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BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. EP 787

UPDATING CLASS I RAIL CARRIER REPORTING REQUIREMENTS
Notice of Proposed Rulemaking

**REPLY COMMENTS OF THE
AMERICAN CHEMISTRY COUNCIL
DECEMBER 8, 2025**

The American Chemistry Council is pleased to provide the following reply comments on the Surface Transportation Board's (STB) proposal to amend certain data reporting requirements for Class I rail carriers.

As stated in our opening comments, ACC member companies are some of the largest customers of the U.S. freight rail system. Reliable and predictable rail service is vital to our U.S. manufacturing operations and the thousands of downstream customers that we supply. ACC strongly supports the Board's proposal to require weekly Class I carrier reporting of two additional railroad service metrics: an original estimated time of arrival (OETA) metric and an industry spot and pull (ISP) metric.

Our submission responds to certain proposals made in opening comments submitted by the Association of American Railroads (AAR). As discussed below, ACC is concerned that some of AAR's proposed modifications to the OETA and ISP metrics would undermine both the consistency and utility of the data reported to the Board. We strongly encourage STB to adopt a final rule that provides meaningful data to policy makers and the public on how railroads are delivering for their customers.

The Definition of Service Performance Metrics Must Be Consistent Across Railroads

AAR asks the Board to allow each railroad to create its own definition of the OETA and ISP metrics. Each railroad's approach would be explained in a "methodology document." This proposal would undermine the Board's intent to ensure that the information "*will be presented in a consistent format across all reporting railroads.*" Without a consistent definition, the metrics lose meaning and value to both policy makers and stakeholders

seeking insights into the state of railroad service performance. Furthermore, rail customers and other stakeholders should not carry the burden of reviewing multiple conflicting methodology documents in order to understand what the metrics may mean for each individual railroad.

STB Should Retain the Proposed 24-Hour Window for the OETA Metric

Under the Board's proposal, each Class I carrier would report the percentage of shipments in manifest service that were delivered to the designated destination no later than 24 hours after the OETA, out of all shipments on the carrier's system that moved in manifest service during that week. AAR proposes to modify this definition to measure OETA based on shipments that were delivered no later than the end of the calendar day following the OETA. AAR claims:

Railroad customers are generally focused on what day their shipments are delivered, not whether those shipments are delivered within 24 hours of the specific hour/minute of the carrier's original estimated time of arrival.

We disagree with this characterization of rail customers' focus. ACC members seek certainty on car deliveries and pick-up times and plan their operations accordingly. AAR's proposal would substantially extend the period that is considered on-time delivery. For example, a car with an OETA of 8:00 am that is delivered 40 hours later at 11:59 pm on the following day would be considered on time. ACC believes such loosening of the 24-hour standard is unwarranted and merely serves to bolster the appearance of on-time performance.

STB Should Reject AAR's Broad Range of Proposed Exclusions from Service Metrics

AAR proposes to exclude late deliveries or missed spots/pulls when they are caused by events that are "outside of the carrier's control." ACC agrees that certain events should not count towards its OETA and/or ISP performance measures. For example, a car that is bad ordered during the movement or held for issues related to customs paperwork should not be counted for the purposes of the OETA metric. Similarly, if a shipper requests more cars than it has the capacity to handle, such events should be considered a customer-caused miss for the purpose of calculating the ISP metric.

However, AAR also proposes to exclude late deliveries and missed spots/pulls that result from "a lawful embargo." This is illogical. The imposition of an embargo does not signify that a service failure is beyond the railroad's control. As discussed extensively in the Board's 2022 oversight hearing on Union Pacific's embargoes (EP-772), underlying conditions leading to past embargoes have been created or exacerbated by the railroad's own management decisions, including actions to cut jobs, mothball equipment, and delay infrastructure investments. Exempting such events from the service metrics creates a

perverse incentive for railroads to use – and misuse – embargoes to manage network congestion.

In addition, AAR proposes to exclude late deliveries and missed spots/pulls caused by “Acts of God.” While weather and other disruptive events may be outside of the carrier’s control, the railroad is responsible for maintaining network resilience and capacity to respond to such events. To provide meaningful information on the state of service, the data reported to the Board should reflect the railroad’s overall performance on these metrics. Furthermore, excluding Acts of God would diminish the accuracy and utility of this data. For example, a major winter storm that causes widespread service disruptions would not register in the data as impacting on time deliveries or local service performance.

The primary purpose of requiring railroads to report these metrics is to help identify trends and potential issues across the network, regardless of whether or not the railroad was fully responsible for any particular disruptions or delays. STB should reject exclusions that would mask changes in OETA and ISP metrics and diminish the utility of the data.

OETA Should Be Measured Based on When the Shipper Tenders the Bill of Lading

The Board proposes to define OETA as “the estimated time of arrival that the rail carrier provides when the shipper tenders the bill of lading or when the rail carrier receives the shipment from an interchanging carrier.” AAR proposes a modification that would base OETA on when the railroad generates the trip plan. However, shippers base their planning on the OETA provided when they submit the bill of lading. The value of the OETA metric is diminished if the railroad is free to change it until the trip plan is issued.

STB Should Reject AAR’s Proposed Changes to the Definition of Service Window

AAR proposes to revise the definition of “planned service window” to remove language stating the that the service window must be made available “*with reasonable advance notice to the shipper or receiver.*” AAR claims the language is overly prescriptive. However, ACC believes it is appropriate to require railroads to provide the shipper or receiver with reasonable advance notice of the service window. The language is not prescriptive on what constitutes “reasonable advance notice” but provides needed clarity that advance notice is required.

In addition to the requirement for advance notice, the service window should reflect the needs of the shipper as well as the railroad. Therefore, as stated in our opening comments, STB should revise the definition to ensure that service windows are jointly established and verified by both the railroad and the customer.

Conclusion

ACC commends the Board for undertaking this rulemaking to end supplemental reporting of Positive Train Control expenditures and to require weekly reporting of OETA and ISP performance metrics. Together, these steps eliminate unnecessary regulatory burdens while increasing the utility of data reported to the Board. ACC urges STB to adopt a final rule that will generate consistent and meaningful data on railroad service performance to the Board, rail customers, and other stakeholders.

For questions or additional information regarding this submission, please contact Jeff Sloan, Senior Director of Regulatory Affairs, at (202) 249 6710 or jeffrey_sloan@americanchemistry.com.