



Federal Register

Monday,
May 13, 2002

Part LXI

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. 12)]

Semiannual Regulatory Agenda

AGENCY: Surface Transportation Board.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Surface Transportation Board (Board or STB), 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, during the months of April and October of each year, 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 which 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 2002 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 13, 2002.

By the Board, Chairman Morgan and Vice Chairman Burkes.

Vernon A. Williams,
Secretary.

Surface Transportation Board—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
4083	Arbitration—Various Matters Relating to its Use as an Effective Means of Resolving Disputes That are Subject to the Board's Jurisdiction, STB Ex Parte No. 586	2140-AA60

Surface Transportation Board—Completed Actions

Sequence Number	Title	Regulation Identification Number
4084	Procedures for Surface Transportation Board Consideration of Safety Integration Plans in Cases Involving Railroad Consolidations, Mergers, and Control, STB Ex Parte No. 574	2140-AA50
4085	Modification of the Carload Waybill Sample Reporting Procedures, STB Ex Parte No. 385 (Sub-No. 5)	2140-AA57
4086	Consolidated Railroad Reporting, STB Ex Parte No. 634	2140-AA58
4087	Electronic Access to Case Filings, STB Ex Parte No. 576	2140-AA59

Surface Transportation Board (STB)

Final Rule Stage

4083. • ARBITRATION—VARIOUS MATTERS RELATING TO ITS USE AS AN EFFECTIVE MEANS OF RESOLVING DISPUTES THAT ARE SUBJECT TO THE BOARD'S JURISDICTION, STB EX PARTE NO. 586**Priority:** Info./Admin./Other**Legal Authority:** 49 USC 721(a)**CFR Citation:** 49 CFR 1111; 49 CFR 1109.3**Legal Deadline:** None**Abstract:** The Surface Transportation Board is seeking to increase utilization

of its existing procedures for voluntary arbitration of matters subject to the agency's jurisdiction, by adding to its rules a requirement that a party filing a formal complaint include a statement that it first considered arbitration.

Timetable:

Action	Date	FR Cite
NPRM	09/24/01	66 FR 48853
NPRM Comment Period End	01/03/02	
Final Action	05/00/02	
Final Action Effective	07/00/02	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Alice C. Saylor, Attorney, Surface Transportation Board, 1925 K Street NW., Washington, DC 20423

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Surface Transportation Board (STB)

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4084. PROCEDURES FOR SURFACE TRANSPORTATION BOARD CONSIDERATION OF SAFETY INTEGRATION PLANS IN CASES INVOLVING RAILROAD CONSOLIDATIONS, MERGERS, AND CONTROL, STB EX PARTE NO. 574**Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 553; 5 USC 559; 49 USC 721; 49 USC 10901; 49 USC 10902; 49 USC 11323; 49 USC 11324; 49 USC 11325; 42 USC 4332**CFR Citation:** 49 CFR 244; 49 CFR 1106**Legal Deadline:** None

Abstract: The Surface Transportation Board and the Federal Railroad Administration (FRA) have adopted complementary regulations establishing procedures for the development and implementation of safety integration plans (SIPs) by railroads proposing to engage in certain merger, consolidation, or acquisition of control transactions with another railroad. Under the rules, railroads seeking to consummate a Board-covered transaction would be required to file a written document with the FRA and the Board explaining how each step in implementing a contemplated transaction would be performed safely.

Timetable:

Action	Date	FR Cite
ANPRM	12/04/97	62 FR 64193
ANPRM Comment Period End	02/19/98	
NPRM	12/31/98	63 FR 72225
NPRM Comment Period End	03/01/99	

Action	Date	FR Cite
Final Action	03/08/02	67 FR 11582
Final Action Effective	04/14/02	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Evelyn Kitay, Attorney, Surface Transportation Board, 1925 K Street NW., Washington, DC 20423-0001

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Related RIN: Related To 2130-AB24**RIN:** 2140-AA50**4085. MODIFICATION OF THE CARLOAD WAYBILL SAMPLE REPORTING PROCEDURES, STB EX PARTE NO. 385 (SUB-NO. 5)****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 721; 49 USC 10707; 49 USC 11144; 49 USC 11145**CFR Citation:** 49 CFR 1244**Legal Deadline:** None

Abstract: The Surface Transportation Board modified its regulations to require all railroads operating in the United States to include in the Carload Waybill Sample international rail traffic moving from or through the United States and to report such traffic in the Waybill Sample as if the traffic had terminated at the United States border. The intent of this proposal is to ensure that the Waybill Sample reflects a

representative sample of all railroad traffic moving on the U.S. rail system.

Timetable:

Action	Date	FR Cite
NPRM	09/08/00	65 FR 54471
NPRM Comment Period End	10/12/00	
Final Action	10/24/01	66 FR 53934
Final Action Effective	01/01/02	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** H. Jeff Warren, Transportation Industry Analyst, Surface Transportation Board, 1925 K Street NW., Washington, DC 20423

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RIN: 2140-AA57**4086. CONSOLIDATED RAILROAD REPORTING, STB EX PARTE NO. 634****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 721(b); 49 USC 10704(a)(3)**CFR Citation:** 49 CFR 1201; 49 CFR 1241 to 1248**Legal Deadline:** None

Abstract: The Surface Transportation Board adopted regulations requiring consolidated reports for each group of railroads (or railroad related affiliates) that operate as a single, integrated United States rail system, whose

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cumulative operating revenues meet the Class I threshold.

Timetable:

Action	Date	FR Cite
NPRM	09/25/00	65 FR 57650
NPRM Comment Period End	10/25/00	
Final Action	11/07/01	66 FR 56245
Final Action Effective	01/01/02	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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**4087. • ELECTRONIC ACCESS TO
CASE FILINGS, STB EX PARTE NO.
576**

Priority: Info./Admin./Other

Legal Authority: 49 USC 721

CFR Citation: 49 CFR 1104

Legal Deadline: None

Abstract: The Surface Transportation Board amended its rules governing how documents are filed in agency proceedings to facilitate the scanning of those documents for publication on the Board's internet website.

Timetable:

Action	Date	FR Cite
Final Action	02/06/02	67 FR 5513
Final Action Effective	03/08/02	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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