



# ARC

*Alliance for  
Rail Competition*

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## Update on Rail Legislation

It has been a long process throughout the summer of meetings with Senate staff and rail shipper organizations. ARC has actively participated in an ad hoc rail shipper coalition known as the Rail Shippers Advocacy Group. This is a small group consisting of a cross-section of rail shipper representatives. The Senate Commerce Committee staff has elected to work closely with this group as a liaison to the larger rail shipper community.

We would like to report to the ARC membership a brief synopsis of what has transpired in recent weeks. Bear in mind that no activity has transpired yet in the House transportation committee during this time. It appears the House Transportation committee is waiting on the Senate to act before it moves forward with its version of rail shipper legislation. A lot of work remains to be done.

On Sept 16<sup>th</sup> the ARC Washington staff and ARC Executive Board member Mike Scanlan (sitting in for ARC Chairman Terry Whiteside) met with the Senate Commerce Committee staff to discuss the current status of the Rockefeller bill and issues of great importance to ARC members. Representatives from CURE and other members of the Rail Shippers Advocacy group also attended. The ARC staff specifically discussed arbitration ideas with the staff as well as other areas of the draft legislation that we believed needed attention. The staff listened to our suggestions and arguments and requested we follow-up with detailed information on our suggestions to the draft bill, which we quickly did. Senate staff, throughout this process, has requested all meeting participants – including the railroads – to treat these discussions in a confidential manner until a final draft bill is developed. This was intended to allow the process to move forward in the spirit of cooperation without outside forces confusing the situation. It is for this reason we have not been able to share with you the day-to-day specifics regarding the negotiations that have transpired.

On Sept 17<sup>th</sup> ARC Washington staff and CURE representatives met at the STB with Chairman Elliott. Agriculture interests and ARC were well represented with ARC executive board member Mike Scanlan attending on behalf of Terry Whiteside. We reviewed our concerns; Chairman Elliott listened and thanked us, saying he had learned things he didn't know.

**Everyone mentioned shipper concerns about railroad retaliation against those who complain, and Chairman Elliott said he had seen the railroads strong-arm unions, and could sympathize with captive shippers.**

**On Nov 5<sup>th</sup> ARC Washington staff and other members of the rail advocacy group were invited to a private meeting with Chairman Rockefeller. The Chairman explained to our group – as he did to the railroad interests in a similar meeting – that neither side would get all they want. He explained that he’s been at this for over 20 years and we have one shot at getting this right and that is his goal and intention. From this private meeting we moved next to a meeting with the Senate Commerce Committee staff to review the most current print version of the 49- page bill. This meeting was approximately three hours long as we reviewed the draft line-by-line, page-by-page. At the conclusion of the meeting the committee staff asked our group to submit our technical modifications, changes, or questions to their draft. Following this meeting we have continued to meet with them and provide them information as they have requested. We anticipate that changes and suggestions to the last draft we have seen will be incorporated into the final draft bill.**

**We expect to see a final draft bill soon. Chairman Rockefeller has said that he hopes to complete the mark-up of the legislation in his committee before the end of this congressional session.**

**We will continue to keep the ARC membership apprised of developments as they occur. It is imperative that the ARC membership continues to remain vigilant and supportive of our Washington efforts and to continue to maintain contact with your senators and representatives on the importance of the reform of rail shipper legislation. The railroad interests have no intention of slowing down their efforts throughout the remainder of this legislative process and into the interpretation of the legislation through the regulatory process at the STB. It is critical the rail shipper community continue to be at the table for each step of the process**

**Mike Snovitch  
Executive Director ARC**