

Public Law 95-611
95th Congress

An Act

To amend the Regional Rail Reorganization Act of 1973 to authorize appropriations for the United States Railway Association for fiscal year 1979.

Nov. 8, 1978

[H.R. 10898]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 214(c) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 724(c)) is amended to read as follows:

United States
 Railway
 Association.
 Appropriation
 authorization.

“(c) ASSOCIATION.—For the fiscal year ending September 30, 1979, there are authorized to be appropriated to the Association for purposes of carrying out its administrative expenses under this Act such sums as are necessary, not to exceed \$27,200,000. Sums appropriated under this subsection are authorized to remain available until expended.”.

SEC. 2. Section 201(e) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 711(e)) is amended by adding at the end thereof the following new sentence: “Upon the expiration of their terms of office, members of the Board shall continue to serve until their successors have been appointed and qualified.”.

Membership,
 terms of office.

SEC. 3. (a) Section 211(d) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 721(d)) is amended by adding at the end thereof the following: “Notwithstanding any other provision of this section, in the case of a loan made under subsection (a) of this section to a railroad in the region, the Association may, upon the request of such railroad—

“(1) continue to make advances to such railroad pursuant to such loan, up to the total principal provided, as of the date of enactment of this sentence, under the agreement between such railroad and the Association under this section, upon finding only that (A) a good faith effort has been commenced by such railroad toward the establishment of an employee stock ownership plan, and (B) such continued advances will permit the continuation of rail service determined by the Association, in the Final System Plan or under the goals of this Act, to be desirable; and

“(2) increase the principal amount of such loan to such railroad, in an amount not to exceed \$2,000,000, only if the Association makes the finding referred to in paragraph (1)(B) of this subsection and such railroad has in effect an employee stock ownership plan which has been approved by the Association.

The Association may not take any action pursuant to the preceding sentence of this subsection after December 31, 1979.”.

(b) Section 3(a) of the Emergency Rail Services Act of 1970 (45 U.S.C. 662(a)) is amended by adding at the end thereof the following new sentence: “Notwithstanding any other provision of this section, the Secretary, in guaranteeing certificates under this section, is authorized to waive the findings required by paragraphs (1), (5), and (6) of this subsection upon a finding that the guarantee of certificates is necessary in order for a railroad which has received continued loan advances, pursuant to section 211(d)(1) of the Regional Rail Reorganization Act of 1973, to maintain rail services in the region (as such term is defined in section 102(15) of such Act). The Secretary may not make any waiver under the preceding sentence after December 31, 1979.”.

45 USC 702.

SEC. 4. (a) Section 206(d)(5)(C) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 716(d)(5)(C)) is amended by striking out "900 days" and inserting in lieu thereof "3 years".

45 USC 716
note.

(b) The amendment made by this Act shall be effective on January 2, 1974.

SEC. 5. Section 17(9)(f)(i) of the Interstate Commerce Act (49 U.S.C. 17(9)(f)(i)) is amended to read as follows:

"(i) a majority of the Commissioners, by public vote, agree to such further extension; and"

Investigation and
study.
43 USC 975
note.

SEC. 6. (a) The Secretary of Transportation shall conduct an investigation and study for purposes of determining equitable rates to be charged for the rental of Alaska Railroad lands. In carrying out such investigation and study, the Secretary shall consider—

(1) the per centum increase in such rates proposed after 1977 as compared with rates in effect on January 1, 1977;

(2) the services and the quality thereof provided by the rentors of such land and the services and the quality thereof received by such rentors from such railroad;

(3) the burden on commerce which may result from such proposed rate increase; and

(4) such other factors as may be appropriate.

Report to
Congress.

The Secretary shall report the results of such investigation and study to the Congress not later than one year after the date of enactment of this Act.

(b) Prior to 180 days after the date on which the Secretary's report pursuant to subsection (a) is received by the Congress, rental charges on lands rented by the Alaska Railroad shall not be increased by more than 100 per centum of the amount charged for such land on January 1, 1977.

Approved November 8, 1978.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-1198 (Comm. on Interstate and Foreign Commerce).
CONGRESSIONAL RECORD, Vol. 124 (1978):

Aug. 17, considered and passed House.

Sept. 14, considered and passed Senate, amended.

Oct. 13, House concurred in certain Senate amendments; in Nos. 3 and 5 with amendments.

Oct. 15, Senate concurred in House amendment to Senate amendments.