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SERVICE DATE – DECEMBER 22, 2008

SURFACE TRANSPORTATION BOARD

DECISION

STB Ex Parte No. 290 (Sub-No. 5) (2009-1)

QUARTERLY RAIL COST ADJUSTMENT FACTOR

Decided: December 18, 2008

In Railroad Cost Recovery Procedures, 1 I.C.C.2d 207 (1984), the Interstate Commerce Commission (ICC) outlined the procedures for calculating the all-inclusive index of railroad input prices and the method for computing the rail cost adjustment factor (RCAF). Under the procedures, the Association of American Railroads (AAR) is required to calculate the index on a quarterly basis and submit it on the fifth day of the last month of each calendar quarter. In Railroad Cost Recovery Procedures, 5 I.C.C.2d 434 (1989), aff'd sub nom. Edison Electric Institute, et al. v. ICC, 969 F.2d 1221 (D.C. Cir. 1992), the ICC adopted procedures that require the adjustment of the quarterly index for a measure of productivity.

The provisions of 49 U.S.C. 10708 direct the Surface Transportation Board (Board) to continue to publish both an unadjusted RCAF and a productivity-adjusted RCAF. In Productivity Adjustment-Implementation, 1 S.T.B. 739 (Productivity Adjustment), the Board decided to publish a second productivity-adjusted RCAF called the RCAF-5. Consequently, three indices are now filed with the Board: the RCAF (Unadjusted), the RCAF (Adjusted), and the RCAF-5. The RCAF (Adjusted), which reflects national average productivity changes as originally developed and applied by the ICC, is currently based on a 5-year moving average. The RCAF-5 reflects national average productivity changes as if a 5-year moving average had been applied consistently from the productivity adjustment's inception in 1989.

The index of railroad input prices, RCAF (Unadjusted), RCAF (Adjusted), and RCAF-5 for the first quarter 2009 are shown in Table A of the Appendix to this decision. Table B shows the third quarter 2008 index and the RCAF calculated on both an actual and a forecasted basis. The difference between the actual calculation and the forecasted calculation is the forecast error adjustment.

Both the RCAF (Adjusted) and the RCAF-5 are currently calculated using a 5-year moving geometric average of productivity change for U.S. Class I railroads. An average productivity change rate of 1.012 (1.2% per year) for the period 2002-2006 is currently used for both the RCAF (Adjusted) and the RCAF-5.

We have examined AAR's calculations for compliance with our procedures and find that the first quarter 2009 RCAF (Unadjusted) is 1.022, a decrease of 14.8% from the fourth quarter 2008 RCAF of 1.199. The RCAF (Adjusted) is 0.467, a decrease of 15.1% from the fourth

quarter 2008 RCAF (Adjusted) of 0.550. The RCAF-5 is 0.442, a decrease of 15.0% from the fourth quarter 2008 RCAF-5 of 0.520.

This decision will not significantly affect the quality of the human environment or the conservation of energy resources.

Pursuant to 5 U.S.C. 605(b), we conclude that our action will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act.

AUTHORITY: 49 U.S.C. 10708.

It is ordered:

1. The Board has approved the first quarter 2009 Rail Cost Adjustment Factor (Unadjusted) of 1.022, RCAF (Adjusted) of 0.467, and RCAF-5 of 0.442.
2. Notice of this decision will be published in the Federal Register.
3. The effective date of this decision is January 1, 2009.

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

Anne K. Quinlan  
Acting Secretary

**APPENDIX****TABLE A**

**Ex Parte No. 290 (Sub-No. 5) (2009-1)**  
**All Inclusive Index of Railroad Input Costs**  
 (Refer to Endnotes Page 5)

<b>LINE NO.</b>	<b>INDEX COMPONENT</b>	<b>2007 WEIGHTS</b>	<b>FOURTH QUARTER 2008 FORECAST</b>	<b>FIRST QUARTER 2009 FORECAST</b>
1	LABOR	32.8%	330.6	337.0
2	FUEL	20.3%	423.6	237.3
3	MATERIALS AND SUPPLIES	5.0%	252.2	258.8
4	EQUIPMENT RENTS	7.2%	207.4	201.0
5	DEPRECIATION	11.0%	204.8	211.6
6	INTEREST	2.7%	88.0	88.0
7	OTHER ITEMS <sup>1</sup>	21.0%	217.8	207.0
8	WEIGHTED AVERAGE	100.0%	292.6	255.2
9	LINKED INDEX <sup>2</sup>		284.1	247.8
10	PRELIMINARY RAIL COST ADJUSTMENT FACTOR <sup>3</sup>		115.5	100.8
11	FORECAST ERROR ADJUSTMENT <sup>4</sup>		0.044	0.014
12	RCAF (UNADJUSTED) (LINE 10 +LINE 11)		1.199	1.022
13	RCAF (ADJUSTED) <sup>5</sup>		0.550	0.467
14	RCAF-5 <sup>6</sup>		0.520	0.442

**APPENDIX****TABLE B**

**Ex Parte No. 290 (Sub-No. 5) (2009-1)**  
**Comparison of Third Quarter 2008 Index**  
**Calculated on Both a Forecasted and an Actual Basis**

<b>Line No.</b>	<b>INDEX COMPONENT</b>	<b>2006 WEIGHT</b>	<b>THIRD QUARTER 2008 FORECAST</b>	<b>THIRD QUARTER 2008 ACTUAL</b>
1	LABOR	34.5%	317.2	317.2
2	FUEL	19.2%	472.8	481.0
3	MATERIALS AND SUPPLIES	5.0%	228.3	228.3
4	EQUIPMENT RENTS	7.8%	199.5	202.7
5	DEPRECIATION	10.6%	197.9	202.8
6	INTEREST	2.7%	90.2	90.2
7	OTHER ITEMS	20.2%	203.8	209.2
8	WEIGHTED AVERAGE	100.0%	291.8	295.2
9	LINKED INDEX		284.3	287.8
10	RAIL COST ADJUSTMENT FACTOR		115.6	117.0

**Endnotes:**

<sup>1</sup> “Other Items” is a combination of Purchased Services, Casualties and Insurance, General and Administrative, Other Taxes, Loss and Damage, and Special Charges, price changes for all of which are measured by the Producer Price Index for Industrial Commodities Less Fuel and Related Products and Power.

<sup>2</sup> Linking is necessitated by a change to the 2007 weights beginning in the fourth quarter 2008. The following formula was used for the current quarter’s index:

$$\frac{1^{\text{ST}} \text{ Qr. 2009 Index (2007 Weights)}}{4^{\text{TH}} \text{ Qr. 2008 Index (2007 Weights)}} \text{ Times } 4^{\text{th}} \text{ Quarter Linked Index (1980 = 100 Linked)} = \text{Equals Linked Index (Current Quarter)}$$

Or

$$\frac{255.2}{292.6} \times 284.1 = 247.8$$

<sup>3</sup> The first quarter 2008 RCAF was rebased using the October 1, 2007, level of 245.9 in accordance with the requirements of the Staggers Rail Act of 1980 (10/1/2007 = 100).

<sup>4</sup> The first quarter 2009 forecast error adjustment was calculated as follows: a. third quarter 2008 RCAF using forecasted data equals 115.6; b. third quarter 2008 RCAF using actual data equals 117.0; c. The difference equals the forecast error (b-a) of 1.4. Since the actual second quarter value is larger than the forecast value, the difference is added to the Preliminary RCAF.

<sup>5</sup> The first quarter 2009 RCAF Adjusted (0.467) is calculated by dividing the first quarter RCAF Unadjusted (1.022) by the first quarter productivity adjustment factor of 2.1878. The first quarter 2009 productivity adjustment factor is calculated by multiplying the fourth quarter 2008 productivity adjustment of 2.1813 by the fourth root (1.0030) of the 2002-2006 annual average productivity growth rate of 1.2%.

<sup>6</sup> The first quarter 2009 RCAF-5 (0.442) is calculated by dividing the first quarter 2009 RCAF Unadjusted (1.022) by the first quarter productivity adjustment factor-5 (PAF-5) of 2.3120. The first quarter 2009 productivity adjustment factor is calculated by multiplying the fourth quarter 2008 PAF-5 of 2.3051 by the fourth root (1.0030) of the 2002-2006 annual average productivity growth rate of 1.2%.