



# Surface Transportation Board

## Budget Request Fiscal Year 2024

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## About the Surface Transportation Board

The Surface Transportation Board (STB, Board, or agency) is primarily charged with the economic oversight of the nation's freight rail system. The Board has jurisdiction over, among other things, the reasonableness of railroad rates and practices, and over mergers, line acquisitions, new rail line construction, abandonments of existing rail lines, rail service issues, and certain matters regarding Amtrak. The Board is charged with providing an efficient and effective forum for the resolution of disputes and other matters within its jurisdiction. The Board favors private-sector negotiations and resolutions and takes other actions in the public interest as necessary.

### Our Mission

The STB is an independent economic regulatory agency that seeks to promote a balanced, competitive, and responsive surface transportation system, primarily the interstate rail network, and that addresses the needs of the network for the benefit of the general public.

### What We Do

In carrying out its mission, the STB engages in a variety of activities on a day-to-day basis. With regard to formal proceedings, the Board processes legal filings; conducts the appropriate economic, environmental, and legal analysis; researches and prepares draft decisions; conducts a voting process; issues decisions; and defends agency actions that are challenged in court.

Outside of formal proceedings, the Board facilitates informal disputes resolution and works with governmental entities, the public, and the media to provide information about the agency and its processes. The Board also collects and analyzes service-related, economic, and financial data, producing studies and analytical tools that are useful to both the agency and the public at large. As an independent agency, Board employees also handle important administrative functions, including information technology and security, facilities, and human resources.

### History

The bipartisan Board was established in 1996 as the successor to the Interstate Commerce Commission. The Board was administratively aligned with the Department of Transportation until enactment of the Surface Transportation Board Reauthorization Act of 2015 (STB Reauthorization Act), Pub. L. No. 114-110, which established the Board as a fully independent agency on December 18, 2015. The STB Reauthorization Act also expanded the Board's membership from three to five Board members.

### Statutory Authority

The economics of freight rail regulation affect the national transportation network and are important to our nation's economy. For this reason, Congress gave the STB sole jurisdiction over railroad rates, practices, and service. Congress also gave the STB sole jurisdiction over rail mergers and consolidations,

abandonments of existing rail lines, and new rail line constructions, exempting STB-approved transactions from federal antitrust laws and state and municipal laws.

While a majority of the Board's work involves freight railroads, the STB's involvement with passenger rail matters has increased. The STB also performs certain oversight of the intercity bus industry, non-energy and non-water pipelines, household goods carriers' tariffs, and rate regulation of non-contiguous domestic water transportation (marine freight shipping involving the mainland United States, Hawaii, Alaska, and U.S. territories and possessions such as Puerto Rico and Guam).

## FY 2024 Budget Overview

The STB requests \$48,184,000 for Fiscal Year (FY) 2024 to carry out its statutory responsibilities and to continue to meet the needs of stakeholders and the public<sup>1</sup>. This level of funding would allow the Board to sustain its FY 2022 personnel and non-personnel investments and enable the agency to maintain its planned FY 2023 investments, including 10 additional full-time equivalents (FTEs) to assist in carrying out the responsibility of the Board's Office of Passenger Rail, which will be formed as of October 1, 2022. The STB would continue to prioritize efforts toward Information Technology (IT) modernization and cybersecurity including data infrastructure and build on the agency's efforts to strategically plan and organize evidence-building, data management, and data access functions in support of evidence-based decision-making and the agency's mission in general. In addition, the agency would continue its innovation and inclusiveness by strengthening and empowering its workforce to help facilitate mission-effectiveness in a hybrid work environment.

The Board's funding request is based on a projected staffing level of 152 FTEs. This level is an increase of 10 FTEs over what was requested for FY 2023, to support the Board's new Office of Passenger Rail which will initially be staffed by existing Board employees. The proposed FY 2024 personnel costs would increase by \$3,931,000 over the FY 2023 estimate to offset the annualized total cost of the 4.6% pay raise for FY 2023 and the anticipated 5.2% pay raise for FY 2024, including the increased cost of employee promotions, within-grade increases, and benefits, as well as the addition of 10 FTEs. The non-personnel expenses would increase by \$2,825,000 to provide the agency with the necessary resources to support its mission and account for the rising costs of goods and services.

As the Board expands its program, hiring and retaining highly skilled, high-performing staff is a Board priority. The STB fills positions that directly support the Board's mission and addresses vacancies resulting from employee retirements or other separations with a keen understanding of the mix of skills required to meet the Board's needs. To further the STB's efforts to ensure an inclusive work environment, the agency's hiring priorities would be best met by increasing the diversity of its own staff while developing and employing a skilled and inclusive workforce. This approach would help the agency build a sense of community and take better account of diverse communities and viewpoints. In FY 2023 and FY 2024, the Board will continue to actively seek to fill staff vacancies by attracting staff with appropriate technical skills to achieve the mission of the agency. In addition, the STB will continue its

Internship Program of at least three paid interns for the Summers of FY 2023 and FY 2024. The STB looks to further its efforts in marketing the agency and its mission in a way that promotes this approach to allow for improved recruiting of highly qualified individuals.

The Board's non-personnel budget request would continue to support several IT modernization efforts as it further leverages cloud-based technologies and moves to a Zero Trust architecture, as well as continued improvements to the Board's website, data infrastructure, and cybersecurity program. The request also would continue to build out its data and analytical capabilities to strengthen the Board's evidence-based decision-making and management of its data. Further, the requested funding would support potential efforts to have centralized systems for records and asset management, as well as acquisition and budgeting.

## Summary of Changes Compared to the FY 2023 Budget Request

(dollar amounts in thousands)

### Personnel Cost Change

#### Personnel Costs



Personnel costs are expected to increase to support the addition of 10 FTEs while providing the resources necessary to cover annualized cost of the 4.6% FY 2023 pay raise; anticipated 5.2% FY 2024 pay raise; and the projected increased costs of promotions, within-grade increases, and employee benefits, as well continuing the Board's Internship Program.

### Non-Personnel Cost Changes

#### Rent, Building Security, and Utilities



The Board's rent and associated obligations in FY 2024 are expected to increase due to greater costs for rent and building security. The increase in rent is attributed to an expected escalation of taxes; the increase in building security obligations is a result of anticipated increases in costs associated with labor, supplies, and materials incurred by the Department of Homeland Security. The Board is identifying digital alternatives to reduce physical landlines which the Board anticipates will decrease costs in future years.

#### Information Technology and Cybersecurity



IT and cybersecurity obligations are expected to increase as the Board continues to evaluate and modernize its IT infrastructure, maintain its improved systems, improve governance of IT systems and the Board's data, and support its level of cybersecurity needs commensurate with its risks. The STB will continue implementing IT enhancements that are cloud-based, as well as tools to improve productivity, collaboration, data analysis, and other innovative solutions to leverage the Board's data as a strategic asset. The cost increase reflects the Board's emphasis on cybersecurity, privacy, records management, and evidence-based policymaking initiatives. These funds would also enable the Board to make progress in managing its internal data and infrastructure and making certain data more accessible and improving the experience to stakeholders as it modernizes its public-facing website.

#### **Prioritizing IT Modernization IT and Cybersecurity:**

The increased funding would allow the Board to manage its IT environment more effectively and securely while establishing a secure cloud infrastructure and moving toward a Zero Trust architecture. This increased funding would also allow the STB's IT modernization efforts to make proactive investments in data visualization and management to meet the changing needs of staff, stakeholders, and the public. Funding will also be used to address IT supply chain risk management and further prioritize capabilities in maturing IT. The STB continues to invest in improving its accessibility to data assets and the strengthening of its data infrastructure to ensure high quality data while maintaining safety, security, privacy, and confidentiality.

## Interagency Agreements and Technical Services



The Board's estimate includes anticipated increased costs of STB's use of shared service providers for records storage and services, Human Resources (HR), IT, Freedom of Information Act (FOIA), employee health, background investigations, and finance through agreements with other federal agencies, which improves the efficiency and effectiveness of mission support. The forecasted increased funding requested for interagency agreements and technical services includes a special Uniform Rail Costing System (URCS) study and continued efforts to improve efficiency by conducting formal business process mapping and use of cloud-based solutions for financial and record management processes. Additionally, a component of the increased funding relative to FY 2023 is ascribed to reclassification of employee health and background investigations from miscellaneous to interagency agreements and technical services to better align category of use.

### Evaluation and Evidence-Based Activities:

The increase in funding will allow the STB to continue to leverage its data maturity roadmap and to integrate evidence-based decision-making into routine practices and policies at the Board. The Board would continue investing in its data transformation efforts to improve the use of data analytic tools to ensure the Board's analytics meet the needs of the STB and stakeholders. As the agency continues to evaluate its data maturity it will look to strengthen its data infrastructure and governance, improve data collection and analysis, automation, and other evidence-based activities.

## Travel and Transportation



Travel obligations are expected to increase to support regulatory reviews, stakeholder engagement, site visits, representation at stakeholder meetings, representation in court, and other travel required to meet the STB's mission, as appropriate. The increase also includes travel to enhance skills and to further staff understanding of mission critical issues facing the industry.

## Training



General training obligations are expected to increase as the Board enhances its leadership development opportunities to staff. The STB will continue to utilize FedTalent and offer more in-house training sessions to advance staff skills, obtain required certifications, and meet professional education requirements for an evolving workforce.

### Strengthening and empowering the workforce:

The Board in FY 2022 began a tuition reimbursement program to support the continued educational and skills development of its staff. Funding will also support the continued reskilling and upskilling of staff to improve employee engagement and retention, and increase productivity and collaboration among offices, other agencies, and stakeholders. In addition, this will allow staff to be more agile and adaptable to shifting priorities and able to provide more value in the work they do to achieve the Board's mission.



**Office Printing, Supplies, Subscriptions, and Publications**



The STB has centralized its purchasing of supplies and consolidated its subscriptions. While the cost of supplies is expected to decrease due to less need, the STB anticipates that the cost of online subscriptions and publications in the Federal Register and Code of Federal Regulations will increase. The Board will continue to look at efforts for increased digitalization and cost savings.

**Miscellaneous Expenses**



The cost of miscellaneous services is expected to increase to cover additional costs for building operations, general maintenance, and hearings.

**Working Capital Fund (WCF)**



The cost of WCF obligations such as property management, personnel security administration, and procurement support are forecasted to marginally increase during FY 2024.

**Net Non-Personnel Cost Changes**

**+\$2,825**

**Total Adjustment to Base (\$41,429)**

**+\$6,755**

**Total Budget Request**

**\$48,184**

## Proposed Appropriation Language

### Salaries and Expenses

For necessary expenses of the Surface Transportation Board, including services authorized by 5 U.S.C. § 3109, \$48,184,000: Provided, that notwithstanding any other provision of law, not to exceed \$1,250,000 from fees established by the Surface Transportation Board shall be credited to this appropriation as offsetting collections and used for necessary and authorized expenses under this heading: Provided further, that the sum herein appropriated from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2024, to result in a final appropriation from the general fund estimated at no more than \$46,934,000.

# Program Overview

## Strategic Goals

The work that the Board conducts to carry out its responsibilities is guided by the following four strategic goals as set forth in its Strategic Plan FYs 2022-2026<sup>2</sup>:

### **First strategic goal: Promote and protect the public interest in surface transportation matters.**

Strategic Objectives-

- Remedy competitive and other regulatory concerns, where appropriate, by determining reasonable rates and practices for users of the national rail network and other transportation modes within the Board's jurisdiction;
- Evaluate certain railroad licensing actions for consistency with the public interest, considering the potential effects on shippers, consumers, the rail network, the environment, railroad employees, and the public at large;
- Promote consistent, fluid, and efficient service that fulfills the needs of customers and the public in an ever-changing economy; and
- Consider potential environmental and historic impacts in agency decision-making, consistent with applicable laws and regulations, and impose mitigation conditions as appropriate.

### **Second strategic goal: Foster a competitive and sound surface transportation system that provides reliable service at reasonable rates.**

Strategic Objectives-

- Uphold the common carrier obligation;
- Preserve and enhance competition, including through regulation, where appropriate;
- Provide accessible and transparent rate review processes;
- Provide oversight of passenger rail service in order to carry out statutory directives;
- Monitor the service and operations of carriers and take appropriate action where conditions warrant; and
- Monitor revenue adequacy and promote a climate that encourages carriers to invest in present and future capacity needs.

### **Third strategic goal: Provide an accessible, data-driven, and time- and cost-efficient regulatory process that enables stakeholders in the surface transportation industry to plan and conduct their**

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<sup>2</sup> [Strategic Plan Fiscal Years 2022-2026](#), (STB decided February 28, 2023) (Board Member Fuchs dissenting). The Board will include updated performance measures in its FY 2025 Budget Request.

**operations effectively.**

Strategic Objectives-

- Provide well-defined formal and informal dispute resolution processes to enable parties to make informed decisions about how to best resolve their disputes;
- Reach timely adjudicatory decisions by adhering to appropriate internal and external deadlines; and
- Conduct environmental reviews necessary to support the Board’s decisions in a timely and cost-effective manner.

**Fourth strategic goal: Employ a skilled and diverse workforce, encourage innovative leadership at all levels of STB, and apply best practices in a collaborative and well-supported environment.**

Strategic Objectives-

- Foster a workplace culture that is inclusive, equitable, and accessible by developing and employing a skilled workforce that is representative of people from diverse backgrounds at all levels of the agency;
- Encourage innovative leadership at all levels of the STB that creates a culture of inclusion and, among other things, is attentive to our changing work environment; and
- Apply best practices in a collaborative and well-supported environment, incorporating data-driven decision-making.

**Evidence and Evaluation**

The STB relies on evidence-based decision-making to implement its Strategic Plan. Reliance on evidence-based decision-making is the responsibility of each Board office, from substantive matters of case adjudication and informal assistance regarding freight rail service to administrative matters concerning IT modernization and budgeting. As the agency continues to implement reforms to provide a more efficient and effective regulatory review process, it will endeavor to analyze new proposals against historical and other data to evaluate these reform initiatives. The agency will continue to evaluate its data collection and analysis capacity to support processes like agency operations, human capital management and development, and program administration, as well as to support mission-strategic areas. The Board’s continued goal is to use its data as a strategic asset and to make evidence-based decisions to achieve its mission, serve the public, and steward resources while protecting security, privacy, and confidentiality. This includes agency efforts related to diversity and inclusion.

The STB continues to make progress pursuant to the Foundations for Evidence-Based

Policymaking Act of 2018 (Evidence Act) and the Federal Data Strategy. The STB has furthered its data and analytics maturity and developed a multi-year data strategy that will enable the Board to meet its mission more efficiently and effectively. During FY 2022, the Board continued its data efforts including its use of data science and analytical tools, including pilots for data transformation, a QuickSight Dashboard, and a data warehouse. In addition, the Board matured its CKAN Enterprise Data Catalog architecture. The Board stood up a database for the analysis of incoming data from the Class I Railroads which has proved very useful in ongoing Board monitoring.

## **Risk Management, Cybersecurity, and IT Modernization**

During FY 2022, the STB continued working to implement a cost-effective, risk-based cybersecurity program that is aligned with the National Institute of Standards and Technology security standards and guidelines. The Board's Federal Information Security Modernization Act (FISMA) security level increased to Level 3, "Consistently Implemented," and there were no new recommendations issued for FY 2022. Nineteen (19) of the FY 2021 recommendations were closed during the FY 2022 FISMA assessment. The Board continues to work to resolve the eight remaining open recommendations from FY 2021.

In FY 2022, the Board continued to strengthen its cybersecurity posture by investing in new technologies, processes, and capabilities to meet FISMA requirements and the Office of Management and Budget (OMB) regulations, as well as the current needs of its IT modernization efforts. The STB continues to expand its use of Department of Homeland Security Continuous Diagnostics and Mitigation Program resources as it automates its continuous security monitoring of the STB's network.

The benefits of the Board's ongoing IT modernization efforts were evident as the agency transitioned to a hybrid work environment. Utilizing collaboration tools, staff were able to navigate this new environment with no loss in productivity. Without the continued investments in the Board's IT architecture and infrastructure, this hybrid approach would not have been possible. The Board is working to transition to new solutions for managed data services over a secure, highly redundant, and high-capacity fiber optic telecommunications platform. Larger modernization efforts in FY 2022 include upgrading the Board's virtual server environment, which allows for consolidating resources in the IT environment and improving the IT architecture, implementing a new cloud-based backup solution, and continuing the migration of content from the Board's data center in Washington, D.C. to the cloud. In FY 2022 the Board completed initial steps along the Data Management Roadmap by establishing a pilot data warehouse in the cloud. Going forward, the Board expects to build

on this foundation and continue to support the evidence-based decision-making and data analytics goals of the Board.

The Board also continues to mature its internal risk management process and procedure controls. The Board is leveraging outside consultants to mature its enterprise risk management program. At least once per quarter, the Board's Risk Management Committee meets to assess organizational risk and identify ways to mitigate that risk. At least once per year, the Board reviews and updates its Risk Profile to ensure enterprise risk is considered and addressed.

## **Return to Office**

The STB has successfully carried out its mission and protected its workforce during COVID-19 and continued to do so as staff returned to the office during FY 2022. The STB, after obtaining feedback from staff and holding internal meetings, updated its workplace policies and moved to a steady state of what the Office of Personnel Management considers maximum telework, which is two days in the office per pay period for most staff. The Board continued leveraging online collaboration tools, cloud-based software, and cybersecurity to make this transition easier and the hybrid work environment stronger, which allowed the agency to produce sound decisions, conduct informal dispute resolution, meet with stakeholders, and provide the resources needed to accomplish the agency's mission, including the initiatives highlighted below. The STB continues to evaluate its future of work state and its physical space requirements.

## **2021 Best Places to Work in the Federal Government rankings**

The STB received an award from the Partnership for Public Service for its ranking in the Best Place to Work in the Federal Government: 5th out of 29 small agencies, which constitutes a substantial improvement over STB's ranking of 13th last year. Our overall employee engagement score was 79.2, an increase of 2.2 points since over last year. This year the STB was the #1 ranked small agency—and tied for the top score among agencies of any size and agency subcomponents—in the subcategory measuring whether employees felt their well-being was supported during COVID, with a score of 98.1. The STB will seek to empower, respect, and galvanize its workforce through policies that are consistent throughout the agency while being sufficiently flexible to address a variety of situations and the future of the Federal workforce.

# FY 2022 Activities and Accomplishments

## Rail Mergers

On November 23, 2021, the Board accepted for consideration the application of Canadian Pacific Railway Limited and various related entities (Canadian Pacific), and Kansas City Southern and its U.S. rail carrier subsidiaries (KCS), for Canadian Pacific to acquire control of KCS. As described in more detail below, during FY 2022 the Board has been building the record and carrying out its careful consideration of this major merger proposal. The draft Environmental Impact Statement was issued on August 5, 2022, and the Board's Office of Environmental Analysis (OEA) will be holding hearings in locations potentially affected by the pending merger throughout the Fall. The Board held a hearing at its headquarters in September 28-30, 2022. The Board expects this ongoing proceeding to continue to consume significant staff time and resources in FY 2023.

Additionally, in FY 2022 the Board concluded its consideration of the application of CSX Corporation and CSX Transportation, Inc. (CSXT) to acquire control of seven rail carriers owned by Pan Am Systems, Inc., and Pan Am Railways, Inc., a "significant" transaction under the Board's regulations. As described further below, on April 14, 2022, the Board approved that application, subject to conditions.

## Rail Service Oversight and Monitoring

During FY 2022, the Board continued its monitoring of rail service across the freight rail network. In particular, the Board continued to focus on the disruptive impact on rail service and operations caused by COVID-19. The Board maintained its frequent contact with stakeholders in an effort to monitor the adequacy of rail service in meeting demand growth as shippers continued to scale up production following pandemic related curtailments. Toward this end, the Chairman requested that Class I railroads provide detailed information about their respective preparedness to meet increased rail service demand, including expectations for volume growth, the availability of employee and equipment resources, and hiring plans for the balance of 2021 and going forward into 2022. The Board is also monitoring disruptions in the international intermodal supply chain, in particular container congestion at ports, rail ramps, and gateways.

By the first quarter of 2022, the Board had heard from a broad range of stakeholders about inconsistent and unreliable rail service. The Board also received reports from the Secretary of Agriculture and other stakeholders about the serious impact of these service trends on rail users, particularly with respect to shippers of agricultural and energy products. These reports were validated by the Board's weekly rail service performance data collected from the railroads. As a result, the Board determined that the service issues had reached a level that necessitated a public hearing. The Board held two days of public hearings, on April 26 and 27, 2022, on recent rail service problems and recovery efforts involving several Class I carriers

and directed executive-level officials of BNSF Railway Company, CSX Transportation, Inc., Norfolk Southern Railway Company, and Union Pacific Railroad Company to appear.

Following the public hearing, in *Urgent Issues in Freight Rail Service—Railroad Reporting*, Docket No. EP 770 (Sub-No. 1), on May 6, 2022, and again on June 13, 2022, the Board required these four Class I carriers to develop service recovery plans, to provide additional information on their actions to improve service and communications with their customers, to report detailed service and employment data (including targets), and to participate in biweekly calls with Board staff.

In addition, after hearing concerns raised by shippers across numerous industries, in *First-Mile / Last-Mile Service*, Docket No. EP 767, the Board invited comments on first-mile / last-mile (FMLM) service, which is the movement of railcars between a local railroad serving yard and a shipper or receiver facility. Specifically, the Board requested information on possible FMLM service issues, the design of potential metrics to measure such service, and the associated burdens or trade-offs with any suggestions raised by commenters.

In *Foster Poultry Farms—Ex Parte Petition for Emergency Service Order*, Docket No. FD 36609, the Board on June 17, 2022, granted Foster Poultry Farms' petition for an emergency service order and directed Union Pacific Railroad Company to deliver certain trains to Foster Poultry Farms' facilities in Traver and Turlock, Cal. Thereafter, on July 1, the Board directed UP to continue to carry out its specific service commitments to Foster Poultry Farms, participate in weekly technical conferences with the Office of Public Assistance, Governmental Affairs, and Compliance (OPAGAC), and file daily service status reports with the Board, until July 17, 2022. On July 20, 2022, the Board denied Foster Poultry Farms' request to extend the emergency service order further, as the record did not show that the emergency continued to exist, but kept the docket open for six months in the event that further action were to become necessary.

In addition, the Board, through OPAGAC's Rail Customer and Public Assistance (RCPA) program, continued its monthly calls with each Class I railroad to monitor rail service across the network and maintain awareness of positive and negative developments in the industry. These calls are informed by, among other things, the rail service performance data that the Class I railroads and the Chicago Transportation Coordination Office report to the Board on a weekly basis. RCPA reviews the data to identify performance trends and outliers and to make year-over-year and month-over-month comparisons in performance. RCPA also monitors and tracks carrier embargoes.



## **Rates and Competition**

During FY 2022, the Board continued to move forward in reforming its rate review processes. In July 2020, the Board issued final rules adopting a streamlined market dominance process that could be used in rate review proceedings; during 2021 and 2022 it has been considering petitions to reconsider and modify those rules. The Board received supplemental comments on its proposed rules to establish a new rate review option for smaller cases (called “Final Offer Rate Review,” or “FORR”). The Board also received comments on a proposed arbitration procedure for smaller cases. The Board is considering comments in each docket, which are described further below.

In *Omaha Public Power District v. Union Pacific Railroad Company*, Docket No. NOR 42173, Omaha Public Power District (OPPD) filed a complaint challenging the reasonableness of a rate assessed by Union Pacific Railroad Company (UP) for the transportation of unit trains of coal in shipper-supplied railcars to OPPD’s power station in Omaha, Neb., from UP’s interchange in Omaha with BNSF Railway Company. The Board granted a protective order to enable the case to move forward.

## **Passenger Rail**

In August 2021, Chairman Oberman appointed a Passenger Rail Unit Development Coordinator, and an attorney to assist the Coordinator to develop plans to enhance the agency’s passenger rail oversight efforts and to ensure it will fully meet its obligations to enforce new on-time performance requirements. The development team has created comprehensive plans related to on-time performance investigation processing and resource allocation. This includes planning the creation of a passenger rail office and identifying and hiring the key personnel and expertise needed to staff that office. The Board voted to create this office effective October 1, 2022.

In addition, the Board has entered into an interagency agreement with the U.S. Department of Transportation’s Volpe National Transportation Systems Center to develop data tools to quickly analyze the FRA’s on-time performance quarterly data.

On February 14, 2022, the FRA published the Quarter 4, Calendar 2021 Amtrak on-time performance data. Since then, the FRA has also released the Quarter 1 and Quarter 2, Calendar 2022 Amtrak on-time performance data. The development team has analyzed and continues to assess the on-time performance data.

Throughout FY 2022, OPAGAC also continued to monitor Amtrak’s performance through publicly available information and responded to informal inquiries about Amtrak. OPAGAC staff also met regularly with Amtrak staff to discuss Amtrak’s publicly available, monthly, on-time performance operating statistics.

## Rulemakings

In *Revisions to Regulations for Expedited Relief for Service Emergencies*, Docket No. EP 762, the Board in April 2022 issued a notice of proposed rulemaking to amend its emergency service regulations and solicited public comments. The proposed rule would: (1) amend procedures for parties seeking a Board order directing an incumbent carrier to take action to remedy a service emergency; (2) indicate that the Board may act on its own initiative to direct emergency service; (3) modify the informational requirements for parties in emergency service proceedings; (4) shorten the filing deadlines in emergency service proceedings and establish a timeframe for Board decisions; and (5) establish an accelerated process for certain acute service emergencies.

In *Final Offer Rate Review*, Docket No. EP 755, et al., in response to comments received on its previously issued notice of proposed rulemaking, the Board in November 2021 invited parties, through a supplemental notice of proposed rulemaking, to comment on certain modifications to the proposed rate reasonableness procedure, as well as other issues, and received supplemental comments.

In *Joint Petition for Rulemaking to Establish a Voluntary Arbitration Program for Small Rate Disputes*, Docket No. EP 765, in response to a joint petition for rulemaking filed by five Class I rail carriers, the Board issued a notice of proposed rulemaking in November 2021 with respect to a proposal to modify its regulations to establish a voluntary arbitration program for small rate disputes and solicited and received public comments.

In *Petition for Rulemaking—Railroad Consolidation Procedures— Exemption for Emergency Temporary Trackage Rights*, Docket No. EP 282 (Sub-No. 21), the Board in November 2021 adopted a final rule establishing a new class exemption for emergency temporary trackage rights. The final rule also made certain other related changes to the class exemptions for trackage rights and temporary trackage rights.

In *Petition for Rulemaking to Adopt Rules Governing Private Railcar Use by Railroads*, Docket No. EP 768, the Board in November 2021 opened a proceeding to consider a proposal by the North America Freight Car Association, The National Grain and Feed Association, The Chlorine Institute, and The National Oilseed Processors Association to adopt regulations governing railroads' use of private freight cars. In April 2022, the Board issued a further decision soliciting public comments on issues raised in the petition for rulemaking as well as on a number of specific related questions raised by the Board.

In *Reciprocal Switching*, Docket No. EP 711 (Sub-No. 1), the Board held a two-day public hearing on March 15 and 16, 2022, concerning the reciprocal switching regulations it previously had proposed in this proceeding. Following the hearing, the Board allowed supplemental written comments and extended the period for permitted ex parte communications with Board members.

In *URCS Data Reporting*, Docket No. EP 769, in April 2022 the Board instituted a rulemaking proceeding to codify a longstanding voluntary practice whereby Class I carriers, through the Association of American Railroads (AAR), have annually reported tare weight and loss and damage data for use in the Board’s Uniform Railroad Costing System. In July 2022 the Board adopted a final rule providing that Class I carriers may choose to provide tare weight and loss and damage data to the Board through AAR or file it individually.

## **Unreasonable Practice and Other Complaint Cases**

In *Sanimax USA, LLC v. Union Pacific Railroad Company*, Docket No. NOR 42171, the Board in November 2021 granted Sanimax USA LLC’s request to partially revoke the relevant commodity exemptions to permit its case against Union Pacific Railroad Company to proceed, denied Union Pacific’s motion to dismiss Sanimax’s complaint, and set a procedural schedule. Thereafter, in February 2022, the Board clarified that it would consider granting relief only prospectively from the date the partial revocation took effect and that the partial revocation does not limit the rights of the parties to conduct discovery and develop a full record regarding prospective liability and relief.

In *BNSF Railway Company—Terminal Trackage Rights—Kansas City Southern Railway Company and Union Pacific Railroad Company*, Docket No. FD 32760 (Sub-No. 46), the Board granted, in part, the request of BNSF Railway Company (BNSF) to establish general principles the Board expects parties to include in any future operating plans for direct service by BNSF on the Rosebluff Lead, pursuant to terminal trackage rights granted in a 2016 decision in this proceeding. The Board also denied BNSF’s request for an expedited process for resolving disputes over conditions of use.

## **Declaratory Orders**

In *The Louisville and Jefferson County Riverport Authority—Petition for Declaratory Order*, Docket No. FD 36463, the Board denied a petition for declaratory order filed by the Louisville and Jefferson County Riverport Authority seeking a finding that its lessee, New Albany Main Street Properties, LLC, is operating as a common carrier on certain track without Board authority.

In *Protect Sudbury Inc —Petition for Declaratory Order*, Docket No. FD 36493, the Board denied a request for a declaratory order finding that a railroad line in Sudbury, Mass., has not been abandoned and that easement agreements related to the line are void.

In *Waste Management of Washington, Inc.—Verified Petition for Declaratory Order*, Docket No. FD 36511, the Board denied a request for a declaratory order concerning jurisdiction over certain waste collection services in the State of Washington because the issues were currently pending before a state court.

In *Norfolk Southern Railway Company – Petition for Declaratory Order*, Docket No. FD 36522, the Board, in response to questions referred from the U.S. District Court for the Eastern District of Virginia, found that the Interstate Commerce Commission did not authorize Norfolk Southern Corporation to control Norfolk & Portsmouth Belt Line Railroad Company.

In *Action Environmental Systems, LLC—Petition for Declaratory Order*, Docket No. FD 36559, the Board concluded that certain tracks located on property owned by Action Environmental Systems, LLC, in Bronx County, N.Y., are spur tracks excepted from Board licensing under 49 U.S.C. § 10906.

## **Licensing**

### **Major and Significant Transactions**

In *Canadian Pacific Railway Limited; Canadian Pacific Railway Company; Soo Line Railroad Company; Central Maine & Quebec Railway us Inc.; Dakota, Minnesota & Eastern Railroad Corporation; and Delaware & Hudson Railway Company, Inc.—Control—Kansas City Southern; The Kansas City Southern Railway Company; Gateway Eastern Railway Company; and The Texas Mexican Railway Company*, Docket No. FD 36500, in addition to several procedural decisions, the Board issued the following decisions in FY 2022:

On November 23, 2021, the Board accepted for consideration the application filed on October 29, 2021, by Canadian Pacific Railway Limited and various related entities (Canadian Pacific), and Kansas City Southern and its U.S. rail carrier subsidiaries (KCS), for Canadian Pacific to acquire control of KCS.

On February 18, 2022, the Board found that, based on the current record, it could not determine that the anticipated responsive applications that may be filed by BNSF Railway Company and Canadian National Railway Company would be "minor" transactions. The Board also clarified and waived certain filing requirements for responsive applications.

On March 16, 2022, the Board directed applicants to address an apparent inconsistency in certain data submitted to the Board, provided an opportunity for other parties to reply to applicants' submission, and suspended the procedural schedule. The decision also explained the service requirements for the sub-docketed proceedings.

In April 2022, the Board found that an environmental analysis would be conducted using the baseline traffic density data to be resubmitted by applicants; directed applicants to file an amended exhibit and resubmit the underlying workpapers; and permitted other parties to file amended comments and responsive applications.

On July 1, 2022, the Board accepted for consideration responsive applications filed by Canadian National Railway Company and Norfolk Southern Railway Company.

On July 22, 2022, the Board scheduled a public hearing to be held on September 28-30, 2022, at the Board's Washington, D.C., headquarters.

On August 5, 2022, OEA issued a Draft Environmental Impact Statement.

On September 13, 2022, the Board granted in part and denied in part a motion by the Applicants to strike certain evidence filed on July 12, 2022, by BNSF Railway Company, Canadian National Railway Company, and CSX Transportation, Inc.

In *CSX Corporation and CSX Transportation, Inc.—Control and Merger—Pan Am Systems, Inc., Pan Am Railways, Inc., Boston and Maine Corporation, Maine Central Railroad Company, Northern Railroad, Pan Am Southern LLC, Portland Terminal Company, Springfield Terminal Railway Company, Stony Brook Railroad Company, and Vermont & Massachusetts Railroad Company*, Docket No. FD 36472, et al., the Board in December 2021 affirmed its earlier preliminary conclusion that an environmental and historic review is not required for this proceeding and also announced that a public hearing would be held in January. That two-day hearing was held on January 13-14, 2022.

On April 14, 2022, the Board approved, subject to conditions, the main transaction in this docket, allowing CSX Corporation and CSX Transportation, Inc. (CSXT) to acquire control of seven rail carriers owned by Pan Am Systems, Inc., and Pan Am Railways, Inc., and to merge six of those railroads into CSXT. The Board also approved six related transactions, allowing Norfolk Southern Railway Company to acquire trackage rights over certain lines of four other railroads; allowing Pittsburg & Shawmut Railroad, LLC d/b/a Berkshire & Eastern Railroad, to replace Springfield Terminal as the operator of Pan Am Southern LLC; and allowing SMS Rail Lines of New York, LLC, to discontinue service and terminate its lease of a rail line between Delanson, N.Y., and Voorheesville, N.Y.

### **Other Transactions**

In *Grand Elk Railroad, Inc.—Acquisition Exemption—Lines of Wisconsin Central Ltd.*, Docket No. FD 36503, et al., Watco Holdings, Inc., and two of its subsidiaries filed for a series of exemptions in furtherance of the acquisition of approximately 652 miles of rail line in Wisconsin and Michigan. On December 20, 2021, the Board permitted the exemptions to become effective.

In *Lake Providence Port Commission—Feeder Line Application—Line of Delta Southern Railroad Located in East Carroll and Madison Parishes, La.*, Docket No. FD 36447, the Board

acknowledged the parties' reports that discovery issues have been resolved and ordered Board-sponsored mediation in an effort to resolve disputes relating to the line at issue.

*In Commonwealth of Virginia—Acquisition Exemption—Certain Assets of CSX Transportation, Inc.*, Docket No. FD 36544, in November 2021 the Board found that the Commonwealth of Virginia, acting by and through its Virginia Passenger Rail Authority (VPRA), does not need Board authority to acquire certain real property and trackage on a rail line owned by CSX Transportation, Inc. The Board therefore granted VPRA's motion to dismiss its petition seeking that authority.

*In Seven County Infrastructure Coalition—Rail Construction & Operation Exemption—In Utah, Carbon, Duchesne, and Uintah Counties, Utah*, Docket No. FD 36284, the Board in December 2021 granted final approval of Seven County Infrastructure Coalition's petition for exemption to construct and operate a new rail line in Utah, subject to certain environmental mitigation conditions.

*In California High Speed Rail Authority—Construction Exemption—in Merced, Madera, and Fresno Counties, Cal.*, Docket No. FD 35724, et al., at the request of the California High Speed Rail Authority, in February 2022 the Board reopened two previously authorized rail line construction proceedings concerning portions of the proposed California High Speed Rail System, to consider an addition to the Merced to Fresno section of the project and a modification to the Fresno to Bakersfield section of the project.

*In BNSF Railway Company—Lease Exemption—Union Pacific Railroad Company*, Docket No. FD 36560, the Board permitted BNSF Railway Company to lease from Union Pacific Railroad Company an approximately 25-mile rail line in Colorado.

*In Eastside Community Rail, LLC—Acquisition and Operation Exemption—GNP Rly Inc.*, Docket No. FD 35692, in response to a request that it reopen and reverse its prior rulings that an easement that would facilitate rail service should be held by GNP RLY Inc., the Board concluded that before determining the appropriate course of action it would await the conclusion of certain pending state court proceedings in which ownership of the easement was being considered.

*In San Jacinto Transportation Company, Inc.—Operation Exemption—SJRE-Railroad Series*, Docket No. FD 35996, the Board vacated the operation exemption of San Jacinto Transportation Company, Inc. (SJT), for a rail line in Harris County, Tex. The Board found that SJT's verified notice contained materially misleading information about the line and that the exemption is therefore void ab initio. The Board also denied as moot a petition for declaratory order that asked the Board to find that SJT is not a common carrier.

In *Macquarie Infrastructure Partners V GP, LLC—Acquisition of Control Exemption—Grenada Railroad, LLC and Florida, Gulf & Atlantic Railroad, LLC*, Docket No. FD 36566, the Board denied a petition to reject the verified notice of exemption and a request to stay the effectiveness of the exemption pending state court litigation. The Board found that failure to disclose the litigation did not make the verified notice false or misleading and that the verified notice was not otherwise deficient. The Board allowed the exemption to take effect immediately.

In *South Dakota Railway Company—Notice of Interim Trail Use and Termination of Modified Rail Certificate*, Docket No. FD 31874, the Board, in March 2022, allowed a railbanked right-of-way in South Dakota to be shortened and clarified that the removed portion of that right-of-way is no longer part of the interstate rail network. In June 2022, the Board denied a request from the National Association of Reversionary Property Owners to terminate a notice of interim trail use on the line.

In *Virginia Passenger Rail Authority—Acquisition and Operation of Certain Assets of Norfolk Southern Railway Company in Montgomery and Roanoke Counties, and The Cities of Salem and Roanoke, Va.*, Docket No. FD 36588, the Board determined that the Commonwealth of Virginia, acting by and through its Virginia Passenger Rail Authority (VPRA), does not need Board authority to acquire certain real property, equipment, fixtures, and improvements on a rail line owned by Norfolk Southern Railway Company (NSR) or to obtain an easement for passenger rail purposes on a connecting NSR rail line. The Board therefore dismissed VPRA's petition seeking such authority.

In *Great Walton Railroad Company d/b/a Hartwell Railroad Company—Acquisition Exemption—Hartwell Railroad Company*, Docket No. FD 36599, the Board authorized Great Walton Railroad Company d/b/a Hartwell Railroad Company to acquire control of Hartwell Railroad Company.

In *Lake Providence Port Commission—Feeder Line Application—Line Of Delta Southern Railroad Located in East Carroll and Madison Parishes, La.*, Docket No. FD 36447, on August 23, 2022, the Board allowed the Lake Providence Port Commission to file an amended feeder line application for a longer line than originally proposed. The Board also disposed of several motions and ordered the current line owner to provide certain information about the line.

In *Van Pool Transportation LLC—Acquisition of Control—Alltown Bus Service Inc.*, Docket No. MCF 21100, on July 14, 2022, the Board approved and authorized, subject to the filing of opposing comments, Van Pool Transportation LLC to acquire control of interstate passenger motor carrier Alltown Bus Service Inc.

In *Van Pool Transportation LLC—Acquisition of Control—F. M. Kuzmeskus, Inc.*, Docket No. MCF 21099, on July 14, 2022, the Board approved and authorized, subject to the filing of opposing comments, Van Pool Transportation LLC to acquire control of interstate passenger motor carrier F. M. Kuzmeskus, Inc.

In *Van Pool Transportation LLC—Acquisition of Control— DS Bus Lines, Inc.*, Docket No. MCF 21101, on August 19, 2022, the Board approved and authorized, subject to the filing of opposing comments, Van Pool Transportation LLC to acquire indirect control of interstate passenger motor carrier DS Bus Lines, Inc.

## **Abandonments/Discontinuances**

In *Great Redwood Trail Agency—Adverse Discontinuance of Lease & Operating Authority—Northwestern Pacific Railway Co., in Humboldt, Trinity and Mendocino Counties, Cal.*, Docket No. AB 1313, on March 3, 2022, the Board granted exemptions from certain statutory provisions and waived certain regulatory requirements that normally apply when filing an application for discontinuance authority because those provisions and requirements would be either unnecessary in this case or difficult or impossible for Great Redwood Trail Agency (formerly known as North Coast Railroad Authority) to comply with should it file an application for adverse discontinuance. In June, Great Redwood Trail Agency filed its application for third-party, or “adverse,” discontinuance of the operating authority of Northwestern Pacific Railway Company over a rail line in Mendocino, Trinity, and Humboldt Counties, Cal., and on September 23, 2022, the Board granted the application for adverse abandonment.

In *CSX Transportation, Inc.—Abandonment Exemption—in Davidson County, Tenn.*, Docket No. AB 55 (Sub-No. 805X), the Board allowed CSX Transportation, Inc., to abandon approximately 2,262 feet of rail line in Nashville, Tenn., subject to standard employee protective conditions.

In *Central Texas & Colorado River Railway, LLC—Discontinuance Exemption—in McCulloch, San Saba, Mills, and Lampasas Counties, Tex.*, Docket No. AB 1272X, the Board allowed Central Texas & Colorado River Railway, LLC, to discontinue its operations over approximately 67.5 miles of track in McCulloch, San Saba, Mills, and Lampasas Counties, Tex. In addition, the Board concluded that it would no longer apply its recent precedent imposing labor protective conditions in entire-system discontinuances where the carrier owns the rail assets at issue.

In *Utah Railway Company—Discontinuance of Service Exemption—in Carbon and Emery Counties, Utah*, Docket Number AB 310 (Sub-No. 3X), the Board allowed Utah Railway Company to discontinue service over approximately 25.05 miles of rail line in Carbon and Emery Counties, Utah, subject to standard employee protective conditions.



In *New York State Department of Environmental Conservation—Adverse Abandonment—Saratoga and North Creek Railway in Town of Johnsbury, N.Y.*, Docket No. 1261, the Board denied a request to dismiss this proceeding and a request for expedited consideration.

In *City Utilities of Springfield, Mo.—Abandonment Exemption—in Greene County, Mo.*, Docket AB 1319X, the Board permitted the abandonment of approximately 1.24 miles of rail line in Greene County, Mo., subject to conditions.

In *North Coast Railroad Authority—Abandonment Exemption—in Mendocino, Trinity, and Humboldt Counties, Cal.*, Docket No. AB 1305X, the Board lifted the abeyance and stay orders previously imposed and allowed a notice of exemption for abandonment filed by North Coast Railroad Authority to proceed. The Board also denied a motion for exemption from the offer of financial assistance regulations.

In *Colorado Landowners—Adverse Abandonment—Great Western Railway of Colorado, LLC, in Weld County, Colo.*, Docket No. AB 857 (Sub-No. 2), the Board granted exemptions from certain statutory provisions and waived certain regulatory requirements that normally apply when filing an application for abandonment authority because those provisions and requirements would be either unnecessary in this case or difficult or impossible for a group of landowners in Colorado to comply with should they file an application for adverse abandonment of the line at issue.

In *R. J. Corman Railroad Property, LLC—Abandonment Exemption—in Scott, Campbell, and Anderson Counties, Tenn.*, Docket No. AB 1296X, the Board prohibited R. J. Corman Railroad Property from consummating its abandonment until further order of the Board in order to permit the Board to consider a pending petition seeking reconsideration of the abandonment exemption granted in this case.

In *Consolidated Rail Corporation—Abandonment Exemption—in Hudson County, N.J.*, Docket No. AB 167 (Sub-No. 1189X) et al., the Board concluded that Conrail did not engage in “anticipatory demolition” of historic properties in violation of Section 110(k) of the National Historic Preservation Act.

In *Consolidated Rail Corporation—Abandonment Exemption—in Schuylkill & Carbon Counties, Pa.*, Docket No. 167 (Sub-No. 1195X), because the Board could not conclude that the line at issue had previously been abandoned, it permitted the abandonment exemption in this docket to become effective.

In *Kansas & Oklahoma Railroad, L.L.C.—Discontinuance of Service Exemption—in Crowley, Pueblo, Otero, And Kiowa Counties, Colo.*, AB 853 (Sub-No. 4X), the Board allowed Kansas &

Oklahoma Railroad, L.L.C., to discontinue service over approximately 121.9 miles of rail line in Crowley, Pueblo, Otero, and Kiowa Counties, Colo., subject to standard employee protective conditions.

## **Amtrak**

*In Application of The National Railroad Passenger Corporation Under 49 U.S.C. § 24308(e)—CSX Transportation, Inc., and Norfolk Southern Railway Company, Docket No. FD 36496*, in addition to several procedural decisions, the Board issued the following decisions in FY 2022:

On January 28, 2022, the Board granted a request to intervene filed by the Alabama State Port Authority and its rail common carrier operating division, Terminal Railway Alabama State Docks (the Port), and resolved several other pending motions.

On February 1, 2022, the Board announced that a public hearing would be held, consisting of two phases: a public comment phase, followed by an evidentiary hearing limited to the four parties to this case (the National Railroad Passenger Corporation (Amtrak), CSX Transportation, Inc., Norfolk Southern Railway Company, and the Port).

The public comment phase was held on February 15 and 16, 2022, and included testimony from federal, state, and local elected officials, other state and local interests, passenger rail supporters, rail carrier trade associations, shippers and shipper representatives, and others. The evidentiary hearing began on April 4, 2022 and continued for a number of additional days in April and May. At the conclusion of the most recent hearing session on May 12, the Chairman and other Board members discussed a number of evidentiary issues and invited the parties to submit additional evidence on those issues.

On June 10, 2022, the Board, among other things, ordered Board-sponsored mediation and extended the deadline for the parties to file supplemental evidence, and on July 22, 2022, the Board ruled on various evidentiary matters.

## **Uniform Railroad Costing System Update**

The Uniform Railroad Costing System (URCS) is the STB's general-purpose costing system that estimates unit costs and total variable costs of rail shipments. In FY 2020, the Board awarded a contract to provide a report that explores alternatives to its existing costing methodology. The contractors delivered that report in March 2022. The Board is reviewing that report and determining next steps in response to the report and any updates to URCS.

## **Environmental Review**

The Board considers environmental impacts in its decision-making process under the National Environmental Policy Act (NEPA) and related laws and regulations. By preparing the requisite

environmental reviews and inviting the public to participate in the Board's environmental review process, the Board ensures its compliance with NEPA. The Board documents its NEPA findings by preparing Environmental Impact Statements (EISs) or Environmental Assessments (EAs), which assess the potential environmental impacts that could result from Board decisions.

During FY 2022, OEA worked on 17 EISs and 32 EAs in rail projects, comprising rail line constructions, rail line abandonments and a major merger. During FY 2022, 154 cases before the Board fell within a categorical exclusion from NEPA review. These cases included leases, operating exemptions, declaratory orders, rulemakings, transactions involving corporate changes, and certain acquisitions and discontinuances.

### ***Environmental Impact Statements***

The EISs addressed projects such as the proposed acquisition of KCS by Canadian Pacific. The Board served as a cooperating agency in 11 federal environmental construction reviews in Maryland, Nevada, and California. The Board is also monitoring environmental mitigation in a rail construction case in Alaska.

### ***Environmental Assessments***

The EAs addressed seven rail line construction cases that would provide rail service to various industrial complexes and port facilities, the divestiture of a rail line under a responsive application in the major Canadian Pacific/KCS merger case noted above, and 25 rail line abandonments. Finally, the Board has continued working towards completion of the National Historic Preservation Act requirements for a complex rail line abandonment in Jersey City, N.J.

## **Alternative Dispute Resolution**

The Board has established arbitration and mediation rules to help parties informally resolve disputes and avoid costly litigation, and the Board actively encourages parties to use alternative dispute resolution. Mediation efforts have facilitated the settlement of cases and satisfactorily addressed other conflicts. Successful mediation settlements result in significant savings of litigation expenses to the parties, allow both sides to reach mutually satisfactory agreements, and make available the Board's limited staff resources to work on other matters.

The Board continued to engage the expertise of the Federal Mediation and Conciliation Service in FY 2022 to conduct Board-sponsored mediations with Board staff. This partnership has greatly enhanced the Board's mediation services offered to our stakeholders. In FY 2022, the Board held three mediations, one of which is ongoing and two of which did not reach a successful resolution. To date, there has not been an arbitration case filed under the Board's mediation and arbitration procedures.

## **Public Outreach and Informal Dispute Resolution**

OPAGAC and RCPA continue to provide shippers, carriers, state and local governments, and members of the public with an accessible and effective resource for resolving certain disputes on an informal basis. RCPA works to resolve conflicts that might otherwise be submitted to the Board for adjudication, thereby conserving stakeholder and agency resources.

In FY 2022, RCPA handled 1,774 inquiries from stakeholders, of which approximately 250 pertained to shipper-railroad disputes. RCPA worked with parties to successfully resolve matters related to timely fulfillment of car orders, availability of rail resources, track maintenance, interchange operations, inter-carrier disputes, switching services, car storage, rates and charges, track lease agreements, and responsibility for spur track.

RCPA also informally assisted customers of household goods (HHG) moving companies to resolve service and rate disputes. The Federal Motor Carrier Safety Administration (FMCSA) has primary regulatory and enforcement jurisdiction in this area. RCPA maintained its informal engagement with FMCSA to discuss HHG trends and with the Federal Maritime Commission to discuss issues of common interest.

<b>STB RCPA Inquiries FY 2022</b> (as of 9/30/2022)	
<b>Commodity Group</b>	<b>FY 2022</b>
Agricultural Products	101
Aggregates	3
Automobiles	5
Chemicals	61
Coal	15
Construction Materials	19
Forest Products	6
Hazardous Waste/Radioactive Waste	9
high/wide loads	3
Household Goods	129
Industrial Products	54
Intermodal	26
Metals and Minerals	25
Municipal Waste	9
Not Specified by Shipper	54
Passenger	34
Other	42
Toxic By Inhalation	3
N/A	1,176
<b>Total</b>	<b>1,774</b>
<p><sup>a</sup> Includes inquiries regarding procedural assistance, informal legal or regulatory guidance, agency information, abandonment records, other records, tariff rule or rate questions, or other commercial or rail service disputes where an underlying commodity is not at issue.</p>	

In addition to its dispute resolution function, OPAGAC also serves as a primary liaison between the public and the Board. OPAGAC fields inquiries from Board practitioners as well as from members of the broader public to provide those parties with a better understanding of the laws and regulations administered by the Board, as well as proceedings before the Board.

## Court Actions and Other Legal Matters

In FY 2022, the Office of the General Counsel (OGC) handled a variety of cases on behalf of the Board:

In litigation involving allegations that certain carriers' rail fuel surcharges were coordinated in violation of federal antitrust laws, the U.S. Court of Appeals for the D.C. Circuit ruled on an appeal of a district court decision regarding the admissibility, under 49 U.S.C.

§ 10706(a)(3)(B)(ii), of evidence that a plaintiff seeks to introduce to demonstrate collusion. The D.C. Circuit largely followed the analysis recommended by the Department of Justice (DOJ) and the Federal Trade Commission, which had consulted extensively with STB staff. The D.C. Circuit held that for evidence of a discussion between carriers to be inadmissible under § 10706, it must concern specific, identifiable interline shipments involving those carriers, with only de minimis reference to non-interline traffic. *In Re Rail Fuel Surcharges Antitrust Litigation*, 34 F.4th 1 (D.C. Cir. 2022).

In a case brought against the Board (and its individual members) involving a "quiet title" claim related to the conversion of a rail line to interim trail use under the National Trails System Act, the U.S. District Court for the Middle District of Florida granted a motion to dismiss filed by the Board, along with the DOJ, without prejudice as to the plaintiffs amending their complaint in part, on January 11, 2021. Upon plaintiffs' filing of an amended complaint, the Board and DOJ filed a renewed motion to dismiss on March 12, 2021. The court granted the renewed motion to dismiss on January 25, 2022, finding that it lacked jurisdiction over plaintiffs' claims because they failed to properly allege a violation of the federal Quiet Title Act. *Grames, et al. v. Sarasota County, Florida, et al.*, 2022 WL 218486, No. 8:20-cv-00739-CEH-CPT (M.D. Fla. Jan. 25, 2022).

In a case involving a dispute between the U.S. subsidiaries of Canadian National and Canadian Pacific over an interchange location in the Chicago area, the Board (along with the DOJ) defended the STB's decision that Canadian National may not unilaterally designate Clearing Yard, located on the Belt Railway of Chicago, as the point of interchange under 49 U.S.C. § 10742. Section 10742 requires rail carriers to provide interchange facilities to connecting carriers. In December 2021, the Seventh Circuit vacated the Board's decision and remanded the matter to the Board. The court held that the Board had misinterpreted the statute by concluding that Section 10742 applies only if two carriers physically intersect, and that a carrier may designate as interchange points only points on its own line. *Wis. Cent. Ltd. V. STB*, 20 F. 4th 292 (7th Cir. 2021).

In a case involving Bessemer & Lake Erie Railroad's (B&LE's) proposed acquisition of certain rail lines of CSX Transportation, Inc. (CSXT) in New York, B&LE filed an appeal with the Seventh Circuit (later joined by CSXT), challenging the Board's determination to approve the transaction, but only with certain conditions. OGC participated, on behalf of the Board, in an

initial mediation session with the parties and a Circuit mediator, and briefing was suspended during the mediation process. *Bessemer & Lake Erie R.R. Co. v. STB*, No. 21- 1726 (7<sup>th</sup> Cir. Filed Apr. 23, 2021). B&LE and CSXT subsequently informed the court that the carriers had terminated the purchase agreement at issue in the proceeding. On June 7, 2022, the court granted the parties' joint motion to dismiss of the appeal as moot.

In the area of new-carrier entry, a majority of the Board authorized, through an exemption, the construction and operation of a rail line in Utah. *Seven Cnty. Infrastructure Coal. —Rail Constr. & Operation Exemption—in Utah, Carbon, Duchesne, & Uintah Cntys., Utah*, FD 36284, (STB served Dec. 5, 2021). The Center for Biological Diversity, along with several other groups, filed a petition for review in the D.C. Circuit challenging the Board's decisions, as well as the Biological Opinion issued by the U.S. Fish and Wildlife Service, on which the Board relied. Eagle County, Colorado filed a separate petition for review of Board's decisions in the proceeding and the two appellate dockets were consolidated by the court. The Board's brief will be due in late October 2022. *Eagle County, Colo. V. Surface Transportation Board, et al.*, Case No. 22-1019; *Center for Biological Diversity, et al. v. Surface Transportation Board, et al.*, Case No. 22-1020.

The Board moved to dismiss, for lack of jurisdiction, a petition for review filed with the U.S. Court of Appeals for the D.C. Circuit. The petition challenged an order that the Board issued in response to a question referred to the Board by a district court. The Board's order found that the agency had not authorized Norfolk Southern Railway Company to control a partly-owned affiliate. *Norfolk Southern Railway Co.*, Docket No. FD 36522 (STB served June 17, 2022). In *Norfolk Southern Railway Co. v. STB*, No. 22-1209 (D.C. Cir.), the Board moved to dismiss Norfolk Southern's petition for review on the basis that a referring federal district court has exclusive jurisdiction to review the Board's order on referral.

The Board continued to defend in court its decisions regarding BNSF Railway Company's terminal trackage rights in *Kansas City Southern Railway Company v. STB*, Nos. 16-1308 and 20-1116 (D.C. Cir.). Two consolidated appeals are currently being held in abeyance, with the parties providing quarterly status reports to the Court, pending the resolution of the compensation-setting phase at the Board. In April 2022, KCS filed a third petition for review in the D.C. Circuit (No. 22-1069) challenging a recent Board decision setting forth "general service principles the Board expects parties to include in any future operating plan(s)" for the granted trackage rights and indicating that the parties remained responsible for attempting to establish conditions. The Board moved to dismiss KCS's new petition for review or, in the alternative, to consolidate it with the prior appeals and hold it in abeyance. On August 11, 2022, the Court granted the Board's alternative request and ordered that Case No. 22-1069 be consolidated with the two other appeals and held in abeyance pending further order of the Court.

The Board continued to assist the DOJ in the defense of numerous Fifth Amendment takings cases arising from the conversion or attempted conversion of rail lines to interim trail use under the National Trails System Act. *See, e.g., Barlow v. United States*, No. 22-1381 (Fed. Cir.); *Behrens v. United States*, No. 22-1277 (Fed. Cir.); *Stimson Lumber v. United States*, No. 22-1201 (Fed. Cir.); *Memmer v. United States*, No. 21-2133 (Fed. Cir.); *Mitchum v. United States*, No. 22-325L (Fed. Cl.); *Ennis v. United States*, No. 21-87L (Fed. Cl.); *Agapion/Chapman Spring Garden v. United States*, Nos. 19-1942 & 19-1596 (Fed. Cl.); *Hippely v. United States*, No. 18-1070L (Fed. Cl.); *Blevins v. United States*, No. 18-4372 (Fed. Cl.). Additionally, in a case involving the status of a former Union Pacific rail line in Kansas, a bank brought a quiet title claim against Union Pacific and the Board in Kansas state court. The bank agreed to voluntarily dismiss the Board from the case after negotiations with OGC, and the court issued a dismissal order on April 28, 2022. *Union State Bank v. Union Pacific R.R., et al.*, No. 2022-CV-000002 (Kan. Dist. Ct.).

The OGC continued to work on a wide variety of other legal matters, including matters involving FOIA, the Paperwork Reduction Act, the Equal Employment Opportunity Act, NEPA, the National Historic Preservation Act, the National Trails System Act, and the Federal Advisory Committee Act. It provided legal counsel on general personnel and ethics issues, issues related to COVID-19, and government contracting, and participated in the Administrative Conference of the United States. The OGC also houses the Board's Records Office, which manages the agency's compliance with the Federal Records Act and related authorities.

## **Advisory Committees**

The Board has three transportation advisory councils, of which the Board members are ex-officio members. Established under the ICC Termination Act of 1995, the Railroad-Shipper Transportation Advisory Council (RSTAC) advises the Board, the Secretary of Transportation, and Congress on railroad-transportation policy issues of particular importance to small shippers and small railroads, such as railcar supply, railroad service, rates, and competitive matters. Its 15 appointed members consist of senior officials representing large and small shippers, large and small railroads, and one at-large representative. Along with the Board members, the Secretary of Transportation is also an ex-officio member. RSTAC typically holds meetings quarterly; however, due to the ongoing impacts of COVID-19 on the U.S. economy and the transportation network, RSTAC members held virtual meetings monthly with the Board Members and the FRA Administrator to report on the status of rail service and operations. RSTAC resumed quarterly, in-person meetings in May 2022.

The Rail Energy Transportation Advisory Committee (RETAC) was created in 2007 to provide advice and guidance to the agency on emerging issues concerning the rail transportation of energy resources such as coal, crude oil, ethanol, and other biofuels. The 25 voting members of RETAC represent a balance of stakeholders, including large and small railroads, coal producers, electric utilities, the biofuels industry, the petroleum production industry, and the



private railcar industry. RETAC typically holds meetings twice per year. RETAC met virtually on November 16, 2021, and in-person on April 20, 2022.

The National Grain Car Council (NGCC) assists the Board in addressing issues concerning grain transportation by fostering communication among railroads, shippers, rail-car manufacturers, and the government. The NGCC, which meets once a year, is composed of 14 representatives from Class I railroads, seven from Class II and Class III railroads, 14 from grain shippers and receivers, and seven from private rail car owners and manufacturers. NGCC was held in person on August 25, 2022.

# Budget Data

## Dollar Cost: Comparison by Object Classification, FYs 2022–2024

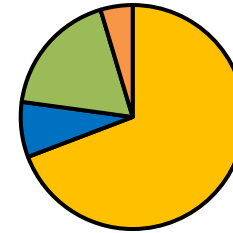
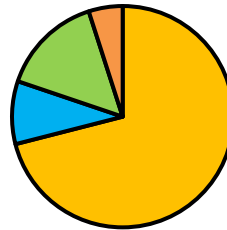
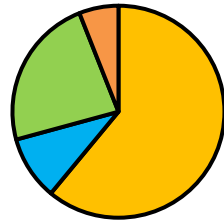
(as of 9/30/2022)

(dollar amounts in thousands)

FY 2022: \$38,950

FY 2023: \$41,429

FY 2024 \$48,184



CATEGORY OF OBLIGATION <sup>3</sup>	FY 2022 Actual		FY 2023 Request		FY 2024 Request	
	Dollars	Percent of Total	Dollars	Percent of Total	Dollars	Percent of Total
Personnel Compensation and Benefits	\$23,762	61%	\$29,418	71%	\$33,349	69%
Rent, Utilities, and Security	3,802	10%	3,805	9%	3,833	8%
Services <sup>4</sup>	9,049	23%	6,152	15%	8,771	18%
Other <sup>5</sup>	2,338	6%	2,054	5%	2,231	5%
<b>TOTAL<sup>6</sup></b>	<b>\$38,950</b>	<b>100%</b>	<b>\$41,429</b>	<b>100%</b>	<b>\$48,184</b>	<b>100%</b>

<sup>3</sup> Note: Dollars may not add due to rounding in this and subsequent charts.

<sup>4</sup> Services include, but are not limited to, obligations for contractor staff (IT services; financial management, internal controls, and financial audits), software licenses, and the Working Capital Fund.

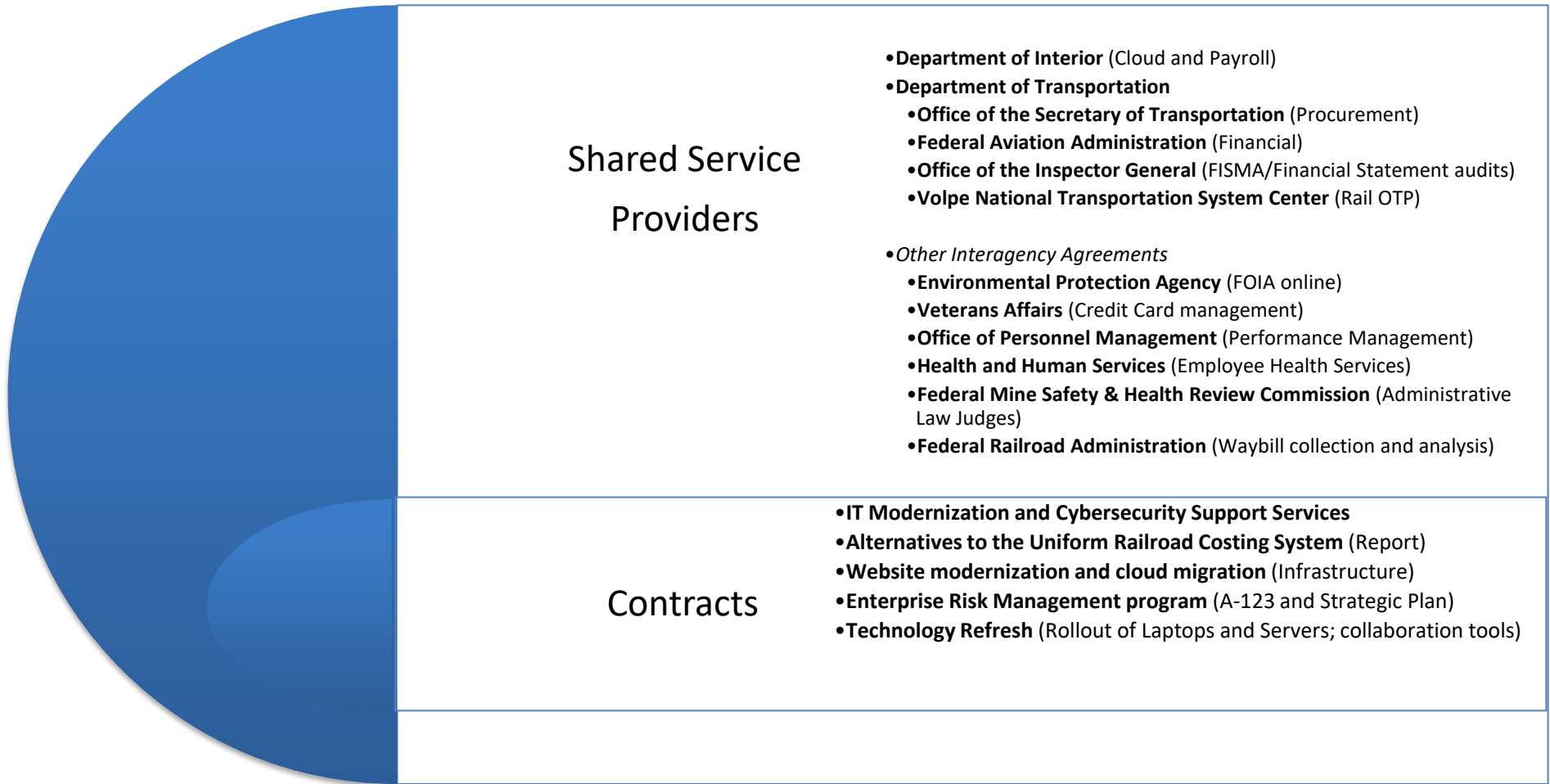
<sup>5</sup> Other includes budget object classes such as equipment, supplies, reimbursable collections, travel, training, printing, postage and contractual mail, and miscellaneous services.

## Analysis of Change by Object Classification, FYs 2022–2024

(dollar amounts in thousands)

	FY 2022 Actual Obligation (As of 9/30/22)	FY 2023 Request	FY 2024 Request	FY 2023–24 Change	Percentage Change
<b>Personnel Compensation and Benefits</b>	<b>\$23,762</b>	<b>\$29,418</b>	<b>\$33,349</b>	<b>\$3,931</b>	<b>13.4%</b>
Rent and Utilities	\$3,093	\$3,090	\$3,107	17	0.6%
Building Security	710	715	726	12	1.6%
Information Technology	6,046	4,328	5,948	1,620	37.4%
Interagency Agreements and Technical Services	2,667	1,484	2,473	989	66.7%
Working Capital Fund	335	340	350	10	3.0%
Travel and Transportation	73	145	204	59	40.6%
Training	24	110	150	40	36.1%
Office Printing, Supplies, Subscriptions, and Publications (Federal Register, Legal, and Periodicals)	469	415	449	34	8.2%
Misc. Expenses (Building maintenance, Operational support, and other operating expenses)	522	134	178	44	32.8%
Reimbursable Obligations (Offsetting Collections)	1,250	1,250	1,250	0	0.0%
<b>Subtotal Non-personnel Obligations</b>	<b>\$15,188</b>	<b>\$12,011</b>	<b>\$14,835</b>	<b>\$2,825</b>	<b>23.5%</b>
<b>Total Obligations</b>	<b>\$38,950</b>	<b>\$41,429</b>	<b>\$48,184</b>	<b>\$6,755</b>	<b>16.3%</b>

## FY 2022 Breakout of Shared Service Providers and Non-Federal Partners



## Workload Summary

Workload Category	FY 2022 ( actual)	FY 2023 Estimate	FY 2024 Estimate
Alternative Dispute Resolution			
Arbitrations	0	0	0
Informal Dispute Resolution	250	200	200
Mediations	3	6	6
Audits	7	10	10
Decisions			
Complaints			
Rate	1	12	16
Non-Rate	5	25	30
Declaratory Orders	11	20	25
Ex Parte Proceeding Decisions			
Rulemakings	21	25	25
Other	19	22	22
Licensing			
Applications/Petitions	101	100	100
Notices of Exemption	166	185	190
Other (incl. grant stamps)	14	26	40
Non-Rail Decisions	3	10	10
Other	15	25	25
Defensibility Assessments	155	155	155

Depreciation Studies	10	10	10
Economic Statistical Reports	28	28	28
Environmental			
Categorical Exclusions	154	155	155
Environmental Assessments	32	35	35
Environmental Impact Statements	17	18	16
Ethics Reviews	139	140	140
Fee Waiver Decisions	8	12	15
Advisory Committee Meetings (incl. Federal Advisory Committee Act Committees)	11	8	8
Filings	2,117	2,300	2,400
FOIA Requests	91	90	80
Investigations (pursuant to 49 U.S.C. § 11701)	0	1	1
Judicial Review	7	10	10
Outreach & Communication			
Conferences	64	20	20
Environmental Meetings	40	35	35
Ex Parte Meetings	72	20	20
Stakeholder Meetings	473	200	200
Public Forum			
Hearings	4	2	3
Listening Sessions	0	2	3
Oral Arguments	0	2	3
Other	0	0	0
Rail Service Data Reports	384	384	384

Recordations	1157	1,400	1,500
Section 5 Collaborative Discussions	29	30	30
Technical Conferences	3	2	2
Waybill Requests	151	125	125
Paperwork Reduction Act Requests and Submissions to OMB	13	15	15

## Strategic Goals and Annual Performance Measures (as of 9/30/2022)

Summary of Strategic Goals, Objectives, and Performance Measures			
<b>STRATEGIC GOAL 1: Protect the public interest in surface transportation matters.</b>			
<p><b>Performance Goal 1:</b> Facilitate greater understanding among and between carriers, shippers, and other stakeholders by supporting and participating in the work of the National Grain Car Council, the Railroad-Shipper Transportation Advisory Council, and the Rail Energy Transportation Advisory Committee.</p>	<b>2022 Actual</b>	<b>2023 Target</b>	<b>2024 Target</b>
<p><b>Performance Measure 1:</b> Facilitate formal outreach efforts to promote effective compliance programs by hosting a minimum of seven collaborative meetings a year to discuss emerging challenges and industry trends with various stakeholder groups.</p>	Met	Meet	Meet
<p><b>Performance Goal 2:</b> Encourage the voluntary resolution of rail operational and service-related issues involving shippers, railroads, state and local governments, and the public by providing informal access to the Board through the RCPA.</p>	<b>2022 Actual</b>	<b>2023 Target</b>	<b>2024 Target</b>
<p><b>Performance Measure 1:</b> Informal inquiries and complaints from stakeholders and the public are responded to by RCPA within 3 days of receipt.</p>	Met	Meet	Meet
<p><b>Performance Goal 3:</b> Conduct responsive, impartial, and timely adjudications.</p>	<b>2022 Actual</b>	<b>2023 Target</b>	<b>2024 Target</b>
<p><b>Performance Measure 1:</b> Use resources efficiently to issue timely Decisions that are responsive to the needs of the public and are consistent with applicable laws and precedent greater than 90% of the time.</p>	Met	Meet	Meet
<p><b>Performance Measure 2:</b> Board decisions are responsive to the comments, evidence, and argument, such that court decisions fault the agency for failing to address issues raised less than 25% of the time.</p>	Met	Meet	Meet
<p><b>Performance Measure 3:</b> Board decisions are substantively supported, such that court decisions set aside agency rulings as beyond the agency’s authority, or arbitrary, capricious, or an abuse of discretion, less than 25% of the time.</p>	Did Not Meet	Meet	Meet



Summary of Strategic Goals, Objectives, and Performance Measures (continued)			
<p><b>Performance Goal 4:</b> Ensure early and continuing opportunities for public participation and stakeholder input for projects that trigger review under NEPA and other related environmental laws by conducting public outreach, and informational meetings to inform and educate the public, and managing rail-related information databases for public use. Provide consistent, coordinated, and predictable environmental reviews and authorization processes for infrastructure projects.</p>	<b>2022 Actual</b>	<b>2023 Target</b>	<b>2024 Target</b>
<p><b>Performance Measure 1:</b> Prepare environmental service lists and conduct public outreach through meetings, webinars, and websites, as appropriate, at least 80% of the time in cases requiring environmental review.</p>	Met	Meet	Meet
<p><b>Performance Goal 5:</b> Ensure that the public, through efficient FOIA processing, can obtain information about the Board, the programs it administers, and the actions it takes.</p>	<b>2022 Actual</b>	<b>2023 Target</b>	<b>2024 Target</b>
<p><b>Performance Measure 1:</b> To promote transparency and public confidence in the Board's programs, Board staff will respond to requests under the FOIA, within the statutory time frame of 20 business days, excluding statutory-authorized extensions.</p>	Met	Meet	Meet
<p><b>STRATEGIC GOAL 2: Foster economic efficiencies through reliance, where possible, on marketplace factors to encourage the development and continuation of economically sound, efficient, and reliable surface transportation systems that have adequate capacity to meet the needs of our economy.</b></p>			
<p><b>Performance Goal 1:</b> Collect and publish statistical data permitting the public to better understand trends in traffic volumes, rates, and the financial health of the rail industry.</p>	<b>2022 Actual</b>	<b>2023 Target</b>	<b>2024 Target</b>
<p><b>Performance Measure 1:</b> Publish Monthly, Quarterly, and Annual Statistical Reports within 30 days of receiving all needed inputs.</p>	Met	Meet	Meet
<p><b>Performance Measure 2:</b> Collect and publish rail service metrics within 24 hours of receipt.</p>	Met	Meet	Meet

Summary of Strategic Goals, Objectives, and Performance Measures (continued)			
<b>Performance Goal 2:</b> Support the maintenance and development of adequate surface transportation systems to sustain the Nation’s economic growth.	<b>2022 Actual</b>	<b>2023 Target</b>	<b>2024 Target</b>
<b>Performance Measure 1:</b> Recordations are entered into the Board’s public database within one business day, at least 90% of the time.	Exceeded	Meet	Meet
<b>Performance Measure 2:</b> The Board issues licensing authority within the required statutory and/or regulatory timeframe, at least 95% of the time.	Met	Meet	Meet
<b>STRATEGIC GOAL 3: Provide a Timely, Efficient, and Decisive Process</b>			
<b>Performance Goal 1:</b> Make key, disclosable information from the Board’s internal case monitoring and management system available to the public so that stakeholders can be informed about the expected timing for specific Board decisions.	<b>2022 Actual</b>	<b>2023 Target</b>	<b>2024 Target</b>
<b>Performance Measure 1:</b> Prepare, post, and provide delivery to Congress quarterly reports on status of rate reasonableness cases, formal complaints, informal complaints, and pending regulatory proceedings.	Met	Meet	Meet
<b>Performance Measure 2:</b> Publishes the Semi-annual Regulatory Agenda.	Met	Meet	Meet
<b>STRATEGIC GOAL 4: Ensure Proper Agency Structure</b>			
<b>Performance Goal 1:</b> Identify and alleviate current and future skills gaps by succession planning and by providing appropriate training to staff to prepare for impending retirements of senior staff.	<b>2022 Actual</b>	<b>2023 Target</b>	<b>2024 Target</b>
<b>Performance Measure 1:</b> The Board will assess annually the training and development needs of staff, at least 90% of the time.	Met	Meet	Meet
<b>Performance Goal 2:</b> Ensure that Board members and staff are properly trained on, and abide by, applicable ethics rules, so that they can maintain the public’s trust in impartial Board decisions issued without conflicts of interest.	<b>2022 Actual</b>	<b>2023 Target</b>	<b>2024 Target</b>
<b>Performance Measure 1:</b> Conduct yearly ethics training.	Met	Meet	Meet
<b>Performance Measure 2:</b> Provide initial response to employee’s ethics inquiries within 48 hours, at least 80% of the time.	Met	Meet	Meet

# Administrative and Organizational Data

## STB Offices

### Board Members

The Board consists of five members nominated by the President and confirmed by the Senate. The Board's vice chairmanship rotates among the members on an annual basis. Since January 11, 2021, the Board has a full complement of five members. Each member has a term of five years, unless they are filling an unexpired term. If a member leaves the STB before the end of his or her term, a successor may be appointed to the vacant seat for the remainder of that term. The Board's governing statute permits a member to serve up to one year after the expiration of that member's term unless a successor is appointed.

### STB Office Overview

In addition to the five Board members' offices, the staff of the STB is organized into six offices. The six offices are comprised of attorneys, economists, and financial, transportation, and environmental analysts with expertise in the rail industry, as well as HR specialists, paralegals, IT specialists, and contractors providing support to ensure the STB has the capabilities to meet its statutory responsibilities.



#### The Office of Economics (OE)

OE provides economic, cost, financial, and engineering analyses for the Board. OE also makes available to the public a variety of statistical and financial analyses of the railroad industry. OE manages the Board-prescribed Uniform System of Accounts and cost accounting systems. OE also audits Class I carriers to ensure their compliance with these systems and uses the data provided by carriers to develop and disseminate the Uniform Railroad Costing System.



### The Office of Environmental Analysis (OEA)

**OEA** assists the Board in meeting its responsibilities under the National Environmental Policy Act (NEPA), and other related Federal statutes. NEPA requires the Board to consider potential environmental impacts before making its final decision in certain cases. OEA conducts an independent environmental review of cases filed with the Board and prepares any necessary environmental documentation. OEA also conducts public outreach to inform the public about proposals before the Board and invites public comments on related environmental matters. It also provides technical advice and environmental recommendations to the Board on pending matters, as appropriate.



### The Office of the General Counsel (OGC)

**OGC** provides legal counsel to the Board. In that role, OGC evaluates and advises on the defensibility of the agency's decisions and defends those decisions when challenged in court. OGC also advises the Board on various mission-related matters, including the Freedom of Information Act, the Paperwork Reduction Act, the Equal Employment Opportunity Act, NEPA, and records management. Finally, OGC assists both the Department of Justice in ancillary litigation related to transportation matters and other matters of government-wide interest.



### The Office of the Managing Director (OMD)

**OMD** provides a wide range of administrative services in support of the Board's mission, including human resource management, financial services, IT support, cybersecurity, the Privacy Act, and facilities management. It heads the Board's Privacy and Risk Management programs, as well as houses the Board's Chief Data Officer, who is responsible for guiding the agency's compliance with the Foundations for Evidence-Based Policymaking Act of 2018.



### The Office of Proceedings (OP)

**OP** has primary responsibility for managing the public record in formal cases (or proceedings) before the Board, which includes making recommendations regarding the resolution of issues presented in those cases and drafting the decisions issued by the Board. Specifically, OP oversees the Board's caseload, providing legal and policy recommendations (in conjunction with other Board offices, as needed) to the Board members for resolving the issues presented, and preparing drafts of decisions. OP also performs administrative services for the Board, including receiving and processing formal filings from the public; administering the Board's voting process; coordinating with the Federal Register for publication of decisions;

and tracking the Board’s casework. In addition, OP maintains a database for recording and perfecting secured transactions involving vessels and railroad rolling stock.



**The Office of Public Assistance,  
Governmental Affairs, and Compliance  
(OPAGAC)**

**OPAGAC** serves as the STB’s principal point of contact for the U.S. Congress, Federal agencies, foreign, state and local governments, interested stakeholders, the public, and the media. OPAGAC’s mission is to aid the public, to disseminate accurate information concerning the agency and its work, and to help the public understand the law and the agency’s decisions. This office is responsible for external operations including governmental affairs, communications, and compliance. It is also responsible for monitoring rail operations, service analysis, maintaining tariffs, the monitoring and analysis of certain passenger rail matters, and mediation coordination. OPAGAC is also responsible for the management of the Rail Customer and Public Assistance program, which assists interested stakeholders and the public by answering questions pertaining to Board regulations and procedures and facilitating informal private-sector dispute resolution of rail operational and service-related issues and other matters.



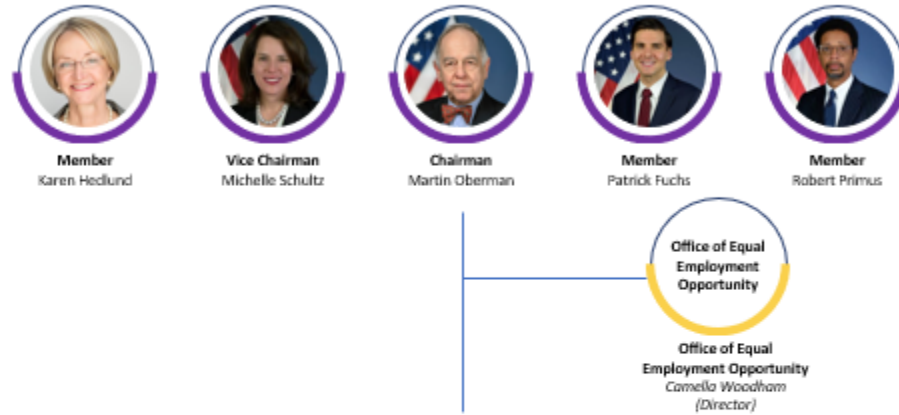
**The Office of Passenger Rail (OPR)**

**OPR** supports the Board in its efforts to meet its responsibilities under the Passenger Rail Investment and Improvement Act of 2008. The Office provides the Board with expertise related to passenger rail that includes legal and policy guidance, engineering, data analysis, and rail operations.

The Board has authority to investigate when an Amtrak train’s on-time performance averages less than 80% for any two consecutive calendar quarters. The “on-time performance” of Amtrak trains is a quarterly metric established and reported by the Federal Railroad Administration (FRA). Such an investigation is mandatory upon receipt of an eligible complaint or may be started on the Board’s own initiative. OPR performs data analysis of FRA’s quarterly metrics. The Office also plays a central role in the aforementioned investigations and any formal proceedings related to on-time performance.

## STB Office Organization Chart (as of 9/30/2022)

### Board Members



## Current Staffing Plan and Vacancies

Office	FY 2022			FY 2024
	Employee Staffing Plan	Employees on Board (as of 9/30/2022)	Vacancies	Employee Positions in Staffing Plan
Members' Offices	13	13	0	13
Equal Employment Opportunity*	0	0	0	0
Office of Economics	27	24	3	27
Office of Environmental Analysis	11	8	3	11
Office of the General Counsel	18	16	2	18
Office of the Managing Director	19	16	3	19
Office of Proceedings	41	34	7	41
Office of Public Assistance, Governmental Affairs, and Compliance	13	7	6	13
Office of Passenger Rail	-	-	-	10
<b>Board Total</b>	<b>142</b>	<b>118</b>	<b>24</b>	<b>152</b>

\* The STB through an Interagency agreement with the Federal Maritime Commission shares the costs of a Director for the Office of Equal Employment Opportunity, which allows both agencies to use funds responsibly while meeting required federal regulations.



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