



DEPARTMENT OF THE ARMY
UNITED STATES ARMY TRANSPORTATION COMMAND
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24 February 2026

ENTERED

Office of Chief Counsel
February 26, 2026
Part of
Public Record

Office of Chief Counsel
Surface Transportation Board
Attn: Docket No. EP 788
395 E Street, SW
Washington, DC 20423-0001

Re: Railroads for National Defense (RND) Program Comments Regarding Eliminating
Regulatory Burdens to Competition; Docket No. EP 788

Dear Office of Chief Counsel:

The Surface Transportation Board sought comments on the proposal to repeal its regulations on "Intramodal Rail Competition" under 49 C.F.R. Part 1144 which implement the agency's statutory authority to prescribe reciprocal switching agreements. Enclosed please find comments from the Railroads for National Defense (RND) Program under the U.S. Army Transportation Command (ARTRANS) and U.S. Transportation Command (USTRANSCOM).

Should any questions arise regarding the RND Program's comments, please do not hesitate to contact me at (618) 220-5052 or by email at stacy.e.flippin.civ@army.mil. Thank you for your consideration of the enclosed.

Respectfully submitted,

Stacy E. Flippin

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UNITED STATES TRANSPORTATION COMMAND

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Office of Special Assistant
For Transportation Engineering

24 February 2026

Subject: Railroads for National Defense (RND) Program Comments on Eliminating Regulatory Burdens to Competition; Docket No. EP 788

This submittal is in response to the Surface Transportation Board (STB) Docket Number EP 788 which was decided on January 6, 2026 and published in the Federal Register on January 9, 2026. EP 788 is a notice of proposed rulemaking concerning repeal of the regulations on “Intramodal Rail Competition” which implement the agency’s statutory authority to prescribe reciprocal switching agreements. The repeal would allow the Board to consider the prescription of through rates and reciprocal switching agreements on a case-by-case basis under the applicable statutory standards. Please see the comments below from the Railroads for National Defense (RND) Program requesting consideration of military equities in the application of reciprocal switching agreements on a case-by-case basis.

Introduction & Background:

On behalf of the Department of War (DoW) and U.S. Transportation Command (USTRANSCOM), the Railroads for National Defense (RND) Program within the U.S. Army Transportation Command (ARTRANS) has an ongoing interest in America’s rail network to ensure that it supports military readiness capability requirements for both defense deployment and peacetime needs. Rail transportation is extremely important to DoW. Heavy tracked vehicles, high-volume movements of wheeled vehicles, and other defense materiel rely on rail to meet contingency deployment timelines between inland installations and seaports of embarkation (SPOEs). The economy of scale offered by domestic freight rail transportation is a strategic advantage.

The RND Program works with each military Service to identify its requirements for civil sector rail service. The Services’ needs and requirements are then advocated for and integrated into civil sector plans, standards, programs, regulations, and rules. The primary method in which the RND Program communicates DoW rail service needs is through, in collaboration with the Federal Railroad Administration, the designation of the Strategic Rail Corridor Network (STRACNET) and its associated Defense Connector lines. The STRACNET and Defense Connector network comprises of over 41,000 miles of rail line deemed important to national defense. These lines directly serve or connect approximately 140 locations nationwide that require active commercial rail service to meet military needs. Examples of these locations include, but are not limited to, major force projection installations such as Fort Hood, TX, ammunition production sites such as McAlester Army Ammunition Plant, OK, and designated Commercial Strategic Seaports such as the Port of Charleston, SC.

The RND Program, in conjunction with ARTRANS’s Office of the Staff Judge Advocate, monitors all filings with the Board to evaluate potential impacts to DoW equities. The RND Program serves as DoW’s single manager for comments, filings, and participation in active Board proceedings. It analyzes all proposed railroad abandonments, discontinuances, mergers, and rulemaking changes to ensure there are no negative impacts to STRACNET or other DoW civil rail transportation requirements.

The Department of War Relies on a Reliable and Resilient Rail Network

During times of national security emergency, the Department of War must be capable of delivering a large quantity of defense materiel between force projection installations, many within the interior of the country, to SPOEs within a rapid timeline. To accomplish this, DoW and USTRANSCOM relies on a safe, reliable, resilient, efficient STRACNET and overall commercial rail network as the only feasible means of transporting the required volume of equipment within constrained timeframes.

This reliance is especially critical in the current national security environment where the majority of force projection capability resides on military installations within the Continental United States (CONUS). DoW depends on close partnerships with commercial rail carriers to maintain infrastructure that meets military needs and to ensure sufficient levels of service to support mission requirements. This includes the ability to quickly assign crews and locomotives to dedicated unit train service during surge operations.

Current Rail Operating Environment for Defense Needs

The RND Program acknowledges the longstanding partnership between the commercial rail industry and the military, which has supported national security and defense needs since the mid-19th century. Today, commercial rail carriers generally provide adequate levels of support for peacetime needs and have often responded to unique peacetime military rotational requirements and timely mission objectives.

However, recent disruptions in rail service during the post COVID-19 economic recovery period have exposed risks in the rail network's ability to adapt rapidly to both external effects outside of rail carrier control or internal effects driven through industry business decisions. National or regional emergencies, sudden shifts in operational demand, or post-merger service disruptions are recent examples where DoW's response may have been challenged if a major large scale contingency deployment or mobilization was ordered during these periods.

These vulnerabilities are further exacerbated by the risk of conflict with a near-peer adversary capable of targeting homeland transportation infrastructure and cyber networks, potentially compounding delays and operational inefficiencies. In such scenarios, it is critical to have deployment options that mitigate these risks and to exercise these options before they are urgently needed.

Existing Emergency Service Mitigation Procedures Introduce Additional Risk

While the rail industry generally provides adequate service to DoW, recent disruptions have at times adversely impacted military operations. Formal options available to DoW for securing service relief under emergency circumstances, such as emergency service orders or prescription of alternative rail service, are limited to the measures outlined in 49 C.F.R. § 1146 and 1147. The RND Program has also successfully utilized informal means to resolve rail service issues through coordination with the STB's Rail Customer and Public Assistance Program.

However, these measures are reactive in nature, and the delays associated with their adjudication, implementation, and oversight pose operational risks to DoW, particularly during times of war or heightened national security threats. Since the majority of force projection capability is stationed within CONUS, any disruption or delay in deploying forces via commercial rail undermines the military's ability to project power and sustain operations. Even small delays at the outset of an overseas deployment can compound significantly throughout the complex "fort-to-foxhole" logistics enterprise.

Reciprocal Switching Agreements Would Safeguard Strategic National Defense Interests

With the current reciprocal switching rules under 49 C.F.R. § 1145 now vacated, the additional repeal of the anticompetitive conduct standard under 49 C.F.R. § 1144 would empower the Board to consider a prescription of reciprocal switching agreements on a case-by-case basis under the applicable statutory standards. This flexibility would allow the Board to evaluate petitions based on authority under 49 U.S.C. § 11102(c)(1), which permits the Board to require rail carriers to enter into reciprocal switching agreements when such agreements are “practicable and in the public interest” or “necessary to provide competitive rail service.”

Establishment of competitive rail service through the application of reciprocal switching orders is necessary for the public interest and safeguarding of national defense by increasing flexibility and resiliency to deploy critical military units via rail during peace and wartime. The RND Program would strongly consider advocating for reciprocal switching agreements at critical defense activities which currently rely on a single rail carrier for service. These agreements would provide DoW with necessary operational flexibility and network resiliency to proactively address any service challenges at rail dependent installations by enabling the choice of alternative carriers based on current performance, network capacity, operational efficiency needs per deployment requirements, or other constraints.

This enhanced adaptability would significantly bolster the resilience of military operations and strengthen the homeland’s ability to project power, granting military commanders enhanced decision space in times of war or national emergency where hours in deployment delays could affect overall mission success. Furthermore, the added resilience to network operations creates additional dilemmas for potential adversaries by adding infrastructure, routing, and service provider options that have been ideally exercised well beforehand.

Importantly, the RND Program would consider petition and implementation of such an order solely where it is reasonable, practicable and in the best interest of national defense. This would include an evaluation that potential service from an alternative rail carrier would be safe, reliable, and efficient to meet required timelines and other mission needs.

The Board Should Consider National Defense Under Applicable Statutory Standards

Under 49 U.S.C. § 11102(c)(1), the Board has discretion to order reciprocal switching agreements when it determines such arrangements are either “practicable and in the public interest” or “necessary to provide competitive rail service.”

Recent precedent from the United States Court of Appeals for the Seventh Circuit determined that meeting the first statutory standard requires a finding of “inadequate service.” While traditional metrics for determining inadequate service may not apply to DoW’s varied and unscheduled shipments, the adequacy of rail service to a military installation could and should be defined by its overall reliability, resiliency, and flexibility to meet military needs during times of national emergency.

Additionally, the Board’s primary authority in the matter of prescribing reciprocal switching agreements for military needs is well grounded in the second statutory standard of “necessary to provide competitive rail service” and firmly supported by the statutory policy outlined in 49 U.S.C. § 10101(4). This policy directs the Board to “ensure the development and continuation of a sound rail transportation system with effective competition among rail carriers and with other modes, to meet the needs of the public and the national defense.” This authority aligns with the broader statutory framework of § 11102(c)(1) and reflects Congress’s clear intent to promote competition and protect national defense, thereby protecting the public interest in commercial rail transportation.

Conclusion

The RND Program urges the Board to consider the unique needs of national defense when evaluating reciprocal switching petitions under a “case-by-case” basis pursuant to the applicable statutory standards or under future proposed rulemaking. Ensuring flexibility, resiliency, and reliability in rail service is critical to safeguarding military readiness, national security, and the public interest.

For any response to this submittal or for general inquiries to the RND Program, please contact my office via email at usarmy.scott.sddc.mbx.tea-rnd@mail.mil.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Sean D. Neef". The signature is fluid and cursive, with the first name "Sean" and last name "Neef" clearly distinguishable.

SEAN D. NEEF, P.E.
Senior Engineer,
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