

**SENATE COMMITTEE ON COMMERCE, SCIENCE, AND
TRANSPORTATION**

Full Committee
Nomination Hearing
Thursday, November 6, 2025, at 10:00 A.M.

DEMOCRATIC QUESTIONS FOR THE RECORD

Mr. Richard Kloster

COVER PAGE

RANKING MEMBER MARIA CANTWELL (D-WA)

Surface Transportation Board (STB) Independence. During the 114th Congress, then Chairman Thune sponsored the Surface Transportation Board Reauthorization Act of 2015, which became law. Senator Thune’s bill wisely added these 13 words to the law: “The Surface Transportation Board is an independent establishment of the United States Government.”

I am concerned that the White House will seek to put its thumb on the scale of Union Pacific–Norfolk Southern merger unless we have board members that are committed to its independence from this or any President.

Question 1: YES or NO: Do you believe in the importance of bipartisanship on independent boards and commissions?

***Answer:* If confirmed, I am committed to working in a fair and objective manner with all members of the STB, regardless of party affiliation.**

Question 2: YES or NO: If the President or anyone else in this Administration threatened to fire you unless you took an action you disagreed with, would you refuse?

***Answer:* While I do not believe the President or anyone else in this Administration would take any such actions, if confirmed, yes, I would refuse.**

Question 3: YES or NO: Do you commit to make an independent determination of the merger’s impact on American farmers, workers, and families regardless of political pressure?

***Answer:* While I cannot comment on pending (or anticipated) matters, yes, in any matter that comes before me, if I am confirmed, I commit to making independent determinations consistent with law.**

Question 4: Do you think an STB Member is required to follow the President’s direction?

***Answer:* I believe the STB Members should and will review all evidence and comments filed on the docket fully and fairly.**

Question 5: If confirmed, do you intend to follow formal or informal direction from President Trump with respect to any actions taken in your official capacity?

***Answer:* As noted for Question 4, if confirmed, I will review all evidence and comments filed in at the STB docket fully and fairly.**

Question 6: Approximately nine months ago, you “liked” a LinkedIn post that read: “MAGA with a mandate from the American people demands that all 3 of these be confirmed. If you are Republican and vote nay then your political career is OVER!!” The post contained pictures of Kash Patel, Tulsi Gabbard, and Robert Kennedy Jr., while their nominations were pending before the Senate.

Yes or No: Do you agree that an STB Member is charged with protecting the public interest—not political interests?

Answer: Yes, I agree that an STB member is charged with following the law, which I commit to.

Hatch Act Violations: The Hatch Act generally prohibits executive branch employees from engaging in political activity while on duty. Political activity includes “activity directed at the success or failure of a political party, candidate for partisan political office, or partisan political group.”

At the hearing, STB Member Schultz acknowledged receiving an email from STB Chair Patrick Fuchs which blamed only “Congressional Democrats” for the government shutdown.

Question 1: Do you think it is appropriate for the head of an independent agency to send an agency-wide email attempting to assign political blame to only one political party?

Answer: If confirmed, I commit to complying with the Hatch Act. I am not familiar with this situation, but my understanding is that that this was a government-wide email from the Executive Office of the President, and STB leadership from both parties has long followed established redistribution protocols for EOP-drafted notices.

Question 2: If you were directed to send an email like this to STB staff, would you refuse?

Answer: If confirmed, I commit to complying with the Hatch Act as an STB member.

Question 3: If you believed an employee of the Board violated the Hatch Act, would you report it to the U.S. Office of Special Counsel?

Answer: Yes, if confirmed, upon advice of counsel, I would report a violation of the Hatch Act to the U.S. Office of Special Counsel.

Competition: Mr. Kloster, you have been in the rail industry for decades and have witnessed the changes to the rail industry brought on by precision scheduled railroading (PSR).

Question 1: How would you define PSR?

Answer: PSR is a term used in the industry to describe changes in operating philosophy and practice. Most large railroads have deployed aspects of PSR, some significantly but others much less.

Question 2: How has PSR impacted the rail industry?

Answer: I think that railroads have made changes over the years that have had different impacts and that the core of the issue for shippers is how it has affected their service, which is a very personal and specific thing to a particular shipper.

Question 3: How have you seen consolidation among railroads impact the industry?

Answer: **Over the last 30 years, I've seen rail consolidation led to great efficiencies and improvements in rail service, as well as opening new markets for shippers. But I've also seen consolidation led to increased prices and other difficulties for shippers. The economics and competitive impacts of any consolidation are unique and should be carefully studied.**

Question 4: What issues do you think the board needs to take a closer look at to improve service and competition in the rail industry?

Answer: **Reliable rail service and competition in the rail industry are at the center of many pending matters currently before the STB. If confirmed, I commit to working diligently with my STB colleagues on these matters.**

Common Carrier Obligations: Federal law required railroads to provide “transportation or service on reasonable request.”

Question 1: Do you believe that this common carrier obligation includes a duty to provide reliable service to shippers?

Answer: **Common carrier can be found in 49 U.S.C. § 11101, and if confirmed, I will uphold the law.**

Cost-Benefit Analyses: Currently, the surface transportation board is not required to formally consider the costs and benefits of a regulation during the rulemaking process.

Question 1: Do you believe the Board should conduct a formal costs and benefit analysis as part of the rule making process?

Answer: **As a private sector executive and market analyst, I am always weighing costs and benefits, and as a policy matter that is what the STB has always done and what it should continue to do.**

Question 2: Are there ever times where you think a rule should not pass a cost benefit analysis?

Answer: **Any rule adopted by the STB has, by definition, passed a cost-benefit analysis, whether or not it follows the formal procedures outlined by OMB policy.**

Reciprocal Switch Rule: In July, the U.S. Court of Appeals for the Seventh Circuit overturned the Board's reciprocal switching rules.

Question 1: Do you believe the Board should revisit the regulations to update them in accordance with the Court's findings?

Answer: This issue is now back at the Board and commenting on this issue would not be appropriate. If I am confirmed to the Board, I commit to working with my fellow members to address and resolve this issue.

Rate Cases: U.S. Court of Appeals for the Eighth Circuit recently overturned the Board's Final Offer Rate Review case which the Board implemented in response to provisions within the STB Reauthorization Act of 2015.

Question 1: Do you believe that rate review cases at the Board need to be expedited?

Answer: If confirmed, I commit to working diligently to make sure all rate issues are dealt with fairly and in a timely fashion.

Question 2: What ideas do you have to expedite rate review cases?

Answer: If I am confirmed, I commit to working with the other Board Members to explore ways to expedite rate review cases.

Union Pacific–Norfolk Southern Merger. If approved, the Union Pacific–Norfolk Southern merger would be the largest rail merger in the U.S. history. The combined railroad would be worth over a quarter of a trillion dollars and control 40 percent of the Nation's rail traffic. In Washington State, one in every six tons of freight travels by rail.

Whether that's our wheat harvest moving to export port or consumer goods traveling to households—Washington's farmers, families, and businesses deserve reliable freight service options at reasonable rates.

Question 1: YES or NO: Do you commit to following the STB's merger rules that require you to only approve this merger if it increases competition?

Answer: While I cannot comment on pending (or anticipated) matters, I do commit to always following relevant laws and acting impartially.

Question 2: YES or NO: Do you commit to carefully examining the impacts on ports, farmers, small business shippers, and to workers and public safety?

Answer: Again, while I cannot comment on pending (or anticipated) matters, I commit to giving full and fair consideration to all evidence and comments filed in the record.

Helping America's Farmers. According to an October 2, 2025, report from the Farm Bureau, US Farm Income is down year-over-year for almost every crop category tracked, including: Corn, Soybeans, Vegetables & Melons, Wheat, Hay, Cotton, and Rice. For example the report notes, "From January through August 2025, U.S. soybean exports to China totaled just 218

million bushels, down sharply from 985 million bushels in 2024, when China purchased about half of all U.S. soybean exports.”

Question 1: What can the STB do to lower transportation barriers for America’s farmers and ensure they have rail access at reasonable rates to market their crops?

Answer: **I believe the STB should fairly apply the laws and regulations in order to ensure an efficient and reliable interstate rail network that benefits all shipper industry segments.**

SENATOR AMY KLOBUCHAR (D-MN)

Agricultural Shippers. Agricultural producers depend on reliable and competitive rail service to move their products to domestic and international markets. Agricultural shippers already face limited competitive options for rail service and further consolidation could compound these challenges.

- How do you plan to protect the interests of agricultural shippers going forward?

Answer: **Agricultural shippers, as well as many other industries, are vital to the railroads. If confirmed, I commit to using the legal authorities of the STB to ensure an efficient interstate railroad network.**

SENATOR TAMMY BALDWIN (D-WI)

1. The common carrier obligation requires the railroads provide service upon reasonable request and at reasonable rates. However, it unfortunately lacks a clear definition, which the Transportation Research Board found to be “poorly defined.” Earlier this year, I introduced the Reliable Rail Service Act with Senator Marshall to better clarify the common carrier obligation, with the strong support of a wide range of rail shippers and rail labor unions. Do you believe that additional clarification of the common carrier obligation would provide more certainty to shippers?

Answer: I believe clarity is always a good thing, and that reliable rail service is a top issue. If confirmed, I commit to working closely with Senator Baldwin on rail service issues. If the Reliable Rail Service Act is enacted, I would apply the requirements set forth in the Act.

2. One of my longstanding priorities is for the STB to review, reduce or eliminate most or all its existing commodity exemptions. Shippers of exempted commodities are currently unable to seek relief from the STB unless they receive a “revocation” of the exemption beforehand. Doing so is a costly and lengthy process, and few shippers have pursued revocations for that reason. If confirmed, will you commit to looking into this issue further?

Answer: This is a matter that is currently before the Board, so it would be inappropriate for me to comment on it. If confirmed, I commit to looking into this issue with my fellow Board Members.

3. Do you believe the President and his Administration should be allowed to shape and influence Board actions and decisions?

Answer: Yes, the President and his Administration can do so, such as by providing comments to government agencies.

4. As an Independent Regulatory Agency, should the Board officially engage in partisan activities, including communications with Agency employees?

Answer: The STB is an independent agency established by Congress. The Board must carry out its functions in a fair and impartial manner.

5. If the Board and its members are required to no longer operate as an independent and impartial agency, what impact would it have on our country’s freight rail network and the national supply chain?

Answer: The Board is an independent agency by law and if confirmed, I commit to making decisions fairly and after full consideration of the record.

6. Can the Board effectively function if subjected to political interference?

Answer: **If confirmed, I commit to always exercising my own independent judgment after a thorough review of the record.**

SENATOR LISA BLUNT ROCHESTER (D-DE)

Topic: Independence of the Surface Transportation Board (STB)

Question 1: *The White House said they fired Member Primus because he did not support the President's America First agenda.*

- a. *Do you believe Mr. Primus's firing was justified, and does it compromise the integrity and impartiality of the Board?*

Answer: Because Mr. Primus has filed a lawsuit regarding his firing, it would be inappropriate for me to provide to comment on.

- b. *Considering this, do you feel pressure to support the President's agenda? Should every member, including Democrats support the President's agenda? If not, should they be removed?*

Answer: Because Mr. Primus has filed a lawsuit regarding his firing, it would be inappropriate for me to provide to comment on. The STB is an independent agency and if confirmed, I commit to following executing my duties consistent with law.

- c. *Given the independence of the Surface Transportation Board, do you believe the President and the Trump administration should be permitted to influence the Board's decisions?*

Answer: The President and the Trump administration are free to provide comments in the record on pending matters before the STB. This has been the practice of previous administrations, as well.

- d. *If the Board and its members operate with only the President's agenda in mind, how will this impact our nation's freight rail network and national supply chains? Can the Board continue to function effectively?*

Answer: If confirmed, I commit to executing my responsibilities as a member of the STB fairly and impartially, after full consideration of the evidence and facts presented in the record of all matters that come before me.

Question 2: *During your confirmation hearing, Ms. Schultz confirmed that Chairman Fuchs sent an unprecedented email to Surface Transportation Board staff blaming Democrats for the government shutdown.*

- a. *How would you define the Hatch Act?*

Answer: The Hatch Act is current law and if confirmed, I commit to complying with the Act.

- b. *Is it appropriate for apolitical Surface Transportation Board staff to be subjected to partisan emails from Board leadership and does it undermine the impartiality of the Board?*

Answer: **Because I am not at the STB, I have no personal knowledge of any emails, but I understand this was a government-wide email from the Executive Office of the President. If confirmed, I commit to complying with the Hatch Act and would consult with agency counsel on all potential Hatch Act issues.**