

53019  
EB

SERVICE DATE—MAY 5, 2026

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. EP 716 (Sub-No. 11)

CIVIL MONETARY PENALTIES—2026 ADJUSTMENT

Decided: May 1, 2026

AGENCY: Surface Transportation Board.

ACTION: Final rule; revision.

SUMMARY: The Board is revising its previously issued final rule, which implemented the annual inflationary adjustments to the Board’s civil monetary penalties, to conform to guidance subsequently received from the Office of Management and Budget (OMB). As revised, the final rule reflects no cost-of-living adjustment for 2026.

DATES: This final rule is effective May 5, 2026.

FOR FURTHER INFORMATION CONTACT: Amanda Gorski at (202) 915-8453. If you require an accommodation under the Americans with Disabilities Act, please call (202) 245-0245.

SUPPLEMENTARY INFORMATION: The Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (2015 Act), enacted as part of the Bipartisan Budget Act of 2015, Pub. L. No. 114-74, § 701, 129 Stat. 584, 599-601, requires agencies to adjust their civil penalties for inflation annually, beginning on July 1, 2016, and no later than January 15 of every year thereafter. In accordance with the 2015 Act, annual inflation adjustments are to be based on the percent change between the Consumer Price Index for all Urban Consumers (CPI-U) for October of the previous year and the October CPI-U of the year before that. Penalty level adjustments should be rounded to the nearest dollar.

Due to the lapse in Federal government appropriations from October 1, 2025, through November 12, 2025, the Bureau of Labor Statistics (BLS), which is responsible for production of the CPI-U, did not release a CPI-U for October 2025. On January 14, 2026, the Board issued a decision that based its annual inflation adjustment for 2026 on the percent change between the CPI-U for November 2025 and the CPI-U for November 2024. Civ. Monetary Penalties—2026 Adjustment (Jan. 2026 Decision), EP 716 (Sub-No. 11), slip op. at 2 (STB served Jan. 14, 2026). The Board stated, however, that “[s]hould additional guidance or data relevant to this calculation be released following the issuance of this decision, the Board will issue an amended decision, as appropriate.” Id. at 1.

On April 17, 2026, OMB issued guidance informing agencies that, based on the lack of October 2025 CPI-U data, there will be no updated cost-of-living adjustment multiplier for 2026. Memorandum from the Off. of Mgmt. & Budget, M-26-11, Cancellation of Penalty Inflation Adjustments for 2026, Regarding the Fed. Civ. Penalties Inflation Adjustment Act Improvements Act of 2015 (OMB Memo) (Apr. 17, 2016), <https://www.whitehouse.gov/wp-content/uploads/2026/04/M-26-11-Cancellation-of-Penalty-Inflation-Adjustments-for-2026-Regarding-the-Federal-Civil-Penalties-Inflation-Adjustment-Act-Improvements-Act-of-2015.pdf>. OMB directed agencies to “continue using the 2025 civil monetary penalty levels as applicable.” *Id.* at 1-2.

Consistent with the guidance received from OMB, the Board will revise its final rule and amend 49 CFR part 1022 to reinstate the Board’s 2025 civil monetary penalty levels. See Civ. Monetary Penalties—2025 Adjustment, EP 716 (Sub-No. 10) (STB served Jan. 14, 2025). The table at the end of this decision shows the statutory citation for each civil penalty, a description of the provision, the adjusted statutory civil penalty level for 2025, and the adjusted statutory civil penalty level for 2026.

The revised final rule set forth at the end of this decision is being issued without notice and comment pursuant to the rulemaking provision of the Administrative Procedure Act (APA), 5 U.S.C. 553(b)(B). The 2015 Act provides that agencies shall annually adjust civil monetary penalties for inflation notwithstanding section 553 of the APA. Additionally, the Board has no discretion to set alternative levels of adjusted civil monetary penalties and OMB has issued guidance regarding the statutory level. For these reasons, the Board has determined that there is good cause to promulgate this rule without soliciting public comment and to make this regulation effective immediately upon publication, see 5 U.S.C. 553(d).

The Regulatory Flexibility Act (RFA), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, 5 U.S.C. 601-612, generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements, unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Because the Board has determined that notice and comment are not required under the APA for this rulemaking, the requirements of the RFA do not apply.

Pursuant to the Congressional Review Act, 5 U.S.C. 801-808, the Office of Information and Regulatory Affairs has designated this rule as a non-major rule, as defined by 5 U.S.C. 804(2). Executive Order 12866, as modified by Executive Order 14215, provides that OIRA will review all significant rules. OIRA has determined that this rule is not significant.

This revised final rule does not contain a new or amended information collection requirement subject to the Paperwork Reduction Act of 1995, 44 U.S.C. 3501-3521.

## **List of Subjects**

49 CFR part 1022

Administrative practice and procedures, Brokers, Civil penalties, Freight forwarders, Motor carriers, Pipeline carriers, Rail carriers, Water carriers.

It is ordered:

1. Part 1022 is modified as set forth in the Appendix. Notice will be published in the Federal Register.

2. This decision is effective on its date of publication in the Federal Register.

By the Board, Board Members Fuchs, Hedlund, and Schultz.

**Code of Federal Regulations**

For the reasons set forth in the preamble, part 1022 of title 49, chapter X, of the Code of Federal Regulations is amended as follows:

**PART 1022—CIVIL MONETARY PENALTY INFLATION ADJUSTMENT**

1. The authority citation for part 1022 continues to read as follows:

**Authority:** 5 U.S.C. 551-557; 28 U.S.C. 2461 note; 49 U.S.C. 11901, 14901, 14903, 14904, 14905, 14906, 14907, 14908, 14910, 14915, 14916, 16101, 16103.

2. Revise § 1022.4(b) to read as follows:

**§ 1022.4 Cost-of-living adjustments of civil monetary penalties.**

\* \* \* \* \*

(b) The cost-of-living adjustment required by the statute results in the following adjustments to the civil monetary penalties within the jurisdiction of the Board:

Table 1 to paragraph (b)

<u>U.S. Code Citation</u>	<u>Civil Monetary Penalty Description</u>	<b>2025 - Penalty Amount</b>	<b>2026 - Penalty Amount</b>
-	-	EP 716_10 (2025)	EP 716_11 (2026)
<b>Rail Carrier</b>			
49 U.S.C. 11901(a)	Unless otherwise specified, maximum penalty for each knowing violation under this part, and for each day	\$9,970	\$9,970
49 U.S.C. 11901(b)	For each violation under § 11124(a)(2) or (b)	\$998	\$998
49 U.S.C. 11901(b)	For each day violation continues	\$51	\$51
49 U.S.C. 11901(c)	Maximum penalty for each knowing violation under §§ 10901-10906	\$9,970	\$9,970
49 U.S.C. 11901(d)	For each violation under §§ 11123 or 11124(a)(1)	\$198-\$998	\$198-\$998
49 U.S.C. 11901(d)	For each day violation continues	\$100	\$100
49 U.S.C. 11901(e)(1), (4)	For each violation under §§ 11141-11145, for each day	\$998	\$998
49 U.S.C. 11901(e)(2), (4)	For each violation under § 11144(b)(1), for each day	\$198	\$198

49 U.S.C. 11901(e)(3)-(4)	For each violation of reporting requirements, for each day	\$198	\$198
<b>Motor and Water Carrier</b>			
49 U.S.C. 14901(a)	Minimum penalty for each violation and for each day	\$1,365	\$1,365
49 U.S.C. 14901(a)	For each violation under §§ 13901 or 13902(c)	\$13,647	\$13,647
49 U.S.C. 14901(a)	For each violation related to transportation of passengers	\$34,116	\$34,116
49 U.S.C. 14901(b)	For each violation of the hazardous waste rules under § 3001 of the Solid Waste Disposal Act	\$27,293-\$54,586	\$27,293-\$54,586
49 U.S.C. 14901(d)(1)	Minimum penalty for each violation of household good regulations, and for each day	\$1,992	\$1,992
49 U.S.C. 14901(d)(2)	Minimum penalty for each instance of transportation of household goods if broker provides estimate without carrier agreement	\$19,941	\$19,941
49 U.S.C. 14901(d)(3)	Minimum penalty for each instance of transportation of household goods without being registered	\$49,848	\$49,848
49 U.S.C. 14901(e)	Minimum penalty for each violation of a transportation rule	\$3,988	\$3,988
49 U.S.C. 14901(e)	Minimum penalty for each additional violation	\$9,970	\$9,970
49 U.S.C. 14903(a)	Maximum penalty for undercharge or overcharge of tariff rate, for each violation	\$199,408	\$199,408
49 U.S.C. 14904(a)	For first violation, rebates at less than the rate in effect	\$398	\$398
49 U.S.C. 14904(a)	For all subsequent violations	\$500	\$500
49 U.S.C. 14904(b)(1)	Maximum penalty for first violation for undercharges by freight forwarders	\$998	\$998
49 U.S.C. 14904(b)(1)	Maximum penalty for subsequent violations	\$3,988	\$3,988
49 U.S.C. 14904(b)(2)	Maximum penalty for other first violations under § 13702	\$998	\$998
49 U.S.C. 14904(b)(2)	Maximum penalty for subsequent violations.	\$3,988	\$3,988
49 U.S.C. 14905(a)	Maximum penalty for each knowing violation of § 14103(a), and knowingly authorizing, consenting to, or permitting a violation of § 14103(a) or (b)	\$19,941	\$19,941
49 U.S.C. 14906	Minimum penalty for first attempt to evade regulation	\$2,730	\$2,730

49 U.S.C. 14906	Minimum amount for each subsequent attempt to evade regulation	\$6,823	\$6,823
49 U.S.C. 14907	Maximum penalty for recordkeeping/reporting violations	\$9,970	\$9,970
49 U.S.C. 14908(a)(2)	Maximum penalty for violation of § 14908(a)(1)	\$3,988	\$3,988
49 U.S.C. 14910	When another civil penalty is not specified under this part, for each violation, for each day	\$998	\$998
49 U.S.C. 14915(a)(1)-(2)	Minimum penalty for holding a household goods shipment hostage, for each day	\$15,846	\$15,846
49 U.S.C. 14916(c)(1)	Maximum penalty for each knowing violation under § 14916(a) for unlawful brokerage activities	\$13,647	\$13,647
<b>Pipeline Carrier</b>			
49 U.S.C. 16101(a)	Maximum penalty for violation of this part, for each day	\$9,970	\$9,970
49 U.S.C. 16101(b)(1), (4)	For each recordkeeping violation under § 15722, each day	\$998	\$998
49 U.S.C. 16101(b)(2), (4)	For each inspection violation liable under § 15722, each day	\$198	\$198
49 U.S.C. 16101(b)(3)-(4)	For each reporting violation under § 15723, each day	\$198	\$198
49 U.S.C. 16103(a)	Maximum penalty for improper disclosure of information	\$1,992	\$1,992