

STB REAUTHORIZATION ACT IMPLEMENTATION CONTINUES: SURFACE TRANSPORTATION BOARD INITIATES PROCEEDING TO EXPEDITE RATE CASES

The Surface Transportation Board (STB or Board) today issued an Advanced Notice of Proposed Rulemaking (ANPR) outlining measures to expedite its handling of rate cases. The ANPR implements Section 11 of the Surface Transportation Board Reauthorization Act of 2015, which instructed the Board to “initiate a proceeding to assess procedures that are available to parties in litigation before courts to expedite such litigation and the potential application of any such procedures to rate cases.” The Act required the Board to begin this rulemaking within 180 days of its date of enactment.

In anticipation of this ANPR, STB staff held informal meetings with practitioners, consultants, and stakeholders who have significant experience in rate reasonableness cases to discuss ways to move those cases, particularly Stand Alone Cost (SAC) rate cases, more quickly, including ways in which procedures for streamlining court litigation could be applied. Based on the Board’s own experience in processing rate cases, as well as input from the informal meetings, the Board plans to explore formally several ideas to expedite these cases.

Through the ANPR, the agency is seeking comment from stakeholders. Parties are specifically requested to address the topics listed in the ANPR; however, commenters are also encouraged to offer additional ideas and observations about ways to expedite the SAC process and time-saving practices available in civil litigation.

“We appreciate Congress’ focus on expediting our SAC rate cases. Section 11 of the Reauthorization Act prompts us to work creatively with our stakeholders to explore ways to fast-track these important, but highly-complex matters. Our informal meetings were a very productive first step, and we look forward to receiving further stakeholder input,” noted STB Chairman Daniel R. Elliott III.

Comments regarding today’s ANPR are due by August 1, 2016, and replies are due by August 29, 2016. The Board’s decision requesting comment in [Expediting Rate Cases, EP 733](#), can be found on the Board’s website, www.stb.dot.gov, under “E-LIBRARY / Decisions & Notices / 6 / 15 / 2016” .

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