



Federal Register

**Tuesday,
May 27, 2003**

Part LXIII

**Surface
Transportation Board**

Semiannual Regulatory Agenda

SURFACE TRANSPORTATION BOARD (STB)

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

49 CFR Ch. X

[STB Ex Parte No. 536 (Sub-No. 14)]

Semiannual Regulatory Agenda

AGENCY: Surface Transportation Board.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Surface Transportation Board (the Board), in accordance with the requirements of the Regulatory Flexibility Act, is publishing a semiannual agenda of: (1) current and projected rulemakings; and (2) existing regulations being reviewed to determine whether to propose modifications through rulemaking. Listed below are the regulatory actions to be developed or reviewed during the next 12 months. Following each rule identified is a brief description of the rule, including its purpose and legal basis.

FOR FURTHER INFORMATION CONTACT: A contact person is identified for each of the rules listed below.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* (RFA), sets forth a number of

requirements for agency rulemaking. Among other things, the RFA requires that, semiannually, each agency shall publish in the **Federal Register** a regulatory flexibility agenda, which shall contain:

(1) A brief description of the subject area of any rule that the agency expects to propose or promulgate, which is likely to have a significant economic impact on a substantial number of small entities;

(2) A summary of the nature of any such rule under consideration for each subject area listed in the agenda pursuant to paragraph (1), the objectives and legal basis for the issuance of the rule, and an approximate schedule for completing action on any rule for which the agency has issued a general notice of proposed rulemaking; and

(3) The name and telephone number of an agency official knowledgeable concerning the items listed in paragraph (1).

Accordingly, a list of proceedings appears below containing information about subject areas in which the Board is currently conducting rulemaking proceedings or may institute such proceedings in the near future. It also contains information about existing

regulations being reviewed to determine whether to propose modifications through rulemaking.

The agenda represents the Board's best estimate of rules that will be considered over the next 12 months. However, section 602(d) of the RFA, 5 U.S.C. 602(d), provides: "Nothing in [section 602] precludes an agency from considering or acting on any matter not included in a regulatory flexibility agenda or requires an agency to consider or act on any matter listed in such agenda."

The Board is publishing its spring 2003 regulatory flexibility agenda as part of the Unified Agenda of Federal Regulatory and Deregulatory Actions (Unified Agenda). The Unified Agenda is coordinated by the Office of Management and Budget (OMB), pursuant to Executive Order 12866. The Board is participating in the program voluntarily to assist OMB.

Decided: March 20, 2003.

By the Board, Chairman Nober, Vice Chairman Burkes, and Commissioner Morgan.

Vernon A. Williams,
Secretary.

Surface Transportation Board—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
4240	Railroad Consolidation Procedures—Exemption for Temporary Trackage Rights, STB Ex Parte No. 282 (Sub-No. 20)	2140-AA68

Surface Transportation Board—Completed Actions

Sequence Number	Title	Regulation Identification Number
4241	Calculation of Variable Costs in Rate Complaint Proceedings Involving Non-Class I Railroads, STB Ex Parte No. 589	2140-AA62
4242	Procedures To Expedite Resolution of Rail Rate Challenges To Be Considered Under the Stand-Alone Cost Methodology, STB Ex Parte No. 638	2140-AA64
4243	Revision of Delegation of Authority Regulations, STB Ex Parte No. 588	2140-AA65
4244	Removal of Joint Rate Cancellation Regulations, STB Ex Parte No. 639	2140-AA66
4245	Revision of Delegation of Authority Regulations, STB Ex Parte No. 642	2140-AA67

Surface Transportation Board (STB)

Long-Term Actions

4240. • RAILROAD CONSOLIDATION PROCEDURES—EXEMPTION FOR TEMPORARY TRACKAGE RIGHTS, STB EX PARTE NO. 282 (SUB-NO. 20)**Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 11323 to 11325; 49 USC 10502**CFR Citation:** 49 CFR 1180.2(d)(8); 49 CFR 1180.4(g)(2)(iii)**Legal Deadline:** None**Abstract:** The STB is proposing a new class exemption and related regulations that would be available for trackage

rights agreements that by their terms expire on a date certain and would permit their authorization for a limited period of time.

Timetable:

Action	Date
NPRM	02/10/03 68 FR 6695
NPRM Comment	03/12/03
Period End	
Final Action	To Be Determined

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**URL For More Information:** <http://stb.dot.gov>**Agency Contact:** Joseph H. Dettmar, Deputy Director, Office of Proceedings, Surface Transportation Board, 1925 K Street NW., Washington, DC 20423-0001

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Surface Transportation Board (STB)

Completed Actions

4241. CALCULATION OF VARIABLE COSTS IN RATE COMPLAINT PROCEEDINGS INVOLVING NON-CLASS I RAILROADS, STB EX PARTE NO. 589**Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 10707**CFR Citation:** None**Legal Deadline:** None**Abstract:** This proceeding was instituted to settle how the STB will estimate the variable costs of non-Class I railroads in future rail rate complaint cases.**Timetable:**

Action	Date
NPRM	04/30/02 67 FR 21321
NPRM Comment	07/31/02
Period End	
Final Action	03/28/03 68 FR 15263
Final Action Effective	04/27/03

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**URL For More Information:** <http://stb.dot.gov>**Agency Contact:** Harold J. Warren, Transportation Industry Analyst, Surface Transportation Board, 1925 K Street NW., Washington, DC 20423
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TDD Phone: 800 877-8339

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Email: warrenj@stb.dot.gov**RIN:** 2140-AA62**4242. PROCEDURES TO EXPEDITE RESOLUTION OF RAIL RATE CHALLENGES TO BE CONSIDERED UNDER THE STAND-ALONE COST METHODOLOGY, STB EX PARTE NO. 638****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 721(a)**CFR Citation:** 49 CFR 1011; 49 CFR 1114**Legal Deadline:** None**Abstract:** To expedite decisions in rail rate cases as required by 49 U.S.C. 10701 and 10704, the STB proposes changes to the regulations at 49 CFR 1109 and 1114 that would require initial mediation as part of the complaint-filing process; modify or clarify standards for addressing discovery disputes; and establish expedited procedures, including informal conferences with staff, for resolving discovery disputes.**Timetable:**

Action	Date
NPRM	09/11/02 67 FR 57557
NPRM Comment	10/31/02
Period End	
Final Action	04/09/03 68 FR 17312
Final Action Effective	05/09/03

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**URL For More Information:** <http://stb.dot.gov>**Agency Contact:** Thomas J. Stilling, Attorney, Surface Transportation Board, 1925 K Street NW., Washington, DC 20423-0001Phone: 202 565-1567
TDD Phone: 800 877-8339
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Email: stillingt@stb.dot.gov**RIN:** 2140-AA64**4243. • REVISION OF DELEGATION OF AUTHORITY REGULATIONS, STB EX PARTE NO. 588****Priority:** Info./Admin./Other**Legal Authority:** PL 104-88, sec 204; 49 USC 721**CFR Citation:** 49 CFR 1011**Legal Deadline:** None**Abstract:** The STB revised the delegation of authority regulations to reflect changes made by the ICC Termination Act of 1995 and other changes. These rules set out the organization of the Board and procedures in processing cases, certain litigation, and informal opinions. The Board's revision of its regulations includes the removal of obsolete delegations of authority, and the updating of references to statutory provisions.**Timetable:**

Action	Date
Final Action	09/25/02 67 FR 60167
Final Action Effective	09/30/02

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**URL For More Information:** <http://stb.dot.gov>**Agency Contact:** John J. Sado, Assistant to the Director of the Office

STB

Completed Actions

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4244. • REMOVAL OF JOINT RATE CANCELLATION REGULATIONS, STB EX PARTE NO. 639

Priority: Info./Admin./Other

Legal Authority: PL 104-88, sec 204; 49 USC 10705; 49 USC 11102

CFR Citation: 49 CFR 1144

Legal Deadline: None

Abstract: The STB removed regulations concerning the cancellation of through routes and joint rates because those rules have been made obsolete by statutory changes.

Timetable:

Action	Date
Final Action	09/30/02 67 FR 61290
Final Action Effective	09/30/02

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

URL For More Information:
<http://stb.dot.gov>

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RIN: 2140-AA66

4245. • REVISION OF DELEGATION OF AUTHORITY REGULATIONS, STB EX PARTE NO. 642

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 553; 31 USC 9701; 49 USC 701; 49 USC 721; 49 USC 11123; 49 USC 11124; 49 USC 11144; 49 USC 14122; 49 USC 15722

CFR Citation: 49 CFR 1011.4; 49 CFR 1011.7

Legal Deadline: None

Abstract: The STB has revised its delegations of authority (1) to authorize the Chairman to take necessary actions in emergency situations when the Chairman is the only Board member

reasonably available, and (2) if no Board Member is available, to delegate authority to take such actions to the Director of the Board's Office of Compliance and Enforcement.

Timetable:

Action	Date
Final Action Effective	02/14/03
Final Action	02/25/03 68 FR 8725

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

URL For More Information:
<http://stb.dot.gov>

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