

LEGISLATIVE

& POLICY

COMMITTEE

RESOLUTIONS



RESOLUTION OF THE COUNTY BOARD
WILL COUNTY, ILLINOIS

SUPPORTING THE CONCEPTS OF H.R. 3410
TAKING RESPONSIBLE ACTION FOR COMMUNITY SAFETY ACT

WHEREAS, On October 30, 2007, the Canadian National Railway Company (CN) along with its wholly owned U.S. subsidiary, the Grand Trunk Corporation, filed an application with the U.S. Surface Transportation Board seeking approval to acquire the EJ & E West Company, a wholly owned subsidiary of the Elgin, Joliet, and Eastern Railway Company; and

WHEREAS, the Surface Transportation Board on December 24, 2008, ruled that the CN could buy the EJ&E under certain conditions; and

WHEREAS, the Surface Transportation Board's governing statute provides that the only basis for disapproving a merger such as the acquisition of the EJ&E by the Canadian National Railway Company (CN) is on the ground that the transaction will have significant *anticompetitive* impacts that are not outweighed by any benefits to the public interest in meeting transportation needs; and

WHEREAS, H.R. 3410 strengthens the requirement that the Surface Transportation Board (STB) take into account the community impacts of rail mergers. H.R. 3140 by providing, among other things, that:

The Board shall approve and authorize a transaction under this section when it finds the transaction is consistent with the public interest. The Board shall not approve a transaction ... if it finds that the transaction's impacts on safety and on all affected communities...outweigh the transportation benefits of the transaction. The Board may impose conditions governing a transaction under this section, including conditions to mitigate the effects of the transaction on local communities.

WHEREAS, H.R. 3410 is a good faith attempt to address the failures of the existing STB process to adequately protect communities, and would require the STB to give equal consideration to safety and community impact as currently given to commerce concerns when making decisions about rail transactions and expansions.

NOW, THEREFORE, BE IT RESOLVED, that the Will County Board hereby supports and urges the passage of H.R.3410 in order to protect all communities that are and will be impacted by rail mergers and expansions; and require the STB to give equal consideration to safety and community impact as currently given to commerce concerns when making decisions about rail transactions and expansions.

BE IT FURTHER RESOLVED that the Will County Clerk shall send a copy of this resolution to the Will County Federal and State legislative delegations, the Chairman of the Illinois Commerce Commission, and the Governor of the State of Illinois.

BE IT FURTHER RESOLVED, that the Preamble of this Resolution is hereby adopted as if fully set forth herein. This Resolution shall be in full force and effect upon its passage and approval as provided by law.

Adopted by the Will County Board this 17th day of September, 2009.

Vote: Yes _____ No _____ Pass _____ (SEAL)

Nancy Schultz Voots
Will County Clerk

Approved this _____ day of _____, 2009.

Lawrence M. Walsh
Will County Executive

[Congress](#) > [Legislation](#)

H.R. 3410: Taking Responsible Action for Community Safety Act

111th Congress
2009-2010

To require Surface Transportation Board consideration of the impacts of certain railroad transactions on local communities, and for other purposes.

Overview

Sponsor: [Rep. Melissa Bean \[D-IL8\]](#) [show cosponsors \(17\)](#)

Text: [Full Text](#)

Status:

- Introduced Jul 30, 2009
- Referred to Committee [View Committee Assignments](#)
- Reported by Committee ...
- House Vote ...
- Senate Vote ...
- Signed by President ...

This bill is in the first step in the legislative process. Introduced bills and resolutions first go to committees that deliberate, investigate, and revise them before they go to general debate. The majority of bills and resolutions never make it out of committee. [Last Updated: Aug 29, 2009 5:40PM]

Last Action: Jul 30, 2009: Referred to the House Committee on Transportation and Infrastructure.

Related: See the [Related Legislation](#) page for other bills related to this one and a list of subject terms that have been applied to this bill. Sometimes the text of one bill or resolution is incorporated into another, and in those cases the original bill or resolution, as it would appear here, would seem to be abandoned.

Question & Answer

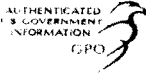


Have a question about this bill? Submit a short fact-oriented question and see if it will be answered by other visitors.

Because the U.S. Congress posts most legislative information online one legislative day after events occur, GovTrack is usually one legislative day behind. For more information about where this data comes from, see [About GovTrack.us](#).

To cite this information, click a citation format for a suggestion: [APA](#) | [MLA](#) | [Wikipedia Template](#).

GovTrack.us is not affiliated with the U.S. government or any other group.



I

111TH CONGRESS
1ST SESSION

H. R. 3410

To require Surface Transportation Board consideration of the impacts of certain railroad transactions on local communities, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 30, 2009

Ms. BEAN (for herself, Mr. OBERSTAR, Mrs. BIGGERT, Mr. ROSKAM, Ms. BERKLEY, Mr. BILBRAY, Mr. BRALEY of Iowa, Ms. DEGETTE, Ms. WASSERMAN SCHULTZ, Mr. FOSTER, Ms. HARMAN, Mr. KIND, Mr. MANZULLO, Mr. THOMPSON of California, Mr. SHIMKUS, Mr. HOLDEN, Mr. VISCLOSKY, and Mrs. HALVORSON) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To require Surface Transportation Board consideration of the impacts of certain railroad transactions on local communities, and for other purposes.

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 "Taking Responsible
5 Action for Community Safety Act".

1 **SEC. 2. EFFECT OF MERGERS ON LOCAL COMMUNITIES**
2 **AND RAIL PASSENGER TRANSPORTATION.**

3 Section 11324 of title 49, United States Code, is
4 amended—

5 (1) in subsection (a)—

6 (A) by striking the last sentence and in-
7 serting “The Board shall hold public hearings
8 on the proposed transaction, including public
9 hearings in the affected communities, unless the
10 Board determines that public hearings are not
11 necessary in the public interest.”;

12 (2) in subsection (b)—

13 (A) by striking “which involves the merger
14 or control of at least two Class I railroads,”
15 and inserting “with respect to a transaction
16 that involves at least one Class I railroad,”;

17 (B) by inserting “the effect on the public
18 interest, including” after “the Board shall con-
19 sider”;

20 (C) in paragraph (2), by striking “on the
21 public interest”;

22 (D) by striking “and” at the end of para-
23 graph (4);

24 (E) by striking the period at the end of
25 paragraph (5) and inserting a semicolon; and

1 (F) by adding at the end the following new
2 paragraphs:

3 “(6) the safety and environmental effects of the
4 proposed transaction, including the effects on local
5 communities, such as public safety, grade crossing
6 safety, hazardous materials transportation safety,
7 emergency response time, noise, and socioeconomic
8 impacts; and

9 “(7) the effect of the proposed transaction on
10 intercity rail passenger transportation and commuter
11 rail passenger transportation, as defined by section
12 24102 of this title.”;

13 (3) by redesignating subsections (c), (d), (e),
14 and (f) as subsections (d), (e), (f), and (g) and in-
15 serting a new subsection (e) as follows:

16 “(e) The Board shall approve and authorize a trans-
17 action under this section when it finds the transaction is
18 consistent with the public interest. The Board shall not
19 approve a transaction described in subsection (b) if it finds
20 that the transaction’s impacts on safety and on all affected
21 communities, as defined under subsection (b), outweigh
22 the transportation benefits of the transaction. The Board
23 may impose conditions governing a transaction under this
24 section, including conditions to mitigate the effects of the
25 transaction on local communities.”;

4

1 (4) in subsection (d), as redesignated, by strik-
2 ing “The Board shall approve” and all that follows
3 through “the transaction, including” and inserting
4 “The conditions the Board may impose under this
5 section include”; and

6 (5) in subsection (e), as redesignated, by strik-
7 ing “the merger or control of at least two Class I
8 railroads, as defined by the Board” and inserting “a
9 transaction described in subsection (b)”.

10 **SEC. 3. EFFECTIVE DATE.**

11 The amendments made in this Act shall be applied
12 to all transactions that have not been approved by the
13 Board as of August 1, 2008.

○