



Surface Transportation Board
Washington, D.C. 20423-0001

September 24, 2025

Mr. Chris Jahn
President & CEO
American Chemistry Council
700 2nd Street, NE
Washington, DC 20002

Mr. Chuck Baker
President
American Short Line &
Regional Railroad Association
50 F Street, NW, Suite 500
Washington, DC 20001

Mr. Ian Jefferies
President & CEO
Association of American Railroads
425 3rd Street, SW, Suite 1000
Washington, DC 20024

Ms. Anne Reinke
President & CEO
Intermodal Association of North America
11785 Beltsville Drive, Suite 1100
Calverton, MD 20705

Mr. Mike Seyfert
President & CEO
National Grain & Feed Association
1400 Crystal Drive, Suite 260
Arlington, VA 22202

Ms. Nancy O'Liddy
Executive Director
National Industrial Transportation League
10816 Town Center Boulevard, Suite 516
Dunkirk, MD 20754

Dear Mr. Jahn, Mr. Baker, Mr. Jefferies, Ms. Reinke, Mr. Seyfert, and Ms. O'Liddy,

Thank you for the recent letter regarding the scope and application of federal preemption under the ICC Termination Act of 1995 ("ICCTA"). As the letter suggests, the core purpose of ICCTA preemption, which applies to both state and Federal law, is to ensure the free flow of interstate commerce, including by preventing a patchwork of differing regulations across states.¹ Indeed, by ICCTA's express terms, it is difficult to imagine a broader statement of Congress's intent to prevent balkanized rail regulation.²

¹ Elam v. Kan. City S. Ry., 635 F.3d 796, 804 (5th Cir. 2011) (a purpose of ICCTA is to implement a "[f]ederal scheme of minimal regulation for this intrinsically interstate form of transportation"); Fayus Enters. v. BNSF Ry., 602 F.3d 444, 452 (D.C. Cir. 2010) (ICCTA reflected a Congressional effort to prevent the "balkanization" of railroad-related laws); U.S. EPA—Pet. for Declaratory Order, FD 35803, slip op. at 7 (STB served Dec. 30, 2014) ("The courts and the Board have emphasized the importance of national uniformity in laws governing rail transportation when interpreting § 10501(b).").

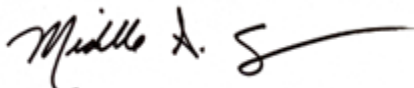
² City of Auburn v. United States, 154 F.3d 1025, 1030 (9th Cir. 1998) (quoting CSX Transp. Inc. v. Ga. Pub. Serv. Comm'n, 944 F. Supp. 1573, 1581 (N.D. Ga. 1996)); see also Fayus Enters., 602 F.3d at 452.

As you know, Chairman Fuchs formed a Policy Review Team that recently convened a series of meetings with interested parties to discuss actionable ideas for breaking down regulatory barriers and furthering competition. We are grateful for the highly substantive, thoughtful participation from each of your organizations. A major theme from these meetings was the need for greater clarity and consistency in preemption.

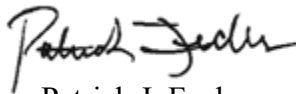
We are encouraged by the consensus of your views that the Board provide essential and authoritative guidance on ICCTA preemption to facilitate the national uniformity Congress intended, thereby providing greater certainty for capital and operational planning, reducing unnecessary litigation and regulatory costs, and promoting investment and growth. Such a policy statement could also advance the Board's core values of transparency and collaboration, particularly between railroads and shippers. In light of the potential benefits to the public, we are considering issuing a policy statement on preemption by the end of the calendar year.

Thank you again for your continued engagement and for providing a unified perspective on this important topic. A copy of the letter from your organizations and this reply have been placed on the Board's website as Non-Docketed Public Correspondence. If you or your staff have any questions, please contact Ms. Janie Sheng, Director of the Board's Office of Public Assistance, Governmental Affairs, and Compliance, at 202-245-0238.

Sincerely,



Michelle A. Schultz
Vice Chairman



Patrick J. Fuchs
Chairman



Karen J. Hedlund
Member