

## S 919

Railroad Competition Act of 2003

**Congress:** 108 (2003–2005, Ended)

**Chamber:** Senate

**Policy Area:** Transportation and Public Works

**Introduced:** Apr 11, 2003

**Current Status:** Committee on Commerce, Science, and Transportation Subcommittee on Surface Transportation and Merchant Marine

**Latest Action:** Committee on Commerce, Science, and Transportation Subcommittee on Surface Transportation and Merchant Marine. Hearings held. With printed Hearing: S.Hrg. 108-965. (Oct 23, 2003)

**Official Text:** <https://www.congress.gov/bill/108th-congress/senate-bill/919>

### Sponsor

**Name:** Sen. Burns, Conrad R. [R-MT]

**Party:** Republican • **State:** MT • **Chamber:** Senate

### Cosponsors (7 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Baucus, Max [D-MT]	D · MT		Apr 11, 2003
Sen. Coleman, Norm [R-MN]	R · MN		Apr 11, 2003
Sen. Craig, Larry E. [R-ID]	R · ID		Apr 11, 2003
Sen. Dorgan, Byron L. [D-ND]	D · ND		Apr 11, 2003
Sen. Johnson, Tim [D-SD]	D · SD		Apr 11, 2003
Sen. Rockefeller, John D., IV [D-WV]	D · WV		Apr 11, 2003
Sen. Dayton, Mark [D-MN]	D · MN		May 6, 2003

### Committee Activity

Committee	Chamber	Activity	Date
Commerce, Science, and Transportation Committee	Senate	Hearings By (subcommittee)	Oct 23, 2003

### Subjects & Policy Tags

#### Policy Area:

Transportation and Public Works

### Related Bills

Bill	Relationship	Last Action
108 HR 2924	Related bill	<b>Jul 28, 2003:</b> Referred to the Subcommittee on Railroads.

Railroad Competition Act of 2003 - Amends Federal transportation law to specify the primary objectives of U.S. rail transportation policy.

Requires submission to arbitration of certain rail rate, service, and other disputes.

Prohibits the Surface Transportation Board (STB) from issuing a certificate authorizing construction and operation of railroad lines, or exempt from such certificate requirement any related activity, that involves a transfer of interest in a line of railroad, from a Class I rail carrier to a Class II or III rail carrier, if the activity directly or indirectly would result in a restriction of: (1) the ability of the Class II or Class III rail carrier to interchange traffic with other carriers; or (2) competition between or among rail carriers in the region affected by the activity in a manner or to an extent that would violate Federal antitrust laws.

Prescribes a procedure for shipper petition and STB review of any activity alleged to have resulted in a restriction of competition for at least ten years.

Changes from discretionary to mandatory the authority of the STB to require: (1) a rail carrier's terminal facilities to be used by another rail carrier subject to certain conditions; and (2) rail carriers to enter into reciprocal switching agreements. Prohibits the STB, in either instance, from requiring evidence of anticompetitive conduct by a rail carrier from which such access is sought.

Requires a rail carrier, upon shipper request, to establish a rate for transportation and provide requested service between any two points on the carrier's system where traffic originates, terminates, or may reasonably be interchanged. Specifies matters the carrier must disregard when establishing such rate.

Specifies matters the STB must disregard when determining the reasonableness of a shipper-challenged rate established by a rail carrier with market dominance.

Requires the Secretary of Transportation to conduct comprehensive triennial studies on rail carrier competition and STB processes.

Requires to STB to designate any State or part of a State as an area of inadequate rail competition after finding that: (1) it encompasses a significant number of rail shipping origins and destinations served exclusively by only one Class I railroad; or (2) a significant number of the persons that ship by rail or receive rail shipments in it usually find it necessary to pay rates exceeding a certain mark, or have experienced competitive disadvantage in the marketplace or other economic adversity because of high cost or poor rail service quality. Specifies actions the STB may take to resolve such anti-competitive conditions.

Amends the Department of Agriculture Reorganization Act of 1994 to establish within the Department of Agriculture an Office of Rail Customer Advocacy, headed by a Rail Customer Advocate who shall: (1) collect information on the cost and efficiency of rail transportation of agricultural and forestry commodities or products; (2) perform related studies; and (3) participate as a party in STB proceedings regarding regulation of such transportation, as well as to initiate any petitions for STB action.

## Actions Timeline

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- **Oct 23, 2003:** Committee on Commerce, Science, and Transportation Subcommittee on Surface Transportation and Merchant Marine. Hearings held. With printed Hearing: S.Hrg. 108-965.
- **Apr 11, 2003:** Introduced in Senate
- **Apr 11, 2003:** Read twice and referred to the Committee on Commerce, Science, and Transportation.