

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. EP 784

INTERIM DELEGATIONS

Digest:¹ This decision describes the reorganization of Board offices and provides for interim delegations to the Chief Counsel.

Decided: August 3, 2025

Effective August 1, 2025, the Board's Office of Proceedings and Office of the General Counsel were combined into the Office of Chief Counsel. On an interim basis, to facilitate reorganization and to ensure a seamless transition of responsibilities, by this decision the Board is waiving its regulations to the extent necessary to delegate to the Office of Chief Counsel the authorities currently delegated in the regulations to the Office of Proceedings and the Office of the General Counsel until the Board revises its regulations to reflect the agency reorganization.

BACKGROUND

Previously, the Board had two legal offices—the Office of the General Counsel and the Office of Proceedings. The Office of Proceedings's responsibilities included drafting agency decisions, processing filings, issuing decisions, and administering the Board's recordations database. The Office of the General Counsel's responsibilities included providing legal advice to the Board on defensibility of agency decisions (among other matters) and defending the Board in court when decisions of the Board were appealed. The Board has now combined these offices to streamline and improve drafting and review procedures, which will benefit the Board and the public.

DISCUSSION AND CONCLUSIONS

Delegations to the Chief Counsel and the Office of Chief Counsel. The Chief Counsel shall serve as the Board's General Counsel and also hold the responsibilities and delegations previously held by the Director of the Office of Proceedings.

Accordingly, all references in the Board's regulations, 49 C.F.R. §§ 1000-1399, to the Office of Proceedings or the Office of the General Counsel will be treated as references to the

¹ The digest constitutes no part of the decision of the Board but has been prepared for the convenience of the reader. It may not be cited to or relied upon as precedent. See Pol'y Statement on Plain Language Digs. in Decisions, EP 696 (STB served Sept. 2, 2010).

Office of Chief Counsel. Responsibilities of the General Counsel will be fulfilled by the Chief Counsel. See, e.g., 49 C.F.R. §§ 1019.2, 1115.7. Delegations to the Director of the Office of Proceedings will be deemed delegations to the Chief Counsel. See, e.g., 49 C.F.R. §§ 1011.6, 1011.7. To facilitate this agency reorganization, the Board waives its rules to the extent necessary to facilitate these changes in delegations pending regulatory revisions.

Filings. Certain correspondence with and filings submitted to the Board were previously to be addressed to the Chief, Section of Administration, Office of Proceedings. See, e.g., 49 C.F.R. § 1104.1(a). Such filings and correspondence should now be directed to the Chief of Case Administration, Office of Chief Counsel, Surface Transportation Board, Washington, DC 20423-0001. To avoid disruptions to stakeholders and litigations, the Board will continue to accept filings and correspondence addressed to either position.

It is ordered:

1. Delegations of authority are granted on an interim basis to the Chief Counsel, as discussed above, and the Board's regulations are waived to the extent necessary to facilitate the changes in delegations.
2. This decision is effective on its service date.

By the Board, Board Members Fuchs, Hedlund, Primus, and Schultz. Board Member Primus did not participate.