

SERVICE DATE – DECEMBER 22, 2017

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. EP 730 (Sub-No. 1)

REVISIONS TO ARBITRATION PROCEDURES

Decided: December 21, 2017

Under Section 13 of the Surface Transportation Board Reauthorization Act of 2015 (STB Reauthorization Act), codified at 49 U.S.C. § 11708, Congress directed the Board to “promulgate regulations to establish a voluntary and binding arbitration process to resolve rail rate and practice complaints” that are subject to the Board’s jurisdiction. In May 2016, the Board issued a Notice of Proposed Rulemaking proposing to modify its existing regulations at 49 C.F.R. pt. 1108 and § 1115.8 to conform to the requirements of the STB Reauthorization Act. Revisions to Arbitration Procedures, EP 730 (STB served May 12, 2016). Section 11708(f) provides that, unless parties otherwise agree, an arbitrator or panel of arbitrators shall be selected from a roster maintained by the Board. Accordingly, the Board’s rules establish a process for creating and maintaining a roster of arbitrators. See Revisions to Arbitration Procedures (Final Rule), EP 730, slip op. at 3-4 (STB served Oct. 11, 2016).

By decision served December 2, 2016, the Board sought applications from all interested persons who wished to be considered for inclusion on the initial roster. The Board assessed each applicant’s qualifications to identify individuals who can ably serve as arbitrators based on the criteria established by the Board in its Final Rule at 49 C.F.R. § 1108.6(b). By decision served February 23, 2017, the Board adopted and issued its roster of arbitrators. The roster is published on the Board’s website at <https://www.stb.gov/stb/litigationalternatives/CurrentArbitration.html> (a link to the current arbitrator roster is located in the section titled, “Arbitration Procedures”).

Section 1108.6(b) requires that the Board update the roster of arbitrators every year. Accordingly, the Board is now requesting the names and qualifications of new arbitrators who wish to be placed on the roster. Arbitrators who wish to remain on the roster must notify the Board of their continued availability and confirm that the biographical information on file with the Board remains accurate and if not, provide any necessary updates. Arbitrators who do not confirm their continued availability will be removed from the roster. This decision will be served on all current arbitrators.

Any person who wishes to be added to the roster should file an application describing his or her experience with rail transportation and economic regulation, as well as professional or business experience, including agriculture, in the private sector. Each applicant should also describe his or her training in dispute resolution and/or experience in arbitration or other forms

of dispute resolution, including the number of years of experience. Lastly, the applicant should provide his or her contact information and fees.

All comments—including filings from new applicants, updates to existing arbitrator information, and confirmations of continued availability—should be submitted by January 22, 2018.¹ The Board will assess each new applicant's qualifications to determine which individuals can ably serve as arbitrators based on the criteria established under section 1108.6(b). The Board will then establish an updated roster of arbitrators by no-objection vote. The roster will include a brief biographical sketch of each arbitrator, including information such as background, area(s) of expertise, arbitration experience, and geographical location, as well as contact information and fees. The roster will be published on the Board's website.

It is ordered:

1. Applications from persons interested in being added to the Board's roster of arbitrators and confirmations of continued availability (with updates, if any, to existing arbitrator information) from persons currently on the arbitration roster, are due by January 22, 2018.
2. This decision will be served on all current arbitrators and published in the Federal Register.
3. This decision is effective on the date of service.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.

¹ Persons who have informally indicated an interest in being included on the arbitrator roster (e.g., correspondence to Board members) should submit a comment pursuant to this decision.