required by law.

The 1997 Update contains 109 fee items or sub-fee items (items). Of that number, approximately two-thirds, or 73 items, reflect increases over the Board's 1996 Update, ranging from a small increase of \$1 for several items to a higher increase of \$59,000 for the processing of major railroad financial transactions. Of the 73 items being increased, over half, or 38, are being increased by \$200 or less, while the remaining portion, or 35, are being increased by more than \$200 each. There are also 35 items that remain unchanged. Of the 35 unchanged items, 12 remain constant based on Board policy, while the other 23 remain unchanged as a result of the Board's updating procedures.

The Board is adding only one new fee item, "56(iv), Competitive access complaints," at a filing cost of \$150, to its 1997 Update to cover the cost of processing railroad competitive access complaints. This item was added following the Board's recent decision in the "bottleneck" A situation where a shipper is served by only one railroad, the "bottleneck" carrier, even though at least one competing railroad is able to provide service to a point near the shipper. railroad rate complaint cases, Central Power & Light Company v. Southern Pacific Transportation Company, No. 41242; Pennsylvania Power & Light Company v. Consolidated Rail Corporation, No. 41295; and Midamerican Energy Company v. Union Pacific

Railroad Company and Chicago and North Western Railway Company, No. 41626, issued to the public on December 31, 1996. in which the Board indicated that, in certain such cases, rate relief would be available in connection with the filing of a competitive access complaint.

Fee increases involved in the 1997 Update generally were derived from 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 the services it provides. The 1997 Update is in accordance with the Congressional directive, included in the fiscal year 1997 transportation appropriations legislation, that the Board raise \$3 million in fees to cover a portion of its budget.

The Board made its 1997 Update in the proceeding entitled Regulations Governing Fees for Services Performed in Connection with Licensing and Related Services--1997 Update, STB Ex Parte No. 542 (Sub-No. 1). In adopting the 1997 Update, the Board reiterated that its regulations provide for the waiver of a filing fee for any entity demonstrating that payment of such a fee will present a financial hardship.

Copies of the Board's fee adoption decision in STB Ex Parte No. 542 (Sub-No. 1), issued to the public today, January 23, 1997, and scheduled to become effective on **February 24, 1997**, are available by writing:

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