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SERVICE DATE – APRIL 22, 2022

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. EP 770

URGENT ISSUES IN FREIGHT RAIL SERVICE

Decided: April 22, 2022

By decisions served on April 7 and April 20, 2022, the Board announced that it will hold a public hearing on April 26 and 27, 2022, on recent rail service problems and recovery efforts involving BNSF Railway Company, CSX Transportation, Inc., Norfolk Southern Railway Company (NSR), and Union Pacific Railroad Company. This decision adjusts the start time of day two of the hearing and updates the schedule of speakers.

The hearing will be held in the hearing room of the Board's headquarters, located at 395 E Street, S.W., Washington, DC 20423-0001. **On April 26, the hearing will begin at 9:30 a.m. On April 27, the hearing will begin at 9:00 a.m.** Please note that the 9:00 a.m. start time on April 27 is a change from previous announcements.

The Board is pleased to welcome The Honorable Pete Buttigieg, U.S. Secretary of Transportation, who will appear at the hearing on Tuesday, April 26. Additionally, on April 21, 2022, Pilot Travel Centers LLC (Pilot) submitted a notice of intent to participate in the hearing (requesting 10 minutes of time), which it asks for permission to file late. Pilot's request will be granted, and it will be allotted 10 minutes. Finally, several parties scheduled to appear at the hearing, including NSR, Institute of Scrap Recycling Industries, Inc., and American Fuel and Petrochemical Manufacturers, have sought adjustments to the schedule or their speaker lists.

A revised schedule of appearances reflecting the foregoing is set forth in the Appendix to this decision.

It is ordered:

1. Pilot's late-filed notice of intent to participate is accepted.
2. Time for presenting at the hearing is allotted as reflected in the Appendix to this decision.
3. This decision is effective on its service date.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.

**APPENDIX**  
**SCHEDULE OF APPEARANCES**

<u><b>Party</b></u>	<u><b>Time Allotted</b></u>
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**Day 1 – April 26, 2022**

**Panel I**

Hon. Pete Buttigieg, Secretary of Transportation, U.S. Department of Transportation

Hon. Jewel H. Bronaugh, Deputy Secretary of Agriculture, U.S. Department of Agriculture

Hon. Carl W. Bentzel, Commissioner, Federal Maritime Commission

**Panel II**

National Grain and Feed Association and American Farm Bureau Federation	20 minutes
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- Michael Seyfert, President and Chief Executive Officer, National Grain and Feed Association
- Andrew Walmsley, Senior Director of Congressional Relations for the American Farm Bureau Federation
- Thomas W. Wilcox, Esq., of The Law Office of Thomas W. Wilcox, LLC

American Chemistry Council	10 minutes
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- Chris Jahn, President and Chief Executive Officer
- Jeffrey Sloan, Senior Director of Regulatory and Scientific Affairs

The Fertilizer Institute	10 minutes
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- Justin Louchheim, Senior Director, Government Affairs

Cargill	10 minutes
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- Brock Lautenschlager, North America Rail Leader

Growth Energy	5 minutes
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- Chris Bliley, Senior Vice President of Regulatory Affairs

**Panel III**

Transportation Trades Department, AFL-CIO	5 minutes
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- Greg Regan, President

SMART Transportation Division	20 minutes
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- Jeremy Ferguson, President

SMART Transportation Division Members 30 minutes

- Matthew Brukart
- Steven Groat
- Chris Bond

Brotherhood of Locomotive Engineers and Trainmen 15 minutes

- Mark L. Wallace, Vice President

**Panel IV**

Loop Capital Markets 25 minutes

- Rick Patterson, Railroad Analyst

**Panel V**

Norfolk Southern Railway Company 30 minutes

- Cindy Sanborn, Executive Vice President and Chief Operating Officer
- Ed Elkins, Executive Vice President and Chief Marketing Officer
- Annie Adams, Executive Vice President and Chief Transformation Officer
- Raymond A. Atkins, Esq., of Sidley Austin LLP

**Panel VI**

Private Railcar Food and Beverage Association 30 minutes

- Herman Haksteen, President
- David Burchett, Procurement Director, Supply Chain Indirects, Molson Coors Beverage Company
- Robert McRae, Vice President of Transportation, Univar Solutions
- Daniel Elliott, Esq., of Daniel Elliot PLLC

American Fuel and Petrochemical Manufacturers 10 minutes

- Rob Benedict, Vice President, Petrochemicals and Midstream

Delek Companies 15 minutes

- Todd O'Malley, Chief Operating Officer, and/or
- Michael Ralsky, Vice President, Public Affairs & ESG

**Panel VII**

CSX Transportation, Inc. 30 minutes

- Jamie Boychuk, Executive Vice President of Operations
- Diana Sorfleet, Executive Vice President and Chief Administrative Officer
- Raymond A. Atkins, Esq., of Sidley Austin LLP

**Day 2 – April 27, 2022**

**Panel VIII**

National Industrial Transportation League	10 minutes
<ul style="list-style-type: none"><li>• Ross Corthell, Chair of National Industrial Transportation League’s Rail Committee, and Vice President, Transportation at Packaging Corporation of America</li></ul>	
American Forest and Paper Association	10 minutes
<ul style="list-style-type: none"><li>• Julie Landry, Director of Government Affairs</li></ul>	
Packaging Corporation of America	10 minutes
<ul style="list-style-type: none"><li>• Doug Grewe, Transportation Manager</li></ul>	
National Association of Chemical Distributors	10 minutes
<ul style="list-style-type: none"><li>• Jennifer Gibson, Vice President of Regulatory Affairs</li><li>• Jackie Wood, Hawkins, Inc.</li></ul>	
Occidental Chemical Corporation	10 minutes
<ul style="list-style-type: none"><li>• Karenanne Stegmann, Vice President of Supply Chain</li></ul>	
International Liquid Terminals Association	15 minutes
<ul style="list-style-type: none"><li>• Kathryn Clay, President, or Michael Stroud</li></ul>	
Pilot Travel Centers LLC	10 minutes
<ul style="list-style-type: none"><li>• Shameek Konar, Chief Executive Officer</li></ul>	

**Panel IX**

Arizona Electric Power Cooperative, Inc., Freight Rail Customer Alliance, and National Coal Transportation Association	15 minutes
<ul style="list-style-type: none"><li>• Emily F. Regis, Arizona Electric Power Cooperative, Inc., Freight Rail Customer Alliance, and National Coal Transportation Association</li><li>• Ann Warner, Freight Rail Customer Alliance</li><li>• John Ward, National Coal Transportation Association</li><li>• Robert D. Rosenberg, Arizona Electric Power Cooperative, Inc., Freight Rail Customer Alliance, and National Coal Transportation Association</li></ul>	
National Mining Association	5 minutes
<ul style="list-style-type: none"><li>• Katie Mills, Esq., Associate General Counsel</li></ul>	
Portland Cement Association	15 minutes
<ul style="list-style-type: none"><li>• Steve Ambrose, GCC of America</li></ul>	

Institute of Scrap Recycling Industries, Inc. 10 minutes

- Ben Abrams, President & Chief Executive Officer

Corn Refiners Association 10 minutes

- Eamon Monahan, Vice President, Environmental Affairs and Workplace Safety

TransDistribution Brookfield Railroad and Sweetener Supply Company 15 minutes

- David C. Dillon, Esq., of Dillon & Nash, Ltd.

### Panel X

Transport Workers Union of America, 20 minutes  
 Brotherhood of Maintenance of Way Employees Division/IBT,  
 Brotherhood of Railroad Signalmen, and International Association  
 of Sheet Metal, Air, Rail and Transportation Workers/Mechanical Division

- Richard S. Edelman, Esq., of Mooney, Green, Saindon, Murphy and Welch, P.C.

Transportation Communications Union/IAM 15 minutes

- Matthew Hollis, National Vice President and Special Assistant to the President

### Panel XI

BNSF Railway Company 30 minutes

- Stevan Bobb, Executive Vice President and Chief Marketing Officer
- Judy Carter, Vice President and Chief Human Resources Officer
- Matthew Garland, Vice President, Transportation
- Jill K. Mulligan, Esq., Vice President and General Counsel, Regulatory

Union Pacific Railroad Company 15 minutes

- Eric Gehringer, Executive Vice President, Operations
- Elizabeth Whited, Executive Vice President, Sustainability and Strategy
- Michael Rosenthal, Esq., of Covington & Burling LLP

### Panel XII

Canadian National Railway Company, U.S. Rail Operating Subsidiaries 15 minutes

- Representatives that will be specified upon confirmation of witness availability.
- Kathryn J. Gainey, Esq., Deputy General Counsel
- Matthew J. Warren, Esq., of Sidley Austin LLP

Canadian Pacific Railway Limited

15 minutes

- James Clements, Senior Vice-President Strategic Planning and Technology Transformation,
- David L. Meyer, Esq., of the Law Office of David L. Meyer