

STB EX PARTE NO. 542 (SUB-NO. 3)

REGULATIONS GOVERNING FEES FOR SERVICES PERFORMED
IN CONNECTION WITH LICENSING AND RELATED SERVICES —
1999 UPDATE

Decided January 27, 1999

The Board adopts the 1999 User Fee Update.

BY THE BOARD:

BACKGROUND

The Surface Transportation Board (Board) is required by the regulations at 49 CFR 1002.3 to update its user fees annually. The Board's regulations at 49 CFR 1002.3(a) provide that the entire fee schedule or selected fees can be modified more than once a year, if necessary. The Board's fees are revised based on the cost study formula set forth at 49 CFR 1002.3(d). Also, in some previous years, selected fees were modified to reflect new cost study data or changes in Board or Interstate Commerce Commission fee policy. The Board's last user fee update was issued in *Regulations Governing Fees for Service — 1998 Update*, 3 S.T.B. 11 (1998) (*1998 Fee Update*).

Because Board employees received a salary increase of 3.68% in January 1999, and the cost of publishing documents in the *Federal Register* increased on January 1, 1999, we are updating our user fees to recover these costs. All fees, with the exception of the ones discussed below, will be updated based on the cost formula at 49 CFR 1002.3(d).

1999 UPDATE FACTORS

For this update, the direct labor cost data have been revised to reflect the combined 1999 Government-wide general salary and 1999 locality salary increase of 3.68% that took effect in January 1999. The Government Fringe Benefit Cost used in the update formula remains at 49.55%. Based on the Board's fiscal year 1998 actual budget data, the Office General and Administrative Expense Factor has decreased slightly from 30.11% to 30.08%,

4 S.T.B.

while the Board's General and Administrative Expense Factor has decreased from 9.27% to 8.39%. In addition, the Operations Overhead Factor, which is developed from fiscal year 1998 payroll cost data, has dropped from 23.80% to 21.56%. The 1999 full cost for each fee item developed from these factors is set forth in Appendix A.

FEDERAL REGISTER COST

On January 1, 1999, the cost for publishing documents in the *Federal Register* increased to \$142 per column. The minimum cost for publishing a document also increased to \$142. The \$142 represents an increase of approximately 12.7% over the level of the last *Federal Register* increase reflected in the Board's user fee schedule (\$126 effective January 1, 1997). The new column rate became effective through the United States Government Printing Office's (U.S. Printing Office) Circular Letter No. 436, dated December 8, 1998.¹ Therefore, the 12.7% increase in publishing cost reflected herein represents the compounded change from January 1, 1997, to the present. Accordingly, we have modified the *Federal Register* cost for each fee item that includes such cost to reflect these changes.

FEE ITEMS INCREASED BASED ON DIFFERENT CONSIDERATIONS

In *Regulations Governing Fees for Service — 1996 Update*, 1 S.T.B. 179 (1996) (*1996 Fee Update I*), based on concerns expressed by various parties commenting in that decision, the Board determined that fees for formal complaints would be set at 10% of the full cost and would be increased gradually to the full cost level. However, because of on-going legislative debate regarding complaint fees when the *1996 Fee Update I* was decided, the Board initially maintained all complaint fees at \$1,000.

In *Regulations Governing Fees for Service*, 1 S.T.B. 883 (*1996 Fee Update II*), the Board established fees for items (56)(i) and (iii), which did not involve rail maximum rate complaints filed by small shippers, at \$23,300 and \$2,300, respectively. Those fees became effective on January 16, 1997, and remained in effect until the *1998 Fee Update*, at which time the fees increased to \$27,000

¹ Another increase was sanctioned by the U.S. Printing Office through its Circular Letter No. 429, effective March 1, 1998 (\$135 per column). However, this change was not reflected in the Board's *1998 Fee Update*.

and \$2,600, respectively. In the current update, we will increase the application percentage from 10% to 20% of full cost as we are expected to do.² We apply 20% of the current full cost shown in Appendix A for these two items. The revised fees for these two types of complaint proceedings thus are set at \$54,500 and \$5,400, respectively.³

We note that the filing fee for item 56(ii), A formal complaint involving rail maximum rates filed by a small shipper, is eliminated from the fee schedule in keeping with Congressional mandate⁴ discussed in *1996 Fee Update II*.⁵ Now that the language of Section 1219 of the F4A Act is no longer in effect, such complaints will be governed by former items 56(i) and 56(iii) [now items 56(i) and 56(ii), respectively]. In addition, the \$150 filing fees that were established in *1996 Fee Update I* for items involving trails use requests, Amtrak conveyance and compensation proceedings, appeals of Board decisions, and motor carrier undercharge proceedings and the \$150 filing fee for labor arbitration proceedings, adopted in *1996 Fee Update II*, will be maintained. Moreover, the fee for item 13, a Feeder Line Development Program, will remain at \$2,600 and fees for item 58(i), a Petition for declaratory order involving a dispute over an existing rate or practice, and item 58(ii), All other petitions for declaratory order, are held at their current levels of \$1,000 and \$1,400, respectively.

² In keeping with the fourth recommendation found in the Department of Transportation Inspector General's Office Report (Report on Surface Transportation Board's User Fees. Report Number: CE-1999-021, issued November 17, 1998, at page 11), we are increasing the application cost to 20% of full cost.

³ We adopt a fee for item 56(i), Formal complaints filed under the coal rate guidelines, set at \$54,500 per filing [\$272,789.56 (total 1999 cost) times 20% and then rounded]. We also adopt a fee for item 56(iii) (renumbered fee item 56(ii) as explained below). All other formal complaints, set at \$5,400 per filing [\$27,065.35 (total 1999 cost) times 20% and then rounded].

⁴ Based on language contained in Section 1219, Federal Aviation Administration Authorization Act of 1996, Pub. L. 104-264, 110 Stat. 3213 (October 9, 1996) (F4A Act), the Board is eliminating the special treatment for small shippers. The language reads:

(a) In General. — Notwithstanding any other provision of law, the Surface Transportation Board shall not increase fees for services to be collected from small shippers in connection with rail maximum rate complaints pursuant to Part 1002 of Title 49, *Code of Federal Regulations*, Ex Parte No. 542.

(b) Applicability. — Subsection (a) shall no longer be effective after September 30, 1998.

⁵ As a result of this elimination, current item 56(ii) is stricken from the fee schedule and items 56(iii) and 56(iv) are renumbered as items 56(ii) and 56(iii), respectively.

OTHER ADJUSTMENTS TO THE FEE SCHEDULE

In the near future, the Board intends to release a Notice of Proposed Rulemaking (NPR) dealing with various new proposed fee items to be added to the user fee schedule. The NPR will be forthcoming once time and motion studies for the new items are completed. Because it will be an NPR, the public will be afforded an opportunity to comment on the appropriateness of the new fees.

NOTICE AND COMMENT REQUIREMENT

The fee increases involved here only result from the mechanical application of the current update formula at 49 CFR 1002.3(d), which was adopted through notice and comment procedures in *Regulations Governing Fees for Services—1987 Update*, 4 I.C.C.2d 137 (1987). Therefore, we believe that notice and comment is unnecessary for this proceeding. See, *Regulations Governing Fees For Services—1990 Update*, 7 I.C.C.2d 3 (1990), *Regulations Governing Fees For Services—1991 Update*, 8 I.C.C.2d 13 (1991), *Regulations Governing Fees For Services—1993 Update*, 9 I.C.C.2d 855 (1993).

REGULATORY FLEXIBILITY ANALYSIS

We certify that these rules will not have a significant economic effect on a substantial number of small entities because the Board's regulations provide for waiver of filing fees for those entities which can make the required showing of financial hardship.

It is ordered:

1. 49 CFR Part 1002 of the *Code of Federal Regulations* is amended as set forth in Appendix B. Notice of the final rules adopted here will be transmitted to Congress pursuant to Pub. L. 104-121 (March 29, 1996).
2. These rules are effective on March 5, 1999.

By the Board, Chairman Morgan and Vice Chairman Clyburn.

APPENDIX A

FEE	1998 DIRECT LABOR	1999 DIRECT LABOR UPDATE	GOVT. FRINGES	TOTAL 2+3	OPERATIONS OVERHEAD	OFFICE G&A	BOARD G&A	PUBLICATION COST	TOTAL SUM(4-8)
	1	2	3	4	5	6	7	8	9
1	1,090.02	1,130.13	559.98	1,690.11	364.39	617.99	224.22	4.00	2,900.72
2	459.54	476.45	236.08	712.53	153.62	260.54	94.53	168.91	1,390.13
3	6,756.61	7,005.25	3,471.10	10,476.36	2,258.70	3,830.71	1,389.87	168.91	18,124.54
4I	1,090.02	1,130.13	559.98	1,690.11	364.39	617.99	224.22	168.91	3,065.63
4II	26.20	27.16	13.46	40.62	8.76	14.85	5.39	0.00	69.63
5	122.94	127.46	63.16	190.62	41.10	69.70	25.29	5.00	331.71
11I	1,752.55	1,817.04	900.35	2,717.39	585.87	993.62	360.51	142.00	4,799.39
11II	375.27	389.08	192.79	581.87	125.45	212.76	77.19	260.34	1,257.62
11III	3,051.58	3,163.88	1,567.70	4,731.58	1,020.13	1,730.11	627.72	168.91	8,278.46
12I	18,314.36	18,988.33	9,408.72	28,397.05	6,122.40	10,383.45	3,767.35	182.57	48,852.82
12II	375.27	389.08	192.79	581.87	125.45	212.76	77.19	260.34	1,257.62
12III	18,314.36	18,988.33	9,408.72	28,397.05	6,122.40	10,383.45	3,767.35	182.57	48,852.82
13	5,625.23	5,832.24	2,889.87	8,722.11	1,800.49	3,189.26	1,157.14	165.67	15,114.67
14I	1,483.59	1,538.19	762.17	2,300.36	495.96	841.13	305.18	168.91	4,111.54
14II	375.27	389.08	192.79	581.87	125.45	212.76	77.19	260.34	1,257.62
14III	1,582.19	1,640.41	812.83	2,453.24	528.22	897.03	325.46	186.38	4,391.04
15	378.84	392.78	194.62	581.87	125.45	212.76	77.19	145.23	1,151.99
21I	5,419.10	5,618.52	2,783.98	8,402.50	1,811.58	3,072.40	1,114.74	142.00	14,543.21
21II	808.96	838.73	415.59	1,254.32	270.43	458.65	166.41	360.39	2,510.19
21III	1,501.88	1,557.15	771.57	2,328.72	502.07	851.50	308.94	207.00	4,198.23
22	117.20	121.51	60.21	181.72	39.18	66.45	24.11	0.00	311.46

4 S.T.B.

FEE	1998 DIRECT LABOR	1999 DIRECT LABOR UPDATE	GOVT. FRINGES	TOTAL 2+3	OPERATIONS OVERHEAD	OFFICE G&A	BOARD G&A	PUBLICATION COST	TOTAL SUM(4-8)
	1	2	3	4	5	6	7	8	9
23	467.63	484.84	240.24	725.08	172.57	265.13	107.79	0.00	1,242.72
24	447.46	463.93	229.88	693.80	149.58	253.69	92.04	0.00	1,189.12
25	384.90	399.06	197.74	596.80	128.67	218.22	79.18	0.00	1,022.87
26	5,577.38	5,782.63	2,865.79	8,647.92	1,864.49	3,162.13	1,147.29	0.00	14,821.84
27	288.58	299.20	148.25	447.45	96.47	163.61	59.36	0.00	766.90
36	4,619.84	4,789.85	2,373.37	7,163.22	1,544.39	2,619.25	950.32	168.91	12,446.09
37	2,474.14	2,565.19	1,271.05	3,836.24	827.09	1,402.73	508.94	168.91	6,743.92
38I	365,504.38	378,954.94	187,772.17	566,727.11	122,186.37	207,225.17	75,186.03	5,218.57	976,543.26
38H	73,102.34	75,792.51	37,555.19	113,347.69	24,437.76	41,445.87	15,037.51	1,043.71	195,312.54
38H	1,483.59	1,538.19	762.17	2,300.36	495.96	841.13	305.18	1,334.32	5,276.95
38V	351.80	364.75	180.73	545.48	117.61	199.46	72.37	244.07	1,178.98
38V	1,483.59	1,538.19	762.17	2,300.36	495.96	841.13	305.18	1,334.32	5,276.95
38V	2,264.62	2,347.96	1,163.41	3,511.37	757.05	1,283.94	465.84	168.91	6,187.12
39I	365,504.38	378,954.94	187,772.17	566,727.11	122,186.37	207,225.17	75,186.03	5,218.57	976,543.26
39H	73,102.34	75,792.51	37,555.19	113,347.69	24,437.76	41,445.87	15,037.51	1,043.71	195,312.54
39H	1,483.59	1,538.19	762.17	2,300.36	495.96	841.13	305.18	1,334.32	5,276.95
39V	255.34	264.74	131.18	395.91	85.36	144.77	52.52	262.70	941.26
39V	1,483.59	1,538.19	762.17	2,300.36	495.96	841.13	305.18	1,334.32	5,276.95
39V	2,264.62	2,347.96	1,163.41	3,511.37	757.05	1,283.94	465.84	168.91	6,187.12
40I	365,504.38	378,954.94	187,772.17	566,727.11	122,186.37	207,225.17	75,186.03	5,218.57	976,543.26
40H	73,102.34	75,792.51	37,555.19	113,347.69	24,437.76	41,445.87	15,037.51	1,043.71	195,312.54
40H	1,483.59	1,538.19	762.17	2,300.36	495.96	841.13	305.18	1,334.32	5,276.95
40V	236.52	245.22	121.51	366.73	79.07	134.10	48.65	214.79	843.34

FEE	1998 DIRECT LABOR	1999 DIRECT LABOR UPDATE	GOVT. FRINGES	TOTAL 2+3	OPERATIONS OVERHEAD	OFFICE G&A	BOARD G&A	PUBLICATION COST	TOTAL SUM(4-8)
	1	2	3	4	5	6	7	8	9
40v	1,483.59	1,538.19	762.17	2,300.36	495.96	841.13	305.18	1,334.32	5,276.95
40w	2,264.62	2,347.96	1,163.41	3,511.37	757.05	1,283.94	465.84	168.91	6,187.12
41i	365,504.38	378,954.94	187,772.17	566,727.11	122,186.37	207,225.17	75,186.03	5,218.57	976,543.26
41ii	73,102.34	75,792.51	37,555.19	113,347.69	24,437.76	41,445.87	15,037.51	1,043.71	195,312.54
41iii	1,483.59	1,538.19	762.17	2,300.36	495.96	841.13	305.18	1,334.32	5,276.95
41iv	281.20	291.55	144.46	436.01	94.00	159.43	57.84	243.43	990.72
41v	1,483.59	1,538.19	762.17	2,300.36	495.96	841.13	305.18	1,334.32	5,276.95
41vi	1,592.19	1,640.41	812.83	2,453.24	528.92	897.03	325.46	186.38	4,391.04
42	507.83	526.52	260.89	787.41	169.77	287.92	104.46	307.67	1,657.22
43	17,138.84	17,769.55	8,804.81	26,574.36	5,729.43	9,716.98	3,525.54	168.91	45,715.23
44i	3,139.90	3,255.45	1,613.07	4,868.52	1,049.65	1,780.19	645.89	168.91	8,513.17
44ii	26.20	27.16	13.46	40.62	8.76	14.85	5.39	0.00	69.63
45	195.02	202.20	100.19	302.39	65.19	110.57	40.12	0.00	518.26
46	1,977.24	1,998.16	990.09	2,988.25	644.27	1,092.66	396.44	168.91	5,290.53
47	37,068.53	38,432.65	19,043.38	57,476.03	12,391.83	21,016.25	7,625.18	0.00	98,509.29
48	44,960.17	46,614.70	23,897.59	69,712.29	15,029.97	25,490.47	9,248.53	0.00	119,481.26
56i	102,649.28	106,426.77	52,734.47	159,161.24	34,315.16	58,197.70	21,115.46	0.00	272,789.56
56ii	10,184.55	10,559.34	5,232.15	15,791.50	3,484.65	5,774.20	2,095.01	0.00	27,065.35
56iii	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	150.00
57	2,184.44	2,264.83	1,122.22	3,387.05	730.25	1,238.48	449.35	0.00	5,805.13
58i	2,052.15	2,127.67	1,054.26	3,181.93	686.02	1,163.48	422.14	532.51	5,986.08
58ii	1,623.77	1,683.52	834.19	2,517.71	542.83	920.61	334.02	142.00	4,457.15

FEE	1998 DIRECT LABOR	1999 DIRECT LABOR UPDATE	GOVT. FRINGES	TOTAL 2+3	OPERATIONS OVERHEAD	OFFICE G&A	BOARD G&A	PUBLICATION COST	TOTAL SUM(4-8)
	1	2	3	4	5	6	7	8	9
59	1,688.09	1,750.21	867.23	2,617.44	564.32	957.07	347.25	168.91	4,654.99
60	3,345.03	3,468.13	1,718.46	5,186.58	1,118.23	1,896.49	688.09	0.00	8,889.39
61	1,630.75	1,690.76	837.77	2,528.53	545.15	924.56	335.45	0.00	4,333.70
62	2,583.56	2,678.64	1,327.26	4,005.90	863.67	1,464.77	531.45	0.00	6,865.79
76	305.76	317.01	157.08	474.09	102.21	173.35	62.90	2.00	814.55
77	32.34	33.53	16.61	50.14	10.81	18.34	6.65	0.00	85.94
78i	6.09	6.31	3.13	9.44	2.04	3.45	1.25	0.00	16.18
79i	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1.00
79ii	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	50.00
79iii	38.53	39.95	19.79	59.74	12.88	21.84	7.93	0.00	102.39
80	150.82	156.37	77.48	233.85	50.42	85.51	31.02	0.00	400.80
81i	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	50.00
81ii	38.53	39.95	19.79	59.74	12.88	21.84	7.93	0.00	102.39
82	61.24	63.49	31.46	94.95	20.47	34.72	12.60	0.00	162.74
83	10.12	10.49	5.20	15.69	3.38	5.74	2.08	0.00	26.89
84	65.60	68.01	33.70	101.72	21.93	37.19	13.49	0.00	174.33
85	281.96	292.34	144.85	437.19	94.26	159.86	56.00	0.00	749.31
86	367.38	380.90	188.74	569.64	122.81	208.29	75.57	0.00	976.31
87i	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	75.00
87ii	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	75.00
87iii	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	75.00
87iv	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	75.00

FEE	1998 DIRECT LABOR	1999 DIRECT LABOR UPDATE	GOVT FRINGES	TOTAL 2+3	OPERATIONS OVERHEAD	OFFICE G&A	BOARD G&A	PUBLICATION COST	TOTAL SUM(4-9)
	1	2	3	4	5	6	7	8	9
87v	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	150.00
96	7.91	8.20	4.06	12.26	2.64	4.48	1.63	0.00	21.02
97	6.92	6.24	3.09	9.33	2.01	3.41	1.24	0.00	16.00
98i	76.57	79.39	39.34	118.72	25.60	43.41	15.75	0.00	203.48
98ii	114.09	118.29	58.61	176.90	38.14	64.68	23.47	142.00	445.30
99i	47.06	48.79	24.18	72.97	15.73	26.68	9.68	0.00	125.06
99ii	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	25.00
100i	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	50.00
100ii	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	10.00
100iii	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	20.00
100iv	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	500.00
100v	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	400.00
100vi	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	50.00
100vii	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,500.00
101i	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	450.00
101ii	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	150.00
101iii	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	650.00
101iv	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	450.00
101v	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	500.00
101vi	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	50.00
0	4.29	4.35	2.16	6.51	1.40	2.38	0.86	0.00	11.16
*103	25.96	26.92	13.34	40.25	8.68	14.72	5.34	0.00	68.99
*104	17.97	18.63	9.23	27.86	6.01	10.19	3.70	0.00	47.76
*105	0.59	0.61	0.30	0.91	0.20	0.33	0.12	0.00	1.57
*106	45.19	46.85	23.22	70.07	15.11	25.62	9.30	0.00	120.09

4 S.T.B.

APPENDIX B

For the reasons set forth in the preamble, title 49, chapter X, part 1002, of the Code of Federal Regulations is amended as follows:

Part 1002 - FEES

1. The authority citation for part 1002 continues to read as follows:

Authority: 5 U.S.C. 552(a)(4)(A) and 553; 31 U.S.C. 9701 and 49 U.S.C. 721(a).

2. Section 1002.1 is amended by revising paragraphs (a) and (e)(1) and the chart in paragraph (f)(6) to read as follows:

§ 1002.1 *Fees for record search, review, copying, certification, and related services.*

(a) ***

(b) Service involved in examination of tariffs or schedules for preparation of certified copies of tariffs or schedules or extracts therefrom at the rate of \$26.00 per hour.

(c) Service involved in checking records to be certified to determine authenticity, including clerical work, etc., incidental thereto, at the rate of \$18.00 per hour.

(d) Electrostatic copies of tariffs, reports, and other public documents, at the rate of \$0.90 per letter size or legal size exposure. A minimum charge of \$5.00 will be made for this service.

(e) ***

(1) A fee of \$46.00 per hour for professional staff time will be charged when it is required to fulfill a request for ADP data.

(f) ***

(6) ***

Grade	Rate	Grade	Rate
GS-1	\$ 7.83	GS-9	\$18.27
GS-2	8.52	GS-10	20.12
GS-3	9.60	GS-11	22.11
GS-4	10.78	GS-12	26.50
GS-5	12.06	GS-13	31.51
GS-6	13.44	GS-14	37.24
GS-7	14.94	GS-15 and over	43.80
GS-8	16.54		

2. In § 1002.2 paragraph (f) is revised as follows:

§ 1002.2 *Filing fees.*

(a) ***

(f) *Schedule of filing fees.*

Type of Proceeding	Fee
PART I: Non-Rail Applications or Proceedings to Enter Upon a Particular Financial Transaction or Joint Arrangement:	
(1) An application for the pooling or division of traffic	\$2,900.
(2) An application involving the purchase, lease, consolidation, merger, or acquisition of control of a motor carrier of passengers under 49 U.S.C. 14303.	\$1,300.
(3) An application for approval of a non-rail rate association agreement. 49 U.S.C. 13703.	\$18,100.
(4) An application for approval of an amendment to a non-rail rate association agreement:	
(i) Significant amendment	\$3,000.
(ii) Minor amendment	\$60.
(5) An application for temporary authority to operate a motor carrier of passengers. 49 U.S.C. 14303(i)	\$300.
(6)-(10) [Reserved]	

4 S.T.B.

PART II: Rail Licensing Proceedings other than Abandonment or Discontinuance Proceedings:

(11) (i)	An application for a certificate authorizing the extension, acquisition, or operation of lines of railroad. 49 U.S.C. 10901	\$4,700.
(ii)	Notice of exemption under 49 CFR 1150.31-1150.35	\$1,200.
(iii)	Petition for exemption under 49 U.S.C. 10502	\$8,200.
(12) (i)	An application involving the construction of a rail line	\$48,800.
(ii)	A notice of exemption involving construction of a rail line under 49 CFR 1150.36	\$1,200.
(iii)	A petition for exemption under 49 U.S.C. 10502 involving construction of a rail line	\$48,800.
(13)	A Feeder Line Development Program application filed under 49 U.S.C. 10907(b)(1)(A)(i) or 10907(b)(1)(A)(ii)	\$2,600.
(14) (i)	An application of a class II or class III carrier to acquire an extended or additional rail line under 49 U.S.C. 10902.	\$4,100.
(ii)	Notice of exemption under 49 CFR 1150.41-1150.45	\$1,200.
(iii)	Petition for exemption under 49 U.S.C. 10502 relating to an exemption from the provisions of 49 U.S.C. 10902.	\$4,300.
(15)	A notice of a modified certificate of public convenience and necessity under 49 CFR 1150.21-1150.24	\$1,100.

(16)-(20) [Reserved]

PART III: Rail Abandonment or Discontinuance of Transportation Services Proceedings:

(21) (i)	An application for authority to abandon all or a portion of a line of railroad or discontinue operation thereof filed by a railroad (except applications filed by Consolidated Rail Corporation pursuant to the Northeast Rail Service Act [Subtitle E of Title XI of Pub. L. 97-35], bankrupt railroads, or exempt abandonments)	\$14,500.
(ii)	Notice of an exempt abandonment or discontinuance under 49 CFR 1152.50	\$2,500.
(iii)	A petition for exemption under 49 U.S.C. 10502	\$4,100.
(22)	An application for authority to abandon all or a portion of a line of a railroad or operation thereof filed by Consolidated Rail Corporation pursuant to Northeast Rail Service Act.	\$300.
(23)	Abandonments filed by bankrupt railroads	\$1,200.
(24)	A request for waiver of filing requirements for abandonment application proceedings	\$1,100.

4 S.T.B.

REGULATIONS GOVERNING FEES FOR SERVICES — 1999 UPDATE 17

(25) An offer of financial assistance under 49 U.S.C. 10904 relating to the purchase of or subsidy for a rail line proposed for abandonment	\$1,000.
(26) A request to set terms and conditions for the sale of or subsidy for a rail line proposed to be abandoned	\$14,800.
(27) A request for a trail use condition in an abandonment proceeding under 16 U.S.C.1247(d)	\$150.

(28)-(35) [Reserved]

PART IV: Rail Applications to Enter Upon a Particular Financial Transaction or Joint Arrangement:

(36) An application for use of terminal facilities or other applications under 49 U.S.C. 11102	\$12,400.
(37) An application for the pooling or division of traffic. 49 U.S.C. 11322 . . .	\$6,700.
(38) An application for two or more carriers to consolidate or merge their properties or franchises (or a part thereof) into one corporation for ownership, management, and operation of the properties previously in separate ownership. 49 U.S.C. 11324:	
(i) Major transaction	\$976,500.
(ii) Significant transaction	\$195,300.
(iii) Minor transaction	\$5,200.
(iv) Notice of an exempt transaction under 49 CFR 1180.2(d)	\$1,100.
(v) Responsive application	\$5,200.
(vi) Petition for exemption under 49 U.S.C. 10502	\$6,100.
(39) An application of a non-carrier to acquire control of two or more carriers through ownership of stock or otherwise. 49 U.S.C. 11324:	
(i) Major transaction	\$976,500.
(ii) Significant transaction	\$195,300.
(iii) Minor transaction	\$5,200.
(iv) A notice of an exempt transaction under 49 CFR 1180.2(d)	\$900.
(v) Responsive application	\$5,200.
(vi) Petition for exemption under 49 U.S.C. 10502	\$6,100.
(40) An application to acquire trackage rights over, joint ownership in, or joint use of any railroad lines owned and operated by any other carrier and terminals incidental thereto. 49 U.S.C. 11324:	
(i) Major transaction	\$976,500.
(ii) Significant transaction	\$195,300.
(iii) Minor transaction	\$5,200.
(iv) Notice of an exempt transaction under 49 CFR 1180.2(d)	\$800.
(v) Responsive application	\$5,200.
(vi) Petition for exemption under 49 U.S.C. 10502	\$6,100.

4 S.T.B.

(41) An application of a carrier or carriers to purchase, lease, or contract to operate the properties of another, or to acquire control of another by purchase of stock or otherwise. 49 U.S.C. 11324:	
(i) Major transaction	\$976,500.
(ii) Significant transaction	\$195,300.
(iii) Minor transaction	\$5,200.
(iv) Notice of an exempt transaction under 49 CFR 1180.2(d)	\$950.
(v) Responsive application	\$5,200.
(vi) Petition for exemption under 49 U.S.C. 10502	\$4,300.
(42) Notice of a joint project involving relocation of a rail line under 49 CFR 1180.2(d)(5)	\$1,600.
(43) An application for approval of a rail rate association agreement. 49 U.S.C. 10706	\$45,700.
(44) An application for approval of an amendment to a rail rate association agreement. 49 U.S.C. 10706:	
(i) Significant amendment	\$8,500.
(ii) Minor amendment	\$60.
(45) An application for authority to hold a position as officer or director under 49 U.S.C. 11328	\$500.
(46) A petition for exemption under 49 U.S.C. 10502 (other than a rulemaking) filed by rail carrier not otherwise covered	\$5,200.
(47) National Railroad Passenger Corporation (Amtrak) conveyance proceeding under 45 U.S.C. 562	\$150.
(48) National Railroad Passenger Corporation (Amtrak) compensation proceeding under Section 402(a) of the Rail Passenger Service Act	\$150.
(49)-(55) [Reserved]	
PART V: Formal Proceedings:	
(56) A formal complaint alleging unlawful rates or practices of carriers:	
(i) A formal complaint filed under the coal rate guidelines (Stand-Alone Cost Methodology) alleging unlawful rates and/or practices of rail carriers under 49 U.S.C. 10704(c)(1)	\$54,500.
(ii) All other formal complaints (except competitive access complaints ..	\$5,400.
(iii) Competitive access complaints	\$150.
(57) A complaint seeking or a petition requesting institution of an investigation seeking the prescription or division of joint rates or charges. 49 U.S.C. 10705.	\$5,800.
	4 S.T.B.

REGULATIONS GOVERNING FEES FOR SERVICES — 1999 UPDATE 19

(58) A petition for declaratory order:	
(i) A petition for declaratory order involving a dispute over an existing rate or practice which is comparable to a complaint proceeding	\$1,000.
(ii) All other petitions for declaratory order	\$1,400.
(59) An application for shipper antitrust immunity. 49 U.S.C. 10706(a)(5)(A)	\$4,600.
(60) Labor arbitration proceedings	\$150.
(61) Appeals to a Surface Transportation Board decision and petitions to revoke an exemption pursuant to 49 U.S.C. 10502(d)	\$150.
(62) Motor carrier undercharge proceedings	\$150.
(63)-(75) [Reserved]	
PART VI: Informal Proceedings:	
(76) An application for authority to establish released value rates or ratings for motor carriers and freight forwarders of household goods under 49 U.S.C. 14706	\$800.
(77) An application for special permission for short notice or the waiver of other tariff publishing requirements	\$80.
(78) (i) The filing of tariffs, including supplements, or contract summaries	\$1 per page. (\$16 minimum charge)
(ii) Tariffs transmitted by fax	\$1 per page.
(79) Special docket applications from rail and water carriers:	
(i) Applications involving \$25,000 or less	\$50.
(ii) Applications involving over \$25,000	\$100.
(80) Informal complaint about rail rate applications	\$400.
(81) Tariff reconciliation petitions from motor common carriers:	
(i) Petitions involving \$25,000 or less	\$50.
(ii) Petitions involving over \$25,000	\$100.
(82) Request for a determination of the applicability or reasonableness of motor carrier rates under 49 U.S.C. 13710(a)(2) and (3)	\$150.
(83) Filing of documents for recordation. 49 U.S.C. 11301 and 49 CFR 1177.3(c).	\$26 per document.
(84) Informal opinions about rate applications (all modes)	\$150.
(85) A railroad accounting interpretation	\$700.

4 S.T.B.

(86) An operational interpretation	\$950.
(87) Arbitration of Certain Disputes Subject to the Statutory Jurisdiction of the Surface Transportation Board under 49 CFR 1108:	
(i) Complaint	\$75.
(ii) Answer (per defendant), Unless Declining to Submit to Any Arbitration.	\$75.
(iii) Third Party Complaint	
(iv) Third Party Answer (per defendant), Unless Declining to Submit to Any Arbitration	\$75.
(v) Appeals of Arbitration Decisions or Petitions to Modify or Vacate an Arbitration Award	\$150.

(88)-(95) [Reserved]

PART VII: Services:

(96) Messenger delivery of decision to a railroad carrier's Washington, DC, agent.	\$21 per delivery.
(97) Request for service or pleading list for proceedings	\$16 per list.
(98) (i) Processing the paperwork related to a request for the Carload Waybill Sample to be used in a Surface Transportation Board or State proceeding that does not require a <i>Federal Register</i> notice	\$200.
(ii) Processing the paperwork related to a request for Carload Waybill Sample to be used for reasons other than a Surface Transportation Board or State proceeding that requires a <i>Federal Register</i> notice ...	\$400.
(99) (i) Application fee for the Surface Transportation Board's Practitioners' Exam.	\$100.
(ii) Practitioners' Exam Information Package	\$25.
(100) Uniform Railroad Costing System (URCS) software and information:	
(i) Initial PC version URCS Phase III software program and manual ...	\$50.
(ii) Updated URCS PC version Phase III cost file, if computer disk provided by requestor	\$10.
(iii) Updated URCS PC version Phase III cost file, if computer disk provided by the Board	\$20.
(iv) Public requests for <i>Source Codes</i> to the PC version URCS Phase III	\$500.
(v) PC version or mainframe version URCS Phase II	\$400.
(vi) PC version or mainframe version Updated Phase II databases	\$50.
(vii) Public requests for <i>Source Codes</i> to PC version URCS Phase II	\$1,500.

(101) Carload Waybill Sample data on recordable compact disk (R-CD):	
(i) Requests for Public Use File on R-CD -First Year	\$450.
(ii) Requests for Public Use File on R-CD Each Additional Year	\$150.
(iii) Waybill - Surface Transportation Board or State proceedings on R-CD- First Year	\$650.
(iv) Waybill-Surface Transportation Board or State proceedings on R-CD- Second Year on same R-CD.	\$450.
(v) Waybill -Surface Transportation Board of State proceeding on R-CD- Second Year on different R-CD.	\$500.
(vi) User Guide for latest available Carload Waybill Sample	\$50.
