



## Legislation

September 17, 2009

**Heavy Truck Exemption** – Senator Susan Collins (R-ME) has included an exemption from federal truck weight limits for Maine in the FY2010 Transportation-HUD appropriations bill, which is under consideration in the Senate this week. The language would provide a one-year exemption from the 80,000 pound weight on Maine’s federal highways, during which time the exemption’s impact can be studied. The weight limit on Maine’s state highways is 100,000 pounds.

Groups including the Teamsters, Environment America, Consumer Federation of America, and Advocates for Highway and Auto Safety have written Senators asking that the exemption be removed, citing safety reasons: <http://www.reuters.com/article/pressRelease/idUS111985+11-Sep-2009+PRN20090911>

Maine has been seeking the change since a weight exemption was enacted in 1998 for the New England Turnpike, which ends 200 miles south of the Canadian border at Augusta, Maine. Current law forces truck traffic traveling to and from Canada, where higher limits are also in effect, off the interstate system at Augusta onto smaller, secondary state highways that pass through cities, towns and rural neighborhoods. Maine's Department of Public Safety supports the exemption because current law causes increased heavy truck traffic on the state’s secondary roads.

A similar amendment authored by Congressman Michael Michaud (D-ME) failed during consideration of the House’s spending bill, setting up a potential conflict during reconciliation if the Senate language remains in the bill. Congressman Michaud along with 39 cosponsors has also introduced HR 1799 - <http://thomas.loc.gov/cgi-bin/bdquery/D?d111:2:./temp/~bdeGkJ:./bss/> - which would allow states to increase the weight limits on federal highways in their states from 80,000 to 97,000 pounds.

**Rail Antitrust Bill Passes House Judiciary Committee** – Congresswoman Tammy Baldwin’s (D-WI) Railroad Antitrust Enforcement Act of 2009 (H.R. 233) was passed by voice vote in the House Judiciary Committee on September 16.

The bill – cosponsored by Congressmen Rodney Alexander (R-LA), Earl Pomeroy (D-ND), and Tim Walz (D-MN) – seeks to repeal the railroad antitrust exemptions in antitrust and transportation statutes. The bill will permit the Justice Department and Federal Trade Commission to review railroad mergers under antitrust law and it will eliminate antitrust exemptions for mergers, acquisitions, collective ratemaking and coordination among railroads. The bill also will allow state Attorneys General and other private parties to sue for treble damages and to sue to halt anticompetitive conduct.

A March 2009 letter from 20 state Attorneys General to the House and Senate Leadership had asked Congress to remove the railroad antitrust exemption. In addition, the American Bar Association, Antitrust Division, formally supports this action.

The Association of American Railroads (AAR) opposes the legislation and suggests that railroads are already subject to “nearly all antitrust laws, including those that prohibit agreements to set rates, allocate markets, or otherwise unreasonably restrain trade.” The AAR argues that in the limited areas where freight railroads have antitrust exemptions, the exemptions only cover aspects of railroad conduct that are subject to the oversight of the Surface Transportation Board, such as rail mergers and acquisitions.

A companion bill to H.R. 233, S. 146, was introduced by Senator Herb Kohl (D-WI), Chairman of the Senate Antitrust Subcommittee. In early June, Senator Kohl and Senator John Rockefeller (D-WV), Chairman of the Senate Commerce, Science, and Transportation Committee, came to an agreement to include provisions of S. 146 into a future more comprehensive rail reform legislation to be debated later this year.

**Senate Rail Reform Bill** – The Senate Commerce, Science, and Transportation Committee is still drafting the legislation, with the timing of an introduction or committee mark-up still uncertain.

**Highway Bill Extension a Certainty** – With the surface transportation bill set to expire on September 30<sup>th</sup>, the only real question that remains is the length of the extension. The Senate and the Obama administration favor an eighteen month extension while a senior aide in the House has said some members of the House Transportation and Infrastructure Committee would agree to a one year extension. No agreement has been reached on the real stumbling block – how to pay for the estimated \$500 billion cost of the reauthorization bill reported out of the House Transportation Committee, which is over \$200 billion more than current baseline funding levels. The language referred the additional funding needs to the House Ways and Means Committee.

### **Surface Transportation Board**

**Committee/Council Renewals** - The STB announced earlier this month the renewal of the Rail Energy Transportation Advisory Committee (RETAC) and the National Grain Car Council (NGCC).

The RETAC, established in 2007, functions as an advisory body to the STB on issues regarding the rail transport of energy resources including coal, ethanol and other biofuels. The NGCC was established by the predecessor to the STB - the former Interstate Commerce Commission (ICC) - in 1994 as a forum to discuss issues affecting grain transportation.

To view meeting minutes, membership, reports, and other information relating to their operation, go to: <https://www.fido.gov/facadatabase/public.asp> and then under “Committee Search” type in the name of the Committee/Council.



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