



Surface Transportation Board
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The Honorable Alex Padilla
112 Hart Senate Office Building
Washington, DC 20510

The Honorable Dianne Feinstein
331 Hart Senate Office Building
Washington, DC 20510

Dear Senator Padilla and Senator Feinstein:

Thank you for your recent letter regarding the critical freight rail service problems facing U.S. rail customers. I appreciate hearing your views regarding reduced deliveries of feed grain to California's livestock and poultry operations and I share your concerns about the risk that disrupted rail service poses to food security and animal health and welfare.

Since March, the Board's Office of Public Assistance, Governmental Affairs, and Compliance (OPAGAC) has undertaken many efforts to ensure that the Class I railroads deliver needed trains to California customers. Recently, on June 17, 2022, the Board issued an order directing emergency rail service to certain chicken growing and feed processing facilities in California. I will not hesitate to encourage the Board to take additional action under its emergency service authority when appropriate to remedy serious service deficiencies.

Furthermore, as you are aware, on April 22, 2022, the Board issued a proposed rule to improve its process to provide relief in times of emergency and to ease the burden on rail users seeking such relief. The comment period for that proceeding closed on June 6, 2022, and I expect the Board will take further action on the proposed rule in short order. The Board also held a public hearing addressing rail service problems on April 26 and 27, 2022 in [Urgent Issues in Freight Rail Service](#), Docket No. EP 770. During the hearing, the Board heard extensive testimony on severe rail service issues reported by a wide range of witnesses including agricultural, energy, and other shippers, as well as government officials, rail labor, and rail experts.

On May 6, 2022, the Board issued a decision requiring all Class I railroads to submit specific information on rail service, performance, and employment. In addition, the Board required BNSF, CSX, NS, and UP to submit service recovery plans, progress reports, historical data, and participate in biweekly conference calls with Board staff. These measures are meant to inform the Board's assessment of further actions that may be warranted to address the acute service issues facing the rail industry and to promote industry-wide transparency, accountability, and improvements in rail service.

Unfortunately, the service recovery plans submitted by the railroads were woefully inadequate and lacked the level of detail expected of highly sophisticated companies with important public responsibilities. As a result, on June 13, 2022, the Board ordered BNSF, CSX, NS, and UP to

submit corrected service recovery plans with specific instructions to provide additional information on their actions to improve service and communications with their customers, as well as additional detailed information to demonstrate their monthly progress in increasing the size of their work forces to levels needed to provide reliable rail service. The Board will continue to closely monitor the progress made by the railroads, and is prepared to take further action, as necessary.

A copy of your letter and this response has been placed in the public docket in EP 770. If you or your staff have any questions, please contact Ms. Janie Sheng, Acting Director of OPAGAC, at 202-245-0238.

Sincerely,

A handwritten signature in cursive script, reading "Martin J. Oberman".

Martin J. Oberman
Chairman