

111TH CONGRESS  
1ST SESSION

# H. R. 3410

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

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## IN THE HOUSE OF REPRESENTATIVES

JULY 30, 2009

Ms. BEAN (for herself, Mr. OBERSTAR, Mrs. BIGGERT, Mr. ROSKAM, Ms. BERKLEY, Mr. BILBRAY, Mr. BRALEY of Iowa, Ms. DEGETTE, Ms. WASSERMAN SCHULTZ, Mr. FOSTER, Ms. HARMAN, Mr. KIND, Mr. MANZULLO, Mr. THOMPSON of California, Mr. SHIMKUS, Mr. HOLDEN, Mr. VISCLOSKY, and Mrs. HALVORSON) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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## 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  
5 Action for Community Safety Act”.

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

3 Section 11324 of title 49, United States Code, is  
4 amended—

5 (1) in subsection (a)—

6 (A) by striking the last sentence and in-  
7 serting “The Board shall hold public hearings  
8 on the proposed transaction, including public  
9 hearings in the affected communities, unless the  
10 Board determines that public hearings are not  
11 necessary in the public interest.”;

12 (2) in subsection (b)—

13 (A) by striking “which involves the merger  
14 or control of at least two Class I railroads,”  
15 and inserting “with respect to a transaction  
16 that involves at least one Class I railroad,”;

17 (B) by inserting “the effect on the public  
18 interest, including” after “the Board shall con-  
19 sider”;

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

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

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

1 (F) by adding at the end the following new  
2 paragraphs:

3 “(6) the safety and environmental effects of the  
4 proposed transaction, including the effects on local  
5 communities, such as public safety, grade crossing  
6 safety, hazardous materials transportation safety,  
7 emergency response time, noise, and socioeconomic  
8 impacts; and

9 “(7) the effect of the proposed transaction on  
10 intercity rail passenger transportation and commuter  
11 rail passenger transportation, as defined by section  
12 24102 of this title.”;

13 (3) by redesignating subsections (c), (d), (e),  
14 and (f) as subsections (d), (e), (f), and (g) and in-  
15 serting a new subsection (c) as follows:

16 “(c) The Board shall approve and authorize a trans-  
17 action under this section when it finds the transaction is  
18 consistent with the public interest. The Board shall not  
19 approve a transaction described in subsection (b) if it finds  
20 that the transaction’s impacts on safety and on all affected  
21 communities, as defined under subsection (b), outweigh  
22 the transportation benefits of the transaction. The Board  
23 may impose conditions governing a transaction under this  
24 section, including conditions to mitigate the effects of the  
25 transaction on local communities.”;

1           (4) in subsection (d), as redesignated, by strik-  
2           ing “The Board shall approve” and all that follows  
3           through “the transaction, including” and inserting  
4           ““The conditions the Board may impose under this  
5           section include”; and

6           (5) in subsection (e), as redesignated, by strik-  
7           ing “the merger or control of at least two Class I  
8           railroads, as defined by the Board” and inserting “a  
9           transaction described in subsection (b)”.

10 **SEC. 3. EFFECTIVE DATE.**

11           The amendments made in this Act shall be applied  
12           to all transactions that have not been approved by the  
13           Board as of August 1, 2008.

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