

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

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Docket No. EP 787

UPDATING CLASS I RAIL CARRIER REPORTING REQUIREMENTS

OPENING COMMENTS OF CSX TRANSPORTATION, INC.

CSX Transportation, Inc. (“CSXT”) appreciates the opportunity to submit comments on the Board’s notice of proposed rulemaking served on September 30, 2025 in the above-captioned docket.¹ The NPRM invites comments on the Board’s proposal to eliminate one annual reporting requirement and its proposal to adopt two new weekly service performance reporting requirements. CSXT joins in the comments of the Association of American Railroads (“AAR”) and also separately submits these comments.

CSXT understands that the Board is pursuing a data modernization effort and recognizes that the agency is taking positive steps to make specific metrics more accurate than previous versions. As a starting point, it is helpful to step back and review the general landscape of STB reporting requirements. Today, there are substantial STB data reporting obligations for Class I carriers, which require detailed information on areas including service performance, employment, and

¹ Notice of Proposed Rulemaking, *Updating Class I Rail Carrier Reporting Requirements*, Docket No. EP 787 (STB served Sept. 30, 2025) (“NPRM”).

finances. This data is conveyed in multiple regular reports—some annual, some biannual, some quarterly, some monthly, and some weekly. These reporting requirements have been imposed one by one over the years, layering reporting obligation upon reporting obligation, without a comprehensive review of the collective burden that they impose or an evaluation of the continuing need for all the many reporting categories that the agency has imposed. CSXT appreciates that the Board is now undertaking a “broader effort to enhance, focus, and automate” data collection.² In connection with this effort, CSXT respectfully requests that the Board complete its review of “existing metrics that are not widely referenced or used” and propose elimination of those rules as it contemplates additional regulation.³

In Part I of these comments, CSXT explains that, if the Board intends to adopt additional service reporting obligations, it should pursue a flexible reporting regime rather than a rigid regulatory approach. The stated purpose of the proposed performance metrics is to monitor changes in service,⁴ not to dictate how carriers track performance or to make assessments regarding individual service quality. Further, adopting a flexible reporting approach where carriers can leverage their existing systems ensures that such reporting would not be unduly burdensome.

² NPRM at 5.

³ *Id.*

⁴ *Id.* at 4.

CSXT also offers some comments on the nuances of each metric, which further support the need for flexibility.

In Part II, CSXT urges the Board to propose elimination of additional reporting regulations. The current Administration has prioritized the identification and elimination of outdated, redundant, and burdensome regulations. *See, e.g.*, Exec. Order No. 14,192, 90 Fed. Reg. 9065 (Jan. 31, 2025) at Sec. 1 (requiring that agencies identify at least 10 existing regulations to be repealed with every new proposed regulation). The Board itself has acknowledged that some current reporting is “not widely referenced or used by the Board, shippers, railroads, or other members of the public.”⁵ While the NPRM’s elimination of the annual PTC Supplement is a good start, the Board should complete its review of current regulations and proposed elimination of outdated rules alongside its proposed adoption of new rules. Such an approach would allow CSXT and others to assess the utility, content, and collective burden of the Board’s proposals.

I. Any New Performance Reporting Metric Should Allow Carriers to Report Based on Their Existing Systems.

The NPRM’s proposed metrics are based on similar metrics that were adopted and later vacated in Docket No. EP 711 (Sub-No. 2). But unlike the EP 711 metrics, which were adopted as part of an attempt to set performance levels that would trigger presumptive findings of inadequate service, the stated objective of

⁵ *Id.* at 5.

these EP 787 metrics is to create a baseline against which to “observe long-term trends” and thereby make comparisons against past performance.⁶

Given this goal, the Board should refrain from adopting rigidly “standardized reporting.”⁷ The Board’s experience with service reporting has appropriately balanced flexibility with uniformity. For example, the service performance metrics contained in 49 C.F.R. Part 1250 were developed based on interim reporting in which railroads had reporting differences borne out of their “disparate data-keeping systems” and “different railroad operating practices,” among other things. Yet that data allowed the Board and stakeholders to monitor the industry’s performance and ultimately led to adoption of permanent rules in Part 1250. Recognizing that carriers might need to approach reporting in different ways due to different systems and operating practices, carriers were required to submit methodology documents along with their Part 1250 reporting. *See* 49 C.F.R. § 1250.1(c).

Similarly, in Docket No. EP 770 (Sub-No. 1), carriers submitted temporary service reporting in which they were able to leverage their systems and practices to provide the requested data for the purpose of performance monitoring. *See* Docket No. EP 770 (Sub-No. 1) (recognizing that carriers may measure differently based on different systems and operating practices and requiring a methodology document). This more adaptive approach illustrated the trends that assist the Board’s monitoring of the industry while allowing railroads to be consistent with how they

⁶ *Id.* at 4.

⁷ *See* NPRM at 4.

measure their own performance—which, in the case of CSXT, is also provided directly to customers.

These prior reporting regimes show that the Board can monitor rail service trends without burdening railroads with overly prescriptive and excessive reporting requirements. When the stated goal of the reporting is to measure long-term trends, there is no need for the Board to micromanage reporting format details or to force railroads to conform to a Board-designed standard. As the Board knows, each carrier has different data reporting systems and operating practices. Based on those existing systems and practices, many carriers have developed (with significant customer input) internal metrics similar to the NPRM’s proposed metrics. At CSXT, these metrics are shared with customers today without a regulatory directive. Imposing different STB requirements for these metrics would be counterproductive: when an existing metric that is already provided to customers using a carrier’s internal methodology is then required to be reported to STB using a different methodology, the resulting confusion complicates long-term performance analysis. One-size-fits-all regulation in this area is unnecessary and does not assist the Board in achieving its stated goal.

Allowing railroads to define and explain their own metrics also saves the Board from making clarifying determinations that will burden some carriers with required modifications to their existing practices. For example, the NPRM proposes that the Original Estimated Time of Arrival (“OETA”) metric would be based on the original ETA provided by the rail carrier when the shipper tenders the bill of lading.

At least two Class I carriers do not currently generate OETA at tender of the bill of lading.⁸ Requiring OETA to be measured from issuance of the bill of lading would thus require changes to these carriers' operating practices. For reasons set out more fully in Section I-A, CSXT believes it is more appropriate to establish OETA upon creation of the waybill, but CSXT also recognizes that carriers with different operating practices may have a different view. The Board need not make a determination on this granular issue because the Board can achieve its goal of monitoring trends without favoring one operating practice over another.

CSXT thus suggests that the Board set basic parameters and allow carriers to report based on their existing systems, so long as their methods are described in a methodology document. For CSXT, the Trip Plan Performance metric ("TPP") and Customer Switch Data metric ("CSD") that CSXT already uses to measure itself and already reports to customers would satisfy the Board's monitoring goals.⁹ If the Board pursued this approach, CSXT would agree that reporting this information would not be unduly burdensome. However, if the Board adopts a more prescriptive approach, then it is not correct that this reporting "would not be burdensome,"¹⁰

⁸ See CSX Transportation, Inc. Weekly Service Metrics Reporting Methodology, Docket No. EP 711 (Sub-No. 2) (filed Sept. 25, 2024); Grand Trunk Corp. Weekly Service Metrics Reporting Methodology, Docket No. EP 711 (Sub-No. 2) (filed Sept. 25, 2024).

⁹ CSXT provided a thorough description of TPP and CSD in its comments in Docket No. EP 711 (Sub-No. 2). See Opening Comments of CSXT, Docket No. EP 711 (Sub-No. 2) (filed Nov. 7, 2023); Reply Comments of CSXT, Docket No. EP 711 (Sub-No. 2) (filed Dec. 20, 2023).

¹⁰ NPRM at 5.

because CSXT would have to modify its systems to convert its existing metrics to the Board's requested format, which would require a significant amount of technical and programming work.

Additionally, in the event STB seeks to adopt a more prescriptive standard, CSXT requests the Board hold technical meetings or conferences like those held in Docket No. EP 724 (Sub-No. 4), given the nature of the proposed metrics at issue here. The careful and detail-oriented process that the Board undertook in Docket No. EP 724 (Sub-No. 4) was necessary to address the complexities inherent in service performance metrics. In the meantime, CSXT provides the following more specific comments with respect to each proposed metric.

A. OETA

In the NPRM, the Board has corrected one of the most significant issues with the OETA-based metric adopted and later vacated in Docket No. EP 711 (Sub-No. 2): counting early arrivals more than 24 hours before the OETA against the carrier. The proposed OETA metric properly excludes early arrivals.¹¹

Another positive difference from the EP 711 reporting is that, while that reporting did not allow OETA to be changed in any circumstance, the proposed rule specifies that OETA will not be changed by subsequent changes to the plan "unless the change to the original trip plan is made by the shipper."¹² However, the Board should clarify and expand what it means by this language.

¹¹ NPRM at 5 n.6.

¹² *Id.* at 13.

The proposal would clearly and appropriately permit OETA updates for customer-initiated diversions or re-routes. But it is not clear how railroads should treat other customer-influenced OETA updates, or other updates necessitated by events beyond the carrier's control. For example, CSXT updates TPP for customer exceptions—*e.g.*, if a customer notifies CSXT that it has released cars for CSXT to pull but the cars are not actually available to be pulled, or if there is a blue safety flag at the customer's facility. CSXT also updates TPP in the event the delivering carrier at interchange brings more cars than the scheduled train capacity and scheduled crew can accommodate. Similarly, the rule does not address how carriers should deal with bad orders. In its other service performance regulations, the Board addressed cars in bad order status. *Cf.* 49 C.F.R. § 1250.2(a)(6) (carriers should exclude, *inter alia*, cars in bad order status). CSXT cancels trip plans and issues a new trip plan (with a new OETA) when a car is bad ordered. The rule should allow OETA to be reset in these types of circumstances. If the Board wishes to set parameters, it could revise its regulatory text as follows:

The OETA metric shall be based on the OETA communicated to the customer and not based on subsequent changes to ETA, unless those changes are based on issuance of a new trip plan because the shipment creation event did not establish the ETA or for reasons such as re-routes or diversions requested by the customer, cars in bad order status, customer or delivering carrier exceptions, embargoes, or other events outside the carrier's control.

The Board should consider other changes as well. First, for originating shipments, the Board proposes that OETA be based on an ETA generated when the

shipper tenders the bill of lading.¹³ But as noted above, receipt of the bill of lading is not what triggers issuance of a trip plan or OETA in CSXT's systems. Rather, CSXT's systems only issue a trip plan upon creation of a valid waybill. As detailed in the methodology CSXT submitted in Docket No. EP 711 (Sub-No. 2), until creation of a valid waybill, CSXT does not have sufficient information to initiate a shipment and operating rules prohibit CSXT's operations team from doing so. Accordingly, CSXT's data systems do not allow it to create a trip plan and start the measurement of customer-originated shipments with the customer bill of lading. The bill of lading provides information that is used to create a waybill, but it must go through a verification process to ensure all necessary information is valid before a waybill can be created. At least one other Class I carrier reported a similar issue.¹⁴

The elapsed time between receipt of the bill of lading to the creation of the waybill is typically very short: 10-15 minutes. However, in the event bill of lading information is incomplete, CSXT's system will go into a suspended status and require resolution (*i.e.*, the resubmission of a corrected bill of lading). The CSXT system creates a waybill (and thus an OETA for the applicable trip) once the bill of lading has been validated and a route can be determined.

¹³ *Id.* at 5.

¹⁴ See Grand Trunk Corp. Weekly Service Metrics Reporting Methodology, Docket No. EP 711 (Sub-No. 2) (filed Sept. 25, 2024).

A rigid application of the Board's rules requiring an ETA to be issued at the issuance of the bill of lading would require CSXT to overhaul its existing system, take a substantial amount of time, and could impact other internal processes. To ensure that its regulations allow for flexibility to account for carriers' considered and established systems for issuing trip plans, the Board should modify its regulatory language for the definition of "Original estimated time of arrival" to allow OETA to be measured from generation of the trip plan.

It could, for example, provide as follows:

Original estimated time of arrival or *OETA* means the estimated time of arrival that the rail carrier provides when a trip plan is created (typically either upon tender of the bill of lading or creation of the waybill)

Second, for terminating interline shipments, the Board proposes that OETA be based on an ETA generated when "the rail carrier receives the shipment from an interchanging carrier."¹⁵ There are significant technical complexities in determining the precise moment of interchange between railroads that do not have visibility into each other's data.¹⁶ For example, CSXT's TPP calculations for interchange traffic are based on its own internal data. So for interchange traffic that CSXT receives from another carrier, CSXT's shipment cycle begins with the received interchange event in CSXT's system, and for interchange traffic that CSXT

¹⁵ NPRM at 12.

¹⁶ See, e.g., CSXT Opening Comments, V.S. Cheatham at 8–9; CSXT Reply Comments, at 7–8.

delivers to another carrier, CSXT's shipment cycle ends with an interchange offer to the other carrier.

While in some situations it is fair to assume the time of the delivering carrier's offer event will match the time of the receiving carrier's received event, that is not always the case. Carriers should be allowed to base calculations on their own data systems and to use their offer events and received events as reasonable endpoints in OETA calculations. As detailed in the methodology CSXT submitted in Docket No. EP 711 (Sub-No. 2), CSX's OETA measurement for interchange shipments start at the "received in interchange" event (which is not always the AEI or EDI 418)¹⁷ and that point in time is what CSXT used for the EP 711 reporting. A flexible approach that would allow CSXT to use the "received in interchange" event, as more fully described in a methodology document, is appropriate if new reporting is adopted.

¹⁷ A foreign road's report of delivery to CSXT, which is recorded as an EDI 418 message, requires verification in CSXT's system before a trip plan is created. On occasion, CSXT receives an EDI report of delivery even though the foreign road has not actually delivered the cars in interchange. Accordingly, CSXT compares the EDI "deliver to" event to the inbound AEI scan (if available) when the shipment has passed through the designated AEI reader for delivery to CSXT in interchange (often, but not always, the EDI "deliver to" message and the AEI scan are contemporaneous). Because there are times when one or both of these inputs are either missing or incorrect, the EDI "deliver to" and AEI timestamps are compared to other validating events to verify that interchange traffic was delivered. Based on the available inputs, CSXT's system creates a "received in interchange" event. The posting of the "received in interchange" event triggers the CSXT system to build a route to destination with a train schedule and an OETA.

B. ISP

The Board also took a positive step forward by addressing one of the more prominent issues with the ISP metric adopted and later vacated in Docket No. EP 711 (Sub-No. 2): measurement on a per-window basis. The per-car basis proposed here is a more meaningful and accurate measurement. The Board has also properly proposed to exclude unit trains and intermodal traffic, which makes good sense. CSXT's CSD metric was developed for its scheduled carload network. Unit trains, for example, are not part of CSXT's local service plan and thus CSD is not calculated for unit train customers. Another positive step forward is the NPRM's recognition that a carrier should not be penalized when the carrier cannot serve the facility due to shipper-caused reasons. These are laudable improvements.

However, the Board should refine its proposed ISP rule in certain other respects. First, the proposed regulation states that "[i]f a rail carrier cancels a service window, other than at the shipper's or receiver's request, each planned spot or pull shall be included as a failure."¹⁸ Additional language is needed to account for situations in which service cannot be performed due to reasons outside a carrier's control such as prohibitive weather conditions or when an embargo is in place.

Second, as with the OETA metric, the ISP metric fails to address how carriers should count cars in bad ordered status, despite the fact that other service reporting rules clarify how to deal with such situations. *Cf.* 49 C.F.R. § 1250.2(a)(6).

¹⁸ NPRM at 14 (proposed 1251.2(b)(1)(iii)).

II. The Board Should Issue a Supplemental Proposal With Additional Deregulatory Actions

If the Board proceeds with considering new reporting requirements, CSXT recommends the issuance of a supplemental notice of proposed rulemaking (“SNPRM”) incorporating suggestions herein and also proposing to eliminate other obsolete or unnecessary reporting requirements including. The Board should not wait to remove those regulations, because layering on additional reporting simply creates a larger collective reporting burden.

The Board should propose to eliminate, for example:

- 49 C.F. R. § 1250.2(a)(4): Weekly average dwell time at origin for unit train shipments. When the Board first proposed this rule, carriers argued that this request would not provide much insight or benefit to the public or the Board and would be burdensome.¹⁹ CSXT believes that this metric has little value, especially considering the burden of reporting. For CSXT, unit trains move based on orders and train ID, but CSXT does not assign a train ID until the crew is assigned and the train begins movement. Due to the timing of the data being available and to ensure it is current at the time of the pull, CSXT must manually run the code each week to do this reporting.
- 49 C.F.R. § 1250.2(a)(5): Weekly average number of trains holding per day by type and cause. When the Board proposed this rule, carriers raised various concerns with it, including that it was not a reliable indicator of railroad

¹⁹ Supplemental Notice of Proposed Rulemaking, *U.S. Rail Service Issues—Performance Data Reporting*, Docket No. EP 724 (Sub-No. 4), at 9.

performance and that the snapshot method would impact results.²⁰ CSXT does not believe that this report provides much, if any, value, especially since the snapshot approach can distort results. It also requires significant manual effort to compile. At a minimum, if this report is retained, carriers should be free to utilize a different approach (*e.g.*, a daily average for the reporting week) that will more accurately reflect railroad performance over time.

- 49 C.F.R. § 1250.4: Bi-annual rail infrastructure projects reporting. It is unclear what, if any, value this reporting provides to either the Board or the public. As railroads previously pointed out, much of this information is available to the Board and the public through investor presentations, outreach at conferences, in marketing materials, in trade press and media reports, and through financial filings.²¹ Further, railroads also make their customers aware of major infrastructure projects that could impact service through regular email updates and their website, which describe maintenance and capital projects in real-time or near-real time.²² This report cannot be automated and requires the time and effort of personnel to write the narrative report.

²⁰ *Id.* at 13-14.

²¹ *Id.* at 18.

²² *Id.*

This is not a comprehensive list of regulations that CSXT believes should be eliminated, but rather examples of regulations that should be identified in the Board's review effort and proposed for elimination through a SNPRM prior to adoption of new reporting regulations.

CONCLUSION

For the reasons above, the Board should repeal the PTC reporting requirement as proposed in the NPRM and amend the NPRM to adopt a flexible approach for any service reporting that uses existing railroad metrics and to identify additional unnecessary reporting requirements that can be removed.

Respectfully submitted,

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