

COMMITTEE AMENDMENT

[STAFF WORKING DRAFT]

July 16, 2003

Purpose: To require the Surface Transportation Board to establish an expedited procedure for small rail rate challenges.

**IN THE COMMITTEE ON COMMERCE, SCIENCE, AND
TRANSPORTATION—108TH Cong., 1ST Sess.**

S. 1389, 108TH Congress, 1ST Session

JULY 17, 2003

INTENDED to be proposed by Mr. MCCAIN (for himself and Mr. HOLLINGS)

Viz:

1 At the appropriate place insert the following:

2 **SEC. ——. EXPEDITED PROCEDURE FOR SMALL RATE**
3 **CHALLENGES.**

4 (a) IN GENERAL.—Within 180 days after the date
5 of enactment of this Act, the Surface Transportation
6 Board shall promulgate supplemental regulations under
7 section 10701(d)(3) of title 49, United States Code.

8 (b) REQUIREMENTS.—The supplemental regulations
9 shall establish—

10 (1) clear standards for determining which small
11 rate challenges are eligible to use an expedited pro-

1 cedure, taking into account the size of the shipper,
2 the value of the case, and other relevant factors;

3 (2) clear tests for determining the reasonable-
4 ness of such challenged rates;

5 (3) streamlined evidentiary requirements; and

6 (4) costs that do not exceed the cost of bringing
7 a civil action in a district court of the United States.

8 (c) EXPEDITED PROCESS.—The revised regulations
9 shall also provide a procedure that—

10 (1) will permit rate challenges under the regula-
11 tions to be completed within the time frame estab-
12 lished by section 10704(c)(2) of title 49, United
13 States Code; and

14 (2) may provide for an initial determination of
15 such rate challenges by an administrative law judge,
16 with an opportunity for appeal of such determination
17 to the full Board; and

18 (3) will provide for full Board review.

19 (d) LEGISLATIVE RELIEF.—The Board shall notify
20 the Senate Committee on Commerce, Science, and Trans-
21 portation and the House of Representatives Committee on
22 Transportation and Infrastructure if the Board deter-
23 mines that additional changes in the regulations are ap-
24 propriate and require commensurate changes in statutory

- 1 law. In making that notification, the Board shall make
- 2 recommendations concerning those changes.

