SURFACE TRANSPORTATION BOARD

CHARTER OF THE
RAIL ENERGY TRANSPORTATION ADVISORY COMMITTEE

A. Official Designation.

The Committee shall be known as the Rail Energy Transportation Advisory Committee (hereafter referred to as the Committee).

B. Objectives, Scope of Activity, and Duties.

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

2. The Committee shall 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) and its implementing regulations.

C. Membership.

1. The Committee shall consist of not more than 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.

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 for a term of two (2) years. Members of the Committee may be reappointed by the Chairman of the Board to serve one additional term.

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 Designated Federal Official shall approve the agenda of all Committee meetings in advance of the meeting.

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 Committee may establish such subcommittees of its members as may be necessary or desirable, subject to the provisions of the Federal Advisory Committee Act.

2. Subcommittees may be established 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. The members of the subcommittees shall be selected 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. The meetings of all subcommittees 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. 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 Committee will report to the Chairman of the Board annually, not later than March 1 of each year. The report shall contain at a minimum a list of the members and their business and E-mail addresses, the dates and places of the meetings held during the preceding calendar year, a summary of the Committee's activities and recommendations made during the preceding calendar year, and the sources and disposition of funds. If any subcommittees or study groups have been created, a report for each subcommittee or study group shall be included in the annual report. A copy of the report 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 $1,122 and less than one person-year.

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, 2007.

Charles D. Nottingham
Chairman, Surface Transportation Board