

108TH CONGRESS  
1ST SESSION

# H. R. 2712

To authorize the Surface Transportation Board to direct the continued operation of certain commuter rail passenger transportation operations in emergency situations, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 10, 2003

Mr. YOUNG of Alaska (for himself and Mr. QUINN) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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## A BILL

To authorize the Surface Transportation Board to direct the continued operation of certain commuter rail passenger transportation operations in emergency situations, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Emergency Directed  
5 Rail Service Act”.

6       **SEC. 2. FAILURE OF COMMUTER OPERATIONS.**

7       Section 11123 of title 49, United States Code, is  
8 amended—

1 (1) in subsection (a)—

2 (A) by inserting “failure of existing com-  
3 muter rail passenger transportation operations  
4 caused by a cessation of service by the National  
5 Railroad Passenger Corporation,” after “ces-  
6 sation of operations,”;

7 (B) by striking “or” at the end of para-  
8 graph (3);

9 (C) by striking the period at the end of  
10 paragraph (4)(C) and inserting “; or”; and

11 (D) by adding at the end the following new  
12 paragraph:

13 “(5) in the case of a failure of existing freight  
14 or commuter rail passenger transportation oper-  
15 ations caused by a cessation of service by the Na-  
16 tional Railroad Passenger Corporation, direct the  
17 continuation of the operations and dispatching,  
18 maintenance, and other necessary infrastructure  
19 functions related to the operations.”;

20 (2) in subsection (b)(3)—

21 (A) by striking “When” and inserting “(A)  
22 Except as provided in subparagraph (B),  
23 when”; and

24 (B) by adding at the end the following new  
25 subparagraph:

1       “(B) In the case of a failure of existing freight or  
2 commuter rail passenger transportation operations caused  
3 by a cessation of service by the National Railroad Pas-  
4 senger Corporation, the Board shall provide funding to  
5 fully reimburse the directed service provider for its costs  
6 associated with the activities directed under subsection  
7 (a), including the payment of increased insurance pre-  
8 miums. The Board shall order complete indemnification  
9 against any and all claims associated with the provision  
10 of service to which the directed rail carrier may be ex-  
11 posed.”;

12               (3) by adding the following new paragraph at  
13 the end of subsection (c):

14       “(4) In the case of a failure of existing freight or  
15 commuter rail passenger transportation operations caused  
16 by cessation of service by the National Railroad Passenger  
17 Corporation, the Board may not direct a rail carrier to  
18 undertake activities under subsection (a) to continue such  
19 operations unless—

20               “(A) the Board first affirmatively finds that the  
21 rail carrier is operationally capable of conducting the  
22 directed service in a safe and efficient manner; and

23               “(B) the funding for such directed service re-  
24 quired by subparagraph (B) of subsection (b)(3) is  
25 provided in advance in appropriations Acts.”; and

1           (4) by adding at the end the following new sub-  
2           sections:

3           “(e) For purposes of this section, the National Rail-  
4           road Passenger Corporation and any entity providing com-  
5           muter rail passenger transportation shall be considered  
6           rail carriers subject to the Board’s jurisdiction.

7           “(f) For purposes of this section, the term “com-  
8           muter rail passenger transportation” has the meaning  
9           given that term in section 24102(4).”.

10   **SEC. 3. CONFORMING AMENDMENT.**

11           Section 24301(c) of title 49, United States Code, is  
12           amended by inserting “11123,” after “except for sec-  
13           tions”.

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