

SURFACE TRANSPORTATION BOARD ADOPTS FINAL RULES TO ENCOURAGE USE OF MEDIATION & ARBITRATION

The Surface Transportation Board announced today that it has adopted final mediation and arbitration rules that establish a new arbitration program under which shippers and railroads may agree in advance to voluntarily arbitrate certain types of disputes with clearly defined liability limits in matters coming before the agency.

The changes to existing mediation rules establish procedures under which the Board may order parties to participate in mediation in certain types of disputes before the Board, on a case-specific basis.

Today's action reflects the Board's facilitation of alternative dispute resolution in lieu of formal agency proceedings, wherever possible. Changes to the arbitration rules are intended to consolidate and simplify formerly separate arbitration procedures and to encourage greater use of arbitration. In the new rules, the Board identifies specific types of disputes eligible for the new arbitration program and establishes clear limits on monetary amounts in controversy. The Board believes that the new program will be more useful to both shippers and railroads through its facilitation of dispute resolution in a less time-consuming, expensive, and adversarial manner than through the formal adjudicatory process.

This decision follows the Board's August 2010 decision seeking public input on ways to increase the use of mediation and arbitration at the Board; March 2012 Notice of Proposed Rulemaking; receipt and analysis of public comments in response to both; and review of testimony provided in an August 2012 public hearing held at the Board.

The Board's decision in [Assessment of Mediation and Arbitration Procedures, EP 699](#), may be viewed and downloaded at the Board's website, www.stb.dot.gov, under "E-LIBRARY / Decisions & Notices / 05/13/13".

###