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SERVICE DATE— DECEMBER 7, 2022

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. EP 772

OVERSIGHT PERTAINING TO UNION PACIFIC RAILROAD COMPANY'S  
EMBARGOES

Decided: December 7, 2022

By notice served on November 22, 2022, the Board announced that it will hold an in-person public hearing on December 13 and 14, 2022, with Union Pacific Railroad Company pertaining to the significant increase in its use of embargoes.<sup>1</sup> 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, and will begin each day at 9:30 a.m.

The schedule of appearances and the time provided for each speaker are set forth in the Appendix to this decision. On December 13, the Board will hear comment from the speakers on Panels I through III. On December 14, the Board will hear comment from the speakers on Panels IV through VI. The hearing will be available for public viewing on YouTube.

Instructions for Attendance at Hearing

All persons attending the hearing must use the main entrance to the Board's headquarters, located at 395 E Street, S.W. There will be no reserved seating. The building will be open to the public at 8:00 a.m. There is public parking in the building. The two closest Metro stops are Federal Center S.W. (3rd and D Streets, S.W., serving the Blue, Orange, and Silver Lines) and L'Enfant Plaza (6th and D Streets, S.W., serving the Yellow, Green, Blue, Orange, and Silver Lines).

Upon arrival, check in at the security desk in the main lobby. Be prepared to produce valid photographic identification (driver's license or local, state, or federal government identification); sign in at the security desk; submit to an inspection of all briefcases, handbags, etc.; and pass through a metal detector. Persons who exit the building during the hearing will be subject to these security procedures again if they choose to re-enter the building. Speakers must check in with the clerk at the front of the hearing room.

To allow the Board sufficient time to engage with each panel, the Board cannot provide specific times for when each panel will be called. Accordingly, panelists will be responsible for

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<sup>1</sup> Notices of intent to participate were due on December 5, 2022. Written testimony by hearing participants (which is optional) and written comments from any other interested persons may be filed by December 14, 2022.

monitoring the progress of the hearing and ensuring they are available when it is time for their panel.

Any panelist who wishes to make a visual presentation at the hearing should email a copy of the presentation to the Board at **Hearings@stb.gov** no later than December 9, 2022. The presentations will be loaded onto a Board laptop for use at the hearing.

Laptops and recorders may be used in the hearing room, and Wi-Fi will be available.<sup>2</sup> Cell phones may be used quietly in the corridor outside the hearing room or in the building's main lobby.

Members of the media should contact Michael Booth in the Office of Public Assistance, Governmental Affairs, and Compliance at (202) 245-1760 if they plan to attend the hearing.

The hearing room complies with the Americans with Disabilities Act, and persons needing such accommodations should call (202) 245-0245 by the close of business on December 9, 2022.

The hearing will be available for public viewing at [www.youtube.com/channel/UCgd2FPpKSpQZ57p771aafNg/live](http://www.youtube.com/channel/UCgd2FPpKSpQZ57p771aafNg/live). A link to the hearing can also be accessed through the Board's website at [www.stb.gov](http://www.stb.gov), under "Quick Links" on the homepage, by clicking on "WATCH LIVE HEARINGS HERE." The hearing will be recorded, and the link to the recording will be available on the Board's website at [www.stb.gov](http://www.stb.gov), under the tab "News & Communications," by clicking on "Meetings & Hearings." Additionally, a transcript will be created and will be made available as soon as possible on the Board's website, under the tab "News & Communications," by clicking on "Transcripts & Statements."

For further information regarding the hearing, contact Nathaniel Bawcombe at (202) 245-0376. Assistance for the hearing impaired is available through the Federal Relay Service at (800) 877-8339.

It is ordered:

1. A 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 December 13 and 14, 2022, beginning each day at 9:30 a.m. (Eastern Daylight Time).
2. Visual presentations should be emailed to **Hearings@stb.gov** no later than December 9, 2022.

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<sup>2</sup> The password will be available in the hearing room.

3. Time for presenting at the hearing is allotted as reflected in the Appendix to this decision.

4. This decision is effective on its service date.

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

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

<u>Party</u>	<u>Time Allotted</u>
<b><u>Day 1 – December 13, 2022</u></b>	
<b>Panel I</b>	
Cargill	10 minutes
<ul style="list-style-type: none"> <li>• Jackie Bailey, Global Transportation Leader</li> <li>• Brock Lautenschlager, North American Rail Leader</li> </ul>	
Univar Solutions	10 minutes
<ul style="list-style-type: none"> <li>• Rob McRae, Vice President, Transportation</li> </ul>	
Ag Processing Inc.	20 minutes
<ul style="list-style-type: none"> <li>• Gregory Twist, Senior Vice President, Transportation</li> </ul>	
Chemtrade Logistics	10 minutes
<ul style="list-style-type: none"> <li>• Don Boonstra, Business Director for ElectroChem</li> </ul>	
<b>Panel II</b>	
Brotherhood of Maintenance of Way Employees Division/IBT, Brotherhood of Railroad Signalmen, SMART Mechanical Division, International Brotherhood of Boilermakers, National Conference of Firemen and Oilers/32BJ SEIU, and Brotherhood of Locomotive Engineers and Trainmen	15 minutes
<ul style="list-style-type: none"> <li>• Richard S. Edelman, Esq., of Mooney, Green, Saindon, Murphy &amp; Welch, P.C.</li> </ul>	
<b>Panel III</b>	
Union Pacific Railroad Company	
<ul style="list-style-type: none"> <li>• Lance M. Fritz, Chairman, President, and Chief Executive Officer</li> <li>• Kenny G. Rocker, Executive Vice President, Marketing and Sales</li> <li>• Eric J. Gehringer, Executive Vice President, Operations</li> <li>• Bradley S. Moore, Vice President, Customer Care and Support</li> <li>• Michael Rosenthal, Esq., of Covington &amp; Burling LLP</li> </ul>	

**Day 2 – December 14, 2022**

**Panel IV**

National Grain and Feed Association 15 minutes

- Michael Seyfert, President and Chief Executive Officer
- Thomas W. Wilcox, Esq., of the Law Office of Thomas W. Wilcox, LLC

The Fertilizer Institute 10 minutes

- Justin Louchheim, Senior Director, Government Affairs

National Mining Association 5 minutes

- Katie Mills, Esq., Associate General Counsel

**Panel V**

SMART Transportation Division 20 minutes

- Stephen Whitney
- Matt Burkart

**Panel VI**

American Fuel & Petrochemical Manufacturers 10 minutes

- Rob Benedict, Vice President, Petrochemicals and Midstream

American Chemistry Council 10 minutes

- Jeffrey Sloan, Senior Director, Regulatory Affairs