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**AMENDMENT TO H.R. 2095, AS REPORTED
OFFERED BY MR. PALLONE OF NEW JERSEY**

Page 80, after line 7, insert the following new section (and amend the table of contents accordingly):

1 **SEC. 617. SURFACE TRANSPORTATION BOARD JURISDIC-**
2 **TION OVER SOLID WASTE FACILITIES.**

3 Section 10501 of title 49, United States Code, is
4 amended—

5 (1) by striking “facilities,” in subsection (b)(2)
6 and inserting “facilities (except solid waste rail
7 transfer facilities as defined in subsection
8 (c)(3)(C)),”; and

9 (2) by adding at the end of subsection (c)(3)
10 the following new subparagraph:

11 “(C) Nothing in this section preempts a State or local
12 governmental authority from regulating solid waste rail
13 transfer facilities. For purposes of this subparagraph, the
14 term ‘solid waste rail transfer facility’ means the portion
15 of any facility owned or operated by or on behalf of a rail
16 carrier, at which occurs the—

17 “(i) collection, storage, or transfer, outside of
18 original shipping containers;

19 “(ii) separation; or

1 “(iii) processing (including baling, crushing,
2 compacting, and shredding),
3 of solid waste, as defined in section 1004 of the Solid
4 Waste Disposal Act (42 U.S.C. 6903).”.