



SURFACE TRANSPORTATION BOARD

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STB ADOPTS FINAL RULE ESTABLISHING NEW CLASS EXEMPTION FOR EMERGENCY TEMPORARY TRACKAGE RIGHTS

The Surface Transportation Board today announced that it has adopted a final rule establishing a new class exemption for emergency temporary trackage rights. The final rule eliminates the 30-day notice period in certain circumstances, speeding up the process for authorizing trackage rights in response to an unforeseen track outage, and providing benefits to shippers, carriers, and the public.

In October 2020, the Association of American Railroads (AAR) petitioned the Board to establish a new emergency temporary trackage rights class exemption for specific limited situations that would allow emergency temporary trackage rights to take effect within five days of filing without requiring a waiver of the 30-day notice requirement. On May 28, 2021, after considering AAR's petition and the responsive comments, the Board issued a Notice of Proposed Rulemaking (NPRM).

After careful consideration of the comments, the Board adopts the final rule as proposed in the NPRM without modification. The new emergency trackage rights exemption would make the process of obtaining trackage rights to restore service in an emergency more efficient and predictable, promoting the rail transportation policy set forth in 49 U.S.C. § 10101.

The Board's decision in [Petition for Rulemaking—Railroad Consolidation Procedures—Exemption for Emergency Temporary Trackage Rights](#), Docket No. EP 282 (Sub-No. 21), may be viewed and downloaded [here](#).

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