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**Monday**  
**April 26, 1999**

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**Part LXV**

**Surface  
Transportation Board**

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**Semiannual Regulatory Agenda**

**SURFACE TRANSPORTATION BOARD (STB)**

**DEPARTMENT OF TRANSPORTATION**

**Surface Transportation Board**

**49 CFR Ch. X**

[STB Ex Parte No. 536; Sub-No. 6]

**Semiannual Regulatory Agenda**

**AGENCY:** Surface Transportation Board, DOT.

**ACTION:** Semiannual regulatory agenda.

**SUMMARY:** The Surface Transportation 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, 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 which 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 April 1999 regulatory flexibility agenda as part of the Unified Agenda of Federal Regulatory and Deregulatory Actions. The Unified Agenda of Federal Regulatory and Deregulatory Actions is coordinated by the Office of Management and Budget pursuant to Executive Order 12866. The Board is participating in the program voluntarily to assist OMB.

Decided: February 12, 1999.  
By the Board, Chairman Morgan and Vice Chairman Clyburn.

**Vernon A. Williams,**  
*Secretary.*

**Long-Term Actions**

Sequence Number	Title	Regulation Identifier Number
4520	Railroad Consolidation Procedures: Class Exemption for Transactions Subject to the Statutory Consolidation Provision, Ex Parte No. 282 (Sub-No. 15) .....	2140-AA03
4521	Safe Implementation of Board-Approved Transactions, STB Ex Parte No. 574 .....	2140-AA50

**Completed Actions**

Sequence Number	Title	Regulation Identifier Number
4522	Market Dominance Determination—Product and Geographic Competition, STB Ex Parte No. 627 .....	2140-AA51
4523	Expedited Relief for Service Inadequacies, STB Ex Parte No. 628 .....	2140-AA52
4524	Regulations for the Publication, Posting, and Filing of Tariffs for the Transportation of Property By or With a Water Carrier in the Noncontiguous Domestic Trace, STB Ex Parte No. 580 .....	2140-AA53

## SURFACE TRANSPORTATION BOARD (STB)

## Long-Term Actions

**4520. RAILROAD CONSOLIDATION PROCEDURES: CLASS EXEMPTION FOR TRANSACTIONS SUBJECT TO THE STATUTORY CONSOLIDATION PROVISION, EX PARTE NO. 282 (SUB-NO. 15)****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 10321; 49 USC 10505; 49 USC 11341; 49 USC 11343 to 11346; 11 USC 1172; 45 USC 904; 45 USC 915; 5 USC 553; 5 USC 559**CFR Citation:** 49 CFR 1180**Legal Deadline:** None**Abstract:** The Board is considering whether to expand the "nonconnecting carrier" class exemption to embrace all transactions subject to the statutory consolidation provision, except (1) transactions involving the merger or control of at least two class I railroads; (2) transactions involving a reduction in the number of noncommonly controlled railroads serving any two points; (3) transactions involving a reduction from three to two in the number of noncommonly controlled railroads serving any interchange points.**Timetable:**

Action	Date	FR Cite
NPRM	07/14/92	57 FR 31165
NPRM Comment Period End	08/30/92	
Internal Review of Comments	To Be	Determined

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Additional Information:** Statutory references to title 49 of the United States Code are prior to their amendment by the ICC Termination Act of 1995, Pub. L. 104-88, 109 Stat. 803, which became effective on January 1, 1996.**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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**RIN:** 2140-AA03**4521. SAFE IMPLEMENTATION OF BOARD-APPROVED TRANSACTIONS, 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 proposed

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 proposed 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	
Internal Review of Comments	To Be	Determined

**Regulatory Flexibility Analysis Required:** 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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**RIN:** 2140-AA50

## SURFACE TRANSPORTATION BOARD (STB)

## Completed Actions

**4522. MARKET DOMINANCE DETERMINATION—PRODUCT AND GEOGRAPHIC COMPETITION, STB EX PARTE NO. 627****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 721; 49 USC 10707**CFR Citation:** None**Legal Deadline:** None**Abstract:** The Surface Transportation Board has eliminated product and geographic competition as factors in market dominance determinations in railroad rate proceedings.**Timetable:**

Action	Date	FR Cite
NPRM	04/29/98	63 FR 24588

Action	Date	FR Cite
NPRM Comment Period End	06/29/98	
Board Issued Final Decision - (Effective 1/17/99)	12/21/98	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Additional Information:** Petitions for reconsideration have been filed.**Agency Contact:** Thomas J. Stilling, Attorney, Surface Transportation Board, 1925 K Street NW., Washington, DC 20423

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**RIN:** 2140-AA51**4523. EXPEDITED RELIEF FOR SERVICE INADEQUACIES, STB EX PARTE NO. 628****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 721; 49 USC 11102; 49 USC 11123; 49 USC 10705**CFR Citation:** 49 CFR 1146; 49 CFR 1147**Legal Deadline:** None**Abstract:** The Surface Transportation Board adopted rules that establish expedited procedures for shippers and connecting railroads to obtain emergency (1146) and temporary (1147) alternative service from another rail

## STB

## Completed Actions

carrier when the incumbent carrier cannot properly serve shippers.

**Timetable:**

Action	Date	FR Cite
NPRM	05/12/98	63 FR 27253
NPRM Comment Period End	07/15/98	
Final Action	12/28/98	63 FR 71396
Final Action Effective	01/27/99	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Ellen D. Hanson, Deputy General Counsel, Surface Transportation Board, 1925 K Street NW., Washington, DC 20423  
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**RIN:** 2140-AA52

**4524. • REGULATIONS FOR THE PUBLICATION, POSTING, AND FILING OF TARIFFS FOR THE TRANSPORTATION OF PROPERTY BY OR WITH A WATER CARRIER IN THE NONCONTIGUOUS DOMESTIC TRACE, STB EX PARTE NO. 580**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 721(a); 49 USC 13702(a); 49 USC 13702(b); 49 USC 13702(d)

**CFR Citation:** 49 CFR 1312

**Legal Deadline:** None

**Abstract:** The Board revised its tariff filing regulations to eliminate the option of filing tariffs electronically with the Board through the Federal Maritime Commission's Automated Tariff Filing and Information System, which is being phased out effective May 1, 1999. The Board will, however, entertain special tariff authority requests by individual carriers seeking

to file their tariffs in alternative electronic formats.

**Timetable:**

Action	Date	FR Cite
NPRM	12/02/98	63 FR 66521
NPRM Comment Period End	01/04/99	
Final Action	02/03/99	64 FR 5194
Final Action Effective	05/01/99	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** James W. Greene, Chief, Section of Tariffs, Office of Compliance and Enforcement, Surface Transportation Board, 1925 K Street NW., Washington, DC 20423-0001  
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**RIN:** 2140-AA53

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