



Office of the Chairman

Surface Transportation Board
Washington, D.C. 20423-0001

April 2, 2018

The Honorable Mario Diaz-Balart
Chairman
House Appropriations Subcommittee on
Transportation, Housing and Urban
Development, and Related Agencies
440 Cannon House Office Building
Washington, DC 20515

The Honorable David E. Price
Ranking Member
House Appropriations Subcommittee on
Transportation, Housing and Urban
Development, and Related Agencies
2108 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Diaz-Balart and Ranking Member Price:

On behalf of the Surface Transportation Board (Board), I am pleased to provide the Board's first quarter 2018 reports in accordance with the Surface Transportation Board Reauthorization Act of 2015. I will also provide an update on several matters that you may find of interest since my last quarterly letter.

As you know, the Board closely monitors freight rail service across the nation's rail system. During the past year, the Board paid close attention to CSX Transportation, Inc. (CSX) after it began implementing a new operating plan across its network, which caused serious service disruptions. While CSX's service issues have stabilized, the Board has increasing concerns about the service performance of other Class I carriers. Although there are exceptions, weekly data from most Class I railroads indicate that carriers are experiencing significant service challenges. For several railroads, system average train speed has declined, while system average terminal dwell time has climbed. For these same railroads, other key metrics—such as the average number of cars in revenue service that have not moved in 48 hours or more—are trending in an unfavorable direction. The Board's Rail Customer and Public Assistance (RCPA) program staff is scheduling weekly calls with these carriers, as RCPA staff did with CSX.

Due to the Board's concerns regarding service throughout the rail system, on March 16, 2018, the Board requested that all Class I railroads provide their service outlook plans for the near term and for the remainder of 2018. The Board has asked for information about each railroad's network, including locomotive availability, employee resources, local service performance, service demand, communication strategies, and capacity constraints. The carriers have also been asked to respond to concerns that have been raised in letters from the National Grain and Feed Association and the Alliance of Automobile Manufacturers. The carriers' responses are being posted on the Board's website as they are received so that they can be reviewed by interested stakeholders at the same time the Board is reviewing them.

On a related topic, the Board announced last month that Board staff will hold informal meetings with interested persons throughout the second quarter of 2018 to discuss and gather feedback on the adequacy of the Board's current regulations regarding emergency service and service inadequacies. Because these regulations are rarely used, even in times of rail service

deterioration, these informal discussions will help the Board explore whether and how the agency's current regulations could be modified to offer a more meaningful path to relief in times of serious rail service challenges.

With respect to regulatory proceedings, I am very pleased that the Board recently issued a final rule in Ex Parte Communications in Informal Rulemaking Proceedings, Docket No. EP 739. This new rule, issued on February 28, 2018, fundamentally changes the Board's approach to stakeholder communications during informal rulemaking proceedings. To enhance the Board's ability to make informed decisions, the new rule permits communications with stakeholders and interested persons, subject to appropriate disclosure, in informal rulemaking proceedings. The new rule applies to newly issued proceedings, but the Board will consider waiving the ex parte communications prohibition in pending informal rulemaking proceedings on a case-by-case basis. In fact, the Board has already done so in Expanding Access to Rate Relief, Docket No. EP 665 (Sub-No. 2), which will help the Board obtain a more thorough understanding of stakeholders' concerns and allow freer discussion among stakeholders and the Board's Rate Reform Task Force, established in January. The Board has also clarified that a prohibition on ex parte communications in Railroad Revenue Adequacy, Docket No. EP 722, does not apply because the proceeding has not reached a rulemaking stage.

The Board in January issued a final merits decision in the rate reasonableness case, Consumers Energy Co. v. CSX Transportation, Inc., Docket No. NOR 42142. That decision found that CSX has market dominance over the issue traffic; the rate was shown to be unreasonably high under the stand-alone cost (SAC) constraint; and CSX was not shown to be revenue adequate under the revenue adequacy constraint. The Board therefore prescribed rate relief under the SAC constraint. The parties have since filed petitions for reconsideration and technical corrections, which the Board is now in the process of addressing.

Thank you for your continued interest in the Board and its work. If you or your staff have any questions, please contact me at 202-245-0204.

Sincerely,

A handwritten signature in blue ink that reads "Ann Begeman". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Ann Begeman
Chairman

Report on Pending STB Regulatory Proceedings – March 31, 2018

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Surface Transportation Board

1. Review of the General Purpose Costing System

Popular Title: Review of the General Purpose Costing System

RIN 2140-AB14

Stage: Proposed Rule

Previous Stage: NPRM served 02/04/2013; End of Comment Period 09/05/2013; SNPRM served 08/04/2016 (published in Fed. Reg. 08/10/2016); End of Comment Period 11/07/2016.

Abstract: The Board proposes certain changes to its general purpose costing system—the Uniform Railroad Costing System (URCS). Specifically, the Board proposes in a Supplemental Notice of Proposed Rulemaking to modify certain inputs into Phase II of URCS and to modify certain cost calculations in Phase III of URCS in order to eliminate the “make-whole adjustment” in Phase III. The Board proposes certain other related changes to URCS, including proposals for locomotive unit-miles and train miles allocations, that would result in more appropriate rail movement costs.

Effects:

Paperwork Reduction Act

Prompting action: Board Initiative

Legal Deadline: None

Rulemaking Project Initiated: 02/04/2013

Docket Number: EP 431 (Sub-No. 4)

Dates for Next Action:

Milestone	Scheduled Date	New Projected Date	Actual Date
Service Date	05/2017	TBD	N/A

Explanation for any delay: The previous projected target date of 01/2018 has been changed to TBD to provide the Board additional time to work on this proposal given the complexity of the issues involved.

Federal Register Citation for Next Action: N/A

Surface Transportation Board

2. Rail Fuel Surcharges (Safe Harbor)

Popular Title: Rail Fuel Surcharges (Safe Harbor)

RIN 2140-AB17

Stage: Pre-Rule

Previous Stage: ANPRM served 05/29/2014; End of Comment Period 10/15/2014.

Abstract: The Board is giving shippers, rail carriers, and other interested parties the opportunity to comment on the Board's "safe harbor" standard, which allows carriers to rely on a Board-approved fuel index to measure changes in fuel prices for purposes of their fuel surcharge programs.

Effects:

None

Prompting action: Board Initiative

Legal Deadline: None

Rulemaking Project Initiated: 05/29/2014

Docket Number: EP 661 (Sub-No. 2)

Dates for Next Action:

Milestone	Scheduled Date	New Projected Date	Actual Date
Service Date	09/2016	TBD	N/A

Explanation for any delay: The new projected date was modified in the January 2017 report, explaining that the Board is in a time of transition with potential changes to the Board's membership due to the changeover in administration. The new projected target date remains TBD.

Federal Register Citation for Next Action: N/A

Surface Transportation Board

3. Expanding Access to Rate Relief

Popular Title: Expanding Access to Rate Relief

RIN 2140-AB37

Stage: Pre-Rule

Previous Stage: ANPRM served 08/31/2016; End of Comment Period 12/19/2016.

Abstract: The Board is considering procedures that could comprise a new rate reasonableness methodology for use in very small disputes, which would be available to shippers of agricultural products and all other commodities.

Effects:

None

Prompting action: Board Initiative

Legal Deadline: None

Rulemaking Project Initiated: 08/31/2016

Docket Number: EP 665 (Sub-No. 2)

Dates for Next Action:

Milestone	Scheduled Date	New Projected Date	Actual Date
Service Date	06/2017	TBD	N/A

Explanation for any delay: The 06/2017 date for next action was established in the January 2017 report. The Board did not reach a consensus on a June Board action. The new projected target date was changed to TBD in the July 2017 report. Note, on March 28, 2018, the Board issued a decision waiving the prohibition on ex parte communications in this proceeding.

Federal Register Citation for Next Action: N/A

Surface Transportation Board

4. Review of Commodity, Boxcar, and TOFC/COFC Exemptions

Popular Title: Commodity Exemptions

RIN 2140-AB29

Stage: Proposed Rule

Previous Stage: NPRM served 03/23/2016; Order granting the Association of American Railroads' request for extension of time served 05/06/2016; End of Comment Period 08/26/2016.

Abstract: In this proceeding, the Board proposes to revoke the existing class exemptions under 49 C.F.R. Part 1039 for (1) crushed or broken stone or rip rap; (2) hydraulic cement; and (3) coke produced from coal, primary iron or steel products, and iron or steel scrap, wastes or tailings.

Effects:

Regulatory Flexibility Act

Prompting action: Board Initiative

Legal Deadline: None

Rulemaking Project Initiated: 03/23/2016

Docket Number: EP 704 (Sub-No. 1)

Dates for Next Action:

Milestone	Scheduled Date	New Projected Date	Actual Date
Service Date	01/2017	TBD	N/A

Explanation for any delay: The new projected date was modified in the January 2017 report, explaining that the Board is in a time of transition with potential changes to the Board's membership due to the changeover in administration. The new projected target date remains TBD.

Federal Register Citation for Next Action: N/A

Surface Transportation Board

5. Reciprocal Switching

Popular Title: Competitive Switching Rules

RIN 2140-AB32

Stage: Proposed Rule

Previous Stage: NPRM served 07/27/2016.

Abstract: The Board proposes regulations which would allow a party to seek a reciprocal switching prescription that is either practicable and in the public interest or necessary to provide competitive rail service, in accordance with 49 U.S.C. § 11102(c)(1).

Effects:

None

Prompting action: Petition from the National Industrial Transportation League.

Legal Deadline: None

Rulemaking Project Initiated: 07/27/2016

Docket Number: EP 711 (Sub-No. 1)

Dates for Notice of Proposed Rulemaking:

Milestone	Scheduled Date	New Projected Date	Actual Date
NPRM Service Date	06/2016	07/2016	07/27/2016
Comment Period Ends	09/26/2016	10/26/2016	N/A
Reply Period Ends	10/10/2016	01/13/2017	N/A
Ex Parte Meetings	Beginning 01/30/2017	N/A	N/A

Explanation for any delay: N/A

Federal Register Citation for NPRM: 81 Fed. Reg. 51,149 (Aug. 3, 2016)

Surface Transportation Board

6. Railroad Revenue Adequacy

Popular Title: Revenue Adequacy

RIN 2140-AB19

Stage: Pre-Rule

Previous Stage: Notice served 04/02/2014; End of Comment Period 11/04/2014; Hearing 07/22/2015 and 07/23/2015.

Abstract: The Board is exploring its methodology for determining railroad revenue adequacy, as well as the revenue adequacy component used in judging the reasonableness of rail freight rates.

Effects:

None

Prompting action: Board Initiative

Legal Deadline: None

Rulemaking Project Initiated: 04/02/2014

Docket Number: EP 722

Dates for Next Action:

Milestone	Scheduled Date	New Projected Date	Actual Date
Service Date	10/2016	TBD	N/A

Explanation for any delay: The new projected target date was modified in the April 2017 report, changing it from June 2017 to TBD, in recognition of a changeover in administration and expected changes to the Board's membership. The new projected target date remains TBD. Note, on March 28, 2018, the Board issued a decision clarifying that a prohibition on ex parte communications in this proceeding is not applicable.

Federal Register Citation for Next Action: N/A

Surface Transportation Board

7. Ex Parte Communications in Informal Rulemaking Proceedings

Popular Title: Ex Parte

RIN # 2140-AB39

Stage: Final Rules

Previous Stage: NPRM served 09/29/2017; End of Comment Period 11/16/2017; Final Rules served 02/28/2018.

Abstract: The Board modified its regulations to permit, subject to disclosure requirements, ex parte communications in informal rulemaking proceedings. The Board also adopted other changes to its ex parte rules that clarify and update when and how interested persons may communicate informally with the Board regarding pending proceedings other than rulemakings. The modified regulations will enhance the Board's ability to make informed decisions through increased stakeholder communications while ensuring that the Board's record-building process in rulemaking proceedings remains transparent and fair.

Effects:

None

Prompting action: Board Initiative

Legal Deadline: None

Rulemaking Project Initiated: 09/29/2017

Docket Number: EP 739

Dates for Final Rules:

Milestone	Scheduled Date	New Projected Date	Actual Date
Service Date	02/2018	N/A	02/28/2018

Explanation for any delay: N/A

Federal Register Citation for Final Rules: 83 Fed. Reg. 9222 (Mar. 5, 2018)

Surface Transportation Board

8. Updating the Code of Federal Regulations

Popular Title: None

RIN # 2140-AB40

Stage: Final Rules

Previous Stage: None.

Abstract: The Board updated its regulations to reflect certain statutory changes enacted in the Surface Transportation Board Reauthorization Act of 2015 and replaced certain obsolete or incorrect references in the regulations.

Effects:

None

Prompting action: Board Initiative

Legal Deadline: None

Rulemaking Project Initiated: 1/31/2018

Docket Number: EP 746

Dates for Final Rules:

Milestone	Scheduled Date	New Projected Date	Actual Date
Service Date	03/2018	N/A	03/29/18

Explanation for any delay: N/A

Federal Register Citation for Final Rules: TBD

Quarterly Status Report of Rate Complaint Cases Before the STB - 1ST QUARTER 2018

Docket No:	NOR 42142
Case Name:	Consumers Energy Co. v. CSX Transportation, Inc.
Commodities:	Coal

Rate Review Type (SAC, SSAC, 3-Benchmark or Other):	SAC and Revenue Adequacy
Origin(s):	Interchange with BNSF in the vicinity of Chicago, IL
Destination(s):	Campbell Generating Station near West Olive, MI

Procedural Schedule:	
Date on Which Proceeding Began:	January 13, 2015
*Discovery Completed:	July 1, 2015
Opening Evidence:	November 2, 2015 / January 23, 2017 (supplemental)
Reply Evidence:	March 7, 2016 / March 6, 2017 (supplemental)
Rebuttal Evidence:	May 20, 2016 / April 13, 2017 (supplemental)
Closing Briefs:	June 24, 2016

Merits Decision:	January 11, 2018
Petitions for Reconsideration or Reopening / Petitions for Technical Corrections	February 20, 2018
Replies to Petitions for Reconsideration or Reopening	March 12, 2018
Decision Making Technical Corrections	<i>TBD</i>
Merits Decision on Reconsideration or Reopening	<i>TBD</i>

Italics indicate dates of future events, which are subject to change.

Brief Description of the Final Decisions:	
	The merits decision found that (1) CSXT has market dominance over the issue traffic; (2) the rate was shown to be unreasonably high under the SAC constraint; and (3) CSXT was not shown to be revenue adequate under the revenue adequacy constraint. Rate relief was prescribed under the SAC constraint.

** Parties often set the schedule for discovery and do not necessarily inform the Board. This date is based on the information in the Board's possession, but may have changed.*

CONSUMERS ENERGY CO. v. CSX TRANSPORTATION, Docket No. NOR 42142

Complete Timeline (Significant Filings and Decisions Only)

Consumers Complaint	January 13, 2015
CSXT Answer	February 2, 2015
CSXT Motion to Dismiss Revenue Adequacy Claim	March 24, 2015
Consumers Reply to CSXT Motion to Dismiss	April 13, 2015
Discovery Conference	April 21, 2015
STB Decision Denying CSXT Motion to Dismiss Rev. Adeq. Claim	June 15, 2015
Technical Conference	June 23, 2015
Close of Discovery*	July 1, 2015
STB Decision Adopting Procedures for Formatting of Evidence	July 15, 2015
Discovery Conference	July 20, 2015
Consumers Opening Evidence	November 2, 2015
CSXT Reply Evidence	March 7, 2016
CSXT Reply	March 7, 2016
CSXT Workpapers	March 7, 2016
CSXT Errata Sheet	March 8, 2016
CSXT Errata Sheet	March 8, 2016
Consumers Petition for Technical Conference	March 14, 2016
STB Decision Directing CSXT to File Response to Technical Conference	March 16, 2016
CSXT Reply to Consumers Technical Conference	March 21, 2016
STB Decision Denying Request for Technical Conference	April 6, 2016
CSXT Reply and Submission of Workpapers in Response to STB Decision	April 8, 2016
Consumers Motion to Modify Procedural Schedule	April 13, 2016
CSXT Reply to Consumers Motion to Modify Procedural Schedule	April 15, 2016
STB Decision Granting in Part Consumers Motion to Modify Procedural Schedule	April 20, 2016
Consumers Workpapers	May 20, 2016
Consumers Rebuttal	May 20, 2016
Consumers Rebuttal	May 20, 2016
CSXT Confidential Errata to Reply Evidence	May 26, 2016
CSXT Errata Sheet	May 26, 2016
Consumers Reply to CSXT Errata Evidence	May 27, 2016
CSXT Letter Requesting the Board Accept Its Errata Sheet	June 1, 2016
STB Decision Directing Parties to Prepare Closing Briefs	June 3, 2016
Consumers Errata Sheet	June 3, 2016
Consumers Errata Sheet	June 3, 2016
CSXT Motion to Strike	June 24, 2016
CSXT Motion to Strike	June 24, 2016
CSXT Final Brief	June 24, 2016
CSXT Final Brief	June 24, 2016
Consumers Final Brief	June 24, 2016
Consumers Final Brief	June 24, 2016
Consumers Motion to Remove CSXT Motion to Strike	June 27, 2016
Consumers Reply to CSXT Motion to Strike	July 14, 2016
Consumers Petition for Leave to Supplement Record	July 14, 2016
CSXT Reply to Consumers Petition for Leave to Supplement Record	July 26, 2016
STB Decision Ruling on Consumers Petition for Leave to Supplement Record and CSXT Motion to Strike, and Directing Parties to File Supplemental Evidence	December 9, 2016
Consumers Supplemental Opening Evidence	January 23, 2017
CSXT Supplemental Reply Evidence	March 6, 2017
Consumers Supplemental Rebuttal Evidence	April 13, 2017
CSXT Motion to Strike	May 3, 2017
Consumers Reply to CSXT Motion to Strike	May 23, 2017
STB Decision on the Merits	January 11, 2018
CSXT Motion for an Extension of Time	January 18, 2018
STB Decision Granting CSXT Motion for an Extension of Time	January 19, 2018
Joint Petition for Technical Changes	February 20, 2018
Consumers Petition for Technical Changes	February 20, 2018
Consumers Petition for Reconsideration	February 20, 2018
CSXT Petition for Reconsideration	February 20, 2018
CSXT Reply to Consumers Petition for Technical Changes	March 12, 2018
CSXT Reply to Consumers Petition for Reconsideration	March 12, 2018
Consumers Reply to CSXT Petition for Reconsideration	March 12, 2018
STB Updated Merits Decision to Include Public Version of Market Dominance Appendix	March 14, 2018
CSXT Letter	March 19, 2018
Consumers Response to CSXT Letter	March 20, 2018

* Parties often set the schedule for discovery and do not necessarily inform the Board. This date is based on the information in the Board's possession, but may have changed

Rail Rate Cases at the STB

(1996 to Present) - Last Updated 03/30/2018

Docket No	Case Name	Commodity	Guidelines Used	Date of Decision	Decision
41191	West Texas v. BNSF	Coal	SAC	5/3/1996	Rates Unreasonable
37809	McCarty Farms v. BN	Grain	SAC	8/20/1997	Rates Reasonable
41185	APS v. ATSF	Coal	SAC	4/17/1998	Rates Unreasonable
41989	Pepco v. CSX	Coal	SAC	6/18/1998	Settlement
42012	Sierra Pacific v. UP	Coal	SAC	7/17/1998	Settlement
41670	Shell Chemical v. NS	Chemical	Simplified	3/12/1999	Settlement
41295	PPL v. Conrail	Coal	SAC	5/13/1999	Settlement
42034	PSI Energy v. Soo	Coal	SAC	5/13/1999	Settlement
42022	FMC v. UP	Minerals	SAC	5/12/2000	Rates Unreasonable
42038	MN Power v. DMIR	Coal	Stipulated R/VC	1/5/2001	Settlement
42051	WPL v. UP	Coal	SAC	5/14/2002	Rates Unreasonable
42054	PPL v. BNSF	Coal	SAC	8/20/2002	Rates Reasonable
42059	Northern States v. UP	Coal	Stipulated R/VC	8/7/2003	Settlement
42077	APS v. BNSF	Coal	SAC	12/31/2003	Withdrawn
42056	TMPA v. BNSF	Coal	SAC	9/27/2004	Rates Unreasonable
42069	Duke v. NS	Coal	SAC	10/20/2004	Rates Reasonable
42070	Duke v. CSXT	Coal	SAC	10/20/2004	Rates Reasonable
42072	Carolina Power v. NS	Coal	SAC	10/20/2004	Rates Reasonable
42057	Xcel v. BNSF	Coal	SAC	12/14/2004	Rates Unreasonable
42058	AEPCO v. BNSF	Coal	SAC	3/15/2005	Rates Reasonable
42093	BP Amoco v. NS	Chemical	Simplified	6/28/2005	Settlement
42071	Otter Tail v. BNSF	Coal	SAC	1/27/2006	Rates Reasonable
42091	APS v. BNSF	Coal	SAC	2/10/2006	Settlement
42097	Albemarle v. LNW	Chemical	SAC	11/14/2006	Settlement
42098	Williams Olefins v. GTC	Chemical	Simplified	2/15/2007	Settlement
42095	KCPL v. UP	Coal	Stipulated R/VC	5/19/2008	Rates Unreasonable
42088	Western Fuels v. BNSF	Coal	SAC	2/18/2009	Rates Unreasonable
42112	E.I. Dupont v. CSX	Chemical	SAC	5/11/2009	Settlement
41191 (S1)	AEP Texas v. BNSF	Coal	SAC	5/15/2009	Rates Reasonable
42111	Oklahoma Gas v. UP	Coal	Stipulated R/VC	7/24/2009	Rates Unreasonable
42099	DuPont v. CSXT	Chemical	Three-Benchmark	9/1/2009	Settlement
42100	DuPont v. CSXT	Chemical	Three-Benchmark	9/1/2009	Settlement
42101	DuPont v. CSXT	Chemical	Three-Benchmark	9/1/2009	Settlement
42114	U.S. Magnesium v. UP	Chemical	Three-Benchmark	1/28/2010	Rates Unreasonable
42115	U.S. Magnesium v. UP	Chemical	Simplified SAC	4/2/2010	Settlement
42116	U.S. Magnesium v. UP	Chemical	Simplified SAC	4/2/2010	Settlement
42122	NRG v. CSXT	Coal	SAC	7/8/2010	Settlement
42110	Seminole Electric v. CSXT	Coal	SAC	9/27/2010	Settlement
42113 (S1)	AEPCO v. UP	Coal	SAC	4/15/2011	Settlement
42128	SMEPA v. NS	Coal	SAC	8/31/2011	Settlement
41191 (S1)	AEP Texas v. BNSF	Coal	SAC-Remand	10/26/2011	Settlement
42113	AEPCO v. BNSF & UP	Coal	SAC	11/22/2011	Rates Unreasonable
42132	Canexus v. BNSF	Chemical	Three-Benchmark	7/20/2012	Settlement
42127	IPA v. UP	Coal	SAC	11/2/2012	Withdrawn
42123	M&G Polymers v. CSXT	Chemicals	SAC	1/7/2013	Settlement
42125	DuPont v. NS	Chemicals	SAC	3/24/2014	Rates Reasonable
42130	SunBelt v. NS	Chemical	SAC	6/20/2014	Rates Reasonable
42136	IPA v. UP	Coal	SAC	10/8/2014	Settlement
42088	Western Fuels v. BNSF	Coal	SAC	6/15/2015	Settlement
42121	TPI v. CSXT	Chemicals	SAC	9/14/2016	Rates Reasonable
42142	Consumers v. CSXT	Coal	SAC & Revenue Adequacy	1/11/2018	Rates Unreasonable
Pending before the STB					
Docket No	Case Name	Commodity	Guidelines Used	Date of Decision	Decision
NA					

Notes to Table:

1. SAC = Stand-Alone Cost Methodology Applied for a Hypothetical Railroad.
2. Simplified = Using a Simplified, Rather than Full-SAC, Methodology for Determining the Reasonableness of Rates as Set Forth in Coal Rate Guidelines, Nationwide, 1 I.C.C.2d 520 (1985) (Guidelines).
3. Stipulated R/VC = Parties Agreed to Use Revenue to Variable Cost (R/VC) Ratios @ 180% Level, in Lieu of Using SAC.
4. Three-Benchmark Methodology = Methodology of Seeking Relief Pursuant to the Revised Simplified Procedures as Set Forth in Simplified Standards for Rail Rate Cases, STB Ex Parte No. 646 (Sub-No. 1) (STB served Sept. 5, 2007) and any additional Sub-No. decisions.
5. Revenue Adequacy = Revenue Adequacy Constraint, as Described in Guidelines.

SURFACE TRANSPORTATION BOARD
QUARTERLY REPORT OF FORMAL SERVICE COMPLAINTS

Date: March 31, 2018

The Surface Transportation Board Reauthorization Act of 2015 mandated that the Surface Transportation Board (STB) publish a quarterly report of formal service complaints received by the agency. *See* STB Reauthorization Act of 2015, sec. 6(b), Pub. L. No. 114-110 (2015). During the January 1, 2018 – March 31, 2018 period, the following formal service-related complaints were pending:

Formal Service-Related Complaints:

Date Complaint Received	Type of Complaint	Title	Docket No.	Geographic Region	Complainant	Carrier(s) Involved	Resolution/Status
1/19/2012	Failure to prioritize Amtrak trains over freight trains	National Railroad Passenger Corporation— Section 213 Investigation of Substandard Performance on Rail Lines of Canadian National Railway Company	NOR 42134	Midwest	National Railroad Passenger Corporation (Amtrak)	Canadian National Railway Company, Grand Trunk Western Railway, Illinois Central Railroad	Final rules regarding on-time performance standard issued 7/28/2016 in Docket No. EP 726. Petitions for judicial review of those rules filed by multiple parties and ultimately consolidated in the U.S. Court of Appeals for the Eighth Circuit. Requests to hold the proceeding in abeyance and responses to Amtrak’s on-time performance data received 10/25/2016; reply to the motion to hold in abeyance received 11/10/2016. Oral argument on the petitions for review of EP 726 held by the Eighth Circuit 2/8/2017.

Date Complaint Received	Type of Complaint	Title	Docket No.	Geographic Region	Complainant	Carrier(s) Involved	Resolution/Status
							<p>Eighth Circuit vacated Board's EP 726 on-time performance final rule 7/12/2017.</p> <p>Amtrak and organizations representing passenger interests filed petitions for certiorari with the U.S. Supreme Court on 11/13/2017 and 11/14/2017, respectively.</p> <p>The U.S. Supreme Court denied the petitions for certiorari on 2/20/2018.</p> <p>Unopposed motion to dismiss complaint filed 3/29/2018.</p>
2/27/2013	Application for terminal trackage rights	BNSF Railway Company— Terminal Trackage Rights—Kansas City Southern Railway and Union Pacific Railroad Company	FD 32760 (Sub-No. 46)	Louisiana	BNSF Railway Company	BNSF Railway Company, Union Pacific Railroad Company, Kansas City Southern Railway	<p>Decision granting BNSF's application for terminal trackage rights served 7/5/2016.</p> <p>Appeal filed with the U.S. Court of Appeals for the District of Columbia Circuit 9/1/2016. Appeal ordered to be held in abeyance by the D.C. Circuit 1/3/2017 to allow parties to reach agreement regarding certain terms and conditions.</p> <p>BNSF filed petition to establish conditions of use and compensation on 1/12/2018.</p>

Date Complaint Received	Type of Complaint	Title	Docket No.	Geographic Region	Complainant	Carrier(s) Involved	Resolution/Status
							<p>Kansas City Southern filed motion to dismiss petition on 2/1/2018. BNSF replied to motion to dismiss on 2/21/2018. Additional pleadings by BNSF, UP, and KCS filed 2/21/2018, 3/5/2018; and 3/9/2018. BNSF replied to KCS and UP comments on 3/22/18. Draft decision is in progress.</p>
11/17/2014	Failure to prioritize Amtrak trains over freight trains	National Railroad Passenger Corporation— Investigation of Substandard Performance of the Capital Limited	NOR 42141	Midwest, Mid-Atlantic	National Railroad Passenger Corporation (Amtrak)	CSX Transportation, Inc. (CSXT); Norfolk Southern Railway Company (NSR)	<p>NSR and CSXT filed motions to dismiss 1/7/2015.</p> <p>Final rules regarding on-time performance standard issued 7/28/2016 in EP 726. Petitions for judicial review of those rules filed by multiple parties and ultimately consolidated in the U.S. Court of Appeals for the Eighth Circuit.</p> <p>Amtrak revised on-time performance data submitted 10/17/2016. Requests to hold the proceeding in abeyance and responses to Amtrak’s on-time performance data received 10/25/2016; reply to the motion to hold in abeyance received 11/10/2016.</p>

Date Complaint Received	Type of Complaint	Title	Docket No.	Geographic Region	Complainant	Carrier(s) Involved	Resolution/Status
							<p>Oral argument on the petitions for review of EP 726 held by the Eighth Circuit 2/8/2017.</p> <p>Eighth Circuit vacated Board's EP 726 on-time performance final rule 7/12/2017.</p> <p>Letters by NSR and CSXT requesting the Board act on their motions to dismiss received on 9/1/2017 and 10/13/2017, respectively.</p> <p>The Board granted two unopposed requests by Amtrak to extend the reply deadline to the motion to dismiss.</p> <p>Amtrak and organizations representing rail passenger interests filed petitions for certiorari with the U.S. Supreme Court on 11/13/2017 and 11/14/2017, respectively.</p> <p>The U.S. Supreme Court denied the petitions for certiorari on 2/20/2018.</p> <p>Amtrak filed letter 3/5/2018 stating it does not oppose NSR's and CSXT's requests for the Board to rule on their motions to dismiss.</p>

Date Complaint Received	Type of Complaint	Title	Docket No.	Geographic Region	Complainant	Carrier(s) Involved	Resolution/Status
3/31/2015	Unreasonable tariff and practices	North American Freight Car Association v. Union Pacific Railroad Company	NOR 42144	Nationwide	North American Freight Car Association; American Fuel & Petrochemicals Manufacturers; The Chlorine Institute; The Fertilizer Institute; American Chemistry Council; Ethanol Products, LLC d/b/a Poet Ethanol Products; Poet Nutrition, Inc.; and Cargill Incorporated	Union Pacific Railroad Company	Motion to consolidate this proceeding with NOR 42150 and NOR 42152 received 1/26/2017. Decision consolidating NOR 42150, NOR 42152, and NOR 42144 served 3/31/2017. Decision consolidating NOR 42153 with NOR 42150, NOR 42152, and NOR 42144 served 10/05/2017. In discovery.
12/19/2016	Unreasonable practice and violation of statutory obligation to compensate car owners	Valero Marketing & Supply Company v. Union Pacific Railroad Company	NOR 42150	Unspecified	Valero Marketing & Supply Company; and Valero Rail Partners, LLC	Union Pacific Railroad Company	Complaint filed 12/19/2016. Motion for abeyance received 1/6/2017; reply and motion to consolidate received 1/26/2017; motion to compel received 2/24/2017. Decision consolidating NOR 42150 with NOR 42152 and NOR 42144 served 3/31/2017. Decision consolidating NOR 42153 with NOR 42150, NOR 42152, and NOR 42144 served 10/05/2017. In discovery.
12/30/2016	Unreasonable practice and violation of statutory obligation to	Tesoro Refining & Marketing Company LLC v. Union Pacific Railroad Company	NOR 42152	Unspecified	Tesoro Refining & Marketing Company LLC; Tesoro Great Plains Gathering & Marketing LLC;	Union Pacific Railroad Company	Complaint filed 12/30/2016. Motion for abeyance received 1/6/2017; reply and motion to consolidate received 1/26/2017; motion to compel received 2/24/2017. Decision

Date Complaint Received	Type of Complaint	Title	Docket No.	Geographic Region	Complainant	Carrier(s) Involved	Resolution/Status
	compensate car owners				and Dakota Prairie Refining, LLC		consolidating NOR 42150, NOR 42152, and NOR 42144 served 3/31/2017. Decision consolidating NOR 42153 with NOR 42150, NOR 42152, and NOR 42144 served 10/05/2017. In discovery.
2/1/2017	Petition for enforcement of merger condition to permit a railroad access to another railroad's line	Union Pacific Corporation, Union Pacific Railroad Company & Missouri Pacific Railroad Company— Control and Merger— Southern Pacific Rail Corporation, Southern Pacific Transportation Company, St. Louis Southwestern Railway Company, SPCSL Corp. and The Denver and Rio Grande Western Railroad Company	FD 32760	Texas	BNSF Railway Company & Mission Rail Industrial Park, LLC	Union Pacific Railroad Company, BNSF Railway Company	<p>Joint petition for enforcement filed 2/1/2017. Reply filed 5/25/2017. Rebuttal and Petition for Leave filed 6/16/2017.</p> <p>Motion to dismiss or hold proceeding in abeyance to allow for arbitration filed 2/21/2017; replies filed 3/7/2017. Decision denying the motion served 5/5/2017.</p> <p>Decision granting the petition for enforcement served 1/31/2018.</p>

Date Complaint Received	Type of Complaint	Title	Docket No.	Geographic Region	Complainant	Carrier(s) Involved	Resolution/Status
8/1/2017	Unreasonable practice and violation of statutory obligation to compensate car owners	Arkema Inc. v. Union Pacific Railroad Company	NOR 42153	Unspecified	Arkema Inc.	Union Pacific Railroad Company	Complaint filed 8/1/2017. Union Pacific's motion to consolidate with NOR 42150, NOR 42152, and NOR 42144, received 8/9/2017; answer to the complaint (8/23/2017), reply (8/29/2017), and supplement to the motion to consolidate (9/8/2017) received. Decision consolidating NOR 42153 with NOR 42150, NOR 42152, and NOR 42144 served 10/05/2017. In discovery.
8/14/2017	Service issues, including an unlawful embargo	Monticello Farm Service, Inc. v. CSXT Transportation, Inc.	NOR 42154	Indiana	Monticello Farm Service, Inc.	CSXT Transportation, Inc.	Complaint filed 8/14/2017. Answer filed 9/1/2017. Joint procedural schedule request granted by decision served 11/13/2017; record scheduled to close 3/7/2018. Decision granting joint motion to dismiss served 2/13/2018.

SURFACE TRANSPORTATION BOARD
QUARTERLY REPORT OF INFORMAL SERVICE COMPLAINTS RECEIVED
FIRST QUARTER 2018

Date: March 31, 2018

The Surface Transportation Board Reauthorization Act of 2015 mandated that the Surface Transportation Board (STB) publish a quarterly report of informal service complaints received by the agency. See STB Reauthorization Act of 2015, sec. 6(b), Pub. L. No: 114-110 (2015). During the period from January 1, 2018 through March 31, 2018, the STB received the following informal complaints¹:

Date ²	Type of Informal Complaint	Geographic Region ³	Resolution / Status	Complainant ⁴ CONFIDENTIAL
06/29/2017	Railroad service issue	West	Shortline railroad requested assistance from RCPA concerning suspension of its interchange with a Class I railroad; after conferring with the shortline, RCPA reached out to the Class I railroad to discuss issues and resumption of interchange [Closed]	

¹ A table showing the quarterly inquiries received by the STB’s Rail Customer and Public Assistance (RCPA) office is attached as an Appendix to this report.

² Matters reported as “Pending” on the previous quarterly report are carried forward to the next quarterly report.

³ **Northeast:** Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New Jersey, New York, and Pennsylvania; **South:** Maryland, Delaware, West Virginia, Virginia, Kentucky, Tennessee, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Arkansas, Louisiana, Oklahoma, and Texas; **Midwest:** North Dakota, South Dakota, Nebraska, Kansas, Missouri, Iowa, Minnesota, Wisconsin, Illinois, Michigan, Indiana, and Ohio; **West:** Washington, Idaho, Montana, Wyoming, Oregon, California, Nevada, Utah, Colorado, Arizona, New Mexico, Alaska, and Hawaii.

⁴ This Quarterly Report may identify the complainant that submitted an informal complaint only upon the written consent of the complainant. Surface Transportation Board Reauthorization Act of 2015, sec. 6(b).

Date ²	Type of Informal Complaint	Geographic Region ³	Resolution / Status	Complainant ⁴ CONFIDENTIAL
09/14/2017	Railroad service issue	Midwest and Northeast	Shipper contacted RCPA about deteriorating rail service, including increases in transit times and inconsistent local service at origin and destination; shipper noted that it is trucking product to customers to prevent production shutdown; RCPA provided perspective on formal and informal actions being taken by the STB to facilitate service improvement; RCPA facilitated discussions between the railroad and shipper resulting in agreed pathway to resolve service issues [Closed]	
11/20/2017	Railroad blocked crossing	Midwest	Residents and civic leaders contacted RCPA about increased frequency and duration of blocked crossings on local roads; RCPA contacted the railroad to elevate the concerns and gain additional information; RCPA liaised with officials to provide information about the crossings and the railroad's operations [Closed]	
11/20/2017	Railroad demurrage issue	Northeast	Representative of transloader contacted RCPA about the transloader's problems with demurrage, including excessive demurrage and inaccurate records of car placement and release; RCPA offered assistance and guidance; however, the shipper did not follow up with RCPA [Closed]	
11/27/2017	Railroad tariff rules and charges	Midwest	Shipper contacted RCPA about a shortline railroad's tariff surcharge related to safety compliance costs; RCPA provided informal guidance on STB caselaw, as related to similar surcharges [Closed]	

Date ²	Type of Informal Complaint	Geographic Region ³	Resolution / Status	Complainant ⁴ CONFIDENTIAL
11/27/2017	Railroad service issue	Northeast	Shipper contacted RCPA about missed switches, and railcars delayed in transit and stranded at local yards; RCPA liaised with the railroad about specific railcars to facilitate movement, and to improve the railroad's communication with the shipper [Closed]	
11/30/2017	Railroad service issue	Midwest	Shipper contacted RCPA about problems with overweight railcars and related problems raised by the railroad; RCPA liaised with the railroad to address the shipper's concerns; railroad advised that it would engage with the shipper to resolve the issue [Closed]	
12/05/2017	Railroad service issue	Midwest	Shipper contacted RCPA with concerns about a railroad's ability to handle increased traffic volume in light of recent service problems, including missed switches and delays in transit; RCPA provided overview of options for providing informal assistance; the shipper advised that it would consider options and follow up with RCPA [Pending]	
12/08/2017	Railroad service issue	South	Shipper contacted RCPA with concerns about delays in moving shipments from local serving yard to facility and coordination between the railroads providing service to facility; RCPA liaised with both railroads providing service to better understand commercial and operational considerations [Pending]	
12/08/2017	Railroad side track agreement	South	Warehouse operator contacted RCPA about its financial dispute with a railroad related to the railroad maintaining access to the operator's facility; the operator contested charges assessed by the railroad; RCPA liaised with the railroad to understand the basis for the charges in question [Pending]	

Date ²	Type of Informal Complaint	Geographic Region ³	Resolution / Status	Complainant ⁴ CONFIDENTIAL
12/14/2017	Railroad side track agreement	Midwest	Shipper contacted RCPA about difficulty with railroad in negotiating track lease agreement; RCPA provided informal guidance on commercial and legal issues related to track leases [Closed]	
12/21/2017	Railroad car supply	West	Shipper contacted RCPA about its backlog of unfilled requests for equipment to move agricultural products; RCPA discussed options for informal assistance and the extent of the shipper's problem; RCPA reached out to the railroad to seek assistance for the shipper, and relayed information to the shipper about equipment availability [Closed]	
12/22/2017	Railroad service issue	West	Shipper contacted RCPA about missed switches and delayed delivery of empty equipment causing its plant to curtail production; RCPA contacted the railroad to discuss repeated service issues at the facility and gain an understanding of the cause(s); the railroad explained recent service design changes [Closed]	
01/02/2018	Railroad service issue	Midwest	Shipper contacted RCPA about poor local service and delayed delivery of inbound shipments; RCPA contacted the railroad to discuss service issues; the railroad advised that it was meeting with the customer and taking steps to provide consistent service [Closed]	
01/03/2018	Railroad service issue	Midwest	Shipper contacted RCPA about poor local service and delayed delivery of railcars; RCPA contacted the railroad to discuss service issues; the railroad advised that the customer's concerns were escalated internally and that procedures were put into place to improve communication with the local trainmaster [Closed]	

Date ²	Type of Informal Complaint	Geographic Region ³	Resolution / Status	Complainant ⁴ CONFIDENTIAL
01/09/2018	Railroad rate levels	Midwest	Shipper contacted RCPA about the legality of a rate increase on its traffic; RCPA provided informal guidance about commercial and legal issues pertaining to rate setting by railroads and described the process for challenging rates before the STB [Closed]	
01/09/2018	Railroad service issue	Midwest	Shipper contacted RCPA about a unit train shipment that had been delayed for several days at interchange and to discuss general concerns about rail service; however, the shipper did not request assistance from RCPA [Closed]	
01/09/2018	Railroad service issue	South	Shipper contacted RCPA about railroad's poor local service, delays in transit, and problems with information technology; RCPA contacted the railroad to discuss the shipper's problems and facilitate service improvement [Pending]	
01/10/2018	Railroad rate levels	South	Shipper contact RCPA about railroad's rate levels, which made it uneconomic to ship certain commodities; RCPA discussed commercial and legal issues related to railroad rate levels; however, shipper declined RCPA's overture to liaise with the railroad on its behalf [Closed]	
01/12/2018	Railroad service issue	Northeast	Shortline railroad contacted RCPA about denial of track access by another railroad; RCPA liaised with the second railroad to discuss the issue and related impacts for customers; the second railroad withdrew restrictions on access and both carriers took steps to improve communication and coordination of operations [Closed]	

Date ²	Type of Informal Complaint	Geographic Region ³	Resolution / Status	Complainant ⁴ CONFIDENTIAL
01/12/2018	Railroad service issue	Midwest	State official contacted RCPA to express concern about delayed rail shipments of energy products, affecting several locations in the state; RCPA liaised with the primary railroads serving the state to relay concerns and gather information; RCPA liaised with the official to provide information about service disruptions and remedial actions [Closed]	
01/12/2018	Railroad service issue	West	Shipper contacted RCPA about a railroad's inability to supply empty railcars in a timely manner and a general lack of equipment availability; RCPA provided information on current issues related to car supply and the railroad's efforts to increase car availability [Closed]	
01/16/2018	Railroad service issue	Northeast	Shipper contacted RCPA about unreliable service and poor communication from a railroad; RCPA discussed the shipper's concerns and current commercial and operating conditions; the shipper did not request that RCPA intercede directly with the railroad [Closed]	
01/16/2018	Railroad rate levels	Northeast	Shipper contacted RCPA about rate increases proposed by its rail carrier and operational issues that would impose additional costs; RCPA discussed commercial and regulatory considerations, including the shipper's potential pathways for bringing a complaint before the STB; subsequently, the shipper informed RCPA that the railroad had postponed its operational changes indefinitely [Closed]	

Date ²	Type of Informal Complaint	Geographic Region ³	Resolution / Status	Complainant ⁴ CONFIDENTIAL
01/17/2018	Railroad service issue	Midwest	Shipper contacted RCPA about poor rail service, including missed switches and lack of communication; however, the shipper did not request that RCPA intercede directly with the railroad; RCPA discussed operational and commercial issues with the shipper [Closed]	
01/17/2018	Railroad service issue; track lease agreement	West	Shipper contacted RCPA about poor rail service, in particular, missed switches, and the railroad's requirement that the shipper lease track space; RCPA liaised with the railroad to discuss the shipper's concerns [Pending]	
01/18/2018	Railroad demurrage issue	West	Shipper contacted RCPA about demurrage and other accessorial charges being assessed by both a shortline and a Class I railroad; RCPA discussed the operational and commercial issues with the shipper and reached out to the Class I railroad; after initial RCPA communications with the railroad, the shipper advised that assistance was no longer needed [Closed]	
01/18/2018	Railroad service issue	South	Shipper contacted RCPA about delayed delivery of several inbound railcars, which were urgently required; RCPA contacted the railroad to facilitate expedited delivery of the cars, which was accomplished to meet the shipper's needs [Closed]	
01/18/2018	Railroad access issue	Midwest	Shortline railroad contacted RCPA about pathways for gaining access to a second Class I railroad in order to expand logistics options for tenants of industrial park; RCPA discussed general regulatory and commercial considerations related to additional access; however, shortline declined to pursue the matter further [Closed]	

Date ²	Type of Informal Complaint	Geographic Region ³	Resolution / Status	Complainant ⁴ CONFIDENTIAL
01/18/2018	Railroad service issue	Midwest	Shipper contacted RCPA about service issues, including delays in transit and missed switches; RCPA reached out to the railroad to relay the shippers concerns [Pending]	
01/19/2018	Railroad service issue	West	Shipper contacted RCPA about a railroad's inability to supply empty railcars as requested and a general lack of equipment availability; RCPA provided information on current issues related to car supply and the railroad's efforts to increase car availability [Pending]	
01/24/2018	Railroad charges	South	Shipper contacted RCPA about a railroad's proposed increase in its switch maintenance fee; RCPA facilitated communication between the railroad and the shipper resulting in postponement of planned increase [Closed]	
01/25/2018	Railroad service issue	Midwest	Railcar repair facility contacted RCPA about local switching problems with a shortline railroad; RCPA liaised with the shortline to better understand the problems and facilitate operational improvements; after discussions, the shortline committed to improving service [Closed]	
01/30/2018	Railroad service issue	Northeast	Shipper contacted RCPA about a service issue stemming from a disagreement between two shortline railroads over track access; RCPA contacted one of the shortlines for purposes of gaining additional information about the issues; the shortline advised that the parties had worked out a solution that accommodated the shipper's needs; RCPA reached out to the shipper to confirm that the matter was resolved satisfactorily [Closed]	

Date ²	Type of Informal Complaint	Geographic Region ³	Resolution / Status	Complainant ⁴ CONFIDENTIAL
01/30/2018	Railroad service issue	South	Shipper contacted RCPA about poor rail service, including missed switches and delays in transit; RCPA liaised with the railroad to discuss service issues and facilitate better communication and coordination between the parties; as a result of RCPA contact, the shipper met with local railroad personnel and senior management to discuss and implement actions going forward to resolve service and communication problems [Closed]	
02/01/2018	Railroad service issue	South	Railroad contacted RCPA about another railroad's delays in taking cars at interchange, resulting in congestion and disruption of operations; RCPA offered to liaise with the other railroad; however, the first railroad declined to pursue the matter [Closed]	
02/01/2018	Railroad service issue	South	Shipper contacted RCPA about delayed delivery of an inbound railcar, carrying a critical shipment; RCPA contacted the railroads to facilitate interchange and expedited delivery of the car [Closed]	
02/02/2018	Railroad service issue	South	Shipper contacted RCPA about delayed delivery of inbound empty cars, in particular, the railroad not delivering them from the local serving yard; RCPA reached out to the railroad to discuss the problem and facilitate delivery; the railroad delivered the cars and identified and corrected underlying IT issues that were responsible for the delays [Closed]	

Date ²	Type of Informal Complaint	Geographic Region ³	Resolution / Status	Complainant ⁴ CONFIDENTIAL
02/02/2018	Railroad service issue	South	Shipper contacted RCPA about several railcars that were stuck for several days at an intermediate yard; RCPA contacted the shipper and offered to liaise with the railroad to facilitate movement; in the interim, however, the railcars were pulled from the yard and en route to destination [Closed]	
02/02/2018	Railroad service issue	South	Shipper contacted RCPA about delays in transit and significant numbers of cars stuck in local service yards; RCPA discussed current service issues and reasons for congestion and offered to intercede with the railroad; however, the shipper advised that it would seek assistance if progress was not made after meetings with the railroad's senior management [Closed]	
02/06/2018	Railroad demurrage issue	Midwest	Shipper contacted RCPA about demurrage issue arising from use of shared track in an industrial park and cars being constructively placed without its knowledge; RCPA provided informal guidance on commercial and regulatory issues related to demurrage; however, the shipper did not request direct RCPA assistance with the railroad [Closed]	
02/08/2018	Railroad accessorial charges	West	Shipper contacted RCPA about a tariff charge being imposed by a shortline railroad in order to defray costs of a safety compliance program; RCPA provided informal guidance to the shipper about the tariff charge and suggested pathways to resolve the issue with the shortline [Closed]	

Date ²	Type of Informal Complaint	Geographic Region ³	Resolution / Status	Complainant ⁴ CONFIDENTIAL
02/13/2018	Railroad service issue	Midwest	Shipper contacted RCPA about a loaded railcar that had been stopped in transit due to an overweight issue, explaining that it had been unable to contact the railroad to resolve the problem; RCPA liaised with the railroad to facilitate communication with the shipper for purposes of resolving the overweight issue [Closed]	
02/13/2018	Railroad service issue	Midwest	Shipper contacted RCPA about problems in securing a reliable supply of empty boxcars in order to load its product, and, in particular, a critical inbound car that disappeared from its order; RCPA reached out to the railroad to discuss the problems and to rectify the issue of the missing car; after these discussions, the railroad spotted several empty boxcars and resolved to better communicate with the shipper about equipment [Closed]	
02/13/2018	Railroad service issue	West	Shipper contacted RCPA about delayed inbound railcars that were sitting near their origin and not moving; at the shipper's request, RCPA contacted the railroad with the relevant car numbers in order to expedite their movement; the railroad advised that it was experiencing congestion but would focus on moving the cars promptly [Closed]	

Date ²	Type of Informal Complaint	Geographic Region ³	Resolution / Status	Complainant ⁴ CONFIDENTIAL
02/14/2018	Railroad service issue	Midwest	Shipper trade association contacted RCPA about service disruptions and congestion affecting one of its members; RCPA held a follow up call with the shipper and the association to better understand the service problems; at the shipper's request, RCPA reached out to the railroad to elevate the shipper's concerns and to understand what measures are being taken to improve service; after receiving assurances from the railroad, RCPA relayed this information to the shipper [Pending]	
02/16/2018	Railroad service issue	Midwest	Shipper's representative contacted RCPA about service problems including congestion at its local yard, delayed placement of empty unit trains for loading, and ineffective communications with the railroad; RCPA liaised with the railroad to obtain more information about service problems in the area and to elevate the shipper's concerns; RCPA relayed this information to the shipper's representative and is continuing to monitor service to the shipper [Pending]	
02/19/2018	Railroad service issue	Midwest	Shipper contacted RCPA about a loaded railcar going to its customer that was stranded at its point of interchange with another railroad; RCPA liaised with the originating railroad to expedite interchange of the car, which was promptly accomplished [Closed]	

Date ²	Type of Informal Complaint	Geographic Region ³	Resolution / Status	Complainant ⁴ CONFIDENTIAL
02/20/2018	Railroad service issue	Midwest	Shipper's representative contacted RCPA about a railroad's embargo of a specific location due to congestion and requested information about the process for challenging an embargo; RCPA provided informal guidance about embargoes and the pathway for challenging an embargo before the STB [Closed]	
02/21/2018	Railroad rate levels	Midwest	Shipper contacted RCPA to discuss commercial issues arising from a railroad's different rate levels applicable to commodities moving from the same or nearby locations; RCPA provided informal guidance on rate setting, commercial considerations, and pathways for challenging rates before the STB [Closed]	
02/23/2018	Railroad service issue	South	Shipper contacted RCPA about poor service, in particular, missed switches and ineffective communication with the railroad; the shipper also requested information on the process for bringing a formal complaint about service; RCPA provided the shipper with an overview of informal and formal pathways for resolving service issues; the shipper declined direct RCPA engagement on its behalf, pending further developments [Pending]	
02/26/2018	Railroad service issue; demurrage	South	Shipper contacted RCPA about a railroad refusing to place inbound shipments until the shipper made payment of outstanding demurrage bills; RCPA provided informal guidance on commercial and regulatory issues and pathways to resolve the dispute; however, the shipper declined RCPA's offer to liaise with the railroad [Closed]	

Date ²	Type of Informal Complaint	Geographic Region ³	Resolution / Status	Complainant ⁴ CONFIDENTIAL
03/05/2018	Railroad rate levels	Multiple	Shipper trade association contacted RCPA about railroad rate levels which were negatively impacting its members' ability to use private equipment and curtailing logistics options; RCPA provided informal guidance on the commercial issues and on the regulatory framework governing railroad rates and practices; at the association's request, RCPA liaised with the railroad to discuss the rate structure and the impact on shippers [Pending]	
03/05/2018	Railroad service issue	Midwest	Shipper contacted RCPA about railroad service problems, in particular, missed switches; RCPA liaised with the railroad to discuss service problems and avenues to improve service; the railroad explained the primary causes of service issues and committed to improved service going forward; RCPA relayed information about service expectations to the shipper [Pending]	
03/06/2018	Railroad service issue	West	Shipper contacted RCPA to discuss deteriorating rail service and to understand formal and informal avenues to improve service; RCPA provided informal guidance on options; however, the shipper declined additional assistance at present [Pending]	
03/06/2018	Railroad service issue	Midwest	Shipper contacted RCPA about a railcar that was put on constructive placement despite availability for spotting at shipper's facility; RCPA reached out to the railroad to discuss the discrepancy and to secure actual placement of the car as soon as possible, which took place on the next local train [Closed]	

Date ²	Type of Informal Complaint	Geographic Region ³	Resolution / Status	Complainant ⁴ CONFIDENTIAL
03/06/2018	Railroad service issue	South	Shipper contacted RCPA about numerous missed switches over a period of two months; RCPA reached out to the railroad to escalate the shipper's concerns and understand the reasons for service shortcomings; the railroad explained that it was experiencing congestion and a shortage of crews at the specific location, but expected incremental improvement; the railroad also provided direct contact information for local personnel in order to resolve missed switches; RCPA liaised with the shipper to relay information [Closed]	
03/06/2018	Railroad service issue	South	Shipper contacted RCPA about a loaded inbound railcar stuck at its local service yard which had not been placed for several days due to a track issue; RCPA liaised with the railroad to elevate the urgency of placing the car and to better understand the problem; the railroad promptly placed the car [Closed]	
03/07/2018	Railroad service issue	Midwest	Shipper contacted RCPA about problems getting its railcars interchanged between railroads and difficulties in billing the cars in the serving railroad's IT platform; RCPA liaised with the railroad to facilitate interchange of the railcars and better understand the IT problem; the railroad promptly interchanged the stranded cars and explained the IT issue; RCPA updated the shipper with this information [Closed]	

Date ²	Type of Informal Complaint	Geographic Region ³	Resolution / Status	Complainant ⁴ CONFIDENTIAL
03/07/2018	Railroad accessorial charges	Multiple	Shipper contacted RCPA about new accessorial charges being imposed by a railroad, related to use of private cars outside of authorized lanes; RCPA offered to liaise with the railroad to discuss the charges and related rules and processes related to use of private cars; RCPA discussed the issues with the railroad [Pending]	
03/09/2018	Railroad service issue	Northeast	Shipper contacted RCPA about a loaded railcar that had been delayed in transit for approximately one month for unknown reasons; RCPA liaised with the railroad about the car's status; the railroad explained that the car had been held due to a shifting of the lading; however, the railroad advised that the lading had been secured and that the car was scheduled to move; RCPA relayed this information to the shipper [Closed]	
03/14/2018	Railroad service issue	Multiple	Shipper contacted RCPA to discuss general congestion and delay problems with a railroad at a particular gateway point; RCPA discussed current rail service issues with the shipper; however, the shipper did not request any direct assistance from RCPA [Closed]	
03/16/2018	Railroad service issue	Midwest	Shipper contacted RCPA about service and commercial issues with a railroad; RCPA provided informal guidance and shipper offered to send additional information to facilitate RCPA's discussion of the issues with the railroad [Pending]	
03/16/2018	Railroad service issue	South	Shipper contacted RCPA about poor rail service involving two railroads, in particular, delays moving cars through interchange; however, the shipper did not request direct assistance from RCPA [Closed]	

Date ²	Type of Informal Complaint	Geographic Region ³	Resolution / Status	Complainant ⁴ CONFIDENTIAL
03/16/2018	Railroad service issue	South	Shipper contacted RCPA about rail service issues, including missed switches, delays in transit and demurrage expenses; RCPA provided informal guidance and reached out to the railroad to discuss the issues [Pending]	
03/20/2018	Railroad rate issue	West	Shipper contacted RCPA about a shortline's proposed rate increase purportedly to cover track maintenance and related commercial impacts; RCPA provided informal guidance on STB jurisdiction over rates and potential pathways for contesting the proposed increase; however, the shipper did not request that RCPA intercede directly with the shortline [Closed]	
03/20/2018	Railroad service issue	South	Shipper contacted RCPA about problems with local switching and congestion at its serving yard; additionally, the shipper asked for RCPA's assistance in facilitating movement of several cars that were stuck in transit; RCPA contacted the railroad for an update on the status of the cars and to expedite their movement to destination [Closed]	
03/20/2018	Railroad service issue	South	Shipper contacted RCPA about poor rail service; RCPA has acknowledged the shipper's request and is setting up an initial discussion before reaching out to the railroad on the shipper's behalf [Pending]	
03/21/2018	Railroad operations issue; locomotive idling, noise and emissions	South	Representative of community contacted RCPA about disturbance of residents arising from stopped trains, in particular, noise and emissions from idling locomotives; RCPA has reached out to the railroad, which is investigating the circumstances and will report back [Pending]	

Date ²	Type of Informal Complaint	Geographic Region ³	Resolution / Status	Complainant ⁴ CONFIDENTIAL
03/22/2018	Railroad service issue	South	Shipper contacted RCPA about poor rail service affecting two of its plants, including missed switches and misrouted cars; RCPA reached out to the railroad on the shipper's behalf to seek information about the service problems; the railroad explained that its completion of track work and modification of its local operating plan would improve service [Closed]	

Note: A table showing the quarterly inquiries received by the STB's Rail Customer and Public Assistance (RCPA) office is attached below as an appendix to the foregoing report.

Appendix to Quarterly Report of Informal Service Complaints

1st Quarter 2018 Cases by Category/Region

Issue Category	All Regions	Northeast	South	Midwest	West	Not Specified
Abandonment Records	60	6	12	15	14	13
Household Movers	14	2	7	2	2	1
Information-Economic Data	7	2	0	1	1	3
Information-Non Economic Request	3	0	1	0	1	1
Motor Carriers (trucks)	7	1	1	2	0	3
Post CN/EJE Decision Comments	2	0	0	2	0	0
Railroad Abandonment/Loss of Service	3	2	1	0	0	0
Railroad Amtrak/Passenger Issue	1	0	1	0	0	0
Railroad Blocked Crossings	16	1	2	10	0	3
Railroad Car Supply	3	0	0	0	1	2
Railroad Common Carrier Obligation	2	0	0	0	0	2
Railroad Competition Issues	1	0	0	0	1	0
Railroad Demurrage Charges	8	3	2	0	2	1
Railroad Embargo	4	0	1	3	0	0
Railroad Environmental Issues	3	0	2	0	1	0
Railroad Freight Car Repair or Dispo	1	0	0	0	1	0
Railroad Fuel Surcharge	1	0	0	1	0	0
Railroad Grade Crossing Issues	3	1	1	1	0	0
Railroad Inter-carrier disputes	1	1	0	0	0	0
Railroad Interchange Issue	2	0	0	1	0	1
Railroad Maintenance Issue	2	0	1	0	1	0
Railroad Noise - Airhorn, Safety, etc	1	1	0	0	0	0
Railroad Operating Authority Issue	1	0	0	0	1	0
Railroad Preemption	1	0	0	1	0	0
Railroad Rate Levels/Increases	8	1	1	3	3	0
Railroad Service Issue	38	3	13	13	3	6

Issue Category	All Regions	Northeast	South	Midwest	West	Not Specified
Railroad Tariff Issue	3	0	0	2	0	1
Rails to Trails	13	2	2	4	4	1
Real Estate Matter	7	1	3	2	1	0
STB Authority Question	5	2	2	0	0	0
STB Fees	1	0	1	0	0	0
STB Information	43	9	8	6	4	16
STB Jurisdictional Question	8	2	2	1	2	1
STB Procedural Assistance	34	6	6	2	7	13
STB Recordations or Security Interests on Rail Cars	8	1	2	1	1	3
STB Records Assistance	25	8	8	2	3	4
STB Webpage/Downloading Assistance	2	0	0	0	0	2
Water Carrier	4	0	0	0	0	3
Wrong Agency Calls	4	0	2	0	1	1
Other	5	0	1	2	1	1
Total	353	55	83	77	56	82

U.S. Census Regions:

Northeast Region	Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New Jersey, New York, and Pennsylvania
South Region	Maryland, Delaware, West Virginia, Virginia, Kentucky, Tennessee, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Arkansas, Louisiana, Oklahoma, and Texas
Midwest Region	North Dakota, South Dakota, Nebraska, Kansas, Missouri, Iowa, Minnesota, Wisconsin, Illinois, Michigan, Indiana, and Ohio
West Region	Washington, Idaho, Montana, Wyoming, Oregon, California, Nevada, Utah, Colorado, Arizona, New Mexico, Alaska, and Hawaii

Appendix to Quarterly Report of Informal Service Complaints

1st Quarter 2018 Cases per Commodity Group*

Commodity Group	Number
Aggregates	2
Agricultural Products	27
Automobile	2
Chemicals	14
Construction Materials	1
Empty Freight Cars	1
Forest Products	2
Hazardous Waste/Radioactive Waste	2
Household Goods	14
Industrial Products	9
Intermodal	2
Metals and Minerals	5
Not Specified by Shipper	5
N/A	259
Passenger	8
TIH	2
Total	355

*In many cases, the commodity is not specified or material to the case, therefore the total number for this data may not equal the total number for the quarter.