June 14, 2021

The Honorable Maria Cantwell  
Chair, Senate Committee on Commerce, Science and Transportation  
420 A Hart Senate Office Building  
Washington, DC 20510

The Honorable Roger Wicker  
Ranking Member, Senate Committee on Commerce, Science and Transportation  
512 Dirksen Senate Office Building  
Washington, DC 20510

The Honorable Gary Peters  
Chair, Surface Transportation, Maritime, Freight, and Ports Subcommitte  
420 A Hart Senate Office Building  
Washington, DC 20510

The Honorable Deb Fischer  
Ranking Member, Surface Transportation, Maritime, Freight, and Ports Subcommitte  
454 Russell Senate Office Building  
Washington, DC 20510

Dear Chair Cantwell, Ranking Member Wicker, Chair Peters and Ranking Member Fischer:

As Congress works to complete legislation providing much-needed investment in infrastructure, fostering continued economic recovery and addressing the threat of global climate change, freight railroads are a key part of the solution. Every ton of freight moved by rail strengthens the economy, supports jobs, mitigates pollution and saves taxpayers money.

Freight railroads invest their own private capital into maintaining and upgrading their infrastructure and technology while other modes require taxpayer assistance. Freight railroads were the only mode of transportation that did not seek government assistance during the pandemic.

Because a train can carry the load of several hundred trucks, railroads ease burdens on the nation’s highways and bridges while also reducing congestion and emitting 75% fewer greenhouse gas emissions per ton-mile. As the greenest way to move freight over land, railroads account for approximately 40% of U.S. intercity freight while emitting only 2.1% of transportation-related emissions.

Freight railroads are safe and getting safer. By all measures, the last decade has been the safest in railroad history.

In short, freight railroads are essential to the nation’s economy and to combating climate change, especially with freight demand expected to rise 30% by 2040. As such, we believe any infrastructure package must enable continued robust private sector investment in freight rail.

Specifically, when considering infrastructure legislation, Congress should include the following policies:
• **Restore the Highway Trust Fund.** Railroads both compete with trucking companies over freight and count them among their biggest customers. Highway congestion and deficient infrastructure hurt the entire intermodal network. To ensure a robust and solvent Highway Trust Fund (HTF), Congress should base HTF funding on a “user pays” principle. When general fund monies are used to pay for roads and bridges, and when heavy trucks are allowed to operate without paying the full cost of their impact, highways are incentivized for freight movement.

• **Improve Partnership Opportunities.** Increasing funding for highway-rail grade crossing projects and discretionary grant programs enable the public sector to improve highway safety along railroad crossings and to partner with freight railroads to advance projects of mutual interest. Congress should increase funding for these activities.

• **End Modal Inequity.** Freight rail is the safest, most efficient and most environmentally sustainable way to move freight over land. Less efficient modes of transportation receive federal subsidies in the form of artificially low fuel taxes as well as incentives to automate their operations to improve network fluidity and safety. Congress should implement a vehicle-miles-traveled (VMT) fee – that also factors in vehicle weight – to ensure heavy trucks pay their full infrastructure cost. Policymakers should also avoid prescriptive operational requirements on railroads, like minimum crew size mandates, that would not improve safety but would limit innovation and competitiveness.

• **Provide Amtrak Funding.** A reliable passenger rail network is the most environmentally friendly mode for moving people over land and is a critical connector both in dense corridors and across rural areas. Congress should provide funding for Amtrak and state-supported passenger routes to maintain and replace current critical infrastructure.

• **Preserve Balanced Economic Regulation.** Balanced economic regulation has allowed freight railroads to pour nearly $740 billion of their own money – not taxpayer dollars – back into the rail network since 1981. Congress should avoid changes that would threaten rail investment and undermine the ability of railroads to help the nation meet other policy goals.

Thank you for your leadership and for your continued attention to the role of freight railroads in supporting a robust and sustainable economic recovery.

Sincerely,

Deanna Kupcik
President & CEO
Buckeye Valley Chamber of Commerce
Buckeye, AZ

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Mayor
City of Kingman
Kingman, AZ

Robert Heidt
President & CEO
Glendale Chamber of Commerce
Glendale, AZ

Jeffrey Campos
President & CEO
Southwest Valley Chamber of Commerce
Goodyear, AZ
Raoul Sada  
President & CEO  
Surprise Regional Chamber of Commerce  
Surprise, AZ

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President & CEO  
Wickenburg Chamber of Commerce  
Wickenburg, AZ

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Florida House of Representatives  
Lightpoint, FL

Hon. Andres Pico  
Representative, District 16  
Colorado House of Representatives  
Colorado Springs, CO

Hon. Ed Hooper  
Senator, District 16  
Florida Senate  
Palm Harbor, FL

Dr. Patrick Sherry, Ph.D., A.B.P.P.  
Research Professor & Executive Director  
Natl. Center for Intermodal Transportation  
Centennial, CO

Cyndi Jantomaso  
President  
Haines City Economic Development Council  
Haines City, FL

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City of Northlake
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Exec. Director Technology and Infrastructure
Illinois Chamber of Commerce
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Indy Chamber
Indianapolis, IN

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Kansas Association of Counties
Topeka, KS

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NE Johnson Co. Chamber of Commerce
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Vice Chair, House Transportation Committee
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Kansas House of Representatives
Kansas City, KS

Richard Sullivan
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Econ. Dev. Council of Western MA, Inc.
Springfield, MA

Tim Murray
President & CEO
Worcester Regional Chamber of Commerce
Worcester, MA

Susan M. Smith
Executive Director
Econ. Dev. Partnership of Hillsdale County
Jonesville, MI
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<td>T'Risa McCord</td>
<td>Interim President &amp; CEO, Kansas City Econ. Development Corporation, Kansas City, MO</td>
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<td>Dr. Jameson Taylor, Ph.D.</td>
<td>Senior Vice President for Policy, Mississippi Center for Public Policy, Jackson, MS</td>
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<td>Hon. Jody Steverson</td>
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<td>Shari T. Veazey</td>
<td>Executive Director, Mississippi Municipal League, Jackson, MS</td>
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<td>Hon. Joey Fillingane</td>
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Missoula, MT

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President & CEO  
North Platte Area Chamber of Commerce  
North Platte, NE

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Albuquerque, NM

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Las Vegas, NV

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Tennessee General Assembly  
Knoxville, TN

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Lance LaCour  
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Katy Area Economic Development Council  
Katy, TX

Gene Lindgren  
President & CEO  
Laredo Economic Development Corporation  
Laredo, TX

Tara Watson-Wilkins  
President & CEO  
Lufkin/Angelina County Chamber of Commerce  
Lufkin, TX

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President & CEO  
North Texas Commission  
Irving, TX

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Plainview/Hale County Econ. Dev. Corporation  
Plainview, TX

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Port Director  
Port Isabel-San Benito Navigation District  
Port Isabel, TX

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San Antonio, TX

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Texas Rail Advocates  
Dallas, TX
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Pasco, WA

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Sprague, WA

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Mayor
City of Tacoma
Tacoma, WA

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President & CEO
Fife Milton Edgewood Chamber of Commerce
Fife, WA

Verlynn Best
President & CEO
Greater Yakima Chamber of Commerce
Yakima, WA

Tara Doyle-Enneking
President & CEO
Puyallup Sumner Chamber of Commerce
Puyallup, WA

Andrea H. Reay
President & CEO
South Seattle Chamber
Seattle, WA

Sprague Chamber of Commerce
Sprague, WA

David Schaffert
President & CEO
Thurston County Chamber of Commerce
Olympia, WA

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Mayor
City of Sun Prairie
Sun Prairie, WI

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Executive Director
Wisconsin County Highway Association
Boyceville, WI

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Representative, District 6
Wisconsin State Assembly
Bonduel, WI

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Nicholas County Commission
Summersville, WV

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Commissioner
Nicholas County Commission
Summersville, WV

Hon. C. Craig Chapman
Commissioner
Nicholas County Commission
Summersville, WV

CC: Members of the Senate Commerce, Science and Transportation Committee