
INTEROFFICE MEMORANDUM

TO: ACTING CHAIRMAN ANN BEGEMAN
FROM: REGULATORY REFORM TASK FORCE
Rachel D. Campbell, Regulatory Reform Officer
SUBJECT: STATUS REPORT
DATE: NOVEMBER 21, 2017

This memo provides a status report on actions of the Regulatory Reform Task Force (RRTF).

Recent Actions:

Offer of Financial Assistance (OFA) Rulemaking (EP 729): The Board finalized rules in EP 729 to protect railroads from vexatious litigants, while continuing to permit valid OFAs for continued rail service. These rules will help reduce unnecessary litigation and delays in the abandonment process.

Ex Parte Communications in Rulemakings (EP 739): The Board is proposing to modify its regulations to permit, subject to disclosure requirements, ex parte communications in informal rulemaking proceedings. The Board is also proposing other changes to its ex parte rules that would clarify and update when and how interested persons may communicate informally with the Board regarding pending proceedings other than rulemakings. The intent of the proposed regulations is to 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.

Replacing Outdated Procedural/Filing Rules: The RRTF has recommended that a proposed rule be issued during FY 2018 that would:

- permit payment of filing fees and other payments due to the Board through www.pay.gov;
- permit nearly all filings to be made through the Board's website; and
- eliminate, in most instances, the requirement that paper copies be filed with the Board.

Proposal to repeal requirement to file water carrier tariffs: As discussed in the last status report, the RRTF is considering a proposal to move from a paper filing system to an email filing system for water carrier tariffs in order to reduce the burdens on carriers and the Board. We anticipate that the Board will decide whether to move forward on this proposal by the second quarter of FY 2018.

Listening Session: On July 25, 2017, the RRTF held a listening session in the Board's hearing room. The session was well attended, with 15 persons presenting comments. The RRTF heard from a broad cross-section of stakeholders including shippers, railroads, trade groups, and practitioners. The transcript is posted to the Board's website on the RRTF page.

At the listening session, stakeholders presented a variety of proposals for the RRTF's consideration. Those proposals ranged from the procedural, such as paper filing requirements, to action on substantive proposals now pending before the agency, such as reciprocal switching.

The RRTF has met to discuss the proposals presented at the listening session, which the task force will continue to review and analyze.

Proposal to revise Environmental Rules: The Board is continuing to work on a proposal to update and streamline its environmental rules.

Recordations: The RRTF is considering a proposal that the Board permit electronic signatures on recordations where the law of the state in which the original document is executed authorizes electronic signatures.

Licensing Updates and Simplifications: The RRTF is considering a number of licensing simplifications to address non-controversial actions. For example, presently, if temporary trackage rights are needed on an emergency basis, the entire Board must act in order for those rights to become effective on less than 30 days' notice. The RRTF is working on a proposal to simplify that process. In addition, at the listening session, a number of proposals were made regarding abandonments. The RRTF will continue to analyze and discuss those proposals.

Next Steps: The RRTF will continue to meet and move forward on proposals consistent with Executive Order 13,777. We remind our stakeholders that we welcome and encourage you to share any further ideas and proposals. They may be shared with Rachel Campbell, the Regulatory Reform Officer, or any member of the RRTF.