

SURFACE TRANSPORTATION BOARD

CHARTER OF THE NATIONAL GRAIN CAR COUNCIL

1. Title.

The title of this committee shall be the National Grain Car Council (NGCC or Council).

2. Authority.

The Chair of the Surface Transportation Board (Board), having determined with the concurrence of the members of the Board that it is in the public interest in connection with the performance of the duties of the Board with regard to the adequacy of grain car supplies under 49 U.S.C. § 11121 and 49 U.S.C. § 1321, renews the NGCC, pursuant to the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C. 10.

3. Objectives and Scope of Activities.

- a. The NGCC shall address grain transportation issues in a manner that balances the needs of transportation interests, car owners and suppliers, grain shippers and receivers, consumers of grain at various levels, and the public in general.
- b. The NGCC shall function solely as an advisory body and will comply with the provisions of FACA and its implementing regulations.

4. Description of Duties.

- a. The NGCC shall conduct a continuing dialogue to provide advice and guidance to the Board, and to provide a forum for the resolution of disputes and controversies regarding the transportation of grain.
- b. The NGCC shall, on request by the Board or the public, suggest to the Board appropriate policies or regulations to be adopted with regard to grain car supply and distribution.

5. Agency or Official to Whom the Committee Reports.

The NGCC shall report to the Board.

6. Support.

The Board is the federal agency responsible for providing the necessary support to the Council.

7. Estimated Annual Operating Costs and Staff Years.

- a. Estimated annual cost to the federal government for operating the NGCC is approximately \$72,860, including the use of Board personnel totaling 0.30 full-time equivalents, as well as travel costs.
- b. Members of the Council shall serve without compensation and without reimbursement of travel expenses unless reimbursement of such expenses is authorized in advance by the Managing Director of the Board. The Managing Director shall have the discretion to consider the financial hardship travel would impose on a particular participant in deciding whether to reimburse that participant for travel expenses.

8. Designated Federal Officer.

- a. A full-time Board employee, appointed in accordance with agency procedures, shall serve as Designated Federal Officer (DFO) with duties consistent with this charter and FACA.
- b. The DFO shall approve or call all committee and subcommittee meetings; prepare and approve the agenda for all meetings in advance of the meeting; attend all committee and subcommittee meetings; adjourn any meeting when adjournment is in the public interest; and, when directed by the Chair of the Board, chair the meetings.

9. Estimated Number and Frequency of Meetings.

- a. Meetings shall be held no less than one time a year, at a time determined by the Chair of the NGCC with the advance approval of the Co-Chair and the DFO. However, additional meetings may be called by the Chair of the NGCC with the approval of the Co-Chair and the DFO.
- b. Meetings shall be held in Washington, DC, unless another location is deemed appropriate by the Chair of the NGCC in consultation with the Co-Chair and the DFO.
- c. Meetings shall be open to the public, except that all or part of a meeting may be closed to the public as permitted by law.
- d. At all meetings of the NGCC, one-third of the membership shall be necessary and sufficient to constitute a quorum for the transaction of business.

10. Duration.

The Board anticipates that the NGCC will exist on a continuing basis.

11. Termination.

Unless renewed by appropriate action prior to its expiration, the NGCC will terminate two years from the date this charter is filed.

12. Membership and Designation.

a. Membership.

- i. The NGCC shall consist of approximately 40 voting members, (excluding governmental representatives). There shall be a balanced representation of executives knowledgeable in the transportation of grain, including no fewer than 12 members from the Class I railroads (one marketing and one car management representative from each Class I), 7 representatives from Class II and III carriers, 14 representatives from grain shippers and receivers, and 7 representatives from private car owners and car manufacturers. All voting members of the Committee, as described in this subsection shall serve on the Committee in a representative capacity on behalf of their respective industry or stakeholder group.
- ii. The members of the Board shall serve as *ex officio* (non-voting) members of the Council, and they serve as regular government employees.
- iii. The Chair of the Board shall solicit nominations for the NGCC from appropriate carrier, shipper, grain elevator, car lessor, and consumer organizations and associations.
- iv. Members of the NGCC shall be selected by the Chair of the Board with the concurrence of a majority of the members of the Board, from the nominees referenced in the preceding paragraph.
- v. In selecting members of the NGCC, the Chair of the Board acknowledges that certain individuals and communities have historically had less opportunity to participate in government stakeholder groups than others. As a result, in making membership selections, the Chair of the Board is committed to having a committee reflecting diverse communities and viewpoints, and to having NGCC members from diverse backgrounds.
- vi. The voting members of the NGCC shall be invited to serve for a term of two years and may serve more than one term.

- vii. The Chair of the Board may invite representatives from the U.S. Departments of Agriculture and Transportation to serve on the NGCC in advisory capacities. These representatives shall serve as *ex officio* (non-voting) members.
- viii. The Committee members will consist of representatives, regular government employees, and, in some circumstances, special government employees.

b. Officers.

- i. The officers of the NGCC shall consist of a Chair, a Co-Chair, a Vice Chair, a Second Vice Chair, and such other officers as deemed necessary by the NGCC. The positions of Chair, Vice Chair, and Second Vice Chair of the NGCC are open to any member of the NGCC and, to the extent practicable, will rotate on an equal basis among all of the different groups represented on the NGCC. At no time shall both the Chair and the Vice Chair of the NGCC be a member of the same interest group or organization.
- ii. The Vice Chair of the Board shall be designated Council Co-Chair.
- iii. Nominations for officers will be solicited via email prior to a meeting at which nominations are part of the agenda and will also be accepted verbally at the meeting. Immediately following the meeting, members will receive ballots via email and will cast their votes via return email. Ballots will be tallied, and the successful nominees announced as soon as practicable after the conclusion of the voting but no later than 90 days after the meeting.
- iv. The Vice Chair of the NGCC shall be elected by a majority vote of those members voting in the election and serve a term of two years. At the end of that term, unless recalled, the Vice Chair of the NGCC shall assume the position of NGCC Chair.
- v. If a vacancy in any of these offices occurs, notice shall be provided that the vacancy shall be filled by election at the next regular or special meeting of the NGCC.
- vi. The Chair shall be responsible for the management of the NGCC.
- vii. The Vice Chair of the NGCC shall have such powers and duties as may be delegated by the NGCC Chair and, in the absence or disability of the Chair, and in consultation with the Chair of the Board, shall exercise all the duties and powers granted to the Chair.

13. Subcommittees.

- a. In consultation with the DFO and the Council Chair, the Board may establish subcommittees of the Council, and appoint members thereof as may be necessary, to prepare reports for the consideration of the NGCC that pertain to important issues affecting the transportation of grain as identified by its members. Subcommittees shall report back to the Council and shall not provide advice or work product directly to the agency.
- b. Subcommittees shall terminate when they have completed their responsibilities.
- c. The members of the subcommittees shall be selected from the NGCC membership based on their training, experience, and general qualifications to deal with the matters assigned.
- d. The date, time, place, and agenda of all meetings of a subcommittee shall be set by the subcommittee chair, with the approval of the DFO.
- e. A quorum of a subcommittee shall consist of a majority of its members. Action by such subcommittees shall be by majority vote of those present.
- f. All reports of subcommittees presented to the NGCC for its consideration shall be made in writing and made available to all NGCC members in advance of the NGCC meeting at which the report will be considered.

14. Recordkeeping.

The records of the Council, formally and informally established subcommittees, or other subgroups of the Council shall be handled in accordance with General Records Schedule 6.2 or other approved agency records disposition schedule. These records shall be available for public inspection and copying, subject to the Freedom of Information Act, 5 U.S.C. § 552. A copy of all Council records shall be provided to the Board's Committee Management Officer.

15. Charter Filing Date.

This charter is filed September 20, 2023.

Martin J. Oberman
Chair
Surface Transportation Board