

118TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

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.

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IN THE SENATE OF THE UNITED STATES

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Ms. BALDWIN introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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**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.”.