

SURFACE TRANSPORTATION BOARD

CHARTER OF THE RAIL ENERGY TRANSPORTATION ADVISORY COMMITTEE

1. Committee's Official Designation.

The title of this committee shall be the Rail Energy Transportation Advisory Committee (RETAC or Committee).

2. Authority.

RETAC was established by the Surface Transportation Board (Board) on September 24, 2007, and in accordance with the provisions of the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C. 10.

3. Objectives and Scope of Activities.

- a. The Committee shall, on a continuing basis, provide advice and guidance to the Board, and provide a forum for the discussion of emerging issues and concerns regarding the transportation by rail of energy resources, particularly, but not necessarily limited to, coal, biofuels (such as ethanol), and petroleum.
- b. The Committee shall function solely as an advisory body and shall comply with the provisions of the FACA and its implementing regulations.

4. Description of Duties.

The Committee shall, on request by the Board, or may, on request by the public, suggest to the Board appropriate policies or regulations with regard to the efficiency and reliability of the transportation of energy resources by rail.

5. Agency or Official to Whom Committee Reports.

The Committee shall report to the Board.

6. Support.

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

7. Estimated Annual Operating Costs and Staff Years.

- a. Estimated annual cost to the federal government for operating RETAC is approximately \$70,445, including the use of Board personnel totaling 0.35 full-time equivalents, as well as travel costs.
- b. Members of the Committee 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, as well as the availability of funds in the Board's budget, 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 of 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 two times per year, at the call of the DFO for the Committee, in consultation with the Co-Chairs of the Committee, as defined in section 12 below, and the Chair of the Board.
- b. Meetings shall be held at the Board's headquarters in Washington, DC, unless another location is deemed appropriate by the Co-Chairs of the Committee and approved by the Chair of the Board in consultation with 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 Committee, a majority of the membership shall be necessary and sufficient to constitute a quorum for the transaction of business.

10. Duration.

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

11. Termination.

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

12. Membership and Designation.

a. Membership.

- i. The Committee shall consist of approximately 27 voting members (excluding the governmental representatives). There shall be a balanced representation of individuals experienced in issues affecting the transportation of energy resources, including no fewer than: 4 representatives from the Class I railroads; 3 representatives from Class II and III railroads; 3 representatives from coal producers; 5 representatives from electric utilities (including at least one rural electric cooperative and one state- or municipally-owned utility); 4 representatives from biofuel feedstock growers or providers and biofuel refiners, processors, and distributors; 2 representatives from private car owners, car lessors, or car manufacturers; 1 representative from the petroleum shipping industry; 2 representatives from renewable energy sources; and 1 representative from a labor organization. The Committee may also include up to 2 members with relevant experience but not necessarily affiliated with one of the aforementioned industries or sectors. 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 Committee and serve as regular government employees.
- iii. The Chair of the Board shall solicit nominations for the Committee from interested parties and the general public.
- iv. Members of the Committee shall be selected by the Chair of the Board, with the concurrence of a majority of the Board.
- v. In selecting members of RETAC, the Chair of the Board acknowledges that certain individuals and communities have historically had less opportunity to participate in government stakeholder groups such as RETAC 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 RETAC members from diverse backgrounds.

- vi. The voting members of the Committee shall be invited to serve three-year staggered membership terms. Members of the Committee may be reappointed for an additional term by the Chair of the Board.
- vii. Any member of the Committee who has served for two or more consecutive terms will be required to be renominated for membership and appointed by the Chair of the Board should they wish to serve for additional terms. If reappointed, any such member may serve two additional terms before being required to again be renominated.
- viii. The Chair of the Board may invite representatives from the U.S. Departments of Agriculture, Energy, and Transportation, and the Federal Energy Regulatory Commission to serve on the Committee in advisory capacities as *ex officio* (non-voting) members.
- ix. The Committee members will consist of representatives, regular government employees, and, in some circumstances, special government employees.

b. Officers.

- i. The officers of the Committee shall consist of two Co-Chairs and such other officers as deemed necessary by the Committee. One Co-Chair shall be held by a railroad member of the Committee, the other by a shipper member. As used in this section, “shipper member” means a representative of an electric utility, coal producer, biofuel feedstock grower or provider, biofuel refiner, renewable energy sources, processor or distributor, or petroleum shipper. As used in this section, “railroad member” means a representative of a Class I, II, or III railroad or a representative of a labor organization.
- ii. The two Co-Chairs and any other officers deemed necessary by the Committee shall be elected by a majority vote of those members present at a meeting of the Committee at which such election is part of the agenda, and shall serve a term of three years. If a vacancy occurs, notice shall be provided that the vacancy shall be filled by election at the next regular or special meeting of the Committee.
- iii. The Co-Chairs of the Committee shall be responsible for the management of the Committee. In the event that a Co-Chair is unable to participate in a particular Committee activity or meeting, he or she, in consultation with the Chair of the Board, shall designate a member of the Committee of the same broad category (*i.e.*, either a railroad

member or shipper member, as the case may be) to serve as acting Co-Chair for such meeting or activity. Such acting Co-Chair shall exercise all the duties and powers granted to the Co-Chairs.

13. Subcommittees.

- a. The Board may establish subcommittees of Committee members, as may be necessary or desirable, to prepare reports for the consideration of the Committee that pertain to important issues affecting the transportation of energy resources as identified by its members. Subcommittees shall report back to the Committee and shall not provide advice or work product directly to the agency.
- b. The Board shall select members of the subcommittees from the Committee membership on the basis of their training, experience, and general qualifications to deal with the matters assigned.
- c. The date, time, place, and agenda of all meetings of a subcommittee shall be set by the subcommittee chair and approved by the DFO. A quorum of a subcommittee shall consist of a majority of its members.
- d. All reports of subcommittees presented to the Committee for its consideration shall be made in writing and made available to all the Committee members in advance of the Committee meeting at which the report will be considered.
- e. Subcommittees shall terminate when they have completed their responsibilities.

14. Recordkeeping.

The records of the Committee, formally and informally established subcommittees, or other subgroups of the Committee 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 Committee records shall be provided to the Board's Committee Management Officer.

15. Filing Date.

This Charter is filed September 20, 2023.

Martin J. Oberman
Chair
Surface Transportation Board