March 11, 2014

The Honorable Harry Reid  
Senate Majority Leader  
S-221 Capitol Building  
Washington, DC 20510

The Honorable Mitch McConnell  
Senate Republican Leader  
S-230 Capitol Building  
Washington, DC 20510

Dear Majority Leader Reid and Republican Leader McConnell:

We write to encourage the expeditious confirmation of Debra L. Miller of Kansas to be a member of the Surface Transportation Board (STB or Board). Ms. Miller was reported out of the Committee on Commerce, Science and Transportation on a bipartisan basis on January 13, 2014, and we urge the Senate to act quickly to confirm her.

A vacancy at the STB creates uncertainties and delays for the rail shippers that rely on the agency to review rate and service disputes. The STB is a three member board, meaning that when there is a vacancy, a unanimous vote is needed to resolve any pending matter. Given that most of the rate cases before the Board are litigated over a number of years, it is important that we do not face any unnecessary delay.

Already, the rate case process at the STB is complex, lengthy, and expensive; minimizing its utility for keeping freight rate abuses in check. This burdensome regulatory environment is having a measurable impact on all users of the freight rail network; in fact from 2005 to 2011 the total rate premium paid by commodity shippers increased by 90%, even as carload volumes declined by 1.1%. This disparity is indicative of a decoupling from normal market supply and demand in the freight rail industry, and a regulatory system that is not working properly. Unchecked increases in freight rail rates hurt American competitiveness by creating added costs at each point in the supply chain, and create a drag on our economy.

CURE is a coalition of freight rail shippers seeking changes in federal law and policy that would promote a more competitive freight rail marketplace. The current membership includes large trade associations that represent more than 3,500 electric, utility, chemical, manufacturing, agricultural and forest and paper companies and their consumers.
Rail shippers represented by CURE particularly depend on the STB as a backstop when there is no competitive option to ship their products. It is important to all of our industries that we have a well-functioning STB. We ask that the Senate act to confirm Ms. Miller to the STB to ensure that we maintain the most effective and efficient Board possible.

Sincerely,

Steve Sharp
President of CURE