

By: Representative Stevens

To: Transportation

HOUSE BILL NO. 722

1 AN ACT TO AMEND SECTION 77-9-521, MISSISSIPPI CODE OF 1972,
2 TO REQUIRE RAIL CARRIERS TO GIVE NOTICE TO CERTAIN PUBLIC
3 OFFICIALS AND CERTAIN STATE AGENCIES NOT LATER THAN 180 DAYS
4 BEFORE APPLICATION IS FILED WITH THE SURFACE TRANSPORTATION BOARD
5 TO ABANDON OR DISCONTINUE RAILROAD LINES OR RAIL SERVICE; TO
6 REQUIRE THE DEPARTMENT OF ARCHIVES AND HISTORY AND THE MISSISSIPPI
7 DEPARTMENT OF ENVIRONMENTAL QUALITY TO PERFORM STUDIES AND PREPARE
8 A JOINT REPORT TO THE LEGISLATURE DETAILING THE ENVIRONMENTAL
9 IMPACT THAT A PROPOSED ABANDONMENT OR DISCONTINUATION OF RAILROAD
10 LINES OR RAIL SERVICE IS LIKELY TO HAVE LOCALLY; TO REQUIRE THE
11 DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT AND THE
12 MISSISSIPPI DEPARTMENT OF TRANSPORTATION TO PERFORM STUDIES AND
13 PREPARE A JOINT REPORT TO THE LEGISLATURE DETAILING THE ECONOMIC
14 IMPACT THAT A PROPOSED ABANDONMENT OR DISCONTINUATION OF RAILROAD
15 LINES OR RAIL SERVICE IS LIKELY TO HAVE LOCALLY; TO AMEND SECTIONS
16 77-9-523 AND 77-9-525, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE
17 CHAIRMEN OF THE HOUSE TRANSPORTATION COMMITTEE AND THE SENATE
18 HIGHWAYS AND TRANSPORTATION COMMITTEE TO CALL A JOINT HEARING FOR
19 THE PURPOSE OF INVESTIGATING AND CONSIDERING A PROPOSED
20 ABANDONMENT OR DISCONTINUATION OF RAILROAD LINES OR RAIL SERVICE,
21 AND TO PROVIDE THAT COPIES OF ANY RESOLUTION ADOPTED BY THE
22 COMMITTEES SHALL BE TRANSMITTED TO THE SURFACE TRANSPORTATION
23 BOARD, THE DEPARTMENT OF ARCHIVES AND HISTORY, THE MISSISSIPPI
24 DEPARTMENT OF ENVIRONMENTAL QUALITY, THE DEPARTMENT OF ECONOMIC
25 AND COMMUNITY DEVELOPMENT, THE MISSISSIPPI TRANSPORTATION
26 COMMISSION AND MEMBERS OF THE MISSISSIPPI CONGRESSIONAL
27 DELEGATION; AND FOR RELATED PURPOSES.

28 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

29 SECTION 1. Section 77-9-521, Mississippi Code of 1972, is
30 amended as follows:

31 77-9-521. (1) (a) Not later than one hundred eighty (180)
32 days before a rail carrier files its application with the Surface
33 Transportation Board for * * * abandonment or discontinuance of
34 railroad lines or rail service as provided for under Subtitle IV
35 to Title 49, United States Code Service, Section 10,101 et seq.,
36 the rail carrier shall provide by United States Certified Mail,
37 written notice of its intent to file such application, along with
38 an accurate and understandable summary of the rail carrier's * * *

39 reasons for the proposed abandonment or discontinuance, and a
40 statement containing the estimate of the subsidy and minimum
41 purchase price required to keep the line in operation, to:

42 (i) The Governor;

43 (ii) The Clerk of the House of Representatives;

44 (iii) The Secretary of the Senate;

45 (iv) The Chairmen of the House Transportation
46 Committee and the Senate Highways and Transportation Committee;

47 (v) The members of the Legislature who represent
48 legislative districts within which the proposed railroad line
49 abandonment or discontinuance is proposed;

50 (vi) The Director of the Department of Archives
51 and History;

52 (vii) The Executive Director of the Mississippi
53 Department of Environmental Quality;

54 (viii) The Executive Director of the Department of
55 Economic and Community Development; and

56 (ix) The Executive Director of the Mississippi
57 Department of Transportation.

58 (b) In addition to giving notice of its intent to file an
59 application for abandonment or discontinuance as required under
60 paragraph (a) of this subsection, at the time that a rail carrier
61 actually files its application, it shall provide a copy of the
62 application, by United States Certified Mail, to each of the
63 persons described in subparagraphs (a)(i) through (a)(ix) of this
64 subsection.

65 (2) (a) Upon receipt of the notice required under paragraph
66 (1)(a) of this section, the Department of Archives and History and
67 the Mississippi Department of Environmental Quality each shall
68 perform an independent study and shall prepare a joint report, to
69 be filed with the Clerk of the House of Representatives and the
70 Secretary of the Senate not later than ninety (90) days after
71 receipt of the notice, detailing and describing the environmental
72 impact that the proposed abandonment or discontinuation of
73 railroad lines or rail service is likely to have locally upon:

74 (i) The protection and preservation of all sites,
75 buildings, artifacts and implements of culture, and all other

76 property or objects, having historical, prehistorical,
77 archaeological or architectural significance or value, including
78 monuments, markers, placards or signs identifying, memorializing,
79 locating or designating such property or objects;

80 (ii) The conservation, management, development and
81 protection of the natural resources and environment of the
82 locality, including its people, wildlife, aquatic life, airs,
83 waters, land and ecological systems; and

84 (iii) Any other impact of an environmental nature that
85 the Department of Archives and History and the Department of
86 Environmental Quality deem important.

87 (b) Upon receipt of the notice required under paragraph
88 (1)(a) of this section, the Department of Economic and Community
89 Development and the Mississippi Department of Transportation each
90 shall perform an independent study and shall prepare a joint
91 report, to be filed with the Clerk of the House of Representatives
92 and the Secretary of the Senate not later than ninety (90) days
93 after receipt of the notice, detailing and describing the economic
94 impact that the proposed abandonment or discontinuation of
95 railroad lines or rail service is likely to have locally upon:

96 (i) Employment;

97 (ii) Personal income;

98 (iii) Business and industrial development;

99 (iv) The local tax base;

100 (v) Infrastructure adequacy, integrity and maintenance;

101 and

102 (vi) Any other impact of an economic nature that the
103 Department of Economic and Community Development and the
104 Department of Transportation deem important.

105 SECTION 2. Section 77-9-523, Mississippi Code of 1972, is
106 amended as follows:

107 77-9-523. Each member of the Legislature representing a
108 legislative district within which the proposed railroad

109 abandonment or discontinuance is planned, after reviewing such
110 information as is available, shall recommend to the Chairman of
111 the Senate Highways and Transportation Committee, in the case of
112 members of the Senate, or to the Chairman of the House
113 Transportation Committee, in the case of members of the House,
114 whether or not a public hearing should be held to investigate and
115 consider the proposed railroad abandonment or discontinuance. The
116 Chairman of the Transportation Committee of the House of
117 Representatives and the Chairman of the Highways and
118 Transportation Committee of the Senate shall then confer with each
119 other and, if the Legislature is not in session at the time, then
120 also with the House Management Committee and the Senate Management
121 Committee, and then * * * each chairman * * *, in his discretion,
122 and based upon the recommendations of the legislators representing
123 the districts within which the proposed railroad abandonment or
124 discontinuance is planned, may call a joint meeting for the sole
125 purpose of investigating and considering the proposed or intended
126 abandonment or discontinuance.

127 SECTION 3. Section 77-9-525, Mississippi Code of 1972, is
128 amended as follows:

129 77-9-525. A public hearing, in the discretion of the Senate
130 Highway and Transportation Committee and the House Transportation
131 Committee chairmen, may be held by the chairmen and * * * members
132 of the committees meeting concurrently to receive testimony at any
133 time after the receipt of notice by the chairmen of the statement
134 of intent to abandon or discontinue service. The committees may
135 adopt, by a majority vote of those members present and voting, a
136 concurrent resolution memorializing the Surface Transportation
137 Board either to permit or to refuse to permit the person, company
138 or other legal entity owning or operating the railroad to abandon
139 the rail line or discontinue rail service thereon, stating the
140 reasons supporting the position. If a concurrent resolution is
141 adopted by both of the committees, the Clerk of the House of

142 Representatives and the Secretary of the Senate shall forthwith
143 transmit certified copies of such resolution to the Surface
144 Transportation Board, the Department of Archives and History, the
145 Mississippi Department of Environmental Quality, the Department of
146 Economic and Community Development, the Mississippi Transportation
147 Commission and to each of the members of Congress elected from the
148 state.

149 SECTION 4. This act shall take effect and be in force from
150 and after its passage.