



Freight Rail Customer Alliance

2021 Federal Legislative and Regulatory Priorities

117th Congress, First Session

Legislative Issues

✓ ***Surface Transportation Board (STB) Reauthorization Act of 2015, P.L. 114-110***
Congressional Oversight & Implementation

Continued STB implementation and Congressional oversight of the first authorization for the STB since 1998 which is establishing basic reforms and process enhancements for the Board.

✓ **Annual Appropriation Levels for the Surface Transportation Board**

For FY 2020, FRCA supports the highest appropriated amount possible for the STB.

Most recently in FY 2021, FRCA successfully advocated for a record-level \$37.5 million (as recommended in the Administration's Budget) and accompanying report language addressing shipper concerns regarding the continued delays in regulatory proceedings, a lack of a full complement of Board Members, and a greater use of Cost Benefit Analysis.

✓ **Rail Shipper Fairness Act**

Legislation that would build upon the reforms to the Board made by the U.S. Congress when it reauthorized the STB in 2015.

✓ **Precision Scheduled Railroading (PSR)**

Legislation that would review how certain railroad operating practices, such as PSR, are impacting freight rail shippers.

✓ **Emergency Fuel Supply Coordination**

Legislation that would establish efforts to prevent disruptions, uncertainties and delays in commodities reaching the market.

✓ **Railroad Antitrust Exemption**

Legislation that would remove certain special freight railroad antitrust exemptions.

Proceedings before the Surface Transportation Board

✓ **Revenue Adequacy Considerations**

STB efforts in exploring its methods in determining railroad revenue adequacy in Docket No. EP 766, *Joint Petition for Rulemaking—Annual Revenue Adequacy Determinations* and Docket No. EP 761, *Hearing on Revenue Adequacy*, and Document No. EP 711, *Railroad Revenue Adequacy*.

As a part of these proceedings, FRCA strongly opposes the use of replacement cost methodologies.

✓ **Rate-Reasonableness Standards and Expediting Rate Cases**

Actions to review the Board's three tests when used to determine railroad rate reasonableness in two Final Rules: EP Docket No. 733, *Expediting Rate Cases* and Docket No. EP 756, *Market Dominance Streamlined Approach*.

✓ **Commodity Exemption Review**

The Advanced Notice of Proposed Rulemaking in Docket No. EP 704 (Sub-No. 1) that would allow certain commodities to seek rate and/or service relief before the Board.

✓ **Competitive Switching (Access)**

The Notice of Proposed Rulemaking to determine the pros and cons of requiring railroads to provide requested switching arrangements in Docket No. EP 711 (Sub No. – 1).