

**Statement of Daniel R. Elliott, III**  
**Nominee to Serve as**  
**Member of the Surface Transportation Board**  
**Before the U.S. Senate Committee on Commerce, Science and Transportation**  
**July 29, 2009**

Thank you, Chairman Rockefeller, Ranking Member Hutchison and distinguished Members of the Committee for the privilege of appearing before you today as a nominee for the Surface Transportation Board.

Mr. Chairman, I applaud your longstanding interest and efforts in making the Board's processes fair to both shippers and railroads. I share your belief that the STB should always be impartial, balanced and open-minded in carrying out the law.

I appear today as President Obama's nominee to the Board, a decisionally independent agency with significant adjudicative, regulatory and policy-making responsibilities. The President, through his historic proposed investment in high-speed rail, has acknowledged the economic and environmental benefits of rail transportation to our nation. Rail is "green" technology that takes vehicles off our congested highway system and reduces our dependence on imported oil. Moving goods efficiently and cheaply by rail should be an option for as many shippers as possible.

If the Committee and the Senate gives me the honor of serving on the Board, I pledge to use my position to bring more harmony to the often contentious relationship between shippers, who need to compete in an increasingly competitive global marketplace, and railroads, which need the necessary revenues to maintain our nation's vital rail infrastructure.

For 16 years I have litigated cases before the Surface Transportation Board representing members of the United Transportation Union. This has given me valuable experience in working through issues specific to the federal statutes interpreted by the Board and exposed me to shipper, worker and railroad concerns. I believe my litigation and other experience would complement that of the current Board members.

I graduated from the University of Michigan with a degree in political science and earned my law degree from Ohio State University. I have practiced at firms in Washington and in Cleveland before coming to the UTU as associate general counsel.

In my extensive dealings with the STB, I have seen up-close the dedication and professionalism of Board members and staff, but I have also seen areas where the process can be improved. I will look for ways to improve the agency's overall level of customer service and efficiency, starting with providing parties with a clearer understanding of where matters stand and increasing transparency in the Board's activities.

If confirmed, I would focus the Board's resources on bringing shippers and railroads together to promote more collaborative, less formal, efforts to provide better rail service.

I would allow more light to shine on the Board's work by improving communications and public outreach.

I also am eager to implement Congress's charge to monitor and improve Amtrak's passenger service. And I look forward to working closely and cooperatively with Congressional efforts on reauthorization of the STB.

If given the honor of being confirmed, I pledge to be open, fair and judicious to all parties who come before the Board. I will bring an open mind to the task, partial to neither railroads nor shippers. And I will try to live up to the trust put in me by President Obama and the members of this Committee by fostering a more open and harmonious approach to improving the nation's rail system.

Thank you very much for your time and consideration. I look forward to answering any questions you might have.