SURFACE TRANSPORTATION BOARD

CHARTER OF THE
RAIL ENERGY TRANSPORTATION ADVISORY COMMITTEE

A. Official Designation and Authority.

The Committee, known as the Rail Energy Transportation Advisory Committee (hereafter referred to as the Committee), was established by the Surface Transportation Board on September 24, 2007, and is hereby renewed upon the proper filing of this Charter.

B. Objectives, Scope of Activity, Duties, and Duration.

1. The Surface Transportation Board (the Board) is the federal agency to which the Committee shall report.

2. The Committee shall, on a continuing basis, provide advice and guidance to the Board, and provide a forum for the discussion of emerging issues and concerns regarding the transportation by rail of energy resources, particularly, but not necessarily limited to coal, ethanol and other biofuels.

3. The Committee shall, on request by the Board, or may, on request by the public, suggest to the Board appropriate policies or regulations with regard to the efficiency and reliability of the transportation of energy resources by rail.

4. The Committee shall function solely as an advisory body, and will comply with the provisions of the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C., App., and its implementing regulations.

C. Membership.

1. The Committee shall consist of approximately 25 voting members, excluding the governmental representatives identified in paragraphs C.2 and C.6. There shall be a balanced representation of individuals experienced in issues affecting the transportation of energy resources, including not less than: 5 representatives from the Class I railroads; 3 representatives from Class II and III railroads; 3 representatives from coal producers; 5 representatives from electric utilities (including at least one rural electric cooperative and one state- or municipally-owned utility); 4 representatives from biofuel feedstock growers or providers, and biofuel refiners, processors and distributors; and 2 representatives from private car owners, car lessors, or car manufacturers. The Committee may include up to 3 members with relevant experience but not necessarily affiliated with one of the aforementioned industries or sectors. These members are serving in a representative capacity for this Committee.

2. The three members of the Board shall serve as *ex officio* (non-voting) members of the Committee.

3. The Chairman of the Board will solicit nominations for the Committee from interested parties and the general public.

4. Members of the Committee shall be selected by the Chairman of the Board, with the concurrence of a majority of the Board.

5. Members of the Committee will be invited to serve three-year staggered membership terms. Members of the Committee may be reappointed by the Chairman of the Board.

6. The Chairman of the Board may invite representatives from the U.S. Departments of Agriculture, Energy and Transportation and the Federal Energy Regulatory Commission to serve on the Committee in advisory capacities as *ex officio* (non-voting) members.

D. Officers.

1. The officers of the Committee shall consist of two Co-Chairmen and such other officers as deemed necessary by the Committee. One Co-Chairmanship shall be held by a railroad member of the Committee, the other by a shipper member. As used in this section D, "shipper member" means a representative of an electric utility, coal producer, biofuel feedstock grower or provider, or biofuel refiner, processor or distributor.

2. The Co-Chairs of the Committee will be elected by a majority vote of those members present at a meeting of the Committee at which such election is part of the agenda, and serve a term of two (2) years. If a vacancy in either of these offices occurs, notice shall be provided that the vacancy shall be filled by election at the next regular or special meeting of the Committee.

3. The Co-Chairs of the Committee shall be responsible for the management of the Committee. In the event that a Co-Chair is unable to participate in a particular Committee activity or meeting, he or she shall designate a member of the Committee of the same broad category (*i.e.*, either a railroad member or shipper member, as the case may be) to serve as acting Co-Chair for such meeting or activity. Such acting Co-Chair shall exercise all the duties and powers granted to the Co-Chairs.

E. Compensation and Reimbursement.

Members of the Committee shall serve without compensation and without reimbursement of travel expenses unless reimbursement of such expenses is authorized in advance by the Director of Administration of the Board. The Director shall have the discretion to consider the financial hardship travel would impose on a particular participant, as well as the availability of funds in the Board's budget, in deciding whether to reimburse that participant for travel expenses.

F. Meetings.

1. Meetings shall be held no less than two (2) times per year, at the call of the Board's Designated Federal Official (DFO) for the Committee, in consultation with the Co-Chairs of the Committee and the Chairman of the Board.

2. Meetings shall be held at the Board's headquarters in Washington, D.C., unless anther location is deemed necessary by the Co-Chairs of the Committee and approved by the Chairman of the Board in consultation with the DFO.

3. Meetings shall be open to the public, except that all or part of a meeting may be closed to the public as permitted by law.

4. The DFO shall approve the agenda of all Committee meetings in advance of the meeting, attend all Committee meetings, adjourn any Committee meeting when the DFO determines that adjournment is in the public interest, and when directed by the Chairman of the Board, chair Committee meetings.

5. At all meetings of the Committee, a majority of the membership shall be necessary and sufficient to constitute a quorum for the transaction of business.

G. Subcommittees.

1. The Board may establish subcommittees of its members, as may be necessary or desirable, to prepare reports for the consideration of the Committee that pertain to important issues affecting the transportation of energy resources as identified by its members. Subcommittees shall report back to the Committee and must not provide advice or workproducts directly to the agency.

2. The Board will select members of the subcommittees from the Committee membership on the basis of their training, experience, and general qualifications to deal with the matters assigned.

3. The date, time, place, and agenda of all meetings of a subcommittee shall be set by its Chairman and approved by the DFO. A quorum of a subcommittee shall consist of a majority of its members.

4. All reports of subcommittees presented to the Committee for its consideration shall be made in writing and made available to all Committee members in advance of the Committee meeting at which the report will be considered.

5. Subcommittees shall terminate when they have completed their responsibilities.

H. Records and Reports.

The records of the Committee, formally and informally established subcommittees, or other subgroups of the Committee shall be handled in accordance with General Records Schedule 26, Item 2, or other approved agency records disposition schedule. These records shall be available for public inspection and copying, subject to the Freedom of Information Act, 5 U.S.C. 552. A copy of all Committee records shall be provided to the Board's Committee Management Officer, who is responsible for supervising, and maintaining the records of, the Board's advisory committees.

I. Agency Support and Estimated Annual Cost to Operate.

1. The Board is the federal agency responsible for providing the necessary support for the Committee.

2. The estimated annual cost to the Government for operating the Committee is $18,500 and less than one person-year.

3. A full-time STB employee, appointed in accordance with agency procedures, will serve as DFO (or designee) with duties consistent with this charter and FACA.

J. Termination Date.

Unless renewed by appropriate action prior to its expiration, the Committee will terminate two (2) years from the date this charter is approved.

K. Charter Filing Date.

This Charter is filed September 24, 2009.

Daniel R. Elliott, III
Surface Transportation Board