

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. EP 711 (Sub-No. 2)

RECIPROCAL SWITCHING FOR INADEQUATE SERVICE

Decided: August 23, 2024

In a decision served on April 30, 2024, the Board adopted new regulations that provide for the prescription of reciprocal switching agreements as a means to promote adequate freight rail service through access to an additional line-haul freight carrier. Reciprocal Switching for Inadequate Serv., EP 711 (Sub-No. 2), slip op. at 1 (STB served Apr. 30, 2024). Under the new regulations, eligibility for prescription of a reciprocal switching agreement is determined in part using objective performance standards that address reliability in time of arrival, consistency in transit time, and reliability in providing first-mile and last-mile service. Id. To help implement the new regulations, the Board is requiring all Class I railroads to submit certain service data on an ongoing and standardized basis, which will be generalized and publicly accessible. Id. The regulations will become effective on September 4, 2024.

On August 20, 2024, the Association of American Railroads (AAR) filed a motion seeking an extension of time. AAR states that although the Class I railroads have been working to adapt their systems and processes to produce the new metrics as the decision requires, the railroads have not yet received the reporting template from the Board. AAR asks the Board to postpone the initial reporting deadline until 30 days after the agency provides the standardized template so that the railroads will have sufficient time to comply.

The request is reasonable and will be granted. Concurrent with this decision, the Board is posting the reporting template and instructions as a filing in this docket.¹ The Class I carriers' first reports will be due on September 25, 2024, and subsequent reports weekly thereafter. To account for the extension of time, the railroads' September 25, 2024 submissions are to include reports for each of the weeks ending Friday, September 13 and Friday, September 20.

It is ordered:

1. AAR's motion is granted; the Class I railroads' first reports are due September 25, 2024, and subsequent reports will be due weekly thereafter. The September 25 submissions must include reports for each of the weeks ending Friday, September 13 and Friday, September 20.

¹ The template and instructions also are being provided electronically to the Class I railroads today by the Board's Office of Public Assistance, Governmental Affairs, and Compliance.

2. This decision is effective on its service date.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.