

May 31, 2023

Hon. Martin J. Oberman
Chairman
Surface Transportation Board
395 E Street, SW
Washington, DC 20423

Re: RETAC Spring Meeting

Dear Chairman Oberman:

AAR and its member railroads write to express concerns growing out of the spring meeting of the Rail Energy Transportation Advisory Committee (“RETAC” or “Committee”), held on April 26, 2023. RETAC’s charter tasks the Committee with “provid[ing] advice and guidance to the Board, and provid[ing] a forum for the discussion of emerging issues and concerns regarding the transportation by rail of energy resources,” including “coal, biofuels (such as ethanol), and petroleum.” This is an important mission and one the railroads take very seriously. We therefore hope the Board will consider these comments in the spirit in which they are offered: to maintain the power and efficacy of RETAC.

Historically, RETAC meetings have been a forum for constructive conversations about shipper concerns, which RETAC members can then draw upon within their companies to find resolutions or bring about improvements. AAR’s member railroads therefore have historically made available for the Committee meetings business executives who possess expertise on the topics with which RETAC is tasked. As you may expect, participating in RETAC, including preparing and presenting materials for the Committee, is a time-intensive task that takes these professionals away from their critical jobs of engaging with their customers on a one-on-one basis in response to market dynamics. But railroads willingly volunteer these individuals because when appropriately focused, RETAC meetings and the educational value they provide are worth the time and effort.

Unfortunately, discussions at the spring meeting frequently veered well off-topic and into matters that are, at best, only tangentially related to the rail transportation of energy resources. Some attendees used the meeting as an opportunity to advocate about matters currently pending before the Board. The railroad professionals who participate in these meetings are experts in energy transportation and view the RETAC meeting as an invaluable

opportunity to address the important matters at hand, but these diversions undermine the overall mission and value of RETAC, which is of substantial concern to the railroads.

AAR requests that at future meetings, the Board ensure that all attendees limit their statements to those germane to the Committee's focused mission and the topics listed on the meeting agenda. This leadership by the Board will encourage the railroads to continue to invest in the preparation and participation of knowledgeable business executives, rather than attorneys to debate the merits of various policy matters pending before the Board.

Respectfully submitted,

A handwritten signature in blue ink, appearing to be "JFM", written in a cursive style.

J. Frederick Miller Jr. (*admitted in MD*)
Counsel for the Association
of American Railroads

cc: Kristen Nunnally