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United States Senate

COMMITTEE ON COMMERCE, SCIENCE,
AND TRANSPORTATION

WASHINGTON, DC 20510-6125

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The Honorable Ann D. Begeman
Chairman
Surface Transportation Board
395 E Street Southwest
Washington, DC 20423

The Honorable Patrick J. Fuchs
Board Member
Surface Transportation Board
395 E Street Southwest
Washington, DC 20423

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

Dear Chairman Begeman, Vice Chairman Oberman, and Member Fuchs:

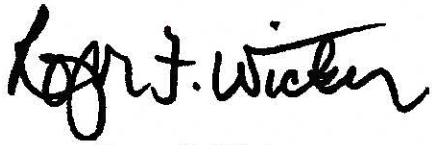
We are writing regarding the Surface Transportation Board's (Board) proceeding in *Association of American Railroads—Petition for Declaratory Order*, Docket No. FD 36369 to consider whether the Interstate Commerce Commission Termination Act of 1995 (ICCTA) preempts the Clean Water Act's discharge prohibition and National Pollutant Discharge Elimination System (NPDES) permits as applied to discharges incidental to the normal operations of rail cars in transit.

As members of the Senate Committee on Commerce, Science, and Transportation, we urge the Board to clarify its exclusive jurisdiction over transportation by rail carrier, particularly as applied to the Clean Water Act's NPDES permitting regime. The Board's role in asserting exclusive jurisdiction is critical to protecting rail operations from state and local interference and a regulatory patchwork that could undermine the fluidity of the rail network, affecting railroads and shippers' ability to transport goods.

We appreciate your efforts to provide balanced regulation and respectfully request that you promptly resolve this matter in order to provide certainty as to the lawfulness of federal and state enforcement actions, as well as private citizen suits, related to Clean Water Act discharge prohibition for rail cars in transit.

Thank you for your focus on this matter and consideration of this request. Your continued partnership in promoting a competitive, efficient, and reliable national rail system is truly appreciated.

Sincerely,



Roger F. Wicker
Chairman



Deb Fischer
U.S. Senator



John Thune
U.S. Senator



Roy Blunt
U.S. Senator



Ted Cruz
U.S. Senator



Jerry Moran
U.S. Senator



Dan Sullivan
U.S. Senator



Marsha Blackburn
U.S. Senator



Shelley Moore Capito
U.S. Senator



Ron Johnson
U.S. Senator



Todd Young
U.S. Senator