

[STAFF WORKING DRAFT]

December 14, 2009

Purpose: To place a time limit on the Board to complete the rail practice and rail care interchange studies and for other purposes.

**IN THE COMMITTEE ON COMMERCE, SCIENCE, AND
TRANSPORTATION—111TH Cong., 1ST Sess.**

S. _____, 111TH Congress, 1ST Session

DECMEBER 17, 2009

INTENDED to be proposed by Ms. CANTWELL

Viz: Strike sections 209 and 210 and insert the following:

1 **SEC. 209. RAIL PRACTICES STUDY.**

2 (a) STUDY.—Within 2 years after the date of enact-
3 ment of this Act, the Surface Transportation Board shall
4 complete a study of rail practices, including switching,
5 surcharges, penalties, demurrage, and accessorial charges.
6 In conducting the study, the Board shall provide public
7 notice and opportunity for comment and conduct one or
8 more public hearings.

9 (b) REPORT TO CONGRESS.—Upon completion of the
10 study prescribed herein the Board—

11 (1) shall submit a report to the Senate Com-
12 mittee on Commerce, Science, and Transportation
13 and the House of Representatives Committee on

1 Transportation and Infrastructure on its findings;
2 and

3 (2) may initiate a rulemaking to correct any
4 practices demonstrated during the study to warrant
5 further consideration.

6 (c) **RULE OF CONSTRUCTION.**—Nothing in this sec-
7 tion shall limit the authority of the Surface Transpor-
8 tation Board to initiate rulemakings or adjudicate com-
9 plaints pursuant to its authority under section 11121 of
10 title 49, United States Code.

11 **SEC. 210. RAIL CAR INTERCHANGE STUDY.**

12 (a) **STUDY.**—Within 2 years after the date of enact-
13 ment of this Act, the Surface Transportation Board shall
14 complete a study of rail interchange rules, including car
15 service, interchange, other operating rules adopted by an
16 individual rail carrier or adopted by or administered by
17 the Association of American Railroads, the process by
18 which such rules are adopted by the Association, and the
19 effect of those rules on the national rail system. In con-
20 ducting the study, the Board shall provide public notice
21 and opportunity for comment and conduct one or more
22 public hearings.

23 (b) **REPORT TO CONGRESS.**—Upon completion of the
24 study prescribed herein, the Board—

1 (1) shall submit a report to the Senate Com-
2 mittee on Commerce, Science, and Transportation
3 and the House of Representatives Committee on
4 Transportation and Infrastructure on its findings;
5 and

6 (2) may initiate a rulemaking to correct any
7 practices demonstrated during the study to warrant
8 further consideration.

9 (c) RULE OF CONSTRUCTION.—Nothing in this sec-
10 tion shall limit the authority of the Surface Transpor-
11 tation Board to initiate rulemakings or adjudicate com-
12 plaints pursuant to its authority under section 10742 of
13 title 49, United States Code.

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