



Surface Transportation Board
Washington, D.C. 20423-0001

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Office of the General Counsel

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Meeting under Section 5, STB Reauthorization Act

Office of Proceedings
August 29, 2019

June 24, 2019

Part of
Public Record

Present: Members Begeman, Fuchs, and Oberman
Staff Rachel Campbell, Allison Davis, Ellen Erichsen, Amanda Gorski, Lisa Novins, Craig Keats, Erik Light, Nathaniel Bawcombe, Onika Williams, Valerie Quinn, William Brennan, Frank O'Connor, Laura Mizner

Topic: EP 661 (Sub-No. 2), Rail Fuel Surcharges (Safe Harbor)

Summary of the Matters Discussed, Prepared by General Counsel Craig Keats:

At this meeting, staff briefed Board Members on an Advance Notice of Proposed Rulemaking issued to obtain public input into whether the Board should propose to modify or repeal the safe harbor provision of the Board's rail fuel surcharge rules adopted in Rail Fuel Surcharges, EP 661 (STB served Jan. 27, 2007).

Staff and Board Members discussed the following issues:

1. The operation of the safe harbor provision.
2. Potential consequences of removing the safe harbor provision.
3. Options for modifying the safe harbor provision.
4. The basis for the Board's Rail Fuel Surcharges decision.