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Part XXX

Surface Transportation Board

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Semiannual Regulatory Agenda

**SURFACE TRANSPORTATION BOARD**  
**49 CFR Ch. X**

[STB Ex Parte No. 536 (Sub-No. 48)]

**Semiannual Regulatory Agenda**

**AGENCY:** Surface Transportation Board.  
**ACTION:** Semiannual regulatory agenda.

**SUMMARY:** The Chairman of the Surface Transportation Board is publishing the Regulatory Flexibility Agenda for spring 2020.

**FOR FURTHER INFORMATION CONTACT:** A contact person is identified for each of the rules listed below.

**SUPPLEMENTARY INFORMATION:** The Regulatory Flexibility Act (RFA), 5 U.S.C. 601 *et seq.*, sets forth a number of requirements for agency rulemaking. Among other things, the RFA requires that, semiannually, each agency shall publish in the **Federal Register** a Regulatory Flexibility Agenda, which shall contain:

(1) A brief description of the subject area of any rule that the agency expects to propose or promulgate, which is

likely to have a significant economic impact on a substantial number of small entities;

(2) A summary of the nature of any such rule under consideration for each subject area listed in the agenda pursuant to paragraph (1), the objectives and legal basis for the issuance of the rule, and an approximate schedule for completing action on any rule for which the agency has issued a general notice of proposed rulemaking; and

(3) The name and telephone number of an agency official knowledgeable about the items listed in paragraph (1). Accordingly, a list of proceedings appears below containing information about subject areas in which the Board is currently conducting rulemaking proceedings or may institute such proceedings in the near future. It also contains information about existing regulations being reviewed to determine whether to propose modifications through rulemaking.

The agenda represents the Chairman's best estimate of rules that may be considered over the next 12 months, but does not necessarily reflect the views of

any other individual Board Member. However, section 602(d) of the RFA, 5 U.S.C. 602(d), provides: "Nothing in [section 602] precludes an agency from considering or acting on any matter not included in a Regulatory Flexibility Agenda or requires an agency to consider or act on any matter listed in such agenda."

The Chairman is publishing the agency's Regulatory Flexibility Agenda for spring 2020 as part of the Unified Agenda of Federal Regulatory and Deregulatory Actions (Unified Agenda). The Unified Agenda is coordinated by the Office of Management and Budget (OMB), pursuant to Executive Orders 12866 and 13563. The Board is participating voluntarily in the program to assist OMB and has included rulemaking proceedings in the Unified Agenda beyond those required by the RFA.

Dated: March 4, 2020.

By the Board, Chairman Begeman.

**Jeffrey Herzig,**  
*Clearance Clerk.*

**SURFACE TRANSPORTATION BOARD—LONG-TERM ACTIONS**

Sequence No.	Title	Regulation Identifier No.
388 .....	Review of Commodity, Boxcar, and TOFC/COFC Exemptions, EP 704 (Sub-No. 1) .....	2140-AB29

**SURFACE TRANSPORTATION BOARD—COMPLETED ACTIONS**

Sequence No.	Title	Regulation Identifier No.
389 .....	Exclusion of Demurrage Regulation From Certain Class Exemptions, EP 760 .....	2140-AB48

**SURFACE TRANSPORTATION BOARD (STB)**

**Long-Term Actions**

**388. Review of Commodity, Boxcar, and TOFC/COFC Exemptions, EP 704 (Sub-No. 1)**

*E.O. 13771 Designation:* Independent agency.  
*Legal Authority:* 49 U.S.C. 10502; 49 U.S.C. 13301

*Abstract:* The Board proposed to revoke the class exemptions for the rail transportation of: (1) Crushed or broken stone or riprap; (2) hydraulic cement; and (3) coke produced from coal, primary iron or steel products, and iron or steel scrap, wastes, or tailings. On March 19, 2019, the Board issued a decision waiving the prohibition on ex parte communications in this proceeding and providing a 90-day period for meetings with Board members.

*Timetable:*

Action	Date	FR Cite
NPRM .....	03/28/16	81 FR 17125
NPRM Comment Period End.	07/26/16	
NPRM Reply Comment Period End.	08/26/16	
Next Action Undetermined.		

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Amy Ziehm, Branch Chief, Office of Proceedings, Surface Transportation Board, 395 E Street SW, Washington, DC 20423-0001, *Phone:* 202 245-0391, *Email:* amy.ziehm@stb.gov.

Francis O'Connor, Deputy Director, Office of Economics, Surface Transportation Board, 395 E Street SW, Washington, DC 20423-0001, *Phone:*

202 245-0331, *Email:* francis.o'connor@stb.gov.

*RIN:* 2140-AB29

**SURFACE TRANSPORTATION BOARD (STB)**

**Completed Actions**

**389. Exclusion of Demurrage Regulation From Certain Class Exemptions, EP 760**

*E.O. 13771 Designation:* Independent agency.

*Legal Authority:* 49 U.S.C. 10502; 49 U.S.C. 13301

*Abstract:* The Board adopted rules to clarify its regulations governing exemptions for certain miscellaneous commodities and boxcar transportation so that those regulations unambiguously state that demurrage continues to be subject to Board regulation. The Board

also revoked, in part, the exemption that currently covers certain agricultural commodities so that the exemption would not apply to the regulation of demurrage, thereby making the agricultural commodities exemption consistent with similar exemptions covering non-intermodal transportation.

*Timetable:*

Action	Date	FR Cite
NPRM .....	10/15/19	84 FR 55109
NPRM Comment Period End.	11/06/19	
NPRM Reply Comment Pe- riod End.	12/06/19	
Final Rule .....	03/04/20	85 FR 12749
Final Rule Effec- tive.	04/03/20	

*Regulatory Flexibility Analysis  
Required: Yes.*

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*RIN: 2140-AB48*

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