

107TH CONGRESS  
2D SESSION

# H. R. 5020

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

JUNE 26, 2002

Mr. YOUNG of Alaska (for himself, Mr. QUINN, Mr. FERGUSON, Mr. KENNEDY of Minnesota, and Mr. FRELINGHUYSEN) 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”.

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

2 Section 11123 of title 49, United States Code, is  
3 amended—

4 (1) in subsection (a)—

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

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

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

14 (D) by adding at the end the following new  
15 paragraph:

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

23 (2) in subsection (b)(3)—

24 (A) by striking “When” and inserting “(A)  
25 Except as provided in subparagraph (B),  
26 when”; and

1 (B) by adding at the end the following new  
2 subparagraph:

3 “(B) In the case of a failure of existing freight or  
4 commuter rail passenger transportation operations caused  
5 by a cessation of service by the National Railroad Pas-  
6 senger Corporation, the Board may provide funding, to the  
7 extent provided in advance in appropriations acts, to sup-  
8 port activities directed under subsection (a), including the  
9 payment of increased insurance premiums. The Board  
10 may order complete indemnification against any and all  
11 claims associated with the provision of service to which  
12 the directed rail carrier may be exposed.”; and

13 (3) by adding at the end the following new sub-  
14 sections:

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

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

1 **SEC. 2. CONFORMING AMENDMENT.**

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

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