

United States Senate

WASHINGTON, DC 20510

November 18, 2022

The Honorable Martin J. Oberman
Chairman
Surface Transportation Board
395 E Street, S.W.
Washington, D.C. 20423

Dear Chair Oberman,

As you know, many industries are experiencing continued difficulties shipping commodities due to continuing rail service issues. We appreciate the approach taken by the Surface Transportation Board (STB) to help restore timely deliveries and remedy lapses in service. We remain confident that, by working together, service will return to acceptable levels for all parties.

We are writing to request your leadership on another issue which will assist the STB's oversight and regulation. In October, the STB's Rail Energy Transportation Advisory Committee (Committee) met with the STB and staff to provide a variety of industry updates on service issues. The STB and members of the Committee were able to hear from representatives of the oil, biofuel, utilities, and railroad industries. A notable absence from the Committee and participants at the meeting were representatives of the coal production industry.

Coal remains the largest volume commodity on our nation's railways. The lack of rail service is keeping coal from being shipped to utilities under service contracts and is even reducing the amount of mined coal. Missed trains and large delays caused by a lack of crews and irregular schedules have forced some coal mines to limit the production of coal, which ultimately results in lost jobs, despite the high demand and abundantly available resources. Despite these setbacks, the number of coal carloads shipped on U.S. railroads has increased year-to-date since 2021, clearly warranting more engagement between the STB and coal producers. Alternative shipping methods are costly, inefficient, and often unfeasible. In addition, with many countries banning Russian energy imports, we need to make sure U.S. coal exports can fill the void and get to markets where it is greatly needed.

The Committee's charter allows for a membership of twenty-five voting members, with three representatives from coal producers. However, the Committee currently contains no representatives from the coal producing industry. In fact, during your nearly two-year chairmanship, there have been no coal producer updates at Committee meetings. As a federal advisory committee under the Federal Advisory Committee Act (FACA), the STB is required to outline its new Committee candidate identification process and to include how vacancies are handled by the STB. In the case of this particular FACA, you are able to fill vacancies by soliciting nominations from interested parties.

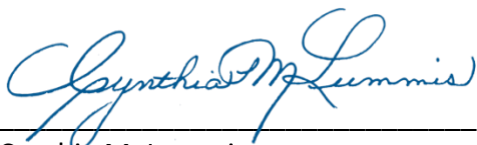
Given the rail service experience of the coal producing industry over the past two years, we believe there would be significant interest from the coal producing industry to serve on this Committee. The recent Committee meeting heard comments that failure to deliver coal under

service contracts is the fault of the coal production industry being unable to supply the product to load rail cars. However, we have heard from coal producers throughout the country with differing information.

As part of your continued oversight of the rail industry to ensure the railroads meet their obligations and commitments for all types of commodities, we ask that you fill the vacant coal production seats on the Committee without delay. We seek a response on this matter by Friday, December 2 detailing your timeline for filling these vacancies.

Thank you for the STB's continued work, and we look forward to your response and continuing to work with you on these important matters.

Sincerely,



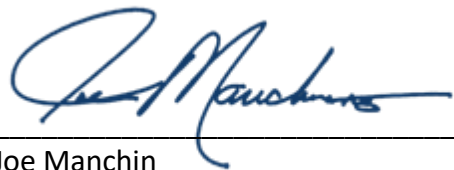
Cynthia M. Lummis
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John Barrasso, M.D.
U.S. Senator



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