

118TH CONGRESS
1ST SESSION

S. 2071

To amend section 11101 of title 49, United States Code, to ensure that rail carriers provide transportation or service in a manner that fulfills the shipper’s reasonable service requirements.

IN THE SENATE OF THE UNITED STATES

JUNE 21, 2023

Ms. BALDWIN (for herself and Mr. MARSHALL) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To amend section 11101 of title 49, United States Code, to ensure that rail carriers provide transportation or service in a manner that fulfills the shipper’s reasonable service requirements.

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 “Reliable Rail Service
5 Act”.

6 **SEC. 2. COMMON CARRIER TRANSPORTATION.**

7 Section 11101 of title 49, United States Code, is
8 amended—

1 (1) in subsection (a)—

2 (A) by inserting “(1)” after “(a)”;

3 (B) by inserting “, in a manner that meets
4 the shipper’s need for timely, efficient, and reli-
5 able rail service and fulfills the shipper’s rea-
6 sonable service requirements” after “on reason-
7 able request”; and

8 (C) by adding at the end the following:

9 “(2) In determining whether a rail carrier has vio-
10 lated this section with respect to the provision of reason-
11 able transportation service and the ability of the rail car-
12 rier to meet its obligations under this section, the Board
13 shall consider—

14 “(A) the impacts of reductions or changes in
15 the frequency of transportation or service, and the
16 availability and maintenance of reasonable local serv-
17 ice schedules and delivery windows, on the provision
18 of reasonable transportation service;

19 “(B) the impacts of reductions in employment
20 levels, including—

21 “(i) reductions in clerical, customer serv-
22 ice, maintenance, dispatch and train and engine
23 service employees;

24 “(ii) reductions or changes in train or yard
25 crew availability; and

1 “(iii) the consolidation or shifting of crews
2 across or within service territories;

3 “(C) the impacts of reductions in equipment
4 and the availability of equipment, maintenance of
5 equipment or railroad infrastructure, lines and
6 yards, or shifting of equipment across or within
7 service territories or customer and commodity
8 groups;

9 “(D) whether the service reasonably meets the
10 local operational and service requirements of the
11 person requesting transportation or service that are
12 consistent with the person’s needs and requirements
13 for the efficient and reliable receipt, transportation
14 and delivery of property;

15 “(E) the transportation needs or circumstances
16 of the person requesting transportation or service
17 based upon previous service experience and taking
18 into account any physical or operational limitations
19 or restrictions at a facility or location;

20 “(F) the commitment of the person requesting
21 transportation or service of equipment or other re-
22 sources to support the transportation or service;

23 “(G) whether any conditions imposed by the
24 rail carrier as requirements for service are required
25 to meet the local service requirements of the person

1 requesting service or permit the rail carrier to re-
2 cover its variable cost of providing the requested
3 transportation or service;

4 “(H) how the carrier is handling equipment
5 owned by others; and

6 “(I) whether conditions imposed by the rail car-
7 rier as requirements for service, including demur-
8 rage, are reasonably reciprocated to meet the service
9 requirements of the person requesting service.”;

10 (2) in subsection (b), in the matter preceding
11 paragraph (1), by striking “terms.” and inserting
12 “terms, including reasonable transit or cycle times
13 and other service standards, as requested, consistent
14 with the needs and requirements of the person on
15 whose behalf the request is made for the efficient
16 and reliable receipt, transportation, and delivery of
17 property.”; and

18 (3) by adding at the end the following:

19 “(g) Any proceeding initiated to consider a rail car-
20 rier’s alleged violation of this section shall be expedited
21 by the Board, and completed not later than 180 days after
22 the initiation of the proceeding. Any proceeding initiated
23 to obtain service terms under subsection (b) shall be com-
24 pleted not later than 45 days after the initiation of the
25 proceeding.

1 “(h) The provisions under section 11701 shall apply
2 to a determination whether a rail carrier has violated this
3 section. In addition to the remedies provided in such sec-
4 tion, if the Board determines that a rail carrier has vio-
5 lated this section by failing to provide transportation or
6 service on reasonable request, the Board shall prescribe
7 reasonable transit or cycle times or other service standards
8 to be established to deliver property consistent with the
9 needs and requirements of the person making the re-
10 quest.”.

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