

September 19, 2025

Dear Chairman Fuchs, Vice Chairman Schultz, and Member Hedlund:

The undersigned organizations represent shippers and railroads that together execute the safe movement of significant tonnage and millions of dollars' worth of goods every year that are critical to the nation's economy. To protect the fluidity of the transportation network and the continued growth and prosperity of American businesses, we write to ask the STB to provide clear and definitive guidance on the scope and application of ICCTA preemption.

In ICCTA, Congress made clear that the STB's jurisdiction over rail transportation and the construction, acquisition, operation, abandonment, or discontinuance of rail infrastructure is exclusive. It also specified that the remedies provided under 49 U.S.C., Subtitle IV, Part A are exclusive, expressly preempting other "remedies provided under Federal or State law." The STB and most courts have recognized ICCTA's preemption provision to be one of the broadest and most comprehensive preemption statutes ever adopted. Notwithstanding this, the national uniformity Congress intended is being eroded across the country every day when local authorities misunderstand or misapply ICCTA in various scenarios. Without clear guidance from the Board on how and when ICCTA preempts state, local and even other federal laws, projects are delayed, litigation is often required, and uncertainty is injected into operational and growth planning. This uncertainty and inconsistency hurts not only railroads but all American businesses that rely on rail. Well-understood and consistent application of federal preemption is essential to railroads' and their customers' ability to invest, to grow, and to support the economy in a cost-effective and efficient way.

We ask the Board to provide essential and authoritative guidance to industry, to state and local authorities and other federal agencies, and to the courts, on the scope and application of ICCTA preemption. Doing so will facilitate the uniformity originally intended by Congress, while curtailing state or local encroachment into an inherently federal jurisdiction.

Thank you for your time and attention to this important matter.

Sincerely,

American Chemistry Council

American Short Line and Regional Railroad Association

Association of American Railroads

Intermodal Association of North America

National Grain and Feed Association

National Industrial Transportation League