

Statement of Patrick J. Fuchs
Nominee to be a Member of the Surface Transportation Board
Before the
U.S. Senate Committee on Commerce, Science, and Transportation
April 10, 2024

Chair Cantwell, Ranking Member Cruz, and distinguished Members of the Committee, thank you for inviting me to appear before you today as a nominee to serve on the Surface Transportation Board (STB or Board). It is an honor to be nominated for a second term.

At the outset, I want to thank three special people in the audience—my wonderful wife, Katherine, and parents, Joe and Jeanne—for their countless sacrifices and unwavering support. I want to recognize one special person at home—my magical two-year-old daughter, Josephine. I am extraordinarily grateful to all my family and friends as well as to the entire team at the STB, especially the talented people in my office—Lisa Novins and Stephanie Borges.

I remain immensely thankful to Senator Thune for the opportunity to see firsthand the critical work of this Committee to improve our nation’s transportation system and strengthen supply chains. I have learned from his leadership, the members of this Committee, and the excellent Congressional staff with whom I have had the honor to serve. It is a privilege to appear on this panel with a former fellow staff member, Chair Homendy, a tireless and conscientious champion for safety.

At my first confirmation hearing, I pledged to bring to this position a respect for the values of cooperation, dedication, and openness in government service. This respect grew significantly through my experience managing regulatory reviews with the Office of Management and Budget and implementing the policies and priorities of this Committee. Today, I want to share ways in which I have applied these values during my service on the Board to help protect and enhance the flow of America’s commerce.

First, I have approached my position with an appreciation for the benefits of collaborating with colleagues. While Board Members have different views and overarching philosophies, we have worked collegially and constructively to address matters before the agency. Together, we have conducted rigorous oversight of rail service problems and imposed beneficial transparency and accountability measures. We have instituted protections for customers facing railroad demurrage and other charges. We have streamlined avenues for relief through changes to the emergency service process and the market dominance inquiry. The Board approved each of these policy changes by unanimous vote. I am honored that all the Board Members I have served with—former Chairman Begeman and current Chairman Oberman, and Members Hedlund, Primus, and Schultz—could attend today’s hearing. I have greatly benefited from the insights of each of these accomplished colleagues.

Second, I have worked diligently to examine and decide cases presented to the Board. With its highly skilled and hard-working staff, the agency has issued more than 2,000 decisions and

orders during my tenure. Several transactions have consumed substantial time and attention because of their ramifications for the rail network. The Board considered the first “major” merger in more than 20 years, the first “significant” transaction in more than 10 years, and other impactful construction and acquisition proceedings. Through our work in public hearings and on agency decisions, my colleagues and I have probed the effects of transactions, the details of company plans, and the specifics of voluntary agreements. We have imposed appropriate conditions to protect competition, address environmental impacts, and hold parties to their representations. The agency’s efforts have facilitated new transportation options and capital investments while mitigating potential harm and safeguarding the public interest.

Third, I have fulfilled my duties with a spirit of openness with the public. Outside formal proceedings, I value open communication with all who might come to the Board—from rail shippers, carriers, workers, and suppliers to non-profits, passenger rail advocates, and other governmental bodies. America’s rail system is essential to our nation’s economic strength and broader quality of life, and it depends on a wide range of people with a wide range of interests—sometimes conflicting or competing—to make it work. In advisory council meetings, on-the-ground engagements, and many other informal settings, I have spent significant time learning from a broad cross-section of the public, sharing my own views, and discussing ways to improve agency policy and our transportation system. Open exchange of experiences, opinions, and ideas deepens the Board’s oversight efforts and facilitates proactive problem-solving.

If confirmed, I would continue to apply these values—cooperation, dedication, and openness—as the Board confronts complex challenges. The Board has a robust workload, and I know many of our proceedings are important to this Committee—from new rail services and projects to valuable regulatory protections and improvements. It would be an honor to continue working with this Committee and your staff to ensure an efficient, competitive, and sound rail system.

I appreciate your consideration. I look forward to answering your questions.