



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

October 13, 2023

The Honorable Rand Paul, M.D.
295 Russell Senate Office Building
Washington, DC 20510

Dear Senator Paul,

Thank you for your recent letter regarding the Surface Transportation Board's (STB) operations in the event of a lapse in federal appropriations. Please see below for the information you requested. Most of the requested information can also be found in the STB's Plan for Agency Operations in the Absence of Appropriations, attached hereto.

1. The total number of employees as of the date of this letter, broken down by component, office, and/or sub-agency.

As of the date of this letter, the total number of STB employees, broken down by office, are as follows:

STB Office	Total Number of Employees
Board Member Offices	5 Board Members 8 supporting employees
Office of the General Counsel	19
Office of the Managing Director	18
Office of Proceedings	31
Office of Environmental Analysis	8
Office of Economics	24
Office of Public Assistance, Governmental Affairs, and Compliance	9
Office of Passenger Rail	3

2. The total number of employees designated as "exempt" and will continue to perform their job duties, broken down by component, office, and/or subagency.

The STB does not have employees designated as "exempt."

3. The total number of employees designated as "excepted" and will continue to perform their job duties, broken down by component, office, and/or subagency.

During a lapse in appropriations, the agency’s General Counsel and Managing Director are designated as excepted from furlough to perform approved excepted or emergency functions (i.e., assist the Board Members if the work is deemed necessary to address an imminent risk to the safety of human life or the protection of property).

In addition, the following four STB employees have been identified as “subject to recall:” the Director of Human Resources, the Chief Information Officer, the Chief Financial Officer, and the Chief Information Security Officer. A limited number of additional employees could be recalled, as needed, to perform specific excepted or emergency functions such as to implement STB disposition of emergency-directed rail service matters.

4. The total number of employees designated as “non-exempt” and will be furloughed, broken down by component, office, and/or sub-agency.

The total number of employees designated as “non-exempt” and will be furloughed during a lapse in appropriations, broken down by office:

STB Office	Total Number of Non-Exempt Employees to be Furloughed
Board Member Offices	8
Office of the General Counsel	18
Office of the Managing Director	17
Office of Proceedings	31
Office of Environmental Analysis	8
Office of Economics	24
Office of Public Assistance, Governmental Affairs, and Compliance	9
Office of Passenger Rail	3

5. The total number of employees designated as Presidential appointees not subject to furlough, broken down by component, office, and/or sub-agency.

The STB has 5 Presidential appointee Board Members who are not subject to furlough during a lapse in appropriations.

6. A comprehensive list of all Surface Transportation Board’s activities and/or functions considered to be “exempt” or “excepted” and are authorized to continue during the lapse of appropriations, broken down by component, office, and/or sub-agency and specific program.

During a lapse in federal appropriations, activities that are necessary to carry out the excepted functions of the agency are authorized to continue. For example, emergency-directed rail service matters are authorized to continue during the lapse of appropriations.

A limited number of employees could be recalled, as needed, to implement the disposition of emergency-directed rail service matters.

7. *A comprehensive list of all Surface Transportation Board's "non-exempt" activities/functions that will not be carried out during the lapse of appropriations, broken down by component, office, and/or sub-agency and specific program.*

In the event of a lapse in appropriations causing the federal government to partially shut down its operations, STB functions will be suspended. The agency's General Counsel and Managing Director are designated as excepted from furlough to perform approved excepted or emergency functions (i.e., assist the Board Members if the work is deemed necessary to address an imminent risk to the safety of human life or the protection of property). The following is a list of suspended activities:

- Receipt of filings and pleadings
- Case processing
- Procedural schedules and decisional activities
- Oral arguments and voting conferences
- Data collection and analysis
- Tariff filings
- Recordation filings
- Site visits, public hearings, and staff meetings with stakeholders
- Litigation and court appearances, except to the extent work on a particular litigation matter has been determined to be an excepted function
- Customer hotline and responses to public inquiries
- Staff Congressional support and staff responses to Congressional inquiries
- All administrative support activities (except for those excepted)

8. *A copy of the Surface Transportation Board's lapse in appropriations policy and/or guidance.*

A copy of the Surface Transportation Board's Plan for Agency Operations in the Absence of Appropriations is attached. During any lapse in appropriations, the Chairman, in consultation with the Managing Director and the General Counsel, will continually evaluate whether adjustments to the plan are needed in order to ensure that excepted and emergency functions can be carried out.

A copy of your letter and this reply has been placed on the Board's website as non-docketed correspondence. If you 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,



Martin J. Oberman
Chairman