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SERVICE DATE – MAY 8, 2026

## SURFACE TRANSPORTATION BOARD

### DECISION

Docket No. EP 787

#### UPDATING CLASS I RAIL CARRIER REPORTING REQUIREMENTS

AGENCY: Surface Transportation Board.

ACTION: Final rule.

SUMMARY: The Board is adopting a final rule terminating Class I carriers' supplemental reporting of certain Positive Train Control (PTC) expenditures, and it is requiring Class I carriers to report two service metrics on a weekly basis.

DATES: This rule will be effective on June 7, 2026. The initial reporting date will be July 8, 2026.

FOR FURTHER INFORMATION CONTACT: Pedro Ramirez at 202-915-0862. If you require accommodation under the Americans with Disabilities Act, please call (202) 245-0245.

SUPPLEMENTARY INFORMATION: On September 30, 2025, the Board issued a notice of proposed rulemaking proposing to (1) terminate existing requirements for Class I carriers to file supplemental reporting of PTC expenditures (PTC Supplement) as part of their annual R-1 reports filed with the Board and (2) require Class I carriers to report two service metrics to the Board on a weekly basis: original estimated time of arrival (OETA) and industry spot and pull (ISP). Updating Class I Rail Carrier Reporting Requirements (NPRM), EP 787 (STB served Sept. 30, 2025).<sup>1</sup>

In response to the NPRM, the Board received 13 opening comments and 4 replies, which are discussed in this decision.<sup>2</sup> For the reasons discussed below, the Board will adopt its

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<sup>1</sup> The NPRM was published in the Federal Register on September 30, 2025 (90 FR 46779).

<sup>2</sup> Comments were filed by the American Chemistry Council (ACC), the American Fuel and Petrochemical Manufacturers (AFPM), the Association of American Railroads (AAR), CSX Transportation, Inc. (CSXT), the International Dairy Foods Association (IDFA), the Fertilizer Institute (TFI), Grand Trunk Corporation (CN), the Freight Rail Customer Alliance (FRCA) and the National Coal Transportation Association (NCTA) (FRCA/NCTA) (joint comments), the National Grain and Feed Association (NGFA), the National Industrial Transportation League (NITL), the Private Railcar Food and Beverage Association, Inc. (PRFBA), Mr. Michael

proposal with modifications. The text of the final rule is appended to this decision.

### POSITIVE TRAIN CONTROL

The Rail Safety Improvement Act of 2008 (RSIA) required Class I rail carriers to implement PTC—an automated safety system designed to prevent certain types of train accidents—by December 31, 2015, on main lines where intercity or commuter rail passenger transportation, as defined in 49 U.S.C. 24102, is regularly provided, and main lines over which five million or more gross tons of annual traffic and poison- or toxic-by-inhalation hazardous materials, as defined in 49 CFR 171.8, 173.115, and 173.132, are transported. 49 U.S.C. 20157(a)(1); see also 49 CFR 236.1019 (main line track exceptions). That deadline was later extended, pursuant to the Positive Train Control Enforcement and Implementation Act of 2015, to December 31, 2018, and railroads were allowed to individually petition the Federal Railroad Administration (FRA) for an alternative schedule and sequence that could further extend the deadline to a date that reflected implementation as soon as practicable but was no more than two additional years. 49 U.S.C. 20157(a)(1), (3)(A)–(D); 49 CFR 1.89.

In response to a petition by Union Pacific Railroad Company in 2013, in Docket No. EP 706, the Board adopted a final rule requiring Class I carriers to file certain data related to PTC expenses in a supplement included with their annual R-1 reports.<sup>3</sup> Reporting Requirements for Positive Train Control Expenses & Invs. (Reporting Requirements), EP 706, slip op. at 3-4 (STB served Aug. 14, 2013). In adopting the rule, the Board explained that the PTC Supplement would provide the Board with important information that “would help identify transportation industry changes that may require attention by the agency” and “would assist the Board in preparing financial and statistical summaries and abstracts to provide itself, Congress, other government agencies, the transportation industry, and the public with transportation data useful in making regulatory policy and business decisions.” Id. at 3. The PTC Supplement requirement was codified at 49 CFR 1241.11(b). A detailed description of the PTC Supplement requirement is contained in the NPRM, EP 787, slip op. at 2-3.

On December 29, 2020, FRA announced that PTC implementation was complete on all required freight and passenger railroad route miles. FRA, Positive Train Control (PTC), <https://railroads.dot.gov/research-development/program-areas/train-control/ptc/positive-train-control-ptc> (last visited Apr. 28, 2026). FRA also certified that each host railroad’s PTC system complies with the technical requirements for PTC systems. Id.

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Ravnitzky (Ravnitzky), and Trinidad Benham Corporation (Trinidad Benham). Replies were filed by ACC, AAR, FRCA/NCTA (joint reply), and the U.S. Department of Agriculture (USDA).

<sup>3</sup> Under 49 U.S.C. 11145(b)(1), the Board may require rail carriers to file with the Board an annual report containing “an account, in as much detail as the Board may require, of the affairs of the rail carrier.” The Board’s regulations require each Class I rail carrier to submit such annual reports, known as R-1 reports, containing information about finances and operating statistics. 49 CFR 1241.11(a).

On August 26, 2024, the Association of American Railroads (AAR) filed a petition to reopen Docket No. EP 706 and terminate the PTC Supplement requirement. AAR stated that, when the railroads requested that the Board adopt supplemental PTC reporting more than a decade ago, PTC-related capital costs and operating expenditures were “anticipated to be particularly high during the installation stage.” AAR Pet. 1, Reporting Requirements, EP 706. But AAR argued that, since that time, “the vast majority of costs associated with implementing PTC have been dispensed with,” and that the PTC Supplement requirement is no longer necessary. Id. at 4. Additionally, AAR argued that Class I railroads are “incurring unnecessary costs and expending significant time” to comply with the PTC-related reporting requirements. Id.

In the NPRM, the Board proposed elimination of the PTC Supplement.<sup>4</sup> NPRM, EP 787, slip op. at 1. The Board stated that, given that PTC has been fully implemented, the benefits from the supplemental reporting no longer justify the burden of generating and reporting the detailed information required by 49 CFR 1241.11(b). Id. at 3. Additionally, the Board noted that ending the PTC Supplement Requirement would simplify carriers’ annual R-1 reporting. Id. Under the Board’s proposal, PTC-related expenditures would still be reflected in the R-1 “capital investments and expenses” totals but would not be separately identifiable from non-PTC expenditures. Id. The Board also proposed that, should it adopt the proposed discontinuance of the PTC Supplement, carriers would be required to “submit a one-time summary document identifying individual line items in their respective R-1 reports that contain PTC-related expenditures representing at least 15% of the line-item amounts.” Id. at 4.

On January 30, 2026, the Board served a decision in Docket No. EP 706 (Sub-No. 1) waiving the requirement that carriers file, at that time, PTC Supplements with their 2025 R-1 reports, which were due March 31, 2026. 2025 Reporting Requirements for Positive Train Control Expenses & Invs., EP 706 (Sub-No. 1), slip op. at 2 (STB served Jan. 30, 2026). The Board stated that it would “in a subsequent decision in Docket No. EP 787 . . . address the need, if any, for carriers to file 2025 PTC Supplements at a later date.” Id., slip op. at 2.

Commenters generally express support for the Board’s proposal to terminate the PTC Supplement. (See ACC Comments 1; AFPM Comments 3; AAR Comments 1-3; CN Comments 1-2; CSXT Comments 3, 15; Ravnitzky Comments 2.) AAR comments, “[b]ecause Class I rail carriers have implemented PTC as required . . . separately reporting the expenses associated with the development and implementation of PTC is no longer necessary.” (AAR Comments 2.) CN argues that the Board, should it terminate the PTC Supplement requirement, would “benefit in terms of efficiency, as it would be able to reduce the hours spent reviewing the independent accountant’s workpapers related to PTC data.” (CN Comments 4.) Additionally, ACC states that, because “PTC has been fully implemented on all required freight and passenger railroad route miles and implementation costs have largely been paid. . . . the supplemental reporting of PTC-related expenses provides little ongoing value to the Board and other stakeholders.” (ACC Comments 2.)

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<sup>4</sup> Given the NPRM issued in Docket No. EP 787, the Board denied as moot AAR’s petition to reopen Docket No. EP 706. Reporting Requirements for Positive Train Control Expenses & Invs., EP 706, slip op. at 2 (STB served Sept. 30, 2025).

One commenter, Ravnitzky, notes his support of the proposed termination of the PTC Supplement but argues that the elimination of the PTC Supplement “should not foreclose the Board’s ability to obtain targeted information when reasonably necessary.” (Ravnitzky Comments 1-2.) Ravnitzky recommends that the Board clarify that its action does not limit its statutory authority under 49 U.S.C. 11145 to request PTC-specific financial or operational data, to require production of records, or to conduct audits when the Board determines that collection of such information is necessary. (Id. at 2.)

While no commenters oppose the Board’s proposal to terminate the PTC Supplement requirement, two commenters object to the Board’s proposal to require parties to submit a one-time summary document and two commenters support it. AAR and CN question the need for the summary, express concern about the burden associated with preparing the summary, and seek additional clarity regarding its contents. (AAR Comments 3; CN Comments 2, 4.) Both of these commenters note that the Board did not state whether the summary would be calculated with 2024 or 2025 data, and that basing the summary on 2025 data would eliminate the reduction in burden that the NPRM identifies for 2025. (AAR Comments 3; CN Comments 2.) ACC and AFPM support the proposed summary requirement, arguing that it would provide transparency and closure. (ACC Comments 2; AFPM Comments 3.)

After considering the comments, the Board concludes that separate PTC reporting is no longer warranted. Commenters have confirmed the Board’s observation that the PTC implementation process is complete. At this time, there is limited, if any, benefit to requiring carriers to separately report PTC-related expenses, especially given the cost and time required to comply with the PTC Supplement requirements. The Board therefore will adopt its proposal to terminate the PTC Supplement requirement. As noted in the NPRM, PTC-related expenditures will still be reflected in the R-1 “capital investments and expenses” totals, but would not be separately identifiable from non-PTC expenditures. Elimination of the supplemental PTC reporting furthers the goals of the rail transportation policy of 49 U.S.C. 10101 by minimizing the need for federal regulatory control over the rail transportation system, 49 U.S.C. 10101(2), and by ensuring the availability of accurate cost information in regulatory proceedings, while minimizing the burden on rail carriers of developing and maintaining the capability of providing such information, 49 U.S.C. 10101(13). Given that the Board is terminating the PTC Supplement requirement, the Board will not require carriers to submit PTC Supplements for 2025 R-1 reporting. Moreover, in light of the comments received, the Board finds that the burden on the carriers of preparing the proposed one-time summary document would outweigh the transparency benefit to be derived from it. That proposal, therefore, will be omitted from the final rule.<sup>5</sup>

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<sup>5</sup> The Board also proposed to remove the current note to part 1241, which states that the forms for part 1241 are available on request from the Board’s Office of Economics (OE), and replace it with a note to 49 CFR 1241.11 stating that the report forms prescribed by section 1241.11 are available on the Board’s website. The Board will adopt this proposal, with a minor wording change.

With respect to Ravnitzky’s request for clarification that termination of the PTC Supplement requirement does not limit the Board’s authority to request PTC-specific information or data in the future, the Board notes that, pursuant to 49 U.S.C. 11145(a)(1), the Board may require rail carriers “to file annual, periodic, and special reports with the Board containing answers to questions asked by it” and, pursuant to 49 U.S.C. 1321(b)(3), the Board may obtain from carriers “information the Board decides is necessary to carry out subtitle IV.”

### SERVICE DATA REPORTING

In the NPRM, the Board proposed weekly Class I carrier reporting of two service metrics, OETA and ISP. The Board stated that, in its experience, “ongoing, standardized reporting of data allows the Board to observe long-term trends and assess changes in service levels, enabling it to take early action to address potential concerns.” NPRM, EP 787, slip op. at 4.<sup>6</sup>

The OETA metric proposed by the Board would measure a carrier’s success in meeting its estimated arrival times for shipments. Id. at 5. The Board proposed to define OETA as the estimated time of arrival that a rail carrier provides when a shipper tenders the bill of lading or when the rail carrier receives the shipment from an interchanging carrier. Id. Under the Board’s proposal, Class I carriers would report, for shipments moving in manifest service, the percentage of weekly shipments that were delivered to destination no later than 24 hours after the OETA, out of all shipments in manifest service on the carrier’s system during each weekly reporting period. Id.

The ISP metric proposed by the Board would measure a rail carrier’s success in performing local placements (“spots”) and pick-ups (“pulls”) of loaded railcars and unloaded private or shipper-leased railcars at shippers’ or receivers’ facilities during planned service windows. Id. at 6. Under the Board’s proposal, the ISP metric would be calculated by comparing the number of cars for which a carrier successfully completed the requested spots or pulls during the planned service windows, to the number of cars for which a shipper or receiver requested spots or pulls by the applicable cut-off times for those windows. Id. For example, if over the course of a reporting period, a carrier pulls nine of 10 requested cars within the first service window and pulls seven of 10 requested cars during a second service window, the carrier’s ISP metric would be 80%. Id. As proposed, the ISP metric would not apply to unit trains or intermodal traffic.

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<sup>6</sup> In Reciprocal Switching for Inadequate Service (Reciprocal Switching), EP 711 (Sub-No. 2) (STB served April 30, 2024), the Board adopted regulations to provide for the prescription of reciprocal switching agreements to promote adequate rail service through access to an additional line haul carrier. Under those regulations, eligibility for prescription of a reciprocal switching agreement was to be determined in part using objective performance standards, including OETA- and ISP-based standards, which had definitions of OETA and ISP that were similar, but not identical, to those proposed in the NPRM. The U.S. Court of Appeals for the Seventh Circuit subsequently vacated the entire rule established in Reciprocal Switching, which includes the reporting requirements, and remanded the matter to the Board for further proceedings. Grand Trunk Corp. v. STB, 143 F.4th 741 (7th Cir. 2025). As the Board noted in the NPRM, the Board will address the Court’s remand in a future decision.

The Board proposed that carriers would report ISP performance both at the system level and at the operating division level. Id. For reporting at the operating division level, carriers would establish reporting regions using any geographic boundaries that they choose, provided that they identify the boundaries as part of their reporting, consistent with their business practices. Id.

Shipper interests broadly support the Board's proposed implementation of OETA and ISP reporting requirements. AFPM states, "[t]he Board's proposal to measure on-time performance through [OETA] reporting will provide critical insight into rail service reliability and shipment timeliness," and it describes ISP as "a valuable tool for tracking first-mile/last-mile service quality." (AFPM Comments 1.) In their joint comments, FRCA and NCTA state that they "strongly support" the Board's OETA and ISP proposals. (FRCA/NCTA Comments 1.) NITL also supports the Board's proposal and advocates for implementation of OETA and ISP metrics as part of the Board's "objective in ensuring rail service reliability and accountability." (NITL Comments 2.) While carrier interests do not express support for the Board's service metrics, they also do not object to implementation of such metrics in general.<sup>7</sup>

Both shipper and rail carrier interests propose modifications to the proposed metrics, which the Board will address below.

### Flexible Reporting

Several rail carrier interests argue that the Board should adopt a flexible approach that would allow rail carriers to gather data using their existing data collection systems and protocols. For example, AAR states:

[P]rescriptive reporting requirements are burdensome to the railroads due to the differences in their data reporting systems and operating requirements. The Board can achieve its goal of monitoring service reliability by setting basic parameters and then allowing carriers to report based on their existing systems, and in the manner with which their customers are already acquainted.

(AAR Comments 6-7.) CSXT argues that "the Board should refrain from adopting rigidly 'standardized reporting.'" (CSXT Comments 4 (quoting NPRM, EP 787, slip op. at 4).) CSXT notes that the Board's service metrics in 49 CFR 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." (Id.) CSXT notes, for example, that the Board's proposed OETA metric relies on a tender of a bill of lading; however, according to CSXT, at least two Class I carriers do not generate OETAs at tender of

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<sup>7</sup> For example, CSXT states "if the Board intends to adopt additional service reporting obligations, it should pursue a flexible reporting regime rather than a rigid regulatory approach." (CSXT Comments 2.) And CN notes that "[i]f the Board adopts a rule with services metrics," it agrees with certain aspects of the Board's proposal. (CN Comments 1.) The views of both carriers are discussed in more detail, below.

the bill of lading. (Id. at 5-6.) CSXT argues that requiring that OETA be measured from issuance of the bill of lading would require changes to these carriers' operating practices. (Id. at 6.) CSXT therefore "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." (Id.)

In its reply, ACC opposes flexible OETA and ISP definitions, arguing that the definition of service performance metrics must be consistent across carriers. (ACC Reply 1-2.) It argues:

Without a consistent definition, the metrics lose meaning and value to both policy makers and stakeholders seeking insights into the state of railroad service performance. Furthermore, rail customers and other stakeholders should not carry the burden of reviewing multiple conflicting methodology documents in order to understand what the metrics may mean for each individual railroad.

(Id.)

AFPM also argues for consistency in reporting, noting that standardized metrics and clear calculation methodologies will allow for comparison of performance results. (AFPM Comments 1-2.)

The Board will modify its proposal to allow for certain additional flexibility in reporting, as described in this decision. The Board does not believe it is necessary to compare carriers against each other in order to achieve its goal of identifying service performance trends. A more flexible approach, under which carriers could report their data in a manner consistent with the manner in which they track it in the ordinary course of business, would minimize the burden of reporting, while still enabling the Board to monitor each carrier's performance over time. In order to ensure that the Board and the public can appropriately interpret the data submitted, each carrier will be required to provide with its initial data submission a document explaining its methodology for deriving its data. While each carrier should strive to maintain consistency in its reporting methodology across reporting periods to the maximum extent possible, the Board recognizes that a carrier's reporting methodology may need to be adjusted from time to time. Accordingly, carriers will be required to update the Board of any changes to their methodology for reporting data by filing a revised methodology document with the first data submission that reflects that methodology change.<sup>8</sup> The Board will post the methodology documents on its website.

However, the Board recognizes shipper interests' concerns that too much flexibility could diminish the value of the metrics. Therefore, the Board will include a provision at 49 CFR 1251.2 to explicitly allow, to ensure data quality and utility, the Director of OE to require a carrier to change its methodology and submit revised metrics for past periods. For example, the Board may require changes if a carrier's methodology substantially deviates from industry practice or would produce misleading metrics.

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<sup>8</sup> As established at 49 CFR 1251.2, data will be reported to the Board on a weekly basis, in a manner and form determined by the Board.

Regardless of this provision, the Board recognizes that allowing this flexibility may impose additional burdens upon stakeholders who may want to review carriers' methodology documents in order to compare carriers against each other. However, this burden is smaller than the burden that would be associated with requiring carriers' operating practices to conform to a uniform reporting standard. Further, stakeholders will not need to familiarize themselves with the nuances of each carrier's reporting in order to utilize the data to monitor trends in the performance of individual carriers over time.

Additionally, the Board notes that it will retain the authority to audit carrier records in connection with OETA and ISP reporting requirements. Carriers' OETA and ISP data collections will be governed by 49 CFR 1220.6, which requires carriers to preserve certain records, including "[s]upporting data for reports filed with the Surface Transportation Board" for three years.

### OETA

#### Establishment of OETA and Definition of "Delivery"

In the NPRM, the Board proposed that OETAs would be established at the time when the shipper tenders the bill of lading or when the rail carrier receives the shipment from an interchanging carrier. NPRM, EP 787, slip op. at 12. Both AAR and CSXT express concerns about this proposal. AAR states that bills of lading may contain errors that can take time to resolve. (AAR Comments 8.) Therefore, AAR proposes that the Board "should base OETA on the generation of the trip plan—which for some carriers may be the waybill creation event while for others it may be the time the shipper formally releases a car to the railroad." (Id.) Similarly, CSXT notes that its own systems only issue a trip plan upon creation of a valid waybill and argues that the OETA should be established at the time of waybill creation, rather than at the time the bill of lading is issued. (CSXT Comments 6, 9.) CSXT further states that it "recognizes that carriers with different operating practices may have a different view" and that "[t]he 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." (Id. at 6.) CSXT suggests that the Board define OETA as "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)." (Id. at 10.)

ACC objects to AAR's and CSXT's calls for revisions to the Board's proposed OETA definition. It argues that "shippers base their planning on the OETA provided when they submit the bill of lading" and that "[t]he value of the OETA metric is diminished if the railroad is free to change it until the trip plan is issued." (ACC Reply 3.)

In light of the comments received, the Board will revise its definition of OETA in 49 CFR 1251.1 to state that OETA means:

[T]he estimated time of arrival that the rail carrier provides when the shipper releases the shipment with all necessary and customary documentation or, in the

case of an interline movement, when a shipment is reported delivered in interchange and confirmed to have physically been delivered to the receiving carrier with necessary and customary documentation for furtherance.

This change will allow carriers to continue to generate OETAs in accordance with their existing practices, and provide the carriers latitude to change their practices in the future. It is also intended to clarify the conditions that must be met before carriers will be expected to generate OETAs for movements beginning with either shipper release or interchange from another carrier. In either case, for a carrier's OETA to be reliable, the carrier must have access to both the railcar itself, and its necessary and customary documentation. There may be ambiguity or disagreement between shipper and carrier, or between two carriers at interchange, about the timing of events which satisfy these conditions. The Board encourages parties to regularly and jointly review OETAs and their supporting data to ensure they are produced promptly from accurate inputs, and encourages parties to notify the Board of protracted or material disputes regarding OETA generation.

The Board does not find that the revised definition of OETA adopted here would diminish the value of the OETA metric. Under the revised definition, the OETA would still be established at an early stage of a shipment (or interchange), and under 49 CFR 1251.2(a)(1), for purposes of calculating the OETA metric, a carrier is not permitted to change the OETA after that OETA has been communicated to the shipper, except when the change is made in response to a shipper's request or a shipper's failure to make cars available for pick-up. And, as noted above, the Director of OE will be delegated authority to require carriers to revise the methodology they use to generate reporting, including the OETA metric, in order to ensure data quality and utility, as required.

CSXT also argues that, for interline movements, OETA should be based on an estimated time of arrival generated when "the rail carrier receives the shipment from an interchanging carrier. . . . as more fully described in a methodology document." (CSXT Comments 10-11.) CSXT argues that "[t]here are significant technical complexities in determining the precise moment of interchange between railroads that do not have visibility into each other's data" and the flexible approach it proposes would accommodate these issues and accommodate carriers' individual data systems. (Id.)

The revised definition of OETA, discussed above, responds to CSXT's concerns by making explicit that a carrier generating an OETA must have access to the railcar itself and its necessary and customary documentation. The Board recognizes that rail carriers' reports of the times of interchange delivery and receipt frequently differ. The revision to the definition of OETA is not intended nor expected to resolve such differences in all instances.

The Board has refrained from establishing standards for the maximum intervals of time between reports of interchange delivery and receipt, between shippers' release of shipments and rail carriers' pulls from shippers, and between satisfaction of the conditions needed to generate OETAs and the carriers' generation and communication of OETAs. The Board nevertheless expects carriers to make reasonable efforts to pull released railcars from shipper facilities, pull or receive interchange traffic, and to promptly generate OETAs when the necessary conditions have

been met. The Board retains authority to revise the metrics and reporting requirements adopted here in order to address systemic issues that undermine the purpose of this rule.

The Board will simplify the definition of “delivery” as it relates to interline movements, to provide that “a shipment will be deemed to be delivered to the receiving carrier or its agent or affiliated company when the shipment is offered for interchange.” The Board will also modify the definition of “time of arrival” to mean “the time that a shipment is delivered to the designated destination.” These revisions provide for flexibility and reflect that carriers may use different measures and tools to determine when a delivery is made, and to determine if it is completed within 24 hours of an OETA. The definition of “receipt of shipment” has also been removed from the regulations to allow this flexibility. Carriers should describe their methodology for determining time of receipt in their methodology documents. Again, the Board retains authority to revise the metrics and reporting requirements adopted here in order to address systemic issues that undermine the purpose of this rule.

### Early Deliveries

In the NPRM, the Board proposed that any shipments arriving before its OETA, including those arriving more than 24 hours early, would be counted as on-time deliveries. NPRM, EP 787, slip op. at 5 n.6. All rail carrier interests filing comments support the Board’s proposal. (See, e.g., AAR Comments 7; AAR Reply 4; CN Comments 4-5; CSXT Comments 7.)

Several shipper interests, however, oppose the proposal. ACC argues that “unexpected early deliveries can also cause significant impacts for rail customers [and] can congest a customer facility with railcars, creating operational disruptions that are comparable to those resulting from late deliveries.” (ACC Comments 3.) Trinidad Benham also argues that early deliveries can lead to problems that are similar to those caused by late deliveries, including risks of demurrage and increased production costs. (Trinidad Benham Comments 1.)

USDA states that “[c]ars that are delivered too early are . . . problematic, as a shipper likely has not staged resources early enough and must now make costly adjustments.” (USDA Reply 2.) It argues that both late and early deliveries “represent differences from plans and expectations; they both impose costs.” (Id. at 3.)

The Board will implement the proposal from its NPRM, under which cars arriving more than 24 hours in advance of the OETA are considered on-time deliveries. While the Board recognizes that early deliveries can cause operational difficulties for shippers, the goal of the service metrics adopted here is to monitor overall railroad service reliability. To the extent that shipments arrive early, this is not as indicative of rail network problems as late deliveries and, therefore, early and late deliveries should not be measured as effectively equivalent. Moreover, the Board finds that network problems would be adequately captured by measuring only late deliveries as part of the OETA metrics. The Board notes, however, that its treatment of early deliveries as on time in this network-focused reporting metric does not mean that early deliveries might not be relevant to relief sought in a particular case. See Pol’y Statement on Demurrage & Accessorial Rules & Charges, FD 757, slip op. at 12 (STB served Apr. 30, 2020) (“[B]unching

should be addressed on a case-by-case basis in order to permit the Board to properly consider all relevant circumstances pertaining to an assessment of demurrage.”)

#### Deliveries More Than 24 Hours After OETA

Under the Board’s proposal, in order for a shipment to be considered “on-time” for purposes of the OETA reporting requirement, a carrier must deliver a shipment no later than 24 hours after the OETA. AAR argues that “OETA should be measured based on shipments that were delivered to the designated destination no later than the end of the calendar day following the OETA.” (AAR Comments 8.) In support of its position, AAR argues:

Railroad customers are generally focused on what day their shipments are delivered, not whether those shipments are delivered within 24 hours of the specific hour/minute of the carrier’s original estimated time of arrival. In addition, the railroad industry runs by service days, not by specific service hours. Thus, revising the OETA metric this way and treating deliveries that occur by the end of the calendar day following the OETA as successes is better aligned with the industry’s service schedules and customer expectations.

(Id. at 8-9.)

Shipper interests take an opposing view. ACC states that, contrary to AAR’s arguments, “ACC members seek certainty on car deliveries and pick-up times and plan their operations accordingly.” (ACC Reply 2.) ACC argues that “AAR’s proposal would substantially extend the period that is considered on-time delivery,” and notes that under the AAR’s proposed next-day standard, a car that is delivered 40 hours after OETA could be treated as on time. (Id.) ACC states that “loosening of the 24-hour standard . . . merely serves to bolster the appearance of on-time performance.” (Id.) FRCA and NCTA also object to AAR’s proposal, stating, “[a]dding an extra day grace period before a movement is considered late is simply another means of lowering the bar and making the data less informative.” (FRCA/NCTA Comments 2.) FRCA and NCTA also question whether, under the proposed modification, the grace period could be extended beyond the “next calendar day” in the event that a carrier does not provide weekend service to a shipper. (Id.)

The Board will implement its original proposal. A shipment that arrives more than 24 hours after its OETA will not be considered on time. AAR’s proposal represents a significant step away from the Board’s proposal, and it appears that it could nearly double the window in which a shipment could be considered on time for OETA purposes under some circumstances. While OETA is only intended to provide a general indicator of rail carriers’ overall network health, and while a grace period following an OETA is appropriate, a grace period that could allow a shipment arriving nearly 48 hours after OETA to be reported as on time would not adequately serve the purposes of this data collection.

### Exclusions from OETA Reporting

Rail carrier interests propose a number of events that should trigger exclusions from a carrier's OETA metric reporting, including bad order cars, cars held for customs paperwork, cars held because of an embargo, or cars delayed by acts of God or other events outside the carrier's control (e.g., a line outage). AAR argues that if a car is delayed due to an event that occurs in transit and the delay "is outside the rail carrier's control," then that car should be excluded for purposes of calculating the OETA metric. (AAR Comments 9.) Shipper interests, however, support a narrower range of exclusions. (See AAC Reply 2-3; Ravnitzky Comments 2.)

Both rail carrier and shipper interests support an OETA exclusion for bad order cars. (AAR Comments 9; CSXT Comments 8; Ravnitzky Comments 2; ACC Reply 2.) Bad order cars are cars that must undergo repair before completing their trips due to mechanical, safety, or structural problems. This exclusion is appropriate, as bad order cars are rarely indicative of overall rail network performance. The Board will therefore exclude bad order cars from OETA reporting. Additionally, for clarity, the Board will revise its proposed definitions to define bad order cars as cars that must undergo repair before completing their trips due to mechanical, safety, or structural problems.

AAR and ACC both support the exclusion of cars that are held for issues related to customs paperwork, (AAR Comments 9; ACC Reply 2), while CN argues that cars that move cross-border should be excluded entirely, (CN Comments 5). CN further argues that, because the Board's goal relates to monitoring of traffic within the United States, taking into consideration traffic movements that occur partially, or in some instances, mostly outside the United States, would not fulfill the Board's aims. (*Id.*) The Board will exclude cross-border traffic from OETA reporting. Cross-border shipments can be unexpectedly delayed at, or near, border crossings. For example, U.S. customs authorities may order that shipments be set out of trains for inspection or otherwise await clearance for onward movement.

AAR proposes exclusions for cars held due to embargos and cars impacted by acts of God or other events "like a line outage outside the rail carrier's control." (AAR Comments 9.) CSXT also argues that cars impacted by embargoes or other events outside a carrier's control should be excluded from OETA reporting. (CSXT Comments 8.) ACC, however, objects to excluding embargo-related delays and shipments impacted by acts of God. (ACC Reply 2-3.) According to ACC, the "imposition of an embargo does not signify that a service failure is beyond the railroad's control." (ACC Reply 2.) ACC argues that, "underlying conditions leading to past embargoes have been created or exacerbated by the railroad's own management decisions, including actions to cut jobs, mothball equipment, and delay infrastructure investments." (*Id.*) ACC further argues that "[e]xempting such events from the service metrics creates a perverse incentive for railroads to use—and misuse—embargoes to manage network congestion." (*Id.* at 2-3.) Regarding exclusions for acts of God, ACC acknowledges that "weather and other disruptive events may be outside of the carrier's control," but it argues that carriers are "responsible for maintaining network resilience and capacity to respond to such events." (*Id.* at 3.) ACC further argues that excluding acts of God would diminish the accuracy and utility of the data. (*Id.*)

The Board finds that cars delayed due to acts of God and embargoes should not be excluded from OETA reporting. Allowing carriers to exclude embargo or weather event-impacted traffic from OETA reporting could provide a misleading view of railroad performance. For example, if in the aftermath of a disruptive weather event, railroads excluded impacted traffic from OETA reporting, OETA reporting data could create the appearance of service reliability, while masking widespread disruptions across the network. Additionally, the term “acts of God” is broad and could result in the exclusion of a significant number of movements. Exceptions for embargoes and acts of God therefore could undermine the reliability and usefulness of reported data as an indicator of overall rail network performance.

The Board will, however, encourage railroads to report extenuating circumstances that have led or may lead to reduced performance, including weather-related events, in cover letters accompanying their data filings in this docket. This will advance the Board’s objective of monitoring the overall health of the national rail network and will help the Board recognize any unusual circumstances that may degrade rail performance. The Board may also request information from carriers regarding the causes underlying any notable performance deterioration, when appropriate. See 49 U.S.C. 11145.

AAR also asks the Board to clarify what constitutes a “change to the original trip plan made by the shipper.” (AAR Comments 9 (citing NPRM, EP 787, slip op. at 13).) AAR argues that this category may include shipments impacted by customer re-routes, as well as “customer exceptions,” which may include situations in which a customer notifies the carrier that its cars are not actually available to be pulled, or if a customer has left blue flags<sup>9</sup> in place, thereby preventing movement of cars. (AAR Comments 9.) CSXT also argues that OETA failures stemming from customer-requested reroutes or diversions, and other customer exceptions, including blue flags, should be excluded from OETA reporting. (CSXT Comments 8.)

The Board will clarify that a change to the original trip plan made by the shipper includes customer re-routes, diversions, and other customer-requested exceptions. Such events may result in establishment of a new trip plan due to customer choice, and treating impacted shipments as late would not accurately reflect railroad performance. In addition to OETA changes made at the request of the customer (which include customer reroutes and diversions), the Board will allow carriers to change an OETA when a shipper fails to make a car available for carrier pick-up, for example, when the shipper has left blue flags in place. The Board has revised the text of 49 CFR 1251.2(a)(1) to reflect this.

The Board will also clarify that if a shipper is unable to accept a car when a carrier attempts to make delivery and the car is constructively placed, that constructive placement is

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<sup>9</sup> Blue flags, or blue signals, are blue-painted signs that are placed on or in front of rolling equipment when such equipment may not be moved or coupled onto. See 49 CFR 218.23. Blue flags provide protection for workers who may be working on or near equipment, and they must be displayed by each craft or group of workers prior to their going on, under, or between equipment. Id. Blue flags may only be removed by the same craft or group that displayed them. Id.

considered a “delivery,” as defined in 49 CFR 1251.1, for purposes of calculating the OETA metric.

### Exclusion of Unit Trains from OETA Reporting

In the NPRM, the Board proposed excluding unit trains from OETA reporting. Rail carrier interests support the proposed exclusion, while shipper interests do not.

AAR notes that unit train traffic has many distinguishing characteristics from manifest traffic, which is subject to OETA reporting requirements under the proposed rule. (AAR Comments 5.) It states that unlike trains carrying manifest traffic, not all unit trains have schedules, meaning that OETA reporting would not be pertinent. (Id.) According to AAR, “for some railroads, the number of unit trains delivered is based on the shipper’s monthly demand, as opposed to a plan for delivery in a particular day’s service window.” (Id. at 6.) CN also voices its support for the Board’s proposed OETA exclusion for unit train traffic, noting that the Board recognizes that some railroads, including CN, do not produce trip plans for unit trains. (CN Comments 5.)

Some shipper interests, however, call for including unit train traffic in OETA reporting. NGFA disagrees with railroads’ contentions that unit trains do not have schedules or trip plans. (NGFA Comments 3.) NGFA disputes “the view that shuttle/unit trains do not have the same need to [reach destinations] within specified service windows while manifest trains do.” (Id.) It further argues that while unit train trip plans “may not take the same form as a manifest train trip plan,” all six Class I carriers calculate “an anticipated transit time and arrival date, the latter of which is supplied to the customer.” (Id.) It states that such plans “are a necessity for the railroads to manage their capacity and system use.” (Id. at 3-4.)

Similarly, in its reply, USDA argues, “[t]he Board’s decision to exclude unit trains stems from inconsistencies between railroads in how they produce trip plans. However, the railroads do give shippers estimated times of arrival for their unit trains.” (USDA Reply 2 (citing NGFA Comments 3).) NGFA also states that “the failure of a rail carrier to meet its [unit train] service representations to a shipper can result in proportionally greater harm to the shipper/receiver and the shipper/receiver’s customers than manifest traffic.” (NGFA Comments 3.) PRFBA and NITL also support including unit trains in OETA reporting. (PRFBA Comments 3; NITL Comments 2.)<sup>10</sup>

While the Board recognizes the interest in additional unit train reporting, it will not include unit train traffic in its OETA measurements. As noted by AAR, some carriers do not produce unit train trip plans. As a result, requiring carriers to include unit train operations in their OETA reporting would impose an additional burden on carriers that do not currently

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<sup>10</sup> FRCA and NCTA express concerns about unit train service, stating that unit train service “often suffers from irregular and inconsistent times that adversely affects members’ operations and economics.” (FRCA/NCTA Comments 5.) They argue that the Board should require carriers to report additional metrics regarding unit trains. (Id. at 5-6.) These requests are addressed below.

prepare unit train trip plans. The Board is disinclined to impose that additional burden, particularly given that unit train performance is already captured by a range of metrics currently reported to the Board by carriers in accordance with 49 CFR 1250.2. Class I carriers must report weekly averages for various types of unit trains, including grain, for the following metrics: train speeds, 49 CFR 1250.2(a)(1); dwell time (the time period from release of a unit train at origin until actual movement by the receiving carrier), 49 CFR 1250.2(a)(4); and number of unit trains holding per day sorted by train type, 49 CFR 1250.2(a)(5). And, under 49 CFR 1250.2(a)(10), Class I carriers operating a grain shuttle program must report to the Board each month the average grain shuttle turns per month, for the total system and by region, versus planned turns per month, for the total system and by region. Moreover, USDA's Agricultural Rail Service Metrics Dashboard displays, in both graphic and numerical formats, a range of data related to the movement of agricultural products by rail, drawn from existing Board data collections.<sup>11</sup>

Because of the differences between manifest and unit train operations, and because data that provides a clear picture regarding unit train operations is collected or conveyed elsewhere, the Board will continue to exclude shipments moving in unit train service from the OETA reporting metric, as proposed by the NPRM. To the extent that carriers may already provide supplemental information or data to shippers or trade associations regarding unit train performance, they are encouraged to share this information with the Board. The carriers may provide this information in cover letters accompanying their data filings in this docket, and the Board will consider developing a filing template that allows carriers to voluntarily provide this information. The Board retains authority to address unit train operations reporting should systemic issues come to the Board's attention that undermine the purpose of this rule.

#### Exclusion of Intermodal Trains from OETA Reporting

In its NPRM, the Board also proposed excluding intermodal trains from OETA reporting. Rail carrier interests support this proposal. AAR argues that it is unnecessary to include intermodal traffic in OETA reporting and that "given the interconnected nature of the network, if there is a network-wide service issue, a properly designed manifest traffic metric will likely reflect it." (AAR Reply 2.) CN and CSXT also voice support for excluding intermodal trains from OETA reporting. (CN Comments 1, 6; CSXT Comments 5.)

FRCA and NCTA argue in favor of carriers including intermodal trains in their reporting. They contend that the Board has not justified its proposal to exclude intermodal traffic from OETA reporting. (FRCA/NCTA Comments 5.) FRCA and NCTA also argue that the extent to which railroads fail to achieve a high level of intermodal performance is a sign of railroad operating health. (Id.) FRCA/NCTA and NITL also support including intermodal trains in OETA reporting. (FRCA/NCTA Comments 3; NITL Comments 2.)

The Board will continue to exclude intermodal trains from OETA reporting requirements, as proposed in the NPRM. As discussed above, the Board's objective underlying this rulemaking

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<sup>11</sup> The dashboard can be accessed at <https://agtransport.usda.gov/stories/s/Agricultural-Rail-Service-Metrics-Dashboard/jxpf-zf6y/> (last visited Apr. 28, 2026).

is to ensure that the Board and its stakeholders can effectively monitor the health of the national rail network. AAR is correct that if network-wide service problems exist, they are likely to also be reflected by deteriorating manifest performance. Additionally, the Board recognizes that unlike manifest traffic, which is generally picked up at origin and delivered at destination, movement of intermodal traffic involves intermediate transfers between rail and other transport modes. Finally, as with unit train performance, intermodal train performance is already captured by a range of metrics currently reported to the Board by carriers in accordance with 49 CFR 1250.2,<sup>12</sup> and it is the Board's understanding that some carriers share information about intermodal train performance with shippers. As with unit trains, carriers are welcome to share this information with the Board in cover letters accompanying their data filings in this docket, and the Board will consider incorporating a voluntary component to any filing template.

## ISP

### ISP Reporting on a Per-Car Basis

In the NPRM, the Board proposed that the ISP metric would measure a rail carrier's success in performing local spots and pulls of loaded railcars and unloaded private or shipper-leased railcars at shippers' or receivers' facilities during a planned service window. NPRM, EP 787, slip op. at 6. The Board noted in the NPRM that this ISP metric differed from the ISP performance standard previously adopted in Reciprocal Switching, which measured ISP based upon the proportion of service windows in which the carrier successfully spotted or pulled all requested traffic. See Reciprocal Switching, EP 711 (Sub-No. 2), slip op. at 52. The Board observed that the per-car ISP measurement proposed in the NPRM would provide more informative data about each carrier's overall performance in spotting and pulling cars within designated service windows than the ISP standard adopted in Reciprocal Switching, in light of the Board's purposes in the NPRM: monitoring local service reliability across a carrier's rail network and at the operating division level, and observing changes in service levels, rather than setting a standard for use in individual reciprocal switching proceedings. NPRM, EP 787, slip op. at 6 n.7.

All rail carrier interests filing comments support the Board's proposal. AAR states that "the Board's newly proposed ISP metric fixes one of the more prominent problems with the ISP performance standard in Reciprocal Switching." (AAR Comments 9.) CN states that it "agrees with the Board that the per-car measurement would provide more informative data about each carrier's overall performance in spotting and pulling cars within designated service windows." (CN Comment 6.) And CSXT describes the per-car measurement as "a more meaningful and accurate measurement." (CSXT Comments 12.)

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<sup>12</sup> Under existing regulations, Class I carriers must report the following information: weekly system-average train speeds for intermodal trains, 49 CFR 1250.2(a)(1)(i), the weekly average number of intermodal trains holding per day, 49 CFR 1250.2(a)(5), and the weekly average of loaded and empty intermodal cars, operating in normal movement and billed to an origin or destination, which have not moved in 48 hours or more, 49 CFR 1250.2(a)(6).

FRCA and NCTA argue that the Board should use a per-window basis instead of a per-car basis. (FRCA/NCTA Reply 3.) According to FRCA and NCTA, the per-car approach could lead to a “perverse outcome” for a shipper that, for example, expects to receive three cars during a service window, but only receives two. (Id.)

The Board will adopt the per-car approach, as proposed in the NPRM. As explained in the NPRM, given the purpose here of monitoring local service reliability broadly across a carrier’s network and at the operating division level, examining the proportion of timely individual spots and pulls across a carrier’s system and divisions, as proposed in the NPRM, will provide more informative data about each carrier’s overall performance and will better capture overall trends than examining service windows on an all-or-nothing basis would. See NPRM, EP 787, slip op. at 6 n.7.

### Defining ISP Service Windows

Multiple shipper interests question how ISP service windows will be established for purposes of ISP reporting. TFI advocates that a “window’s duration [should] comply with the carrier’s established protocols, not to exceed 12 hours.” (TFI Comments 3.) AFPM asks the Board to require that ISP service windows “are jointly established and verified by both the railroad and the customer to prevent unilateral changes that artificially inflate compliance rates.” (AFPM Comments 4-5.) ACC takes a similar position, proposing that the Board should establish the definition of “planned service windows” to require that they are jointly established and verified by both the railroad and the customer. (ACC Comments 3-4.) It expresses concern that “the ISP metric could be compromised if railroads are permitted to unilaterally expand service windows to artificially bolster success rates for this metric.” (Id. at 3.) In its reply, ACC reaffirms its position, stating that “the service window should reflect the needs of the shipper as well as the railroad.” (ACC Reply 3.)

While rail carriers did not reply to these comments, AAR proposes that railroads should be permitted to “define and explain their metrics in a methodology document.” (AAR Comments 7.) AAR further advocates modifying the proposed service window definition to contain “less prescriptive language,” by removing the requirement that, when making a service window available, a carrier must provide “reasonable advance notice to the shipper or receiver.” (Id. at 11.) It proposes that the Board modify the definition to provide, in part: “A service window must be made available by a rail carrier in accordance with the carrier’s established protocol.” (Id.)

The Board will not modify the definition of service window in response to comments by shipper interests.<sup>13</sup> The changes suggested by TFI, AFPM, and ACC would impose a substantive obligation on how carriers establish their service windows, which exceeds the scope of this

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<sup>13</sup> In the definition of “service window” that the Board will adopt, “shipments” is replaced with “railcars.” This reflects that spots and pulls during service windows are not limited to “shipments,” as shipment is defined as “a loaded railcar that is designated in a bill of lading.”

proceeding. However, because ISP service windows and standards vary widely across carriers and their individual customers, the Board will require carriers to describe, in their methodology documents, how they establish and modify their service windows. The requirement that carriers provide this information in their methodology documents also addresses shipper concerns that carriers could “artificially bolster success rates.” (See ACC Comments 3.) Additionally, under the delegation described above, the Director of OE may require revision of carrier service window methodologies to improve data quality and utility. With respect to AAR’s proposal to modify the service window definition by eliminating the “reasonable advance notice” requirement, AAR has not shown this requirement to be unnecessarily proscriptive or otherwise unreasonable, so it will be retained in the final rule. (See AAR Comments 11.)

### Exclusions from ISP Reporting

In the NPRM, the Board proposed excluding from ISP calculations missed spots and pulls caused by shippers. NPRM, EP 787, slip op. at 14. According to AAR, “if a shipper requests more cars than it has the capacity to handle, such circumstances should be considered a customer-caused miss for the purpose of proposed [49 CFR] 1251.2(b)(1)(iv).” (AAR Comments 10.) ACC, in its reply, supports AAR’s request to exclude cars that a shipper cannot accept because it lacks the required capacity. (ACC Reply 2.) The Board will adopt this proposal to exclude from ISP reporting missed spots and pulls caused by shippers. This exclusion is appropriate because a shipper’s inability to accept cars for delivery in a timely manner due to its own capacity constraints may often not be an accurate reflection of carrier performance.

The Board also proposed excluding railroad-supplied unloaded, or empty, cars from ISP calculations. NPRM, EP 787, slip op. at 12. AAR argues that carriers should have the option to include railroad-supplied empty cars in ISP reporting, noting that some railroads include those cars in their current ISP calculations while others do not. (AAR Comments 11.) In their reply, FRCA and NCTA object to the exclusion of railroad-supplied empty cars from ISP reporting, stating that “[w]ithout empties to load, there will be missing originations and the exclusion of empties requested by the AAR could conceal a major gap in first-mile service.” (FRCA/NCTA Reply 2-3.)

The Board will revise its proposed ISP definition by removing the language stating that railroad-supplied unloaded cars are to be excluded from ISP calculations. While, according to AAR, some carriers do not include such cars in their ISP calculations, the Board recognizes that timely spots and pulls of these cars remain critical to shipper operations. A carrier’s failure to spot or pull these cars upon a shipper’s request could significantly impact shipper operations by, for example, causing congestion at shipper facilities or downstream material shortages and disruptions for other shippers awaiting delivery. As a result, carriers will be required to include all railroad-supplied cars in ISP reporting. The Board has revised the definition of “industry spot and pull” in 49 CFR 1251.1 to reflect that all manifest traffic will be included in ISP metrics.

Additionally, AAR proposes exclusions resulting from cars delayed by lawful embargoes and cars delayed by acts of God, arguing that these events are outside a carrier’s control. (AAR Comments 10; see also CSXT Comments 12 (arguing that the proposed regulations should be

revised to account for events outside a carrier's control, such as weather or embargoes).) As described above in the Exclusions from OETA Reporting section, ACC objects, arguing that such exclusions would exclude events that are indicative of service quality. (ACC Reply 2-3.)

The Board will reject AAR's proposal to exclude missed spots and pulls that result from embargoes and acts of God. As with regard to AAR's proposal to exclude traffic impacted by these events from the OETA metric, exclusions of embargoes and acts of God from ISP calculations similarly would undermine the reliability and usefulness of the data. As previously noted, the Board will, however, encourage railroads to report extenuating circumstances that have led or may lead to reduced performance, including weather-related events, in cover letters accompanying their data filings.

AAR also proposes to exclude from ISP reporting cars ordered in following constructive placement. (AAR Comments 10.) AAR argues that constructively placed cars are stopped short of delivery to a customer facility due to customer-caused exceptions and therefore such cars should be excluded. (Id.)

The Board will reject this proposal and clarify the treatment of constructively placed cars in the ISP metric. First, AAR's proposal would exclude all traffic destined for "closed-gate" shipper facilities from the ISP metric. Cars destined for such facilities are, by plan, usually constructively placed pending shipper requests for delivery. While it would not be appropriate to measure ISP for these cars based upon the time of constructive placement, these cars are subsequently ordered in by shippers and are at that time scheduled for delivery during an appropriate service window. Therefore, constructively placed cars destined for closed-gate facilities will be included in ISP reporting.

Second, the Board will clarify the treatment of cars destined for "spot on arrival" or "open-gate" facilities (locations where cars may be spotted without placement instructions) that are initially constructively placed due to the receiving shipper's inability to accept them at the time the rail carrier attempts to make delivery. The constructive placement of such cars would not count as failed spots under 49 CFR 1251.2(b)(1)(iv), which provides that, if a shipper causes a carrier to miss a spot or a pull during a planned service window, that missed spot or pull should be excluded from calculation of the ISP metric. However, pursuant to 49 CFR 1251.2(b)(1)(i), such cars, once constructively placed, should be included in ISP calculations based on the time that they are ordered in.

Third, the Board also clarifies that if a carrier fails to spot a car within its assigned service window following constructive placement, the shipper may order the car for delivery during a subsequent service window in which ISP will again be measured. This includes cars that have been constructively placed for any reason and that are destined to either closed-gate or open-gate facilities. Therefore, ISP metrics may reflect multiple data points for a single railcar. The Board finds that this approach will best reflect service levels and performance. The Board will modify 49 CFR 1251.2(b)(1)(i)-(ii) to reflect these clarifications.

AAR further proposes excluding bad order cars from ISP reporting. (AAR Comments 10.) No commenters objected to this proposal. The Board will adopt this exclusion

because, as noted above with respect to OETA, bad order cars generally do not reflect a carrier's overall service levels or network performance. The Board further clarifies that this exclusion will only apply to cars placed in bad order status after their arrival at the serving yard.

Finally, AAR proposes revising 49 CFR 1251.2(b)(2) to provide that "the ISP metric does not include any manifest traffic moved to any third-party facilities such as storage facilities." (AAR Comments 9.) No other parties addressed this proposal. The Board will not adopt AAR's proposal. AAR does not define "third-party facilities" or provide examples of the types of facilities that would be covered under its proposed exclusion. Nor does it explain why such an exclusion is necessary.

#### Exclusion of Unit Trains from ISP Reporting

In the NPRM, the Board proposed excluding unit trains from ISP reporting. AAR supports this proposal, arguing that "the Board appropriately recognizes that unit trains are not spotted and pulled in the [same] manner as manifest traffic; therefore, a metric like ISP would simply not make sense." (AAR Comments 5-6; see also CSXT Comments 12; CN Comments 6.) NITL and PRFBA support including unit trains in ISP reporting. (NITL Comments 2, PRFBA Comments 3.)

The Board will exclude shipments moving in unit train service from ISP reporting, as proposed in the NPRM. As NGFA observes, unit trains "do not typically have a planned spot [and] pull time." (NGFA Comments 4.) Further, as discussed above, data that provides a clear picture regarding unit train operations is collected or conveyed elsewhere.

#### Exclusion of Intermodal Trains from ISP Reporting

In the NPRM, the Board proposed excluding intermodal trains from ISP reporting. AAR supports this proposal, noting that the spotting and pulling of intermodal traffic "does not occur in the same way as manifest traffic." (AAR Comments 6.) It notes that "containers are unloaded at an intermodal facility and then either placed on a chassis or stacked at the facility as they await pick up from a truck." (Id.) It therefore argues that reporting of intermodal traffic for ISP reporting purposes is not useful to the Board. (Id.) NITL indicates support for including intermodal trains in ISP reporting. (NITL Comments 2.)

The Board agrees with AAR that spotting and pulling of intermodal traffic is different from manifest traffic. Transfers of traffic between a rail carrier and another mode of transportation do not involve local service in the same manner as manifest traffic does, which means that this data would not be similarly useful as a reflection of carrier performance. And, as noted above, intermodal train performance is already captured by a range of metrics currently reported to the Board by carriers in accordance with 49 CFR 1250.2. The Board therefore will exclude intermodal trains from ISP reporting.

## Additional Issues

### Exclusion of Automotive Traffic from OETA/ISP Calculations

AAR asks the Board to clarify that the OETA and ISP metrics will not apply “to cars carrying automotive products.” (AAR Comments 6.) AAR notes that some railroads include automotive products in manifest traffic, which is a defined term in the Board’s proposed rule, while others do not. (Id.)

The Board will not make the requested clarification. Rather, as discussed above, each carrier will report to the Board in accordance with its standard business and data collection practices, and will be required to explain those practices in their methodology documents submitted to the Board. The Board will require carriers to identify, as part of their methodology documents, the Standard Transportation Commodity Code (STCC) of any automotive traffic that moves in manifest service and is included in OETA and ISP reporting. Additionally, the Board notes that to the extent that automotive traffic moves via intermodal service, such traffic would not be included in OETA or ISP reporting, as the OETA and ISP metrics will not include intermodal traffic.

### Disaggregation of Data

AFPM argues that reporting “should be granular—broken out by region, terminal, and corridor—to reveal localized bottlenecks often masked by system averages.” (AFPM Comments 2.) USDA also supports more granular reporting of OETA data, noting that “[s]ervice issues unique to a corridor or to a commodity can get washed out in system level averages.” (USDA Reply 2.) USDA argues that the additional burden of disaggregating OETA data at the operating division level would be minimal. (Id.)

The Board will not require disaggregated reporting of OETA data by region and corridor. OETA is an end-to-end metric, and any particular shipment may traverse multiple corridors and regions. It therefore would be impractical to require separation of performance geographically by trip segment. However, as discussed above, the Board is adopting a requirement that carriers report ISP data on an operating division level, in addition to a system-wide level. The Board finds this level of disaggregated ISP reporting sufficiently captures the localized data necessary to measure carriers’ success performing local spots and pulls without placing a significant burden on carriers with respect to the ISP metric. Further, OETA and ISP are intended to provide indicators of overall network health and “local service reliability across a carrier’s rail network,” rather than indicate service quality experienced by any particular individual shipper. NPRM, EP 787, slip op. at 6 n.7. This minimally burdensome rule is tailored to that objective.

### References to Class I Carriers

Ravnitzky proposes adding “Class I” to the introductory paragraph of 49 CFR 1251.2 so that it reads, in relevant part: “All Class I rail carriers shall report to the Board on a weekly basis, in a manner and form determined by the Board, the data described in this section.” (Ravnitzky Comments 1.) He argues that the current wording could be read to require every carrier to report

and that this change will eliminate the need for a reader to reference the definitions section of the proposed regulations to understand that the regulation pertains only to Class I carriers. (Id.)

In response to Ravnitzky’s comment, the Board will remove the definition of “Rail carrier(s)” that was in proposed 49 CFR 1251.1 and will instead add the words “Class I,” where appropriate, to references to “carrier,” “rail carrier,” and “railroad” in 49 CFR part 1251. These changes will promote clarity and consistency with other Board regulations.

### Data Formatting and Submission

AFPM recommends that all data submitted in accordance with the proposed metrics be both machine and human-readable and generated in “standardized formats to prevent opacity and enable efficient analysis.” (AFPM Comments 2.) AFPM argues that this will “enable data-driven oversight to support a more reliable and efficient rail network.” (Id.) AFPM also proposes that “[s]hippers should have the ability to audit or correct carrier-submitted data to ensure accuracy, as they are often best positioned to identify discrepancies.” (Id.)

With respect to AFPM’s request for machine readable data, the Board will require that data be submitted “in the manner and form” it prescribes, which will ensure the data’s utility. To this end, OE will provide a template to be used for submission of data, thereby ensuring that submissions are machine readable. With respect to AFPM’s request that the Board also require submissions to be “human-readable,” (AFPM Comments 2), the Board notes that it continues to evaluate ways to improve data visualization on its public website and to improve the transparency and consistency of reporting across the metrics it collects. See NPRM, EP 787, slip op. at 5.

Additionally, AAR requests that the Board “develop templates or another mechanism to simplify the ingestion and processing of the data” to reduce regulatory barriers. (AAR Comments 12-13.) As noted above, the Board acknowledges AAR’s request and remains committed to the development of new data collection mechanisms and protocols that will simplify and streamline data submission procedures.

With respect to shipper audits and corrections, the Board notes that the data collected under part 1251 will be at the system and operating division level, rather than at a more localized or shipper level. Therefore, shippers will not have the information necessary to audit the data. However, as discussed above, the Board notes that it will retain the authority to audit carrier records in connection with OETA and ISP reporting requirements, pursuant to 49 CFR 1220.6.

### Requests for Technical Conferences

CSXT requests that the Board hold technical meetings or conferences similar to those held in Docket No. EP 724 (Sub-No. 4), in the event that the Board were to implement “a more prescriptive approach,” requiring CSXT “to modify its systems to convert its existing metrics to the Board’s requested format.” (CSXT Comments 7.)

Given that the Board is adopting regulations that will give carriers more flexibility to report the data in a manner consistent with how they track it in the ordinary course of business, it is not necessary to hold a technical conference at this time. In addition, the metrics that the Board will adopt here are not significantly different from the type of reporting that the Board required of the railroads in Demurrage Billing Requirements, Docket No. EP 759, and Reciprocal Switching, Docket No. EP 711 (Sub-No. 2). If specific implementation concerns arise, carriers may request clarification from the Board's Office of Public Assistance, Governmental Affairs, and Compliance, which can be reached by telephone at (202) 245-0238 or email at [rcpa@stb.gov](mailto:rcpa@stb.gov).

#### Use of Data in Formal Proceedings

AAR asks the Board to clarify that the metrics are not conclusive evidence of service quality and "that it is not appropriate to draw any conclusions regarding a railroad's compliance with its common carrier obligation from the systemwide metrics, or changes thereto." (AAR Comments 5.) AAR argues that any matter before the Board "regarding alleged service issues should be evaluated on the specific facts and circumstances of the particular complaint." (Id.)

The Board does not expect that OETA and ISP metrics on their own would provide prima facie evidence of a carrier failure in a formal complaint addressing the adequacy of a carrier's service. The Board further notes that OETA data will be reported at a system-wide level and ISP data at a system-wide and operating-division level, which serves a different analytical purpose than evaluating individual shipper-specific service issues (e.g., the data are used for rail network monitoring). However, stakeholders may use OETA and ISP data as appropriate in support of filings submitted to the Board, and the Board will continue to evaluate individual proceedings on their own specific facts and circumstances.

#### Requests to Close Other Dockets

AAR calls upon the Board to close out Urgent Issues in Freight Rail Service, Docket No. EP 770; Urgent Issues in Freight Rail Service—Railroad Reporting, Docket No. EP 770 (Sub-No. 1); and First-Mile / Last-Mile Service, Docket No. EP 767. AAR argues that these dockets would no longer be necessary if the Board decides to permanently collect the service data reporting proposed in the NPRM. (AAR Comments 12; see also AAR Reply 4-5.) The Board will address Docket Nos. EP 767, EP 770, and EP 770 (Sub-No. 1) in separate decisions in those dockets.

#### Requests to Discontinue Other Existing Reporting Requirements

CSXT argues that if the Board proceeds with considering its proposal in this docket, then the Board should issue a supplemental notice of proposed rulemaking to "eliminate other obsolete or unnecessary reporting requirements." (CSXT Comments 13.) It identifies, as examples, certain regulations at 49 CFR part 1250.<sup>14</sup> (Id. at 13-14.) In support of their removal,

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<sup>14</sup> CSXT suggests the removal of 49 CFR 1250.2(a)(4) (weekly average dwell time at origin for unit train shipments); 49 CFR 1250.2(a)(5) (weekly average number of trains holding

CSXT argues that “[t]he Board should not wait to remove those regulations, because layering on additional reporting simply creates a larger collective reporting burden.” (Id. at 13.)

CN also argues that portions of part 1250 “no longer provide any significant benefit,” and proposes that the Board “should eliminate part 1250 reporting to the extent its costs are not outweighed by its benefits.” (CN Comments 8, 9.) Additionally, CN argues that the Board “should reassess the current data elements required within the R-1 report,” and “should consider eliminating in their entirety any data elements that are not relevant anymore.” (Id. at 7-8.) It identifies 11 R-1 report line items for modification or elimination. (Id. at 8.) In support of this proposal, CN argues, among other things, that the various line items are time-consuming to prepare, not widely used, and draw upon data contained in other schedules. (Id. at 7-8.)

The Board will not adopt these proposals at this time. CSXT’s and CN’s proposals are outside the scope of this proceeding and considering them in this docket would unnecessarily delay termination of the PTC reporting requirement and adoption of the OETA and ISP metrics. As the Board explained in the NPRM, the new metrics are “just one component of a broader effort to enhance, focus, and automate the agency’s data collection.” NPRM, EP 787, slip op. at 5. As such, the Board intends to continue to consider “the utility of certain existing metrics that are not widely referenced or used by the Board, shippers, railroads, or other members of the public.” (Id.) Such metrics may include those addressed by CSXT and CN in their comments.

#### Proposals for Expanded and Additional Metrics

Some commenters ask for expansion of the OETA and ISP metrics. AFPM and TFI both advocate that the Board expand its proposed OETA metric to capture the degree to which late arriving shipments miss their OETAs. Under AFPM’s proposal, OETA would measure the average lateness, in hours, of all late shipments. (AFPM Comments 4.) AFPM argues that this additional collection would “prevent carriers from meeting minimum success rates while permitting excessive delays on outlier shipments.” (Id.) Similarly, TFI proposes that the Board adopt a rule that “would capture the absolute difference between a shipment’s OETA and its actual arrival time.” (TFI Comments 3.) It argues that this is necessary because, as proposed, OETA does not “indicate a delay’s magnitude, leaving shippers without important information to make internal adjustments and limiting the Board’s ability to assess a disruption’s severity.” (Id.) TFI asks the Board to expand the ISP metric by requiring reporting of instances when a railroad fails to serve a customer’s facility during a planned service window and reporting of the percentage of service windows a carrier cancels for reasons other than a shipper’s or receiver’s request. (Id.)

USDA indicates general support for these proposals, encouraging the Board to adopt “measures of variation (instead of just averages) and measures of cancelations and early arrivals (instead of just late shipments).” (USDA Reply 3.) According to USDA, “the additional metrics [would] provide crucial context on the size and quality of service across the network” and could “be provided at very little additional cost.” (Id.)

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per day by type and cause); and 49 CFR 1250.4 (bi-annual rail infrastructure projects reporting). (CSXT Comments 13-14.)

Some commenters propose that the Board adopt additional metrics beyond OETA and ISP. FRCA and NCTA argue that the Board should require carriers to report average speeds achieved by unit trains and their consistency. (FRCA/NCTA Comments 6.) FRCA, NCTA, and NITL argue that the Board should restore the level of reporting for unit trains that existed prior to the Board’s January 31, 2024 decision in Urgent Issues, Docket No. EP 770 (Sub-No. 1). (FRCA/NCTA Reply 4; FRCA/NCTA Comments 6; NITL Comments 2.) TFI asks the Board to consider implementing metrics that TFI and other shippers supported in comments in First-Mile / Last-Mile Service, Docket No. EP 767, including “Terminal Dwell Time,” “Serving Day Performance,” and “First-Mile [Dwell Time]” and “Last-Mile Dwell Time.” (TFI Comments 3 n.9 (citing ACC/AFPM/TFI Comments 17-30, First-Mile / Last-Mile Serv., EP 767).) NGFA suggests that the Board add a metric measuring “the period of time between [the] release[e] [of] a loaded unit train for pick-up by the carrier, and the time the carrier actually arrives to take the loaded train.” (NGFA Comments 4.)<sup>15</sup>

AAR opposes calls for additional data collections. (AAR Reply 3.) It argues that “while the shipper associations express a desire for more data to be collected, they do not identify a justifiable need for the data.” (Id.)

While the Board acknowledges the service issues raised by shippers in this proceeding and that many shippers would prefer additional service metrics, the Board will not adopt the proposed expanded and additional metrics at this time. Consideration of those proposals would expand the scope of this rulemaking and delay implementation of the final rule. As explained in the NPRM, the OETA and ISP metrics will allow the Board to “better monitor service reliability and address possible future regional and national service lapses.” NPRM, EP 787, slip op. at 4-5. As previously noted, the Board will continue to consider how to “enhance . . . the agency’s data collection.” NPRM, EP 787, slip op. at 5.

However, with respect to TFI’s request for a metric that tracks carriers’ cancellations of service windows, the Board notes both the proposed and final rules provide that if a carrier cancels a service window other than at the shipper’s or receiver’s request, each planned spot or pull within the cancelled service window will be treated as a failure for ISP reporting purposes. Therefore, while the Board will not measure cancellations separately, cancellations will be captured by the ISP metric. Additionally, the Director of OE may require a carrier to provide summaries of its raw data by site or location, if necessary to ensure data quality and utility.

#### Requests Concerning Plant Shutdowns and the Common Carrier Obligation

PRFBA advocates requiring railroads to compensate shippers, under certain circumstances, when their plants are shut down due to poor service. (PRFBA Comments 6.) It

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<sup>15</sup> As noted above, 49 CFR 1250.2(a)(4) already requires carriers to file similar information. Carriers must file weekly average dwell time at origin for certain train types, including grain unit, coal unit, automotive unit, crude oil unit, ethanol unit, and all other unit trains. For the purposes of 49 CFR 1250.2(a)(4), dwell time refers to the time period from release of a unit train at origin until actual movement by the receiving carrier.

also asks the Board to consider creating regulations that identify violations of railroads' common carrier obligations. (*Id.*) The Board will not consider these proposals as they are beyond the scope of this rulemaking.

### ENVIRONMENTAL REVIEW

The final rule is categorically excluded from environmental review under 49 CFR 1105.6(c).

### REGULATORY FLEXIBILITY ACT

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601-612, generally requires a description and analysis of new rules that would have a significant economic impact on a substantial number of small entities. In drafting a rule, an agency is required to: (1) assess the effect that its regulation will have on small entities; (2) analyze effective alternatives that may minimize a regulation's impact; and (3) make the analysis available for public comment. 5 U.S.C. 601-604. In its notice of proposed rulemaking, the agency must either include an initial regulatory flexibility analysis, 5 U.S.C. 603(a), or certify that the proposed rule would not have a "significant impact on a substantial number of small entities," 5 U.S.C. 605(b). The impact must be a direct impact on small entities "whose conduct is circumscribed or mandated" by the proposed rule. White Eagle Coop. Ass'n v. Conner, 553 F.3d 467, 480 (7th Cir. 2009).

The final rule applies only to Class I rail carriers and their affiliated companies. As such, the regulations will not impact a substantial number of small entities.<sup>16</sup> Accordingly, pursuant to 5 U.S.C. 605(b), the Board again certifies that the regulations will not have a significant economic impact on a substantial number of small entities within the meaning of the RFA. A copy of this decision will be served upon the Chief Counsel for Advocacy, Office of Advocacy, U.S. Small Business Administration.

### PAPERWORK REDUCTION ACT

The Board sought comments in the NPRM pursuant to the Paperwork Reduction Act (PRA), 44 U.S.C. 3501-3521, and Office of Management and Budget (OMB) regulations at 5 CFR 1320.8(d)(3) about the impact of proposed changes to the collection "Class I Railroad Annual Report" (OMB Control No. 2140-0009) and the proposed new collection of service data from Class I carriers, pursuant to OMB Control Number 2140-XXXX, concerning: (1) whether

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<sup>16</sup> For the purpose of RFA analysis for rail carriers subject to the Board's jurisdiction, the Board defines a "small business" as including only those rail carriers classified as Class III rail carriers under 49 CFR 1201.1-1. See Small Entity Size Standards Under the Regul. Flexibility Act, EP 719 (STB served June 30, 2016). Class III rail carriers have annual operating revenues of \$48.2 million or less in 2024 dollars. Class II rail carriers have annual operating revenues of less than \$1.07 billion but more than \$48.2 million in 2024 dollars. The Board calculates the revenue deflator factor annually and publishes the railroad revenue thresholds in decisions and on its website. 49 CFR 1201.1-1; Indexing the Ann. Operating Revenues of R.Rs., EP 748 (STB served June 24, 2025).

the collections of information, as added in the proposed rule are necessary for the proper performance of the functions of the Board, including whether the collections have practical utility; (2) the accuracy of the Board's burden estimates; (3) ways to enhance the quality, utility, and clarity of the information collected; and (4) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology, when appropriate. NPRM, EP 787, slip op. at 8; 90 FR at 46782.

In the NPRM, the Board estimated that the proposed requirements would reduce the hourly annual burden by 238 hours for six respondents, all Class I railroads. NPRM, EP 787, slip op. at 8. This estimate consisted of the cumulative total of two types of filings required to collect information and to allow the Board to implement the data collections at 49 CFR part 1251.

First, the Board anticipated that the requirement for the Class I railroads to update their internal data collections systems in order to remove PTC entries would add an estimated total one-time hourly burden of 36 hours across all six Class I rail carriers. NPRM, EP 787, slip op. at 16. That burden would be amortized over three years. Id. Second, the Board anticipated that the total annual burden associated with R-1 preparation across all six Class I rail carriers would be 1,320 hours. Id. Third, the Board estimated that the burden of weekly reporting on service reliability, which includes OETA and ISP, would have an annual burden of 156 hours. Id. at 18. In calculating this estimate, the Board assumed that the Class I rail carriers could provide this information by making selections within a computer program once their systems have been updated.

The Board received a response from USDA addressing the Board's burden analysis for two types of collections of information under the PRA. USDA supports the Board's collection of OETA and ISP metrics and removal of the separate PTC Supplement reporting. (USDA Reply 3.)

The Board's decision modifies proposed 49 CFR 1251.1 and 1251.2 by clarifying the types of data that carriers must submit in their reporting. The modifications also make reporting requirements more flexible, thereby reducing the need for carriers to modify their data collections and protocols, and require each carrier to submit a document explaining its methodology for deriving the data and to update that document if its methodology changes. The Board has not modified the estimated burden associated with service reliability reporting because it believes that reduced burdens from reporting flexibility will offset the de minimis burden of creating (and updating, if necessary) a methodology document, which can be drawn from past carrier submissions in this area.<sup>17</sup>

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<sup>17</sup> In addition, no changes are needed to the burden hours associated with the R-1 collection. While this decision modifies the NPRM proposal to remove the requirement for a one-time PTC summary document "identifying individual line items in their respective R-1 reports that contain PTC-related expenditures representing at least 15% of the line-item amounts," see NPRM, EP 787, slip op. at 4, the burden hours associated with the one-time summary document were considered to be minimal. As no other changes have been made

These two collection requests to modify and extend an existing, approved collection and to create a new collection will be submitted to OMB for review as required under the PRA, 44 U.S.C. 3507(d), and 5 CFR 1320.11. The requests will address the comments discussed above as part of the PRA approval process.

### CONGRESSIONAL REVIEW ACT

Pursuant to the Congressional Review Act, 5 U.S.C. 801-808, the Office of Information and Regulatory Affairs has designated this rule as non-major, as defined by 5 U.S.C. 804(2).

Executive Order 12866, as modified by Executive Order 14215, provides that the Office of Information and Regulatory Affairs (OIRA) will review all significant rules. OIRA has determined that this rule is not significant. This action is considered an Executive Order 14192 deregulatory action.

#### List of Subjects

##### 49 CFR part 1241

Railroads; Reporting and recordkeeping requirements.

##### 49 CFR part 1251

Railroads; Reporting and recordkeeping requirements.

#### It is ordered:

1. The Board adopts the final rule as set forth in this decision. Notice of the adopted rule will be published in the Federal Register.
2. This decision is effective June 7, 2026. The initial reporting date will be July 8, 2026.
3. A copy of this decision will be served upon the Chief Counsel for Advocacy, Office of Advocacy, U.S. Small Business Administration.

Decided: May 5, 2026.

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

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regarding the Board's proposal to eliminate the PTC supplement, no changes to the burden hours associated with the R-1 collection will be necessary.

## APPENDIX A

### Code of Federal Regulations

For the reasons set forth in the preamble, and under the authority of 49 U.S.C. 1321 and 11145, the Surface Transportation Board amends chapter X of title 49 of the Code of Federal Regulations as follows:

#### **PART 1241—ANNUAL, SPECIAL, OR PERIODIC REPORTS—CARRIERS SUBJECT TO PART I OF THE INTERSTATE COMMERCE ACT**

1. The authority citation for part 1241 continues to read as follows:

**Authority:** 49 U.S.C. 11145.

2. Remove the note to part 1241.
3. Revise § 1241.11 to read as follows:

#### **§ 1241.11 Annual reports of class I railroads.**

Commencing with reports for the year ended December 31, 1973, and thereafter, until further order, all line-haul railroad companies of class I, as defined in § 1240.1 of this chapter, subject to section 20, Part I of the Interstate Commerce Act, are required to file annual reports in accordance with Railroad Annual Report Form R-1. Such annual report shall be filed in duplicate in the office of the Office of Economics, Surface Transportation Board, Washington, DC, on or before March 31 of the year following the year which is being reported.

Note 1 to § 1241.11: The report forms prescribed by this section are available on the Surface Transportation Board website.

4. Add part 1251 to read as follows:

#### **PART 1251—RAILROAD SERVICE DATA REPORTING**

Sec.

1251.1 Definitions.

1251.2 Service metrics reporting.

**Authority:** 49 U.S.C. 1321 and 49 U.S.C. 11145.

#### **§ 1251.1 Definitions.**

The following definitions apply to this part:

*Affiliated companies* has the same meaning as “affiliated companies” in Definition 5 of the Uniform System of Accounts (49 CFR part 1201, subpart A).

*Bad order cars* means cars that must undergo repair before completing their trips due to mechanical, safety, or structural problems.

*Cut-off time* means the deadline for requesting service within a service window, as determined in accordance with the Class I rail carrier’s established protocol.

*Delivery* means when a shipment is actually placed at a designated destination or is constructively placed at a local railroad yard that is convenient to the designated destination. In the case of an interline movement, a shipment will be deemed to be delivered to the receiving carrier or its agent or affiliated company when the shipment is offered for interchange.

*Designated destination* means the final destination as specified in the bill of lading or, in the case of an interline movement, the interchange where the shipment is offered to the receiving carrier, its agent, or affiliated company.

*Industry spot and pull* means the local placement (“spot”) and pick-up (“pull”) of railcars (regardless of ownership) at a shipper’s or receiver’s facility.

*Manifest traffic* means shipments that move in carload or non-unit train service.

*Original estimated time of arrival* or *OETA* means the estimated time of arrival that the rail carrier provides when the shipper releases the shipment with all necessary and customary documentation or, in the case of an interline movement, when a shipment is reported delivered in interchange and confirmed to have physically been delivered to the receiving carrier with necessary and customary documentation for furtherance.

*Planned service window* means a service window for which the shipper or receiver requested local service, provided that the shipper or receiver made its request by the cut-off time for that window.

*Service window* means a window in which the rail carrier offers to perform local service (placements and/or pick-ups of railcars) at a shipper’s or receiver’s facility. A service window must be made available by a rail carrier with reasonable advance notice to the shipper or receiver and in accordance with the carrier’s established protocol.

*Shipment* means a loaded railcar that is designated in a bill of lading.

*Time of arrival* means the time that a shipment is delivered to the designated destination.

## § 1251.2 Service metrics reporting.

All Class I rail carriers shall report to the Surface Transportation (Board) on a weekly basis, in a manner and form determined by the Board, the data described in this section. Each Class I rail carrier shall provide, with its initial data submission, a document explaining its methodology for deriving the data. If a carrier's methodology changes, the carrier shall file an updated methodology document with the first data submission that reflects the methodology change. The Director of the Board's Office of Economics may require a carrier to revise its methodology and submit revised metrics for past periods to ensure data quality and utility. The service metrics in this section apply only to the data collection contemplated under this part.

(a) *Original estimated time of arrival--(1) OETA metric.* The OETA metric is the percentage of shipments on a carrier's system that moved in manifest service and were delivered to the designated destination no later than 24 hours after the OETA, out of all shipments on the carrier's system that moved in manifest service during that week. For the purpose of calculating the OETA metric, once a carrier has communicated an OETA to a customer, that time shall not be changed by any subsequent changes to the original trip plan of the car, unless the change to the original trip plan is made in response to a shipper's request or a shipper's failure to make cars available for pick-up.

(2) *OETA applicability.* The OETA metric applies to shipments that travel as manifest traffic only within the United States. The OETA metric does not apply to cars placed in bad order status during shipment.

(b) *Industry spot and pull (ISP)--(1) ISP metric.* The ISP metric is the percentage of scheduled spots or pulls (i.e., those requested by a shipper or receiver before the applicable cut-off time) that were successfully performed during the planned service windows, out of the total number of spots or pulls that were scheduled for that week. A Class I rail carrier must report the ISP metric for each of its operating divisions and for the carrier's overall system. For reporting at the operating division level, a Class I rail carrier may establish reporting regions using any geographic boundaries it chooses, provided that it identifies the boundaries in its methodology document submitted to the Board.

(i) Failure to spot a constructively placed railcar that has been ordered in by the cut-off time applicable to the customer for a planned service window shall be included as a failure in calculating the ISP metric. This includes "spot on arrival" railcars (i.e., railcars that may be placed without placement instructions) that have been constructively placed for any reason.

(ii) Failure to spot a "spot on arrival" railcar for a planned service window shall be included as a failure in calculating the ISP metric if the railcar arrived at the local yard that services the customer and was ready for local service before the cut-off time applicable to the customer.

(iii) If a Class I rail carrier cancels a service window, other than at the shipper's or receiver's request, each planned spot or pull from the cancelled service window shall be included as a failure in calculating the ISP metric.

(iv) When a rail customer causes a Class I rail carrier to miss a spot or a pull during a planned service window, those spots or pulls will not be considered failures in calculating the ISP metric.

(2) *ISP applicability.* The ISP metric shall not include unit trains, intermodal traffic, or cars placed in bad order status after arrival at the serving yard.