

SURFACE TRANSPORTATION BOARD
QUARTERLY REPORT OF FORMAL SERVICE COMPLAINTS

Date: July 1, 2016

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 period April 1, 2016 - June 30, 2016, the STB had the following formal service-related complaints pending:

Formal Service-Related Complaints:

Date Complaint Received	Type of Complaint	Title	Docket No.	Geographic Region	Complainant	Railroad(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	In abeyance, in light of pending rulemaking.

Date Complaint Received	Type of Complaint	Title	Docket No.	Geographic Region	Complainant	Railroad(s) Involved	Resolution/Status
2-27-2013	Application for terminal trackage rights.	BNSF Railway—Terminal Trackage Rights—Kansas City Southern Railway	FD 32760 (Sub-No. 46)	Louisiana	BNSF Railway Company	BNSF Railway Company, Union Pacific Railroad Company, Kansas City Southern Railway	Draft decision in voting 6-27-2016.
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.; Norfolk Southern Railway Company	In abeyance, in light of pending rulemaking.
3-31-2015	Unreasonable tariff and practices.	North American Freight Car Association v. Union Pacific Railroad	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	Union Pacific Railroad Company	Record scheduled to be closed 11-22-2016. Procedural schedule held in abeyance, at the request of the Union Pacific, due to an Admin. Law Judge's discovery conference, which concluded on 6-23-2016. Status updates from the parties are scheduled to be filed with the Board on 7-1-2016.

Date Complaint Received	Type of Complaint	Title	Docket No.	Geographic Region	Complainant	Railroad(s) Involved	Resolution/Status
					Products; Poet Nutrition, Inc.; and Cargill Incorporated		
5-15-2015	Unreasonable tariff/practice.	Agrium Inc. v. Canadian Pacific Railway	NOR 42145	Midwest, Mid-Atlantic	Agrium Inc. and Agrium U.S. Inc.	Canadian Pacific Railway Company	Joint request to dismiss granted 5-6-2016.
12-07-2015	Demurrage and service frequency issues	Finch Paper LLC—Petition for Declaratory Order	FD 35981	Mid-Atlantic	Finch Paper LLC	Canadian Pacific Railway, Delaware and Hudson Railway Company	Record building. Motion to modify procedural schedule granted; record due to close on 10-13-2016 (originally, 8-15-2016).
4-25-2016	Common carrier violation and unreasonable practices	American Fuel & Petrochemicals Manufacturers v. BNSF Railway Company	NOR 42146	Nationwide	American Fuel & Petrochemicals Manufacturers	BNSF Railway Company	Motion to dismiss or discontinue filed 6-21-2016; under Board consideration.
6-10-2016	Demurrage	C.L. Consulting & Management Corp.—Petition for Declaratory Order—Reasonableness of Demurrage Charges	FD 36042	New Jersey	C.L. Consulting & Management Corp.	Norfolk Southern Railway Company	Reply received 6-29-2016.

SURFACE TRANSPORTATION BOARD
 QUARTERLY REPORT OF INFORMAL SERVICE COMPLAINTS RECEIVED
 SECOND QUARTER 2016

Date: July 1, 2016

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 April 1, 2016 through June 30, 2016, the STB received the following informal service complaints¹:

Date	Type of Informal Service Complaint	Geographic Region ²	Resolution / Status	Complainant ³ CONFIDENTIAL
01-12-2016	Rail service issues; rail car availability and deteriorating service levels	Multiple locations	Provided informal guidance (in-person meeting with RCPA staff) on legal and commercial aspects of service issues; anticipate follow-up discussions with individual shippers and outreach to involved railroads [Closed]	

¹ This quarterly report also includes informal service complaints that were listed as “pending” as of April 1, 2016, the date of the previous quarterly report. 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 **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.

³ 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	Type of Informal Service Complaint	Geographic Region ²	Resolution / Status	Complainant ³ CONFIDENTIAL
01-21-2016	Rail service issues; demurrage issue arising from weather related disruption in rail service	South	Provided informal guidance to shipper; evaluated circumstances giving rise to demurrage charges and opportunity for potential relief; liaised with railroad customer service to review charges [Closed]	
02-04-2016	Rail service issue; railroad declining to provide service without shipper infrastructure investment	Northeast	Provided informal guidance to shipper; held in-person informal facilitation meeting with shipper and railroad representatives, which resulted in mutually agreed strategy to resolve key disputed items [Closed]	
02-23-2016	Rail service issue; loss of service; damage to track	West	Provided informal guidance to shipper; contacted railroad concerning service failure; facilitated teleconference with parties which resulted in restoration of service [Closed]	
03-07-2016	Rail service issue; deterioration of service; disruption of car supply	South	Provided informal guidance to shipper; discussed commercial issues; offered to mediate dispute; shipper declined further assistance [Closed]	
03-11-2016	Rail service issue; service decline; missed switches	Midwest	Provided informal guidance to shipper; offered to mediate dispute; shipper declined further assistance [Closed]	
03-15-2016	Rail service issues; missed switches; bunching of inbound rail cars; demurrage	West	Provided informal guidance; contacted railroad customer service in order to discuss service issues and resolve dispute [Closed]	
03-17-2016	Rail service issue; loss of service due to long-term embargo	Midwest	Provided informal guidance on potential avenues for interested party to acquire embargoed line; provided assistance in facilitating communication with railroad [Closed]	
03-23-2016	Rail service issue; potential loss of service	West	Provided informal guidance to shipper; discussed procedural requirements and substantive standards for railroad to lawfully abandon line [Closed]	

Date	Type of Informal Service Complaint	Geographic Region ²	Resolution / Status	Complainant ³ CONFIDENTIAL
03-25-2016	Rail service issue; bunching of inbound railcars; inconsistent service; demurrage	South	Provided informal guidance; contacted railroad customer service in order to discuss service issues and resolve dispute; facilitated examination and validation of charges [Closed]	
03-29-2016	Rail service issue; unresponsiveness to rate and service request; access to other railroad	West	Provided initial informal guidance; assisted shipper in locating relevant STB decisions related to potential railroad access and agreement between railroads [Closed]	
03-31-2016	Rail service issue; inconsistent switching; loss of service; poor communication	West	Provided informal guidance; contacted railroad customer service to explore opportunities to improve service; facilitated discussions between parties [Closed]	
04-05-2016	Demurrage dispute; denial of service pending payment of amounts owed	West	Provided informal guidance on commercial and legal issues related to demurrage and formal options before the STB; informal mediation was offered but not accepted [Closed]	
04-15-2016	Access to rail service of competing carrier	West	Provided informal guidance, including references to relevant STB decisions pertaining to trackage rights governing potential access [Closed]	
04-19-2016	Service issues; movement of privately-owned passenger rail equipment	Midwest	Provided informal guidance as to rates offered by railroad; informal mediation was offered by not accepted [Closed]	
04-19-2016	Demurrage; reduction in switches	West	Provided informal guidance, including relevant STB decisions; assisted shipper in interpreting railroad's demurrage tariff and provided insight for reviewing railroad's calculation of demurrage owed [Closed]	
04-21-2016	Railcar quality issues; timely delivery of empty cars	West	Provided informal guidance to shipper; liaised with serving railroad, resulting in better communication and commitment to improve quality and cleanliness of inbound empty cars [Closed]	

Date	Type of Informal Service Complaint	Geographic Region ²	Resolution / Status	Complainant ³ CONFIDENTIAL
04-21-2016	Railroad rate issue	West	Provided informal guidance to shipper, including commercial and legal issues related to rate quote; discussed potential commercial and logistical solutions [Closed]	
04-22-2016	Demurrage dispute; denial of service pending payment of amounts owed	West	Provided informal guidance to warehouse; contacted serving railroad on behalf of warehouse; engaged in informal mediation with both parties in effort to resolve dispute; despite extensive efforts, favorable resolution was not achieved [Closed]	
04-22-2016	Rail service issue; dispute over obligation to transport hazardous shipment	Not specified	Provided informal guidance to shipper, related to common carrier obligation; contacted serving railroad on behalf of shipper and discussed disputed issues without resolution [Closed]	
04-27-2016	Demurrage dispute	Midwest	Provided informal guidance to shipper; contacted serving railroad on behalf of shipper; engaged in informal mediation with both parties in effort to resolve dispute; Parties agreed to confidential settlement addressing outstanding chargers [Closed]	
04-29-2016	Idling trains and blocked crossing	Midwest	Provided informal guidance to local officials on Federal preemption issues and their ability to enforce local ordinances against a railroad; because of initiation of court litigation, RCPA cannot provide informal mediation [Closed]	
05-05-2016	Railroad switching charges	Midwest	Provided informal guidance to shipper on commercial and legal issues pertaining to railroad's switching charges to move empty railcars; offered to provide informal mediation [Closed]	

Date	Type of Informal Service Complaint	Geographic Region ²	Resolution / Status	Complainant ³ CONFIDENTIAL
05-06-2016	Railroad rate increase	South	Provided informal guidance to shipper on commercial and legal issues pertaining to railroad's rate quote; discussed potential negotiating strategy; offered to provide informal mediation [Closed]	
05-06-2016	Railroad noise and horn	West	Discussed railroad operating practices, use of horns, and FRA regulations; provided guidance on process for creating a quiet zone [Closed]	
05-06-2016	Railroad loss and damage claim	West	Provided informal guidance on laws and regulations pertaining to railroad's potential liability for loss and damage to freight; provided assistance in locating railroad's governing tariff and in interpreting bill of lading and related shipping documents; assisted shipper in developing claim [Closed]	
05-09-2016	Loss of service; embargo	Northeast	Provided informal guidance to shipper, related to railroad's common carrier obligation; contacted serving railroad on behalf of shipper and discussed disputed issues; conducted telephonic informal mediation with shipper and railroad; however, a settlement was not reached [Closed]	
05-11-2016	Railroad loss and damage claim	Midwest	Provided informal guidance on laws and regulations pertaining to railroad's potential liability for loss and damage to freight; provided assistance in locating railroad's governing tariff and in interpreting bill of lading and related shipping documents [Closed]	
05-11-2016	Railroad switching and demurrage issue	South	Provided informal guidance on railroad's operating practices; liaised with serving carrier on demurrage and operating issues [Closed]	

Date	Type of Informal Service Complaint	Geographic Region ²	Resolution / Status	Complainant ³ CONFIDENTIAL
05-17-2016	Railroad missed switches; delayed delivery on inbound shipments	Northeast	Provided informal guidance to shipper; discussed railroad's operations and requirements of shipper's facility; liaised with railroad customer service personnel about operating restrictions, resulting in service improvements [Closed]	
05-19-2016	Loss of service; conflict over operating rights over easement	Midwest	Provided informal guidance to shipper on railroad's obligation to provide service; liaised with serving railroad to explain and understand issues related to access; facilitated discussion among affected parties resulting in temporary "status quo" agreement [Closed]	
05-25-2016	Railroad noise and horn	Midwest	Provided informal guidance to local officials seeking information about potential noise reduction initiatives; offered to arrange further discussion with STB Office of Environmental Analysis [Closed]	
05-26-2016	Railroad rate increase	Midwest	Provided informal guidance on STB rate regulation and commercial factors likely contributing to rate levels, and also discussed railroad competition and service issues; shipper did not request further action by RCPA [Closed]	
06-03-2016	Railroad rate increase	South	Provided informal guidance on STB rate regulation; discussed relevant competitive and commercial issues; conducted informal mediation by telephone with railroad and shipper representatives to discuss disputed issues [Closed]	
06-03-2016	Railroad switching; decrease in service	Midwest	Provided informal guidance to shipper; offered to liaise with railroad serving shipper's facility [Pending]	

Date	Type of Informal Service Complaint	Geographic Region ²	Resolution / Status	Complainant ³ CONFIDENTIAL
06-07-2016	Switching fees and car storage charges	East	Provided initial informal guidance to parties, and led informal mediation, resulting in confidential settlement agreement between the parties [Closed]	
06-07-2016	Railroad rate levels; rail service issues	West	Provided informal guidance to shipper on competitive and commercial issues [Closed]	
06-09-2016	Competitive access; reciprocal switching	South	Provided informal guidance concerning reciprocal switching agreements, and avenues before the STB; offered to liaise with involved railroads on behalf of shipper [Pending]	
06-14-2016	Railroad rate levels	Midwest	Provided informal guidance on STB jurisdiction over rates; offered to liaise with serving railroad [Closed]	
06-14-2016	Loss of service; storage of railcars	West	Provided informal guidance to local government and affected shipper related to railroad's obligation to provide service over line and procedures for obtaining STB authority to cease service [Closed]	
06-15-2016	Railroad car supply	Midwest	Provided informal guidance and perspective on commercial issues; shipper advised subsequently that cars were provided [Closed]	
06-22-2016	Railroad service issues; switching fees; commercial issues	West	Provided informal guidance and perspective on commercial and service issues, including shipper's investment in infrastructure to facilitate rail service; offered to liaise with serving railroad [Pending]	
06-23-2016	Loss of service; dispute between railroads over track access	Midwest	Provided informal guidance to multiple shippers; liaised with railroad controlling track access and operating rights; facilitated temporary agreement restoring service to shippers while railroads negotiate outstanding issues related to their respective access and operating rights [Pending]	

Date	Type of Informal Service Complaint	Geographic Region ²	Resolution / Status	Complainant ³ CONFIDENTIAL
06-28-2016	Delayed delivery of inbound shipment	Northeast	Provided informal guidance; offered to contact railroad to expedite movement of shipment [Pending]	

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

2nd Quarter 2016 Cases by Category/Region*

Issue Category	All Regions	Northeast	South	Midwest	West	Not Specified
Abandonment Records	49	2	11	8	3	25
Arrange Meeting	10	2	0	1	0	7
Bus Issue	4	0	0	0	1	3
Educational	1	0	0	0	0	1
Household Movers	17	3	2	2	2	8
Information-Economic Data	5	0	0	2	1	2
Information-Non Economic Request	2	1	0	0	1	0
Motor Carriers (trucks)	10	0	2	0	0	8
Non-Railroad Service Issue	2	0	0	2	0	0
Pipeline	1	0	0	0	0	1
Railroad Abandonment/Loss of Service	4	1	0	0	1	2
Railroad Agricultural Contract Filing	1	0	0	0	0	1
Railroad Amtrak/Passenger Issue	2	0	0	1	0	1
Railroad Blocked Crossings	2	0	1	0	0	1
Railroad Car Supply	2	0	0	1	1	0
Railroad Claims	2	0	0	1	1	0
Railroad Common Carrier Obligation	1	0	1	0	0	0
Railroad Cost of Capital	1	0	0	1	0	0
Railroad Demurrage Charges	3	0	0	1	2	0
Railroad Denial of Rail Service	1	1	0	0	0	0
Railroad Embargo	1	0	0	0	0	1
Railroad Environmental Issues	5	2	1	0	0	2
Railroad Grade Crossing Issues	6	0	2	3	0	1
Railroad Hazardous Material Rules	1	1	0	0	0	0
Railroad Hazardous Waste/Radioactive Waste	2	1	0	0	0	1
Railroad Interchange Issue	2	0	1	1	0	0
Railroad Labor Issues	3	0	2	0	1	0
Railroad Liability Issues	1	0	1	0	0	0
Railroad Noise - Airhorn, Safety, etc	3	0	0	0	0	3
Railroad Operating Authority Issue	1	0	1	0	0	0
Railroad Preemption	7	1	1	2	1	2
Railroad Rate Levels/Increases	9	0	0	1	5	3
Railroad Reciprocal Switching	1	0	0	0	0	1
Railroad Service Issue	19	2	2	8	2	5

Issue Category	All Regions	Northeast	South	Midwest	West	Not Specified
Railroad Stored Freight Cars	2	0	0	1	1	0
Railroad Tariff Issue	1	1	0	0	0	0
Rails to Trails	8	0	0	3	1	4
Real Estate Matter	5	0	1	0	2	2
STB Authority Question	4	3	0	0	1	0
STB Fees	2	0	1	0	1	0
STB Information	70	6	5	8	7	42
STB Jurisdictional Question	16	3	1	0	2	10
STB Procedural Assistance	109	7	16	15	10	61
STB Recordations or Security Interests on Rail Cars	10	2	0	2	0	6
STB Records Assistance	20	0	3	3	1	13
STB Webpage/Downloading Assistance	8	1	2	0	0	5
Water Carrier	5	0	0	0	2	3
Wrong Agency Calls	7	0	0	0	0	7
Other	3	0	0	0	0	3
Total	449	40	57	67	50	235

*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

2nd Quarter 2016 Cases per Commodity Group**

Commodity Group	Number
Aggregates	1
Agricultural Products	12
Chemicals	17
Coal	2
Construction Debris	1
Forest Products	5
Hazardous Waste/Radioactive Waste	2
Household Goods	14
Industrial Products	1
Metals and Minerals	6
Municipal Waste	1
Not Specified by Shipper	4
N/A	345
Other	2
Passenger	35
TIH	3
Total	451

**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.