

Federal Advisory Committee (FAC) Membership Balance Plan

Please read the [Federal Advisory Committee Membership Balance Plan Guidance](#) prior to completing this form

SURFACE TRANSPORTATION BOARD
(1) FEDERAL ADVISORY COMMITTEE NAME <i>State the legal name of the FAC</i>
The National Grain Car Council (NGCC)
(2) AUTHORITY <i>Identify the authority for establishing the FAC</i>
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) MISSION/FUNCTION <i>Describe the mission/function of the FAC</i>
The Board is both an adjudicatory and a regulatory body, charged with the economic regulation of the railroad industry and related surface transportation, including the transportation of grain. The purpose of the NGCC is to conduct a continuing dialogue to provide advice and guidance to the Board on grain transportation matters and to provide a forum for the informal resolution of disputes and controversies regarding grain transportation.
(4) POINTS OF VIEW <i>Based on understanding the purpose of the FAC, (a) describe the process that will be used to ensure the committee is balanced, and identify the categories (e.g. individual expertise or represented interests) from which candidates will be considered; (b) consider indentifying an anticipated relative distribution of candidates across the categories; and (c) explain how a determination was made to appoint any individuals as Special Government Employees or Representative members</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. The members of the Board shall serve as ex officio (non-voting) members of the Council, and they serve as regular government employees. The Committee members will consist of representatives, regular government employees, and, in some circumstances, special government employees.

(5) OTHER BALANCE FACTORS

List any other factors your agency identifies as important in achieving a balanced FAC

In addition, by considering geographical location and size, the agency seeks to maintain diversity among its members that do not represent the Class I railroads.

(6) CANDIDATE IDENTIFICATION PROCESS

Summarize the process intended to be used to identify candidates for the FAC, key resources expected to be tapped to identify candidates and the key persons (by position, not name) who will evaluate FAC balance. The summary should:

- (a) describe the process*
- (b) identify the agency key staff involved (by position, not name)*
- (c) briefly describe how FAC vacancies, if any, will be handled by the agency; and*
- (d) state the membership term limit of FAC members, if applicable*

The Chair of the Board shall solicit nominations for the NGCC from appropriate carrier, shipper, grain elevator, car lessor, and consumer organizations and associations. 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. 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. The voting members of the NGCC shall be invited to serve for a term of two years and may serve more than one term. 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.

(7) SUBCOMMITTEE BALANCE

Subcommittees subject to FACA should either state that the process for determining FAC member balance on subcommittees is the same as the process for the parent FAC, or describe how it is different*

**This is relevant to those agencies that require their subcommittees to follow all FACA requirements.*

NGCC subcommittees report to the full committee, not directly to the agency. Therefore, the agency does not require these subcommittees to follow FACA balance requirements.

(8) OTHER

Provide any additional information that supports the balance of the FAC

Not applicable

(9) DATE PREPARED/UPDATED

Insert the actual date the Membership Balance Plan was initially prepared, along with the date(s) the Plan is updated

September 20, 2023