

Union Calendar No. 576

110TH CONGRESS
2D SESSION

H. R. 6707

[Report No. 110-893]

To require Surface Transportation Board consideration of the impacts of certain railroad transactions on local communities, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 31, 2008

Mr. OBERSTAR (for himself, Ms. BEAN, Mrs. BIGGERT, Mr. VISCLIOSKY, Mr. FOSTER, Mr. MANZULLO, Mr. ROSKAM, Mr. HOBSON, Mr. NEAL of Massachusetts, Mr. THOMPSON of California, Mr. KAGEN, Mr. KIND, Ms. WASSERMAN SCHULTZ, Ms. CASTOR, Ms. BERKLEY, Ms. HOOLEY, Mr. BRALEY of Iowa, Ms. PRYCE of Ohio, Mr. GILCHREST, Mr. LAHOOD, and Mr. CRAMER) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

SEPTEMBER 26, 2008

Additional sponsors: Mr. HOLDEN, and Ms. NORTON

SEPTEMBER 26, 2008

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on July 31, 2008]

A BILL

To require Surface Transportation Board consideration of the impacts of certain railroad transactions on local communities, 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 “Taking Responsible Ac-*
5 *tion for Community Safety Act”.*

6 **SEC. 2. EFFECT OF MERGERS ON LOCAL COMMUNITIES AND**
7 **RAIL PASSENGER TRANSPORTATION.**

8 *Section 11324 of title 49, United States Code, is*
9 *amended—*

10 (1) *in subsection (a)—*

11 (A) *by striking the last sentence and insert-*
12 *ing “The Board shall hold public hearings on the*
13 *proposed transaction, including public hearings*
14 *in the affected communities, unless the Board de-*
15 *termines that public hearings are not necessary*
16 *in the public interest.”;*

17 (2) *in subsection (b)—*

18 (A) *by striking “which involves the merger*
19 *or control of at least two Class I railroads,” and*
20 *inserting “with respect to a transaction that in-*
21 *volves at least one Class I railroad,”;*

22 (B) *by inserting “the effect on the public in-*
23 *terest, including” after “the Board shall con-*
24 *sider”;*

1 (C) in paragraph (2), by striking “on the
2 public interest”;

3 (D) by striking “and” at the end of para-
4 graph (4);

5 (E) by striking the period at the end of
6 paragraph (5) and inserting a semicolon; and

7 (F) by adding at the end the following new
8 paragraphs:

9 “(6) the safety and environmental effects of the
10 proposed transaction, including the effects on local
11 communities, such as public safety, grade crossing
12 safety, hazardous materials transportation safety,
13 emergency response time, noise, and socioeconomic
14 impacts; and

15 “(7) the effect of the proposed transaction on
16 intercity rail passenger transportation and commuter
17 rail passenger transportation, as defined by section
18 24102 of this title.”;

19 (3) by redesignating subsections (c), (d), (e), and
20 (f) as subsections (d), (e), (f), and (g) and inserting
21 a new subsection (c) as follows:

22 “(c) The Board shall approve and authorize a trans-
23 action under this section when it finds the transaction is
24 consistent with the public interest. The Board shall not ap-
25 prove a transaction described in subsection (b) if it finds

1 *that the transaction’s impacts on safety and on all affected*
2 *communities, as defined under subsection (b), outweigh the*
3 *transportation benefits of the transaction. The Board may*
4 *impose conditions governing a transaction under this sec-*
5 *tion, including conditions to mitigate the effects of the*
6 *transaction on local communities.”;*

7 (4) *in subsection (d), as redesignated, by striking*
8 *“The Board shall approve” and all that follows*
9 *through “the transaction, including” and inserting*
10 *“The conditions the Board may impose under this*
11 *section include”;* and

12 (5) *in subsection (e), as redesignated, by striking*
13 *“the merger or control of at least two Class I rail-*
14 *roads, as defined by the Board” and inserting “a*
15 *transaction described in subsection (b)”.*

16 **SEC. 3. EFFECTIVE DATE.**

17 *The amendments made in this Act shall be applied to*
18 *all transactions that have not been approved by the Board*
19 *as of August 1, 2008.*

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