

51588
DO

SERVICE DATE – FEBRUARY 3, 2023

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. EP 526 (Sub-No. 16)

NOTICE OF RAILROAD-SHIPPER TRANSPORTATION
ADVISORY COUNCIL VACANCIES

AGENCY: Surface Transportation Board (Board).

ACTION: Notice of vacancies on the Railroad-Shipper Transportation Advisory Council (RSTAC) and solicitation of nominations.

SUMMARY: The Board hereby gives notice of vacancies on RSTAC for one small shipper representative and one large railroad representative. The Board seeks nominations for candidates to fill these vacancies.

DATES: Nominations are due on March 6, 2023.

ADDRESSES: Nominations may be submitted via e-filing on the Board's website at www.stb.gov. Submissions will be posted to the Board's website under Docket No. EP 526 (Sub-No. 16).

FOR FURTHER INFORMATION CONTACT: Gabriel Meyer at (202) 245-0150. Assistance for the hearing impaired is available through the Federal Relay Service at (800) 877-8339.

SUPPLEMENTARY INFORMATION: The Board, created in 1996 to take over many of the functions previously performed by the Interstate Commerce Commission, exercises broad authority over transportation by rail carriers, including regulation of railroad rates and service (49 U.S.C. §§ 10701-47, 11101-24), the construction, acquisition, operation, and abandonment of rail lines (49 U.S.C. §§ 10901-07), as well as railroad line sales, consolidations, mergers, and common control arrangements (49 U.S.C. §§ 10902, 11323-27).

The ICC Termination Act of 1995 (ICCTA), enacted on December 29, 1995, established RSTAC to advise the Board's Chair; the Secretary of Transportation; the Committee on Commerce, Science, and Transportation of the Senate; and the Committee on Transportation and Infrastructure of the House of Representatives with respect to rail transportation policy issues RSTAC considers significant. RSTAC focuses on issues of importance to small shippers and small railroads, including car supply, rates, competition, and procedures for addressing claims. ICCTA instructs RSTAC to endeavor to develop private-sector mechanisms to prevent, or identify and address, obstacles to the most effective and efficient transportation system practicable. The members of RSTAC also prepare an annual

report concerning RSTAC's activities. RSTAC is not subject to the Federal Advisory Committee Act.

RSTAC's 15 appointed members consist of representatives of small and large shippers, and small and large railroads. These members are appointed by the Chair. In addition, members of the Board and the Secretary of Transportation serve as ex officio members. Of the 15 appointed members, nine are voting members and are appointed from senior executive officers of organizations engaged in the railroad and rail shipping industries. At least four of the voting members must be representatives of small shippers as determined by the Chair, and at least four of the voting members must be representatives of Class II or III railroads. The remaining six members to be appointed— three representing Class I railroads and three representing large shipper organizations—serve in a nonvoting, advisory capacity, but may participate in RSTAC deliberations.

Meetings of RSTAC are required by statute to be held at least semi-annually. RSTAC typically holds meetings quarterly at the Board's headquarters in Washington, D.C., although some meetings are held virtually or in other locations.

The members of RSTAC receive no compensation for their services and are required to provide for the expenses incidental to their service, including travel expenses. Currently, RSTAC members have elected to submit annual dues to pay for RSTAC expenses.

RSTAC members must be citizens of the United States and represent as broadly as practicable the various segments of the railroad and rail shipper industries. They may not be full-time employees of the United States Federal Government. According to revised guidance issued by the Office of Management and Budget, it is permissible for federally registered lobbyists to serve on advisory committees, such as RSTAC, as long as they do so in a representative capacity, rather than an individual capacity. See Revised Guidance on Appointment of Lobbyists to Fed. Advisory Comms., Bds., & Comm'ns, 79 Fed. Reg. 47,482 (Aug. 13, 2014). Members of RSTAC are appointed to serve in a representative capacity.

Each RSTAC member is appointed for a term of three years. No member will be eligible to serve in excess of two consecutive terms. However, a member may serve after the expiration of his or her term until a successor has taken office.

Due to the expiration of the second term of a small shipper and a large railroad representative, the Board is seeking to fill those two RSTAC positions. Nominations for candidates to fill the vacancies should be submitted in letter form, identifying the name of the candidate, providing a summary of why the candidate is qualified to serve on RSTAC, and containing a representation that the candidate is willing to serve as an RSTAC member effective immediately upon appointment. Candidates may nominate themselves. The Chair is committed to having a committee reflecting diverse communities and viewpoints and strongly encourages the nomination of candidates from diverse backgrounds. RSTAC candidate nominations should be filed with the Board by March 6, 2023. Members selected to serve on RSTAC are chosen at the discretion of the Board Chair. Please note that submissions will be posted on the Board's website under Docket No. EP 526 (Sub-No. 16) and can also be obtained by contacting the

Office of Public Assistance, Governmental Affairs, and Compliance at RCPA@stb.gov or (202) 245-0238.

Authority: 49 U.S.C. § 1325.

Decided: January 31, 2023.

By the Board, Mai T. Dinh, Director, Office of Proceedings.