



May 13, 2009

The Honorable John Conyers, Jr.  
Chairman  
Committee on the Judiciary  
United States House of Representatives  
2426 Rayburn House Office Building  
Washington, DC 20515-2214

Re: H.R. 233

Dear Mr. Chairman:

The American Chemistry Council (ACC) commends the House Judiciary Subcommittee on Courts and Competition Policy for holding a hearing on the antitrust exemptions currently held by our nation's railroads and specifically on Representative Tammy Baldwin's bill, H.R. 233, the Railroad Antitrust Enforcement Act of 2009.

As more American jobs disappear, H.R. 233 will help ensure that the chemical industry and the 900 constituents employed by the business of chemistry in your district will remain competitive in today's global economy.

Mergers and acquisitions over the past three decades have greatly reduced competition within the nation's freight rail system, allowing only four mega-railroads to carry more than 90 percent of the nation's rail traffic. This leaves many companies in the chemical manufacturing industry and other sectors captive to only one railroad.

Outdated exemptions from the nation's antitrust laws contribute to the railroad's ability to operate like monopolies, forcing companies that are dependent on rail transportation to pay unreasonably high rail rates for often unreliable rail service. H.R. 233 removes these exemptions and requires railroads to operate under the nation's antitrust laws just like any other business that operates in our country.

During the 110th Congress, the House and Senate Judiciary Committees unanimously approved railroad antitrust bills sponsored by Representative Baldwin and Senator Kohl. Earlier this year, the Senate Judiciary Committee voted 14-0 to report Senator Kohl's bill, S. 146, to the full Senate floor. Majority Leader Harry Reid has indicated that the Senate will debate S. 146 this summer.

H.R. 233 is an important first step toward fixing the nation's broken freight rail policies. Chairmen Oberstar and Rockefeller are working on broader reforms to address other outstanding issues. Please help ensure fairness and balance in our nation's freight rail policy by supporting H.R. 233.

Thank you for your attention to this important issue.

Sincerely,

A handwritten signature in black ink that reads "Cal Dooley". The signature is written in a cursive, slightly slanted style.

Cal Dooley  
President and CEO

