

STB ISSUES PROPOSED RULES FOR INVESTIGATIONS

The Surface Transportation Board announced today that it has issued a Notice of Proposed Rulemaking (NPR) to establish procedures for Board-initiated investigations pursuant to Section 12 of the Surface Transportation Board Reauthorization Act of 2015 (STB Reauthorization Act), P.L. 1141-110, 129 Stat. 2228 (2015). The STB Reauthorization Act gives the Board authority to start investigations on its own initiative, but only if the issues investigated are of national or regional significance. The Board is inviting public comment on its proposal.

The STB Reauthorization Act provides a basic framework for conducting investigations on the Board's own initiative. To implement that framework, per the Board's jurisdiction under 49 U.S.C. Subtitle IV, Part A, the Board is proposing a three-stage process:

Stage 1: Preliminary Fact-Finding: An initial stage, during which Board staff would conduct a nonpublic inquiry regarding an issue to determine if there is a potential violation of 49 U.S.C. Subtitle IV, Part A, of national or regional significance warranting investigation.

Stage 2: Board-Initiated Investigation: After preliminary fact-finding, the Board could decide to start a Board-Initiated Investigation; this process would begin with an Order of Investigation, which provides notice and relevant information to parties under investigation. Pursuant to the STB Reauthorization Act of 2015, investigations must be concluded within one year. Within 90 days of receiving recommendations and summary of findings from staff, the Board must either dismiss the investigation, if no further action is warranted, or initiate a formal Board proceeding to determine whether a provision of 49 U.S.C. Subtitle IV, Part A has been violated.

Stage 3: Formal Board Proceeding: The Board would decide whether to open a public, formal Board proceeding to determine whether a provision of 49 U.S. C. Subtitle IV, Part A, has been violated. Pursuant to the STB Reauthorization Act of 2015, any remedy the Board may order as a result of such a proceeding, which started with a Board-Initiated Investigation, may only be applied prospectively.

"The Reauthorization Act provided the Board with important new authority to investigate issues of national or regional significance. The rules proposed today will put procedures in place for using that authority," said STB Chairman Daniel R. Elliott III.

The Board's decision announcing its NPR in [Rules Relating to Board-Instituted Investigations, EP 731](#), can be found at the Board's website, www.stb.dot.gov, under "E-LIBRARY / Decisions & Notices / 5/16/2016" .

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