

106TH CONGRESS  
2D SESSION

# S. 2253

To authorize the establishment of a joint United States-Canada commission to study the feasibility of connecting the rail system in Alaska to the North American continental rail system; and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MARCH 20, 2000

Mr. MURKOWSKI introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

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## A BILL

To authorize the establishment of a joint United States-Canada commission to study the feasibility of connecting the rail system in Alaska to the North American continental rail system; 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 “Rails to Resources Act  
5 of 2000”.

6       **SEC. 2. FINDINGS.**

7       Congress finds that—

1           (1) rail transportation is an essential compo-  
2           nent of the North American intermodal transpor-  
3           tation system;

4           (2) the development of economically strong and  
5           socially stable communities in the western United  
6           States and Canada was encouraged significantly by  
7           government policies promoting the development of  
8           integrated transcontinental, interstate and inter-  
9           provincial rail systems in the states, territories and  
10          provinces of the two countries;

11          (3) United States and Canadian federal support  
12          for the completion of new elements of the trans-  
13          continental, interstate and interprovincial rail sys-  
14          tems was halted before rail connections were estab-  
15          lished to the state of Alaska and the Yukon Terri-  
16          tory;

17          (4) both public and private lands in Alaska, the  
18          Yukon Territory and northern British Columbia, in-  
19          cluding lands held by aboriginal peoples, contain ex-  
20          tensive deposits of oil, gas, coal and other minerals  
21          as well as valuable forest products which presently  
22          are inaccessible, but which could provide significant  
23          economic benefit to local communities and to both  
24          nations if an economically efficient transportation  
25          system was available;

1           (5) per ton of freight moved, rail transportation  
2 systems emit lower levels of carbon monoxide, nitro-  
3 gen oxides and volatile organic compounds than  
4 other modes of freight transportation;

5           (6) rail transportation systems are capable of  
6 moving cargo with up to nine times the energy effi-  
7 ciency of highway transportation;

8           (7) rail transportation in otherwise isolated  
9 areas facilitates controlled access and reduced over-  
10 all impact to environmentally sensitive areas;

11          (8) the extension of the continental rail system  
12 through northern British Columbia and the Yukon  
13 Territory to the current terminus of the Alaska Rail-  
14 road would significantly benefit the U.S. and Cana-  
15 dian visitor industries by facilitating the comfortable  
16 movement of passengers over long distances while  
17 minimizing effects on the surrounding areas;

18          (9) extension of the Alaska Railroad system to  
19 the Canadian border is consistent with the intent of  
20 Congress as expressed in the Alaska Railroad Or-  
21 ganic Act of 1914, which called for a system of up  
22 to 1,000 miles in length; and

23          (10) ongoing research and development efforts  
24 in the rail industry continue to increase the effi-

1       ciency of rail transportation, ensure safety, and de-  
2       crease the impact of rail service on the environment.

3       **SEC. 3. AGREEMENT FOR A UNITED STATES-CANADA BILAT-**  
4                                   **ERAL COMMISSION.**

5       The President is authorized and urged to enter into  
6 an agreement with the government of Canada to establish  
7 a joint commission to study the technological and eco-  
8 nomic feasibility of linking the rail system in Alaska to  
9 the nearest appropriate point on the North American con-  
10 tinental rail system.

11       **SEC. 4. COMPOSITION OF COMMISSION.**

12       (a) MEMBERSHIP.—

13               (1) TOTAL MEMBERSHIP.—The Agreement  
14 should provide for the Commission to be composed  
15 of 18 members, of which 9 members are appointed  
16 by the President and 9 members are appointed by  
17 the government of Canada.

18               (2) GENERAL QUALIFICATIONS.—The Agree-  
19 ment should provide for the membership of the Com-  
20 mission, to the maximum extent practicable, to be  
21 representative of—

22                       (A) the interests of the local communities  
23                       (including the governments of the commu-  
24                       nities), aboriginal peoples, and businesses that  
25                       would be affected by the connection of the rail

1 system in Alaska to the North American conti-  
2 nental rail system; and

3 (B) a broad range of expertise in areas of  
4 knowledge that are relevant to the significant  
5 issues to be considered by the Commission, in-  
6 cluding economics, engineering, management of  
7 resources (such as minerals and timber), social  
8 sciences, fish and game management, environ-  
9 mental sciences, and transportation.

10 (b) UNITED STATES MEMBERSHIP.—Under the  
11 Agreement, the President shall appoint the United States  
12 members of the Commission as follows:

13 (1) Two members from among persons who are  
14 qualified to represent the interests of communities  
15 and local governments of Alaska.

16 (2) One member representing the State of Alas-  
17 ka, to be nominated by the Governor of Alaska.

18 (3) One member from among persons who are  
19 qualified to represent the interests of Native Alas-  
20 kans residing in the area of Alaska that would be af-  
21 fected by the extension of rail service.

22 (4) Four members from among persons involved  
23 in commercial activities in Alaska who are qualified  
24 to represent commercial interests in Alaska, of which

1 one shall be a representative of the Alaska Railroad  
2 Corporation.

3 (5) Two members from among scholars em-  
4 ployed in institutions of higher education in Alaska,  
5 at least one of whom must be an engineer with ex-  
6 pertise in subarctic transportation.

7 (c) CANADIAN MEMBERSHIP.—The Agreement  
8 should provide for the Canadian membership of the Com-  
9 mission to be representative of broad categories of inter-  
10 ests of Canada as the government of Canada determines  
11 appropriate, consistent with subsection (a)(2).

12 **SEC. 5. GOVERNANCE AND STAFFING OF COMMISSION**

13 (a) CHAIRMAN.—The Agreement should provide for  
14 the Chairman of the Commission to be elected from among  
15 the members of the Commission by a majority vote of the  
16 members.

17 (b) COMPENSATION AND EXPENSES OF UNITED  
18 STATES MEMBERS.—

19 (1) COMPENSATION.—Each member of the  
20 Commission appointed by the President who is not  
21 an officer or employee of the Federal Government  
22 shall be compensated at a rate equal to the daily  
23 equivalent of the annual rate of basic pay prescribed  
24 for level IV of the Executive Schedule under section  
25 5315 of title 5, United States Code, for each day

1 (including travel time) during which such member is  
2 engaged in the performance of the duties of the  
3 Commission. Each such member who is an officer or  
4 employee of the United States shall serve without  
5 compensation in addition to that received for serv-  
6 ices as an officer or employee of the United States.

7 (2) TRAVEL EXPENSES.—The members of the  
8 Commission appointed by the President shall be al-  
9 lowed travel expenses, including per diem in lieu of  
10 subsistence, at rates authorized for employees of  
11 agencies under subchapter I of chapter 57 of title 5,  
12 United States Code, while away from their homes or  
13 regular places of business in the performance of  
14 services for the Commission.

15 (c) STAFF.—

16 (1) IN GENERAL.—The Agreement should pro-  
17 vide for the appointment of a staff and an executive  
18 director to be the head of the staff.

19 (2) COMPENSATION.—Funds made available for  
20 the Commission by the United States may be used  
21 to pay the compensation of the executive director  
22 and other personnel at rates fixed by the Commis-  
23 sion that are not in excess of the rate payable for  
24 level V of the Executive Schedule under section 5316  
25 of title 5, United States Code.

1 (d) OFFICE.—The Agreement should provide for the  
2 office of the Commission to be located in a mutually  
3 agreed location within the impacted areas of Alaska, the  
4 Yukon Territory, and northern British Columbia.

5 (e) MEETINGS.—The Agreement should provide for  
6 the Commission to meet at least biannually to review  
7 progress and to provide guidance to staff and others, and  
8 to hold, in locations within the affected areas of Alaska,  
9 the Yukon Territory and northern British Columbia, such  
10 additional informational or public meetings as the Com-  
11 mission deems necessary to the conduct of its business.

12 (f) PROCUREMENT OF SERVICES.—The Agreement  
13 should authorize and encourage the Commission to pro-  
14 cure by contract, to the maximum extent practicable, the  
15 services (including any temporary and intermittent serv-  
16 ices) that the Commission determines necessary for car-  
17 rying out the duties of the Commission. In the case of  
18 any contract for the services of an individual, funds made  
19 available for the Commission by the United States may  
20 not be used to pay for the services of the individual at  
21 a rate that exceeds the daily equivalent of the annual rate  
22 of basic pay prescribed for level V of the Executive Sched-  
23 ule under section 5316 of title 5, United States Code.

24 **SEC. 6. DUTIES.**

25 (a) STUDY.—

1           (1) IN GENERAL.—The Agreement should pro-  
2           vide for the Commission to study and assess, on the  
3           basis of all available relevant information, the tech-  
4           nological and economic feasibility of linking the rail  
5           system in Alaska to the North American continental  
6           rail system through the continuation of the rail sys-  
7           tem in Alaska from its northeastern terminus to a  
8           connection with the continental rail system in Can-  
9           ada.

10           (2) SPECIFIC ISSUES.—The Agreement should  
11           provide for the study and assessment to include the  
12           consideration of the following issues:

13                   (A) Railroad engineering.

14                   (B) Land ownership.

15                   (C) Geology.

16                   (D) Proximity to mineral, timber and other  
17           resources.

18                   (E) Market outlook.

19                   (F) Environmental considerations.

20                   (G) Social effects, including changes in the  
21           use or availability of natural resources.

22                   (H) Potential financing mechanisms.

23           (3) ROUTE.—The Agreement should provide for  
24           the Commission, upon finding that it is techno-  
25           logically and economically feasible to link the rail

1 system in Alaska as described in paragraph (1), to  
2 determine one or more recommended routes for the  
3 rail segment that establishes the linkage, taking into  
4 consideration cost, distance, access to potential  
5 freight markets, environmental matters, and such  
6 other factors as the Commission determines relevant.

7 (4) COMBINED CORRIDOR EVALUATION.—The  
8 Agreement should also provide for the Commission  
9 to consider whether it would be useful and techno-  
10 logically and economically feasible to combine the  
11 power transmission infrastructure and petroleum  
12 product pipelines of other utilities into one corridor  
13 with a rail extension of the rail system of Alaska.

14 (b) REPORT.—The Agreement should require the  
15 Commission to submit to Congress and the Secretary of  
16 Transportation and to the Minister of Transport of the  
17 government of Canada, not later than 5 years after the  
18 Commission commencement date, a report on the results  
19 of the study, including the following:

20 (1) FEASIBILITY.—The Commission's findings  
21 regarding the technological and economical feasi-  
22 bility of linking the rail system in Alaska as de-  
23 scribed in subsection (a)(1).

24 (2) ROUTE.—If such an action is determined  
25 technologically and economically feasible, the Com-

1 mission's recommendations regarding the preferred  
2 route and any alternative routes for the rail segment  
3 establishing the linkage.

4 **SEC. 7. COMMENCEMENT AND TERMINATION OF COMMIS-**  
5 **SION.**

6 (a) **COMMENCEMENT.**—The Agreement should pro-  
7 vide for the Commission to begin to function on the date  
8 on which all members are appointed to the Commission  
9 as provided for in the Agreement.

10 (b) **TERMINATION.**—The Commission shall terminate  
11 90 days after the date on which the Commission submits  
12 its report under section 6.

13 **SEC. 8. FUNDING.**

14 (a) **RAILS TO RESOURCES FUND.**—The Agreement  
15 should provide for the following:

16 (1) **ESTABLISHMENT.**—The establishment of an  
17 interest-bearing account to be known as the “Rails  
18 to Resources Fund”.

19 (2) **CONTRIBUTIONS.**—The contribution by the  
20 United States and the government of Canada to the  
21 Fund of amounts that are sufficient for the Commis-  
22 sion to carry out its duties.

23 (3) **AVAILABILITY.**—The availability of amounts  
24 in the Fund to pay the costs of Commission activi-  
25 ties.

1           (4) DISSOLUTION.—Dissolution of the Fund  
2           upon the termination of the Commission and dis-  
3           tribution of the amounts in the Fund between the  
4           United States and the government of Canada.

5           (b) AUTHORIZATION OF APPROPRIATIONS.—Funds  
6           are hereby authorized to be appropriated to any Fund es-  
7           tablished as described in subsection (a)(1) in the total  
8           amount of \$6,000,000, to remain available until expended.

9   **SEC. 9. DEFINITIONS.**

10          In this section:

11           (1) AGREEMENT.—The term “Agreement”  
12           means an agreement described in section 2.

13           (2) COMMISSION.—The term “Commission”  
14           means a commission established pursuant to any  
15           Agreement.

16           (3) COMMISSION COMMENCEMENT DATE.—The  
17           date determined under section 6(a).

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