



ARC

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Rail Competition*

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Today, Senate Commerce Committee Chairman John D. Rockefeller won passage of a bi-partisan rail bill -- the Surface Transportation Board Reauthorization Act of 2009 (S. 2889) -- by voice vote. The vote was unanimous. The Alliance for Rail Competition (ARC) supports the action taken by the committee today. ARC Chairman Terry Whiteside commented: "We, at the Alliance for Rail Competition, want to thank Chairman Rockefeller, Senators Hutchinson, Dorgan, Thune and Lautenberg for their leadership and persistence in bringing this important bill to the full committee with bi-partisan support."

After many months of negotiations between both captive shippers (ARC), shippers, and the railroads, a major milestone was accomplished. While neither side got everything they wanted the consensus among all the senators present was that the bill was fair and balanced. Every senator attending complimented the Chairman and the committee staff for the long hours and hard work that was poured into this bi-partisan bill.

Chairman Rockefeller remarked that this was an emotional day for him. He further stated: "For a quarter of a century, I have worked to enact needed rail legislation that would provide real reform and address the shippers' problems. The bill would fix these problems and prepare our rail regulatory structure to encourage a vital, robust rail industry. The bipartisan STB Reauthorization Act of 2009 is carefully crafted to address rail-shipper imbalances and strengthen the railroad industry. I will continue to work with Senator Kohl and other members to add antitrust reforms to our bill as it moves to the floor. I look forward to seeing this bill pass expeditiously and be signed into law by the President."

Alliance for Rail Competition (ARC) Chairman Terry Whiteside attended the markup with ARC Washington Representatives Fran Boyd and Rick Meyers of Meyers & Associates and John Cutler, Esq. Counsel for ARC -- all of whom have worked tirelessly for years on this issue. Terry Whiteside further stated: "ARC has worked for many years to see this bill receive this bipartisan support and be reported out of the committee. We eagerly look forward to the legislation moving on to the Senate floor early next year. I want to complement the members of ARC and all the rail shipper groups that worked in coalition closely together to inform the senators and commerce committee staff on captive shipper problems. Additionally, it is important to recognize the efforts of Fran Boyd, Rick Meyers and John Cutler for their outstanding work on behalf of ARC and its members and the captive shipper community. I also want to commend the staff of the Senate Commerce Committee -- who had a very tough assignment in bringing this bipartisan bill to the committee."

The bill was filed yesterday in the Senate and was marked-up by the full committee today. The bill, as Chairman Rockefeller stated, was a result of tough negotiations with all of the stakeholders including railroads and captive shippers.

The legislation is a compromise bill, but in Senator Rockefeller's view represents increased competition in the railroad industry, increased shipper capability to challenge rate and service issues, increased regulatory oversight by the STB, a simple binding arbitration system, empowerment of the STB for independent action - translating into

a bill which increases competition and access to the STB by shippers while successfully maintaining promotion of the 21st Century railroad system.

Senator Dorgan thanked the chairman and spoke of the “long tortured trail getting to this successful markup of the bill.”

Several senators offered and then withdrew amendments to the bill – a procedure that will allow some tweaking to the bill before full senate consideration.

Mike Snovitch, ARC Executive Director commented: “While neither side got all they wanted in the bill, it does represent a great step forward in addressing some of the captive shipper problems in the market place. We look forward to working with Chairman Rockefeller and Ranking Member Hutchinson to have this bill approved by the full Senate as soon as possible and to work with Chairmen Oberstar in the House of Representatives to prepare for action by the House Transportation and Infrastructure Committee.”

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