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SERVICE DATE – JUNE 18, 2008

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of printed reports at a later date.

## DECISION

STB Ex Parte No. 542 (Sub-No. 15)

### REGULATIONS GOVERNING FEES FOR SERVICES PERFORMED IN CONNECTION WITH LICENSING AND RELATED SERVICES—2008 UPDATE

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Decided: June 11, 2008  
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The Board adopts the 2008 User Fee Update.

## BACKGROUND

The Surface Transportation Board (Board or STB) is required by regulations at 49 CFR 1002.3 to update its user fees at least once per year. The Board's last annual user fee update was issued in Regulations Governing Fees for Services Performed in Connection with Licensing and Related Services-2007 Update, STB Ex Parte No. 542 (Sub-No. 14) (STB served Apr. 6, 2007) (2007 Fee Update). This decision (2008 Fee Update) updates our fees based on the cost study formula set forth at 49 CFR 1002.3(d) and other factors relevant to Board fee policy.<sup>1</sup>

## 2008 UPDATE FACTORS

The main driver affecting user fees was an increase in the Board's costs. For the 2008 update, direct labor cost data have been revised to reflect the combined 2008 Government-wide general and locality salary increase of 4.49% that took effect in January 2008. The Government Fringe Benefit Cost Factor used in the current update formula has been revised to 56.45% from last year's 49.55%.<sup>2</sup> Based on the Board's fiscal year (FY) 2007 actual budget data, its Office

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<sup>1</sup> The current master fee schedule is composed of 123 fee or sub-fee items and reflects the net change (five sub-fee items deleted and one sub-fee item added) from the 127 fee or sub-fee items contained in its 2007 Fee Update decision.

<sup>2</sup> Pursuant to a memorandum from the Executive Office of the President - Office of Management and Budget (OMB) dated October 31, 2006, and based on past Board precedent, the component parts of the Government Fringe Benefit Cost Factor have been updated as follows: Standard Civilian Retirement Benefit is updated to 26.60%; Insurance and Health Benefit is updated to 6.70%; Medicare Benefit remains at 1.45%; Miscellaneous Fringe Benefit remains at 1.70%; and Leave and Holiday Benefit remains at 20.00%.

General and Administrative Expense Factor has increased from 20.32% to 29.28%,<sup>3</sup> while its Operations Overhead Factor, which is developed from FY 2007 payroll cost data, has decreased from 22.17% to 21.00%. The Board's General and Administrative Expense Factor has increased from 11.34% to 12.44%. The 2008 full cost for each fee item developed from these factors is set forth in column 9 of **APPENDIX A**.<sup>4</sup>

### **FEDERAL REGISTER COST**

There are no changes from the 2007 Fee Update decision with regard to publication costs. The United States Government Printing Office (GPO) has informed the Board that the charges reflected in GPO's March 2006 Circular Letter No. 609, which set publication costs at \$163 per column, remain in effect.

### **ADDITIONAL CHANGES TO FEES**

#### **1. Recent Changes to Formal Rate Complaint Fees:**

On September 5, 2007, in STB Ex Parte No. 646 (Sub-No. 1) Simplified Standards for Rail Rate Cases, (Simplified Standards), the Board modified 49 CFR 1002.2(f)(56) to establish fees for new complaint procedures developed by the Board for small and medium rate cases. As of that date, section 1002.2(f)(56) read as follows:

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<sup>3</sup> The increase in the overhead factor is primarily due to changes in the Board's expenses as a result of its move to a new location during FY 2007. For example, office space rent increased by about 44%, store room supplies went up by approximately 62%, ADP equipment/furniture equipment/ADP software rose by close to 470%, etc. These changes caused the Office General and Administrative Overhead Factor for FY 2007 to rise significantly from 20.32% (based on FY 2006 data) to 29.28% (approximately a 44.1% increase over the FY 2006 level).

<sup>4</sup> The exact overhead factors utilized in **APPENDIX A** are as follows: Operations Overhead Factor = 0.21004400; Office Overhead Factor = 0.29283917; and Board Overhead Factor = 0.12437294.

(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) . . . . .	\$178,200.
(ii) A formal complaint involving rail maximum rates filed under the Simplified-SAC methodology . . . . .	10,600.
(iii) A formal complaint involving rail maximum rates filed under the Three Benchmark methodology . . . . .	150.
(iv) All other formal complaints (except competitive access complaints) . .	17,600.
(v) Competitive access complaints . . . . .	150.
(vi) A request for an order compelling a rail carrier to establish a common carrier rate . . . . .	200.

Subsequent legislation mandated further revisions to the fee schedule adopted in Simplified Standards. On December 26, 2007, the Consolidated Appropriations Act, Pub. L. No. 110-161, 121 Stat. 1844 (2007) (Act), was enacted into law. In addition to establishing the Board's FY 2008 funding, it also provides in Section 194 as follows:

None of the funds appropriated or otherwise made available under this Act may be used by the Surface Transportation Board of the Department of Transportation to charge or collect any filing fee for rate complaints filed with the Board in an amount in excess of the amount authorized for district court civil suit filing fees under section 1914 of title 28, United States Code.

As a result, the Board modified two of the six sub-fee items in 49 CFR 1002.2(f)(56) of its User Fee schedule. Regulations Governing Fees for Services Performed in Connection with Licensing and Related Services-2007 Update, STB Ex Parte No. 542 (Sub-No. 14) (STB served Jan. 25, 2008) (Mandatory Modification). Specifically, the fee for a formal complaint filed under the coal rate guidelines and the fee for a formal complaint involving rail maximum rates filed under the Simplified-SAC methodology were both reduced to \$350, the current district court filing fee under 28 U.S.C. 1914.<sup>5</sup> The Board makes no further changes to these fees in this decision.<sup>6</sup> These fees, along with the other fees that the Board addresses, are included in the Schedule of filing fees found in **APPENDIX B**.

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<sup>5</sup> The full costs to the Board of processing these types of complaints remain substantial, approximately \$418,739 for coal rate guidelines complaints and \$41,546 for Simplified-SAC cases.

<sup>6</sup> The fees for the other types of rate complaints were already below \$350.

The fee for all other formal complaints (non-rate) was not affected by the Act. In the 2008 Fee Update, we set sub-fee item 56(iv) at \$20,700, which reflects a \$3,100 increase over the 2007 fee to account for increased costs.<sup>7</sup>

## **2. Other Original Below-Cost Fees (Capped):**

Certain other fees have historically been held to levels well below full cost.<sup>8</sup> In Regulations Governing Fees for Services Performed in Connection with Licensing and Related Services - 2002 New Fees, STB Ex Parte No. 542 (Sub-No. 4) (STB served Mar. 29, 2004) (2002 New Fees), the Board raised from \$150 to \$200 the filing fees established in the 1996 Fee Update I and 1996 Fee Update II decisions for items involving: Trails use requests - item 27(i); Amtrak conveyance and compensation proceedings – items 47 and 48, respectively; Appeals to Board decisions - item 61(i); Motor carrier undercharge proceedings - item 62; and Labor arbitration proceedings - item 60. The Board makes no changes to those fees in this decision. In addition, the fees for item 13, A feeder line development program (\$2600), item 58(i), Petition for declaratory order involving a dispute over an existing rate or practice (\$1000), and item 58(ii), All other petitions for declaratory order (\$1,400) will remain at their current levels.

## **3. Certain Fees from the 2002 New Fees Decision Held Below-Cost (Capped):**

In 2002 New Fees, the Board established 19 new fee or sub-fee items to its user fee schedule. Six of these items were capped at below full cost for reasons discussed either in the 2002 New Fees final decision or in the NPR for that proceeding.<sup>9</sup> Those capped items included: item 12(iv), A request for determination of a dispute involving a rail construction that crosses the line of another carrier; formerly item 56(ii) and now item 56(iii), A formal complaint involving rail maximum rates filed under the Three Benchmark methodology; formerly item 56(v), which is now item 56(vi), A request for an order compelling a rail carrier to establish a common carrier rate; items 63(i) and 63(ii), A request for expedited or temporary relief for service emergency or service inadequacy, respectively; and item 88, Basic fee for STB adjudicatory services not otherwise covered. This decision makes no changes in the fees for these items, leaving all except 56(iii) set at \$200 and 56(iii) set at \$150.

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<sup>7</sup> The fee is set at 50% of the full 2008 costs (\$41,545.96), with an adjustment for rounding.

<sup>8</sup> The reasons for capping various fees have, in the past, included a concern about a chilling effect on certain types of complaints/petitions or a determination that certain actions brought by individuals have large public benefits. Fees that have been capped in the past are often adjusted, however, and the Board continues to monitor this category of fees.

<sup>9</sup> Regulations Governing Fees for Services Performed in Connection with Licensing and Related Services–2002 New Fees, STB Ex Parte No. 542 (Sub-No. 4) (STB served Aug. 29, 2002).

The remaining 13 items established in 2002 New Fees are being adjusted to account for the 2008 salary increase and changes to the Board's overhead costs. These items are included in the Schedule of filing fees found in **APPENDIX B**.

#### **SUB-FEE ITEMS OF THE FEE SCHEDULE AT 49 CFR 1002.2(f) TO BE DELETED**

In this decision, the Board is deleting five sub-fee items from its master Schedule of filing fees at 49 CFR 1002.2(f). The Board is deleting sub-fee items 100(i) through 100(iii), which pertain to the Board's Uniform Railroad Costing System (URCS) data, and also deleting sub-fee items 101(ii) and 101(iii), which pertain to requests for the Carload Waybill Sample. These five sub-fee items are being deleted because the URCS and Carload Waybill Sample data can now be accessed on the Board's web-site. In addition, the Board is renumbering the two remaining Carload Waybill Sample sub-fee items from 101(i) and 101(iv) to 100(i) and 100(ii), respectively. The Board is also modifying the "Type of Proceeding" description in 49 CFR 1002.2(f) to read as follows: (100)(i) Requests for Public Use File for all years prior to the most current year Carload Waybill Sample data available, provided on CD-R. This modification reflects the fact that the first year of Carload Waybill Sample data available on the Board's web-site is for the year 2006. However, each time new Carload Waybill Sample data are posted on the web-site, the previous year's data will be removed from the web-site.

#### **RESULTS FROM THE 2008 UPDATE**

The Board's current master Schedule of filing fees contains 123 fee or sub-fee items. Based on all the various direct labor and overhead changes instituted in the 2008 Fee Update decision, we find the following: (1) the fees for two of the 123 items were reduced due to legislation; (2) the fees for 74 of the 123 items (about 60.2%) are either unchanged (27 items) or increased by \$300 or less (47 items); (3) of the 47 fee or sub-fee items that exceed the \$300 increase level, 31 have been increased by less than \$2,000; and (4) of the 16 items increased by \$2000 or more, eight are for major or significant financial transactions<sup>10</sup> and several involve items where there has been relatively little Board activity.<sup>11</sup>

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<sup>10</sup> These are covered under fee items 39 through 41.

<sup>11</sup> E.g., An application for approval of a non-rail rate association agreement - item 3, and An application for approval of a rail rate association agreement - item 43.

Listed below is a summary table depicting the breakdown of user fee changes for this proceeding.

**SUMMARY OF USER FEE CHANGES FOR THE YEAR 2008**

Fee Item Change Category:	Number of User Fees	Percent of Total User Fee Schedule
(1)	(2)	(3)
<b>1. Decreases greater than \$200,000</b>	1	0.81%
<b>2. Decreases over \$10,000</b>	1	0.81%
<b>3. No Increase</b>	27	21.95%
<b>4. Increases from \$0 – \$50</b>	23	18.70%
<b>5. Increases of \$100 – \$300</b>	24	19.51%
<b>6. Increases of \$400 – \$900</b>	20	16.26%
<b>7. Increases of \$1,000 – \$2,000</b>	11	8.94%
<b>8. Increases of \$2,100 – \$15,000</b>	8	6.50%
<b>9. Increases greater than \$15,000</b>	8	6.50%
<b>TOTAL</b>	<b>123</b>	<b>100.00%</b>

**NOTICE AND COMMENT REQUIREMENT**

The fee increases adopted here generally are a product of 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). This decision does not contain any new proposed fee or sub-fee items. Accordingly, notice and comment are 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); and Regulations Governing Fees For Services–1993 Update, 9 I.C.C.2d 855 (1993).

**REGULATORY FLEXIBILITY ANALYSIS**

The Board certifies 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 that 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 (Mar. 29, 1996).

2. These rules are effective on July 18, 2008.

By the Board, Chairman Nottingham, Vice Chairman Mulvey, and Commissioner Buttrey.

Anne K. Quinlan  
Acting Secretary

## APPENDIX A

FEE	2007 DIRECT LABOR	2008 DIRECT LABOR UPDATE	(56.45%) GOVT. FRINGES	TOTAL 2+3	(21.00%) OPERATIONS OVERHEAD	(29.28%) OFFICE G&A	(12.44%) BOARD G&A	PUBLICATION COSTS	TOTAL SUM(4-8)
	1	2	3	4	5	6	7	8	9
1	1,546.38	1,615.81	912.13	2,527.94	530.98	895.77	491.86	4.00	4,450.54
2i	651.94	681.21	384.54	1,065.76	223.86	377.65	207.36	193.89	2,068.51
2ii	1,011.54	1,056.96	596.65	1,653.61	347.33	585.95	321.74	349.54	3,258.18
2iii	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2,690.59 <sup>12</sup>
3	9,585.39	10,015.77	5,653.90	15,669.68	3,291.32	5,552.52	3,048.82	193.89	27,756.23
4i	1,546.38	1,615.81	912.13	2,527.94	530.98	895.77	491.86	193.89	4,640.43
4ii	37.16	38.83	21.92	60.75	12.76	21.53	11.82	0.00	106.85
5	174.41	182.24	102.88	285.12	59.89	101.03	55.47	5.00	506.51
6	499.10	521.51	294.39	815.90	171.38	289.11	158.75	280.16	1,715.30
11i	2,486.28	2,597.91	1,466.52	4,064.44	853.71	1,440.23	790.81	163.00	7,312.18
11ii	532.39	556.29	314.03	870.32	182.81	308.40	169.34	298.84	1,829.70
11iii	4,329.20	4,523.58	2,553.56	7,077.14	1,486.51	2,507.77	1,376.99	193.89	12,642.30
12i	25,982.00	27,148.59	15,325.38	42,473.97	8,921.40	15,050.58	8,264.08	209.57	74,919.60
12ii	532.39	556.29	314.03	870.32	182.81	308.40	169.34	298.84	1,829.70
12iii	25,982.00	27,148.59	15,325.38	42,473.97	8,921.40	15,050.58	8,264.08	209.57	74,919.60
12iv	5,161.26	5,393.00	3,044.35	8,437.35	1,772.21	2,989.76	1,641.64	0.00	14,840.96
13	7,980.35	8,338.67	4,707.18	13,045.85	2,740.20	4,622.77	2,538.30	190.17	23,137.30

<sup>12</sup> There are several fee items, such as 2iii, which list a total sum in column 9 but do not include broken out costs in columns 1 through 8. The full costs for these items were not computed through a time and motion study. Rather, full costs for these fee items were estimated in prior fee update or specific decisions based either on a comparable fee item (e.g., the cost for non-rail related petitions to revoke were based upon the cost for rail-related petitions to revoke), or through a special calculation intended to lower the user fee far below the level that would be indicated by its actual full costs (e.g., complaints for small rate cases - Three Benchmark).

STB Ex Parte No. 542 (Sub-No. 15)

<b>FEE</b>	<b>2007 DIRECT LABOR</b>	<b>2008 DIRECT LABOR UPDATE</b>	<b>(56.45%) GOVT. FRINGES</b>	<b>TOTAL 2+3</b>	<b>(21.00%) OPERATIONS OVERHEAD</b>	<b>(29.28%) OFFICE G&amp;A</b>	<b>(12.44%) BOARD G&amp;A</b>	<b>PUBLICATION COSTS</b>	<b>TOTAL SUM(4-8)</b>
	1	2	3	4	5	6	7	8	9
14i	2,104.73	2,199.23	1,241.47	3,440.70	722.70	1,219.21	669.45	193.89	6,245.94
14ii	532.39	556.29	314.03	870.32	182.81	308.40	169.34	298.84	1,829.70
14iii	2,244.61	2,345.39	1,323.97	3,669.37	770.73	1,300.23	713.94	213.95	6,668.22
15	537.43	561.56	317.00	878.56	184.54	311.32	170.94	166.71	1,712.06
21i	7,687.89	8,033.08	4,534.67	12,567.75	2,639.78	4,453.36	2,445.28	163.00	22,269.17
21ii	1,147.64	1,199.17	676.93	1,876.10	394.06	664.79	365.03	413.69	3,713.68
21iii	2,130.66	2,226.33	1,256.76	3,483.09	731.60	1,234.23	677.70	237.61	6,364.22
22	166.26	173.73	98.07	271.79	57.09	96.31	52.88	0.00	478.07
23	663.39	693.18	391.30	1,084.47	227.79	384.28	211.00	0.00	1,907.55
24	634.81	663.31	374.44	1,037.75	217.97	367.73	201.91	0.00	1,825.37
25	546.04	570.56	322.08	892.64	187.49	316.30	173.68	0.00	1,570.11
26	7,912.47	8,267.74	4,667.14	12,934.88	2,716.89	4,583.45	2,516.71	0.00	22,751.94
27i	409.39	427.77	241.48	669.25	140.57	237.15	130.21	0.00	1,177.18
27ii	160.55	167.76	94.70	262.46	55.13	93.00	51.07	0.00	461.65
36	6,554.03	6,848.31	3,865.87	10,714.17	2,250.45	3,796.55	2,084.64	193.89	19,039.70
37	3,509.99	3,667.59	2,070.35	5,737.94	1,205.22	2,033.23	1,116.42	193.89	10,286.70
38i	518,529.67	541,811.65	305,852.68	847,664.33	178,046.81	300,368.40	164,928.41	5,990.36	1,496,998.30
38ii	103,708.02	108,364.51	61,171.77	169,536.28	35,610.08	60,074.89	32,986.35	1,198.06	299,405.65
38iii	2,104.73	2,199.23	1,241.47	3,440.70	722.70	1,219.21	669.45	1,531.65	7,583.70
38iv	499.10	521.51	294.39	815.90	171.38	289.11	158.75	280.16	1,715.30
38v	2,104.73	2,199.23	1,241.47	3,440.70	722.70	1,219.21	669.45	1,531.65	7,583.70
38vi	3,212.77	3,357.02	1,895.04	5,252.06	1,103.16	1,861.06	1,021.88	193.89	9,432.06
38vii	1,933.05	2,019.84	1,140.20	3,160.05	663.75	1,119.76	614.84	0.00	5,558.40

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<b>FEE</b>	<b>2007 DIRECT LABOR</b>	<b>2008 DIRECT LABOR UPDATE</b>	<b>(56.45%) GOVT. FRINGES</b>	<b>TOTAL 2+3</b>	<b>(21.00%) OPERATIONS OVERHEAD</b>	<b>(29.28%) OFFICE G&amp;A</b>	<b>(12.44%) BOARD G&amp;A</b>	<b>PUBLICATION COSTS</b>	<b>TOTAL SUM(4-8)</b>
	1	2	3	4	5	6	7	8	9
39i	518,529.67	541,811.65	305,852.68	847,664.33	178,046.81	300,368.40	164,928.41	5,990.36	1,496,998.30
39ii	103,708.02	108,364.51	61,171.77	169,536.28	35,610.08	60,074.89	32,986.35	1,198.06	299,405.65
39iii	2,104.73	2,199.23	1,241.47	3,440.70	722.70	1,219.21	669.45	1,531.65	7,583.70
39iv	362.26	378.53	213.68	592.20	124.39	209.85	115.22	301.55	1,343.21
39v	2,104.73	2,199.23	1,241.47	3,440.70	722.70	1,219.21	669.45	1,531.65	7,583.70
39vi	3,212.77	3,357.02	1,895.04	5,252.06	1,103.16	1,861.06	1,021.88	193.89	9,432.06
39vii	1,933.05	2,019.84	1,140.20	3,160.05	663.75	1,119.76	614.84	0.00	5,558.40
40i	518,529.67	541,811.65	305,852.68	847,664.33	178,046.81	300,368.40	164,928.41	5,990.36	1,496,998.30
40ii	103,708.02	108,364.51	61,171.77	169,536.28	35,610.08	60,074.89	32,986.35	1,198.06	299,405.65
40iii	2,104.73	2,199.23	1,241.47	3,440.70	722.70	1,219.21	669.45	1,531.65	7,583.70
40iv	335.53	350.60	197.91	548.51	115.21	194.36	106.72	246.56	1,211.36
40v	2,104.73	2,199.23	1,241.47	3,440.70	722.70	1,219.21	669.45	1,531.65	7,583.70
40vi	3,212.77	3,357.02	1,895.04	5,252.06	1,103.16	1,861.06	1,021.88	193.89	9,432.06
40vii	1,933.05	2,019.84	1,140.20	3,160.05	663.75	1,119.76	614.84	0.00	5,558.40
41i	518,529.67	541,811.65	305,852.68	847,664.33	178,046.81	300,368.40	164,928.41	5,990.36	1,496,998.30
41ii	103,708.02	108,364.51	61,171.77	169,536.28	35,610.08	60,074.89	32,986.35	1,198.06	299,405.65
41iii	2,104.73	2,199.23	1,241.47	3,440.70	722.70	1,219.21	669.45	1,531.65	7,583.70
41iv	398.94	416.85	235.31	652.17	136.98	231.09	126.89	279.43	1,426.56
41v	2,104.73	2,199.23	1,241.47	3,440.70	722.70	1,219.21	669.45	1,531.65	7,583.70
41vi	2,244.61	2,345.39	1,323.97	3,669.37	770.73	1,300.23	713.94	213.95	6,668.22
41vii	1,933.05	2,019.84	1,140.20	3,160.05	663.75	1,119.76	614.84	0.00	5,558.40
42	720.44	752.79	424.95	1,177.74	247.38	417.33	229.15	353.17	2,424.76

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	1	2	3	4	5	6	7	8	9
43	24,314.35	25,406.06	14,341.72	39,747.79	8,348.78	14,084.56	7,733.65	193.89	70,108.67
44i	4,454.48	4,654.49	2,627.46	7,281.94	1,529.53	2,580.34	1,416.83	193.89	13,002.54
44ii	37.16	38.83	21.92	60.75	12.76	21.53	11.82	0.00	106.85
45	276.67	289.09	163.19	452.29	95.00	160.27	88.00	0.00	795.55
46	2,734.11	2,856.87	1,612.70	4,469.58	938.81	1,583.79	869.64	193.89	8,055.70
47	52,587.96	54,949.16	31,018.80	85,967.96	18,057.05	30,462.60	16,726.62	0.00	151,214.23
48	63,783.60	66,647.48	37,622.50	104,269.99	21,901.29	36,947.89	20,287.61	0.00	183,406.77
56i	145,625.33	152,163.91	85,896.53	238,060.43	50,003.17	84,356.31	46,318.86	0.00	418,738.86
56ii	14,448.49	15,097.23	8,522.38	23,619.61	4,961.16	8,369.57	4,595.62	0.00	41,545.96
56iii	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	150.00
56iv	14,448.49	15,097.23	8,522.38	23,619.61	4,961.16	8,369.57	4,595.62	0.00	41,545.96
56v	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	150.00
56vi	18,008.67	18,817.26	10,622.34	29,439.60	6,183.61	10,431.87	5,728.01	0.00	51,783.09
57	3,099.00	3,238.15	1,827.93	5,066.08	1,064.10	1,795.16	985.70	0.00	8,911.03
58i	2,911.32	3,042.04	1,717.23	4,759.27	999.66	1,686.44	926.00	611.26	8,982.63
58ii	2,303.60	2,407.03	1,358.77	3,765.80	790.98	1,334.41	732.70	163.00	6,786.89
59	2,394.84	2,502.37	1,412.59	3,914.96	822.31	1,387.26	761.73	193.89	7,080.14
60	4,745.50	4,958.57	2,799.11	7,757.69	1,629.46	2,748.92	1,509.40	0.00	13,645.46
61i	2,313.50	2,417.38	1,364.61	3,781.98	794.38	1,340.14	735.85	0.00	6,652.36
61ii	132.00	137.93	77.86	215.79	45.32	76.46	41.99	0.00	379.56
62	3,665.20	3,829.77	2,161.90	5,991.67	1,258.51	2,123.14	1,165.79	0.00	10,539.11

STB Ex Parte No. 542 (Sub-No. 15)

<b>FEE</b>	<b>2007 DIRECT LABOR</b>	<b>2008 DIRECT LABOR UPDATE</b>	<b>(56.45%) GOVT. FRINGES</b>	<b>TOTAL 2+3</b>	<b>(21.00%) OPERATIONS OVERHEAD</b>	<b>(29.28%) OFFICE G&amp;A</b>	<b>(12.44%) BOARD G&amp;A</b>	<b>PUBLICATION COSTS</b>	<b>TOTAL SUM(4-8)</b>
	1	2	3	4	5	6	7	8	9
63i	6,507.33	6,799.51	3,838.32	10,637.83	2,234.41	3,769.50	2,069.78	0.00	18,711.52
63ii	7,253.99	7,579.69	4,278.74	11,858.43	2,490.79	4,202.01	2,307.27	0.00	20,858.51
64	208.81	218.19	123.17	341.35	71.70	120.96	66.42	0.00	600.42
76	433.75	453.23	255.85	709.07	148.94	251.26	137.96	2.00	1,249.23
77	45.88	47.94	27.06	75.00	15.75	26.58	14.59	0.00	131.93
78	8.63	9.02	5.09	14.11	2.96	5.00	2.74	0.00	24.82
79i	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	75.00
79ii	54.67	57.12	35.25	89.37	18.77	31.67	17.39	0.00	157.20
80	213.96	223.57	126.20	349.77	73.47	123.94	68.05	0.00	615.23
81i	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	75.00
81ii	54.67	57.12	35.25	89.37	18.77	31.67	17.39	0.00	157.20
82	86.87	90.77	51.24	142.01	29.83	50.32	27.63	0.00	249.79
83	14.36	15.00	8.47	23.47	4.93	8.32	4.57	0.00	41.29
84	93.06	97.24	54.89	152.13	31.95	53.91	29.60	0.00	267.59
85	400.02	417.98	235.95	653.93	137.35	231.72	127.23	0.00	1,150.24
86i	521.20	544.60	307.43	852.03	178.96	301.92	165.78	0.00	1,498.69
86ii	1,790.04	1,870.41	1,055.85	2,926.26	614.64	1,036.92	569.36	0.00	5,147.18
86iii	183.24	191.47	108.08	299.55	62.92	106.15	58.28	0.00	526.90
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

STB Ex Parte No. 542 (Sub-No. 15)

<b>FEE</b>	<b>2007 DIRECT LABOR</b>	<b>2008 DIRECT LABOR UPDATE</b>	<b>(56.45%) GOVT. FRINGES</b>	<b>TOTAL 2+3</b>	<b>(21.00%) OPERATIONS OVERHEAD</b>	<b>(29.28%) OFFICE G&amp;A</b>	<b>(12.44%) BOARD G&amp;A</b>	<b>PUBLICATION COSTS</b>	<b>TOTAL SUM(4-8)</b>
	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
88	199.76	208.73	117.83	326.56	68.59	115.71	63.54	0.00	574.40
96	11.23	11.73	6.62	18.36	3.86	6.51	3.57	0.00	32.29
97	8.54	8.92	5.04	13.96	2.93	4.95	2.72	0.00	24.56
98ia	56.88	59.43	33.55	92.98	19.53	32.95	18.09	0.00	163.56
98ib	16.49	17.23	9.73	26.96	5.66	9.55	5.24	0.00	47.42
98iia	89.86	93.89	53.00	146.90	30.86	52.05	28.58	163.00	421.39
98iib	16.49	17.23	9.73	26.96	5.66	9.55	5.24	0.00	47.42
99i	66.77	69.77	39.38	109.15	22.93	38.86	21.24	0.00	191.99
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	250.00
100ii	64.11	66.99	37.82	104.80	22.01	37.14	20.39	0.00	184.35
102	5.94	6.21	3.50	9.71	2.04	3.44	1.89	0.00	17.08
103	36.84	38.49	21.73	60.22	12.65	21.34	11.72	0.00	105.93
104	25.50	26.64	15.04	41.69	8.76	14.77	8.11	0.00	73.32
105	0.83	0.87	0.49	1.36	0.28	0.48	0.26	0.00	2.39
106	64.11	66.99	37.82	104.80	22.01	37.14	20.39	0.00	184.35

**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) through (e); paragraph (f)(1); and the table in paragraph (g)(6) to read as follows:

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

\* \* \* \* \*

(a) Certificate of the secretary, \$17.00.

(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 \$38.00 per hour.

(c) Service involved in checking records to be certified to determine authenticity, including clerical work, etc., identical thereto, at the rate of \$26.00 per hour.

(d) Photocopies of tariffs, reports, and other public documents, at the rate of \$1.30 per letter or legal size exposure. A minimum charge of \$6.50 will be made for this service.

(e) Fees for courier services to transport agency records to provide on-site access to agency records stored off-site will be set at the rates set forth in the Board's agreement with its courier service provider. Rate information is available on the Board's Web site (<http://www.stb.dot.gov>) or can be obtained from the Board's Information Officer, Room 1200, Surface Transportation Board, Washington, DC 20423-0001.

(f) \* \* \*

(1) A fee of \$66.00 per hour for professional staff time will be charged when it is required to fulfill a request for ADP data.

\* \* \* \* \*

(g) \* \* \*

(6) \* \* \*

Grade	Rate	Grade	Rate
GS-1	\$11.19	GS-9	\$26.13
GS-2	12.18	GS-10	28.77
GS-3	13.73	GS-11	31.61
GS-4	15.41	GS-12	37.89
GS-5	17.24	GS-13	45.05
GS-6	19.22	GS-14	53.24
GS-7	21.36	GS-15 and	62.62
GS-8	23.65	over	

\* \* \* \* \*

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

§ 1002.2 Filing fees.

(a) \* \* \*

(f) Schedule of filing fees.

Type of Proceeding	Fee
<b>PART I: Non-Rail Applications or Proceedings to Enter Upon a Particular Financial Transaction or Joint Arrangement:</b>	
(1) An application for the pooling or division of traffic.....	\$4,400.
(2) (i) An application involving the purchase, lease, consolidation, merger, or acquisition of control of a motor carrier of passengers under 49 U.S.C. 14303.....	\$2,000.
(ii) A petition for exemption under 49 U.S.C. 13541 (other than a rulemaking) filed by a non-rail carrier not otherwise covered .....	\$3,200.
(iii) A petition to revoke an exemption filed under 49 U.S.C. 13541(d) .....	\$2,600.
(3) An application for approval of a non-rail rate association agreement. 49 U.S.C. 13703. ....	\$27,700.
(4) An application for approval of an amendment to a non-rail rate association agreement:	
(i) Significant amendment.....	\$4,600.
(ii) Minor amendment.....	\$100.

(5)	An application for temporary authority to operate a motor carrier of passengers. 49 U.S.C. 14303(i) .....	\$500.
(6)	A notice of exemption for transaction within a motor passenger corporate family that does not result in adverse changes in service levels, significant operational changes, or a change in the competitive balance with motor passenger carriers outside the corporate family ....	\$1,700.
(7)-(10) [Reserved]		

<b>PART II: Rail Licensing Proceedings other than Abandonment or Discontinuance Proceedings:</b>		
(11)	(i) An application for a certificate authorizing the extension, acquisition, or operation of lines of railroad. 49 U.S.C. 10901 .....	\$7,300.
	(ii) Notice of exemption under 49 CFR 1150.31-1150.35 .....	\$1,800.
	(iii) Petition for exemption under 49 U.S.C. 10502 .....	\$12,600.
(12)	(i) An application involving the construction of a rail line .....	\$74,900.
	(ii) A notice of exemption involving construction of a rail line under 49 CFR 1150.36 .....	\$1,800.
	(iii) A petition for exemption under 49 U.S.C. 10502 involving construction of a rail line .....	\$74,900.
	(iv) A request for determination of a dispute involving a rail construction that crosses the line of another carrier under 49 U.S.C. 10902(d) .....	\$200.
(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.....	\$6,200.
	(ii) Notice of exemption under 49 CFR 1150.41 - 1150.45.....	\$1,800.
	(iii) Petition for exemption under 49 U.S.C. 10502 relating to an exemption from the provisions of 49	

U.S.C. 10902.....	\$6,600.
(15) A notice of a modified certificate of public convenience and necessity under 49 CFR 1150.21-1150.24 .....	\$1,700.
(16)-(20) [Reserved]	

<b>PART III: Rail Abandonment or Discontinuance of Transportation Services Proceedings:</b>	
(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) .....	\$22,200.
(ii) Notice of an exempt abandonment or discontinuance under 49 CFR 1152.50.....	\$3,700.
(iii) A petition for exemption under 49 U.S.C. 10502 ....	\$6,300.
(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. ....	\$450.
(23) Abandonments filed by bankrupt railroads.....	\$1,900.
(24) A request for waiver of filing requirements for abandonment application proceedings.....	\$1,800.
(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 .....	\$1,500.
(26) A request to set terms and conditions for the sale of or subsidy for a rail line proposed to be abandoned.....	\$22,700.
(27) (i) Request for a trail use condition in an abandonment proceeding under 16 U.S.C.1247(d).....	\$200.
(ii) A request to extend the period to negotiate a trail use agreement.....	\$450.
(28)-(35) [Reserved]	

<b>PART IV: Rail Applications to Enter Upon a Particular Financial Transaction or Joint Arrangement:</b>	
(36) An application for use of terminal facilities or other applications under 49 U.S.C. 11102 .....	\$19,000.
(37) An application for the pooling or division of traffic. 49 U.S.C. 11322.....	\$10,200.
(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 .....	\$1,496,900.
(ii) Significant transaction .....	\$299,400.
(iii) Minor transaction.....	\$7,500.
(iv) Notice of an exempt transaction under 49 CFR 1180.2(d).....	\$1,700.
(v) Responsive application.....	\$7,500.
(vi) Petition for exemption under 49 U.S.C. 10502.....	\$9,400.
(vii) A request for waiver or clarification of regulations filed in a major financial proceeding as defined at 49 CFR 1180.2(a).....	\$5,500.
(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 .....	\$1,496,900.
(ii) Significant transaction .....	\$299,400.
(iii) Minor transaction.....	\$7,500.
(iv) A notice of an exempt transaction under 49 CFR 1180.2(d).....	\$1,300.
(v) Responsive application.....	\$7,500.
(vi) Petition for exemption under 49 U.S.C. 10502.....	\$9,400.
(vii) A request for waiver or clarification of regulations filed in a major financial proceeding as defined at 49	

CFR 1180.2(a).....	\$5,500.
(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 .....	\$1,496,900.
(ii) Significant transaction .....	\$299,400.
(iii) Minor transaction.....	\$7,500.
(iv) Notice of an exempt transaction under 49 CFR 1180.2(d).....	\$1,200.
(v) Responsive application.....	\$7,500.
(vi) Petition for exemption under 49 U.S.C. 10502.....	\$9,400.
(vii) A request for waiver or clarification of regulations filed in a major financial proceeding as defined at 49 CFR 1180.2(a).....	\$5,500.
(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 .....	\$1,496,900.
(ii) Significant transaction .....	\$299,400.
(iii) Minor transaction.....	\$7,500.
(iv) Notice of an exempt transaction under 49 CFR 1180.2(d).....	\$1,400.
(v) Responsive application.....	\$7,500.
(vi) Petition for exemption under 49 U.S.C. 10502.....	\$6,600.
(vii) A request for waiver or clarification of regulations filed in a major financial proceeding as defined at 49 CFR 1180.2(a).....	\$5,500.
(42) Notice of a joint project involving relocation of a rail line under 49 CFR 1180.2(d)(5) .....	\$2,400.
(43) An application for approval of a rail rate association agreement. 49 U.S.C. 10706 .....	\$70,100.

(44)	An application for approval of an amendment to a rail rate association agreement. 49 U.S.C. 10706:	
	(i) Significant amendment.....	\$13,000.
	(ii) Minor amendment.....	\$100.
(45)	An application for authority to hold a position as officer or director under 49 U.S.C. 11328.....	\$750.
(46)	A petition for exemption under 49 U.S.C. 10502 (other than a rulemaking) filed by rail carrier not otherwise covered.....	\$8,000.
(47)	National Railroad Passenger Corporation (Amtrak) conveyance proceeding under 45 U.S.C. 562.....	\$200.
(48)	National Railroad Passenger Corporation (Amtrak) compensation proceeding under Section 402(a) of the Rail Passenger Service Act.....	\$200.
(49)-(55) [Reserved]		

<b>PART V: Formal Proceedings:</b>		
(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) .....	\$350.
	(ii) A formal complaint involving rail maximum rates filed under the Simplified-SAC methodology .....	\$350.
	(iii) A formal complaint involving rail maximum rates filed under the Three Benchmark methodology .....	\$150.
	(iv) All other formal complaints (except competitive access complaints) .....	\$20,700.
	(v) Competitive access complaints .....	\$150.
	(vi) A request for an order compelling a rail carrier to establish a common carrier rate .....	\$200.
(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 .....	\$8,900.
(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).....	\$7,000.
(60) Labor arbitration proceedings.....	\$200.
(61) (i) An appeal of a Surface Transportation Board decision on the merits or petition to revoke an exemption pursuant to 49 U.S.C. 10502(d).....	\$200.
(ii) An appeal of a Surface Transportation Board decision on procedural matters except discovery rulings	\$350.
(62) Motor carrier undercharge proceedings.....	\$200.
(63) (i) Expedited relief for service inadequacies: A request for expedited relief under 49 U.S.C. 11123 and 49 CFR part 1146 for service emergency.....	\$200.
(ii) Expedited relief for service inadequacies: A request for temporary relief under 49 U.S.C. 10705 and 11102, and 49 CFR part 1147 for service inadequacy.....	\$200.
(64) A request for waiver or clarification of regulations except one filed in an abandonment or discontinuance proceeding, or in a major financial proceeding as defined at 49 CFR 1180.2(a).....	\$600.
(65)-(75) [Reserved]	

<b>PART VI: Informal Proceedings:</b>	
(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 .....	\$1,200.
(77) An application for special permission for short notice or the waiver of other tariff publishing requirements .....	\$100.
(78) The filing of tariffs, including supplements, or contract summaries .....	\$1 per page.

	(\$24 minimum charge.)
(79) Special docket applications from rail and water carriers:	
(i) Applications involving \$25,000 or less.....	\$75.
(ii) Applications involving over \$25,000.....	\$150.
(80) Informal complaint about rail rate applications.....	\$600.
(81) Tariff reconciliation petitions from motor common carriers:	
(i) Petitions involving \$25,000 or less.....	\$75.
(ii) Petitions involving over \$25,000.....	\$150.
(82) Request for a determination of the applicability or reasonableness of motor carrier rates under 49 U.S.C. 13710(a)(2) and (3).....	\$200.
(83) Filing of documents for recordation. 49 U.S.C. 11301 and 49 CFR 1177.3(c).....	\$41 per document.
(84) Informal opinions about rate applications (all modes) ....	\$250.
(85) A railroad accounting interpretation.....	\$1,100.
(86) (i) A request for an informal opinion not otherwise covered.....	\$1,400.
(ii) A proposal to use on a voting trust agreement pursuant to 49 CFR 1013 and 49 CFR 1180.4(b)(4)(iv) in connection with a major control proceeding as defined at 49 CFR 1180.2(a).....	\$5,700.
(iii) A request for an informal opinion on a voting trust agreement pursuant to 49 CFR 1013.3(a) not otherwise covered.....	\$500.
(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.....	\$75.
(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) Basic fee for STB adjudicatory services not otherwise covered.....	\$200.
(89)-(95) [Reserved]	

<b>PART VII: Services:</b>	
(96) Messenger delivery of decision to a railroad carrier's Washington, DC, agent .....	\$32 per delivery.
(97) Request for service or pleading list for proceedings.....	\$24 per list.
(98) Processing the paperwork related to a request for the Carload Waybill Sample to be used in a Board or State proceeding that:	
(i) Does not require a Federal Register notice:	
(a) Set cost portion.....	\$150.
(b) Sliding cost portion .....	\$47 per party.
(ii) Does require a Federal Register notice:	
(a) Set cost portion.....	\$400.
(b) Sliding cost portion .....	\$47 per party.
(99) (i) Application fee for the Surface Transportation Board's Practitioners' Exam.....	\$150.
(ii) Practitioners' Exam Information Package.....	\$25.
(100) Carload Waybill Sample data:	
(i) Requests for Public Use File for all years prior to the most current year Carload Waybill Sample data available, provided on CD-R .....	\$250 per year.
(ii) Specialized programming for Carload Waybill requests to the Board.....	\$104 per hour.

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