

AMENDMENT

OFFERED BY MR. EZELL OF MISSISSIPPI

At the end of subtitle D of title X, insert the following:

1 **SEC. 10 ____ . RECIPROCAL SWITCHING AT PORT COMPLEXES**

2 **FOR CAPTIVE SHIPPERS.**

3 (a) DEFINITIONS.—In this section:

4 (1) CLASS I RAILROAD.—The term “Class I
5 railroad” has the meaning given such term in sec-
6 tion 20102 of title 49, United States Code.

7 (2) CLASS III RAILROAD.—The term “Class III
8 railroad” has the meaning given such term in sec-
9 tion 20102 of title 49, United States Code.

10 (3) CAPTIVE SHIPPER.—The term “captive
11 shipper” means a shipper that lacks reasonable al-
12 ternative rail transportation options, as determined
13 by the Surface Transportation Board.

14 (4) PORT COMPLEX.—The term “port complex”
15 means any marine port, inland port, or intermodal
16 facility handling freight movements, including asso-
17 ciated rail-served terminals.

18 (5) TERMINAL RAILROAD.—The term “terminal
19 railroad” means a railroad that provides switching,

1 interchange, or terminal trackage services to mul-
2 tiple rail carriers or shippers within a defined geo-
3 graphic area.

4 (b) RECIPROCAL SWITCHING REQUIREMENT.—

5 (1) IN GENERAL.—In any case in which—

6 (A) a port complex is directly served by a
7 Class I railroad; and

8 (B) such port complex is not directly
9 served by an existing terminal railroad;

10 the Class I railroad shall provide reciprocal switch-
11 ing service, on reasonable terms and conditions, to
12 and from any captive shipper located at or within
13 the port complex for a Class III railroad described
14 in paragraph (2).

15 (2) ELIGIBLE CARRIER.—A Class III railroad
16 shall be eligible to receive reciprocal switching under
17 paragraph (1) if such railroad—

18 (A) is located within 7 miles of the applica-
19 ble port complex; and

20 (B) is capable of providing competitive rail
21 service to the captive shipper.

22 (3) RATES.—The Surface Transportation
23 Board shall ensure that reciprocal switching rates
24 established under this subsection are reasonable and
25 nondiscriminatory.

1 (c) SURFACE TRANSPORTATION BOARD AUTHOR-
2 ITY.—

3 (1) IMPLEMENTATION.—Not later than 1 year
4 after the date of enactment of this Act, the Surface
5 Transportation Board shall issue regulations to im-
6 plement this section.

7 (2) DETERMINATIONS.—The Board shall have
8 authority to—

9 (A) determine whether a shipper qualifies
10 as a captive shipper;

11 (B) determine eligibility under subsection
12 (b);

13 (C) establish or prescribe reasonable rates
14 and service terms; and

15 (D) resolve disputes arising under this sec-
16 tion.

17 (d) ENFORCEMENT AND FUNDING LIMITATION.—

18 (1) IN GENERAL.—If the Surface Transpor-
19 tation Board determines that a Class I railroad has
20 failed to comply with the requirements of subsection
21 (b), the Secretary shall prohibit the use of Federal
22 funds described in paragraph (2) for projects involv-
23 ing infrastructure owned by such Class I railroad.

24 (2) COVERED FUNDS.—The funds referred to in
25 paragraph (1) are—

1 (A) funds made available under section
2 130 of title 23, United States Code; and

3 (B) discretionary or formula grant pro-
4 grams administered by the Federal Railroad
5 Administration.

6 (3) DURATION.—The prohibition under para-
7 graph (1) shall apply until the Surface Transpor-
8 tation Board determines that the Class I railroad is
9 in compliance.

10 (e) RULE OF CONSTRUCTION.—Nothing in this sec-
11 tion shall be construed to limit any existing authority of
12 the Surface Transportation Board under sections 10705
13 or 11102 of title 49, United States Code.

