



U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE.
Washington, D.C. 20590

305782

December 12, 2022

VIA ELECTRONIC FILING

The Honorable Martin J. Oberman
Chairman
Surface Transportation Board
395 E Street Southwest
Washington DC 20423

ENTERED
Office of Proceedings
December 12, 2022
Part of
Public Record

Re: Docket No. EP 772 – *Oversight Hearing Pertaining to Union Pacific Railroad Company's Embargoes.*

Dear Chairman Oberman:

Please find enclosed for filing in the above-captioned proceeding a letter from Federal Railroad Administrator Amitabha Bose, on behalf of the United States Department of Transportation (DOT) and the Federal Railroad Administration, an operating administration of DOT.

If your staff has any questions on this filing, please have them contact Sydney Hawthorne of my office at 202-536-9639 or sydney.hawthorne@dot.gov.

Sincerely,

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Brett A. Jortland
Deputy Chief Counsel

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, D.C.**

**Oversight Hearing Pertaining to Union
Pacific Railroad Company's Embargoes**

Docket No. EP 772

**COMMENTS OF THE
FEDERAL RAILROAD ADMINISTRATION**

Pursuant to the Board's Notice of Public Hearing dated November 22, 2022, the Federal Railroad Administration (FRA), an operating administration of the United States Department of Transportation (Department), is pleased to have the opportunity to share its views, on behalf of the Department, on the issues raised in this hearing.

FRA is encouraged by the Board's interest in understanding the general accelerating increase in the use of rail carrier embargoes, and particularly Union Pacific's (UP) disproportionate imposition of embargoes, in the past several years. As the Board notes, disruptions in rail carrier service levels have a detrimental impact on the supply chain and the economy of the United States.

While our primary concern will always be safety, the health, fluidity, and competitiveness of the freight rail network is of great importance to FRA and the Department. We are particularly cognizant of recent challenges to the nation's supply chain and the important part rail plays transporting freight from our ports and serving farmers, chemical producers, the energy industry, and many other businesses.

The American rail industry requires the facilities, equipment, operational agility, and personnel to fulfill the railroads' common carrier obligation. Indeed, the lack of fluidity in freight rail operations, as experienced thus far in 2022, brings into question the capacity to accommodate present demand and, critically, future growth upon which the nation depends. In addition, FRA is concerned that a lack of freight rail operational fluidity adversely impacts the performance of passenger rail trains throughout the country. Finally, we also emphasize that a strong rail network requires constant investment in its workforce.

Simply put, the United States needs resilient, diverse, and secure supply chains to ensure our economic prosperity and national security. The widespread use of rail carrier embargoes should not and cannot compromise this necessity.

FRA looks forward to hearing the views of other interested parties. We may offer further views at a later stage of this proceeding, if appropriate, and stand ready if the Board seeks further information relating to this important matter. On behalf of the Department, thank you for the opportunity to submit comments and for your consideration of our views.

December 12, 2022

Respectfully submitted,

AMITABHA BOSE Digitally signed by
AMITABHA BOSE
Date: 2022.12.12
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Amitabha Bose
Administrator