

## FY 2022 Appropriations - Surface Transportation Board

Final FY 2021 P.L. 116-94 12/20/2019	Administration's FY 2022 Budget 5/28/2021	U.S. House of Representatives FY 2022 H.R. 4502 (H.R. 4450/H. Rpt. 117-99) 7/29/2021	U.S. Senate FY 2022	Final FY 2022
\$37.1 Million Appropriation \$ 1.25 Million Off-Setting Collections	\$39.152 Million Appropriation \$ 1.25 Million Off-Setting Collections	\$39.152 Million Appropriation \$ 1.25 Million Off-Setting Collections		
Report Language:  <p>Cost-Benefit Analysis—The Committee supports the use of cost-benefit in the rulemaking process for significant regulatory actions as required by current law and recognizes that independent regulatory agencies are generally exempt from the Federal requirements to undergo such analysis. However, the Committee is concerned that the STB may not have adequate staffing or expertise to undergo such an extensive assessment for all of its rulemaking proceedings and directs the board to set a threshold for determining which rulemakings should require a cost-benefit analysis. The Board should include requests for additional resources to undertake such assessments in its future budget requests.</p> <p>Regulatory Proceedings—While the STB has made progress in implementing the Surface Transportation Board Reauthorization Act of 2015, the Committee remains concerned about a number of pending regulatory proceedings that would reform existing regulations without all five board members. The Committee continues to encourage the administration to nominate the full complement of board members to the STB as soon as possible, and encourages the STB to provide a timely and decisive regulatory process.</p> <p>Movement of Commerce—The Committee is aware of the STB requesting information from Class I freight railroads regarding concerns of services issues impacting shippers and receivers of certain commerce. The Committee encourages the STB to continue to work with railroads, shippers, and receivers to fully understand the scope of the issue and fully exercise its authority in order to effectively address these matters.</p>		Report Language:  <p>Cost-benefit analysis.—In March 2019, a petition was filed with the STB to institute a rulemaking to adopt procedural rules that would require a cost-benefit analysis in certain future STB rulemaking proceedings. In response, the STB reviewed the practices at other agencies, including independent agencies that, like the STB, are not statutorily required to have cost-benefit analysis procedural rules. In November 2019, the STB issued a solicitation of information to request comments from stakeholders on whether and how particular cost-benefit analysis approaches might be more formally integrated into the STB's rulemaking process. The Committee continues to encourage the STB to thoroughly review and consider all comments received in response to the solicitation of information to determine the extent to which cost-benefit analysis would be helpful in ensuring that the economic consequences of certain significant rulemakings are fully evaluated and that the basis for any decisions are clear to stakeholders. If the STB decides to adopt a cost-benefit analysis procedure for significant rulemakings, then the Committee encourages the STB to request additional resources, as necessary, to ensure the STB has the staffing and expertise to undertake such cost-benefit analyses.</p>		

September 2021