

**SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION:
QUESTIONS FOR THE RECORD**

**NOMINATIONS HEARING
AUGUST 6, 2020**

**Written Questions Submitted to Robert Primus, Nominee to be a Member of the Surface
Transportation Board**

Submitted by Chairman Wicker

Question 1: Under 49 U.S.C. 24308, the Surface Transportation Board has the ability to order that the facilities of a rail carrier be made available to Amtrak and prescribe reasonable terms and compensation for using the facilities. STB must decide disputes brought under section 24308(a) no later than 90 days after a dispute is submitted. Do you believe the requirement that STB decide such cases promptly is important and are you committed to doing so if confirmed?

Response: *Chairman Wicker, I strongly believe the Board should abide by the statutes that govern its authority. I support the decision deadlines in 49 U.S.C. 24308(a)(2)(C) and all efforts to expedite the dispute resolution process. If confirmed, I will work with my fellow Board Members to uphold the statute and render timely decisions.*

Question 2: The Interstate Commerce Act, amended by the ICC Termination Act of 1995, provides STB with exclusive jurisdiction over transportation by rail carriers. This jurisdiction is important for ensuring a patchwork of regulatory requirements do not impede interstate commerce and affect the fluidity of the rail network. How do you view the STB's role in asserting jurisdiction, and do you believe STB should assert this authority?

Response: *Mr. Chairman, I believe one of the primary responsibilities of the Board is to promote the consistent and uninterrupted flow of commercial rail activity throughout the nation's freight rail network. Therefore, it is incumbent upon the Board to assert its jurisdiction, when appropriate, to help maintain the integrity of the network and minimize unnecessary disruptions.*

Submitted by Senator Blackburn

Question 1: Mr. Primus, one of the unique features of the railroad industry is that it operates in every single state. The Interstate Commerce Act provides the Board broad preemption over state regulation of transportation by a rail carrier to avoid a patchwork of inconsistent regulation. Can you expand upon your views of the Board's role in preserving the free flow of interstate commerce?

Response: *Senator Blackburn, 49 U.S.C. 10501 provides the Board with preemptive authority over state law as it relates to transportation by a rail carrier. Without this authority, the Board would be severely weakened in its ability to promote an efficient national rail economy. The Board's exercise of its preemption authority in appropriate circumstances safeguards the consistent flow of goods along our national rail network.*