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HOUSATONIC RIVER BASIN, CONN.  
WASTEWATER MANAGEMENT STUDY

The goal of the investigation that would be undertaken by the Corps is to formulate alternative wastewater management plans in order that the people of the basin may have the opportunity to choose the degree and method of treatment they themselves consider appropriate for immediate and long-term implementation. Among the alternative basin plans to be formulated and evaluated are plans (1) to achieve highest levels of wastewater treatment no later than 1990 and (2) to meet current requirements in the most cost-effective way. Both land treatment and physical, biological, and chemical processes will be considered. All alternative plans will be capable of implementing current regulations (18 CFR 601.32 and 601.33) for planning in connection with Federal grants for construction of treatment works. Area-wide plans will also be completed for portions of designated area-wide planning areas lying within the basin.

In this regard the Corps would seek to assist State, local, and other Federal agencies in identifying and planning alternatives for wastewater management which will incorporate the highest water quality goals and the most efficient uses of our resources, without limitations placed upon technologies and regional scale opportunities. The technical water quality goal would seek to reduce the added impurities in wastewater to natural background levels in the receiving water courses. There is growing evidence that we cannot solve the problem of water pollution while our standards permit waste discharges above these background levels. This planning would build upon and extend current wastewater planning efforts in the basin.

The planning would be directed toward identifying and developing the most efficient alternatives for incorporating resource reuse into wastewater management systems. It would provide for the maximum efficient reuse of the wastewater effluent and constituents in meeting the region's needs.

Plans will be formulated by considering the technological approaches that can be used in solving wastewater problems. Land treatment and treatment plants are two basic approaches. Initially, an alternative will be formulated employing each approach to identify effective means of achieving program technical goals. Additional alternatives are developed as modifications or combinations of these initial alternatives. These are subsequently reduced in number with the remaining alternatives refined in further detail. At successive stages of development of the alternatives, there will be a continued interface between planning, design, and evaluation. This will assure that the plan, in meeting its technical goals, is also achieving and contributing to the planning objectives of the region; thereby eliminating or minimizing the detrimental environmental, hygienic, social, aesthetic, and economic impacts associated with the plan.

Open planning will be employed to provide all segments of the public an opportunity to contribute to development of the alternatives. Public meetings will be held, formal coordination conducted, and advisory groups enlisted to assure that the alternatives accurately reflect the desires of the public.

Existing institutions will be identified but will not constrain the development of optimal wastewater management systems. Subsequent to the selection of a plan, the impacts of the plan on existing institutions will be analyzed and alternative implementation plans developed.

Primary emphasis will be placed upon developing complete, detailed technical systems, costs, effects, and required public involvement to gain state, and local acceptance of the optimal wastewater systems developed in these studies.

Under current guidelines developed by OMB, the study would require that non-Federal interests participate in the sharing of the costs of such a study on a 50-50 basis in terms of services and product. This is currently the basis upon which EPA planning grants are made. With the final passage of the water quality bills currently pending with the Congress, provision is made for such studies to be totally financed by the Federal government.

By Mr. MONDALE:

S. 3634. A bill to provide continued rail transportation in rural America. Referred to the Committee on Commerce.

RURAL TRANSPORTATION ADMINISTRATION

Mr. MONDALE. Mr. President, I am introducing today legislation to establish within the Department of Transportation, a Rural Rail Transportation Administration.

This legislation is an effort to provide rural community groups with a means to continue rail service when it is important to the economic growth and development of communities.

The Rural Rail Transportation Administration would have the responsibility of aiding the continuation and improvement of rail service in rural America. It authorizes loans or loan guarantees to reestablish service of an abandoned railroad line or to continue and improve service on a line to be abandoned. This type of financing program would enable cooperatives or other non-profit organizations made up of shippers and residents to purchase and operate short line railroads. In my judgment, this is the only alternative in many cases.

In the bill I have not included a ceiling on the size of loans. This is done with the assumption that the Commerce Committee, through hearings and appropriate study, will be able to establish fair and practical limits and percentages.

Increased reliance on motor carriers is not the answer for farmers or for other residents of rural America. In my home State of Minnesota, a recent study indicates that 304 communities will lose railroad service by 1980. Of those communities, 98 now have roads which are restricted to less than 9-ton carrying capacity. The Minnesota Highway Department informed me that it would cost State and county governments \$79.7 million in additional highway construction money to provide unrestricted access to those communities.

I am afraid that many rural communities would be left to die, because of the prohibitive cost of providing adequate transportation facilities to replace railroads.

Corporations which presently own the railroads want to abandon rural lines. They have shown clearly that they do not want to live up to their responsibilities. Service to rural communities has been declining for several years.

Mr. President, I recently had a firsthand look at some of the rail lines in the State of Minnesota which are slated for abandonment. The rails are old. Most being original equipment which was laid when the railroads were built during the late 1800's. Ties are rotted out. Most places, it is not evident whether

there are any ties, because the entire roadbed is covered with sod. Trains have to go slow and even then derailments are common.

The railroads argue that this faulty equipment is a reason to be granted permission to abandon the branch lines.

But the poor condition of the track and roadbed are not the fault of the shippers and rural communities serviced by the lines. Who else but the companies owning the railroads is at fault?

Not too long ago railroads were allowed to abandon passenger service to all major cities. They said they needed to do that in order to run freight trains profitably. Now they want to abandon freight service in rural areas. They say this is necessary to keep main freight lines operating. And so it goes on. A dangerous trend continues and rural America is the victim.

Walter Shirra, the former astronaut, appears in a television advertisement on behalf of the railroads. He says:

Who needs the railroads? We all do.

How ironic that Shirra's former employer, NASA, plans to spend \$35 billion for a space shuttle to carry a few astronauts around the earth—while the Interstate Commerce Commission silently permits rail service to be cut. A few men can orbit the world, but farmers in the Midwest cannot get their grain to market.

I think it is an astronomical irony that railroads continually are trying to get out of the railroad business. They continually ask for more Government assistance. But rail service does not improve.

In my judgment, what is needed is a transportation program similar to the Rural Electrification Administration. The REA has been one of our Nation's truly great rural development successes. Rural electric cooperatives, owned and operated by rural residents and farmers, provide services that big business cannot or will not provide. And REA's pay back every cent that they get from the Government.

Three or four decades ago opponents of the REA effort said it would never work. They said:

Farmers don't need electricity, and if they had it they couldn't pay for it.

Today rural America has electric power. All the bills get paid. And I am convinced that the labor saving accomplished by electricity on the farm has contributed greatly to the farmer's productivity which is the envy of businessmen all over the world.

I believe in investing in people and entrusting our Nation's resources to organizations run by the people. Rural electric cooperatives have a fine record showing what can be done by such organizations. The Rural Rail Transportation Administration authorized by this legislation would do so also.

Mr. President, I do not claim that this will completely solve the transportation crisis. I still strongly support efforts to declare a moratorium on the abandonment of railroad lines until after an overall national transportation plan can be developed. But the Rural Rail Transportation Administration is needed to

help continue rail service in rural communities.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3634

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Rural America Rail Transportation Act of 1972."*

#### RURAL RAIL TRANSPORTATION ADMINISTRATION

SEC. 2. The Secretary of Transportation (hereinafter referred to as the "Secretary") shall establish within the Department of Transportation a Rural Rail Transportation Administration which shall be headed by an Administrator who shall be appointed by the President by and with the advice and consent of the Senate and shall be compensated at the rate provided for level IV of the Executive Schedule in title 5, United States Code. The Secretary shall carry out his functions under this Act through such Administration.

#### STUDIES, RESEARCH AND DEMONSTRATION PROGRAMS

SEC. 3. (a) In order to promote the continuation and improvement of rail service in rural areas of the United States the Secretary is authorized to contract or enter into other arrangements for studies, research, and demonstration programs as may be necessary to—

- (1) develop improved equipment for such service;
  - (2) determine means of continuing and improving such service under existing railroad management;
  - (3) determine means of restoring such service where it has been discontinued.
- (b) In carrying out the provisions of this section the Secretary shall consult and cooperate with appropriate State and local agencies, shippers, railroads, and other appropriate organizations and groups.

#### LOANS AND LOAN GUARANTEES TO RESTORE ABANDONED SERVICE

SEC. 4. (a) The Secretary is authorized to make loans or loan guarantees pursuant to this section to reestablish service on an abandoned railroad line, or to continue service on a line to be abandoned, in any case in which he determines—

- (1) a valid need for such service in order to maintain economic growth and development of areas along the line;
  - (2) that the applicant has the capability of providing such service and for the purpose of this section any applicant which is a non-profit organization made up of shippers and residents, or is a State or local government agency, of the area to be served, shall be given preference;
  - (3) that the applicant has complied with the provisions of the Interstate Commerce Act to provide such service; and
  - (4) that the provision of such service is, or can be made, economically feasible.
- (b) Any such loan or loan guarantee—
- (1) shall be made in accordance with the provisions applicable to loans and loan guarantees made pursuant to section 7(b) (5) of the Small Business Act (15 U.S.C. 636 (b) (5)), except as otherwise provided in this section;
  - (2) may be made for costs of any necessary acquisition of tracks and right-of-way and other real property and necessary acquisition and improvement of equipment;
  - (3) may be made for not to exceed — per centum of such costs or \$—; and
  - (4) may be made subject to such other terms and conditions as the Secretary de-

termines necessary to carry out the purpose of this Act.

(c) As part of any loan guarantee under this section the Secretary shall pay such portion of the interest on the guaranteed loan as may be necessary to make the cost of such interest to the borrower equal to the interest cost of a direct loan from the Secretary.

#### AMENDMENT OF INTERSTATE COMMERCE ACT

SEC. 5. Part I of the Interstate Commerce Act is amended by inserting after section 13a a new section as follows:

##### "ABANDONMENT OF LINES

"SEC. 13b. (a) The Commission shall not consider the request of any common carrier by railroad for a certificate authorizing the abandonment of all or any portion of a line of railroad, or the operation thereof, until after a five year period following the date of such request to the Commission and during which the carrier has provided public notice of such request, in accordance with regulations of the Commission in the area affected by such abandonment. In determining whether the public convenience and necessity permit the granting of such request, the Commission shall give thorough consideration to the economic importance of such line to all areas which it serves.

"(b) As a condition to the granting of any certificate authorizing such abandonment the Commission shall require such carrier to—

- "(1) cooperate to the extent possible with communities served by such line in efforts to restore operations on such line, including making the right-of-way and tracks available for lease on a reasonable basis; and
- "(2) not disturb the tracks and roadbed of such line for five years after the date on which such certificate was granted.

"(c) The Commission shall notify the Secretary of Transportation of the receipt of any request for a certificate of abandonment pursuant to this part and shall to the extent possible give priority to any proceedings initiated to continue or restore rail operations on an abandoned railroad line.

"(d) The Commission may reduce the five year period required by subsection (a) or subsection (b) (2) of this section in any case in which it determines, after notice and public hearing, that the public convenience and necessity does not require such period."

##### AUTHORIZATION

SEC. 6. There are authorized to be appropriated such amounts as may be necessary to carry out the provisions of this Act.

#### By Mr. BROCK:

S. 3636. A bill to amend the Occupational Safety and Health Act of 1970 to provide technical assistance to comply with standards, to extend the time for compliance with standards, to update standards, and for other purposes. Referred to the Committee on Labor and Public Welfare.

#### OCCUPATIONAL SAFETY AND HEALTH ACT AMENDMENTS OF 1972

Mr. BROCK. Mr. President, in 1970, Congress passed the Occupational Safety and Health Act to assure safe and healthful working conditions for working men and women. Although I am in total support of this national commitment to the cause of employees safety, I have been disturbed by some of the unnecessary and unrealistic requirements which have been developed by way of regulations designed by the Department of Labor.

In contrast with the action taken on the Federal level, I have been most

pleased with the work done on the State level in Tennessee by the State commissioner of the Department of Labor. The commissioner of the Department of Labor of the State of Tennessee has had virtually unlimited power in the regulation of safety and general working conditions in workshops, factories, offices, retail stores, and other business establishments.

Records pertaining to industrial safety in Tennessee—and particularly those concerning manufacturers—are not as complete as might be desired—nor are they in many other States—but to the extent that they may be compared to other States, Tennessee's record is most favorable. In Tennessee great progress has been made in the past 10 years in the development of statistical information in connection with industrial health and safety.

The Tennessee General Assembly recently adjourned adopted a lengthy measure which completely revamped the occupational safety and health laws of Tennessee to the end that Tennessee will be enabled, under the Federal Occupational Safety and Health Act, to administer new and updated safety and health laws, rules, and regulations along the lines and in conformity with the Federal act on this subject. I am most pleased that the Tennessee Assembly has taken this step for I feel that much of the problem under the Federal law is the totally unrealistic approach taken by the Federal bureaucracy and its hordes of insensitive inspectors.

One of the major problems under the Federal law is the assumption that the employer is not interested in, or even aware of, the real need for safety practices. Most manufacturers and people in the construction business as well as small employers are acutely aware of the need for good safety practices not only because of the extremely high cost of workmen's compensation insurance but more especially because of the cost to employers who have lost time by trained and experienced employees. A much better approach would be in the education of employees and employers under an effective safety program by the Department of Labor.

As it now stands, if the employer seeks help and advice from the Department of Labor, he is faced instead with a prompt walk-around inspection of his premises, and a mandatory citation is issued on the spot, carrying a penalty of up to \$1,000 for each violation alleged. To illustrate statistically how voluminous the citations are becoming, consider the following box score compiled by the National Safety Council:

In the 7-month period, July 1, 1971, through January 31, 1972, the OSH Administration conducted 16,162 inspections in 14,741 establishments. Of these, only 3,089—21 percent of the total—were found to be in compliance with the OSH standards. As for the remainder, 11,856 citations were issued alleging 42,942 violations. The proposed penalties amount to \$1,003,250. The number of employee complaints regarding occupational safety and health hazards submitted to the OSH Administration