

Public Law 102-533
102d Congress

An Act

To authorize appropriations for the National Railroad Passenger Corporation, and for other purposes.

Oct. 27, 1992
[H.R. 4250]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Amtrak Authorization and Development Act".

Amtrak
Authorization
and
Development
Act.
45 USC 501 note.

SEC. 2. SAFETY IMPROVEMENTS.

Title VIII of the Rail Passenger Service Act (45 U.S.C. 642 et seq.) is amended by adding at the end the following new section:

"SEC. 811. RAIL AT-GRADE CROSSINGS.

45 USC 650.

"(a) **ELIMINATION.**—The Secretary, in consultation with the States along the main line of the Northeast Corridor, shall develop a plan by September 30, 1993, for the elimination of all highway at-grade crossings of such main line by December 31, 1997.

"(b) **EXCEPTIONS.**—The plan developed under subsection (a) may provide that the elimination of a highway at-grade crossing not be required if eliminating such crossing is impracticable or unnecessary and the use of the crossing will be consistent with such conditions as the Secretary considers appropriate to ensure safety.

"(c) **FUNDING.**—The Corporation shall pay 20 percent of the cost of the elimination of each highway at-grade crossing pursuant to the plan."

SEC. 3. EXPERIMENTATION WITH NEW TECHNOLOGIES.

Title VIII of the Rail Passenger Service Act (45 U.S.C. 642 et seq.) (as amended by section 2) is amended by adding at the end the following new section:

"SEC. 812. EXPERIMENTATION WITH NEW TECHNOLOGIES.

45 USC 650b.

"(a) **PLAN.**—The Corporation shall develop a plan for the demonstration of new technologies in rail passenger equipment. Such plan shall provide that any new equipment procured by the Corporation that may significantly increase train speeds over existing rail facilities shall be demonstrated, to the extent practicable, throughout the national intercity rail passenger system.

"(b) **REPORT TO CONGRESS.**—The Corporation shall, not later than September 30, 1993, submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report summarizing the plan developed under subsection (a), including its goals, locations for technology demonstration, and a schedule for implementation of the plan.

"(c) **COOPERATION.**—The Corporation, in order to facilitate efforts to increase train speeds throughout the national intercity rail passenger system, shall, upon request by eligible applicants,

consult and cooperate, to the extent feasible, with such applicants proposing technology demonstrations authorized and funded pursuant to Federal law.”.

SEC. 4. NORTHEAST CORRIDOR PROGRAM MASTER PLAN.

(a) AMENDMENT.—Title VII of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 851 et seq.) is amended by adding at the end the following new section:

45 USC 856.

“SEC. 708. PROGRAM MASTER PLAN.

“Within 1 year after the date of enactment of this section, the Secretary, in consultation with the Corporation and the commuter and freight railroads operating over the Northeast Corridor main line between Boston, Massachusetts, and New York, New York, shall develop and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a program master plan for a coordinated program of improvements to such main line that will permit the establishment of regularly scheduled, safe, and dependable rail passenger service between Boston, Massachusetts, and New York, New York, including appropriate intermediate stops, in 3 hours or less. Such plan shall include—

“(1) a description of the implications of such improvements for the regional transportation system, including the probable effects on general travel trends and on travel volumes in other transportation modes, and the implications for State and local governments in attaining compliance with the Clean Air Act;

“(2) an identification of the coordinated program of improvements and the specific projects that comprise that program, including their estimated costs, schedules, timing, and relationship with other projects;

“(3) an identification of the financial responsibility for the specific projects that comprise the program, and the sources of those funds;

“(4) an operating plan for the period of construction of the improvements demonstrating a coordinated approach to scheduling intercity and commuter trains;

“(5) an operating plan, for the period after completion of the program, for the coordinated scheduling of intercity and commuter trains, including the provision of priority scheduling, dispatching, and occupancy of tracks for appropriately frequent, regularly scheduled intercity rail passenger service of 3 hours or less between Boston, Massachusetts, and New York, New York, with appropriate intermediate stops;

“(6) a comprehensive plan to control future congestion on the Northeast Corridor attributable to increases in intercity and commuter rail passenger service;

“(7) an assessment of long-term operational safety needs and a list of specific projects designed to maximize operational safety; and

“(8) any comments the Corporation submits to the Secretary regarding the contents of the plan.

The Secretary shall submit to the Congress any modifications made to the program master plan, along with any comments the Corporation submits to the Secretary regarding such modifications.”.

(b) CONFORMING AMENDMENT.—The table of contents for the Railroad Revitalization and Regulatory Reform Act of 1976 is

amended by inserting after the item relating to section 707 the following new item:

"Sec. 708. Program master plan."

SEC. 5. AUTHORIZATION OF PREFERRED STOCK.

Section 304(c) of the Rail Passenger Service Act (45 U.S.C. 544(c)) is amended by adding at the end the following new paragraph:

"(4) No amendment to the articles of incorporation of the Corporation shall be required for the issuance of the preferred stock required to be issued pursuant to this subsection."

SEC. 6. PROPERTY FINANCING.

Section 306(n) of the Rail Passenger Service Act (45 U.S.C. 546(n)) is amended to read as follows:

"(n)(1) The Corporation shall not be required to pay any additional taxes as a consequence of its expenditure of funds to acquire or improve real property, equipment, facilities, or right-of-way materials or structures used directly or indirectly in the provision of rail passenger service. For purposes of this subsection, 'additional taxes' means taxes or fees (A) on the acquisition, improvement, ownership, or operation of personal property by the Corporation; and (B) on real property other than taxes or fees on the acquisition of real property, or on the value of real property which is not attributable to improvements made, or the operation of such improvements, by the Corporation.

"(2) For purposes of this subsection, the term 'Corporation' includes the Corporation's railroad subsidiaries and any lessors and lessees of the Corporation or its railroad subsidiaries."

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Section 601 of the Rail Passenger Service Act (45 U.S.C. 601) is amended to read as follows:

"SEC. 601. AUTHORIZATION OF APPROPRIATIONS.

"(a) **CAPITAL ACQUISITION AND CORRIDOR DEVELOPMENT.**—

"(1) **NORTHEAST CORRIDOR.**—There are authorized to be appropriated to the Secretary for the benefit of the Corporation for making capital expenditures under title VII of the Railroad Revitalization and Regulatory Improvement Act of 1976 (45 U.S.C. 851 et seq.)—

"(A) \$220,000,000 for fiscal year 1993; and

"(B) \$250,000,000 for fiscal year 1994.

"(2) **GENERAL CAPITAL EXPENDITURES.**—There are authorized to be appropriated to the Secretary for the benefit of the Corporation for making capital expenditures under this Act—

"(A) \$250,000,000 for fiscal year 1993; and

"(B) \$250,000,000 for fiscal year 1994.

"(3) **NEW CORRIDOR DEVELOPMENT.**—

"(A) **IN GENERAL.**—Of the amounts appropriated pursuant to paragraphs (1) and (2), not more than 15 percent of each amount shall be made available for projects described in subparagraphs (B) and (C) of this paragraph.

"(B) **CORRIDORS BETWEEN DENSELY POPULATED CITIES.**—(i) Except as provided in clause (ii), funds made

available under subparagraph (A) shall be used to develop new intercity rail passenger service on corridors—

“(I) between cities undergoing significant population growth; and

“(II) where such service can reasonably be expected to provide travel times comparable with other surface transportation modes.

“(ii) Amounts shall be expended for the purposes described in clause (i) only if the service is requested by a State or States and the Corporation and such State or States agree that—

“(I) at least 90 percent of the cost of the acquisition of rolling stock for such service shall be paid by the Corporation; and

“(II) at least 90 percent of the cost of improvements in the right-of-way, including track structure, signal systems, passenger station facilities, highway and pedestrian grade crossings, and other safety equipment or facilities, shall be paid by the State or States.

“(iii) Service described in clause (i) shall be subject to section 403(b) with respect to operating expenses.

“(C) LONG DISTANCE RAIL PASSENGER CORRIDOR DEVELOPMENT.—(i) Except as provided in clause (ii), funds made available under subparagraph (A) shall be used to initiate new long distance intercity rail passenger service.

“(ii) Amounts shall be expended for the purposes described in clause (i) only if the service is requested by a State or States and the Corporation and such State or States agree that—

“(I) at least 75 percent of the cost of the acquisition of rolling stock for such service shall be paid by the Corporation; and

“(II) at least 90 percent of the cost of improvements in the right-of-way, including track structure, signal systems, passenger station facilities, highway and pedestrian grade crossings, and other safety equipment or facilities, shall be paid by the State or States.

“(iii) Service described in clause (i) shall be subject to section 403(b) with respect to operating expenses.

“(b) OPERATING EXPENSES.—

“(1) CORE SYSTEM.—There are authorized to be appropriated to the Secretary for the benefit of the Corporation for operating expenses—

“(A) \$381,000,000 for fiscal year 1993; and

“(B) \$381,000,000 for fiscal year 1994.

Of the amounts appropriated in subparagraphs (A) and (B), not more than 5 percent for each fiscal year shall be used for the payment of operating expenses under section 403(b) of this Act for service in operation as of September 30, 1992.

“(2) NEW STATE-SUPPORTED SERVICE.—There are authorized to be appropriated to the Secretary for the benefit of the Corporation for operating losses under section 403(b) of this Act for service commencing after September 30, 1992—

“(A) \$7,500,000 for fiscal year 1993; and

“(B) \$9,500,000 for fiscal year 1994.

The expenditure by the Corporation of funds appropriated for operating losses under section 403(b) of this Act for service

commencing after September 30, 1992, shall not be considered to be an operating expense for purposes of calculating the revenue-to-operating expense ratio of the Corporation.

“(c) MANDATORY PAYMENTS.—There are authorized to be appropriated to the Secretary \$150,000,000 for fiscal year 1993, and such sums as may be necessary for fiscal year 1994, for the payment of—

“(1) tax liabilities under section 3221 of the Internal Revenue Code of 1986 due in such fiscal years in excess of amounts needed to fund benefits for individuals who retire from the Corporation and for their beneficiaries;

“(2) obligations of the Corporation under section 8(a) of the Railroad Unemployment Insurance Act (45 U.S.C. 358(a)) due in such fiscal years in excess of its obligations calculated on an experience-rated basis; and

“(3) obligations of the Corporation due under section 3321 of the Internal Revenue Code of 1986.

Funds appropriated under this subsection shall not be considered a Federal subsidy of the Corporation.

“(d) ADMINISTRATION OF APPROPRIATIONS.—Funds appropriated pursuant to this section shall be made available to the Secretary during the fiscal year for which appropriated, except that appropriations for capital acquisitions and improvements may be made in an appropriations Act for a fiscal year preceding the fiscal year in which the appropriation is to be available for obligation. Funds appropriated are authorized to remain available until expended. Appropriated sums shall be paid by the Secretary to the Corporation for expenditure by it in accordance with the Secretary's budget request as approved or modified by Congress at the time of appropriation. Payments by the Secretary to the Corporation of appropriated funds shall be made no more frequently than every 90 days, unless the Corporation, for good cause, requests more frequent payment before the expiration of any 90-day period.

“(e) SCHEDULE OF PAYMENTS.—In each fiscal year in which funds are authorized to be appropriated under this section, payments by the Secretary to the Corporation of appropriated funds shall be made on the following basis—

“(1) 50 percent on the first day of a fiscal year;

“(2) 25 percent on the first day of the second quarter of a fiscal year; and

“(3) 25 percent on the first day of the third quarter of a fiscal year.”

(b) CONFORMING AMENDMENT.—Section 403(b)(1)(B)(iii) of the Rail Passenger Service Act (45 U.S.C. 563(b)(1)(B)(iii)) is amended by striking “and 50 percent of the associated capital costs” and inserting in lieu thereof “and, except as provided in section 601(a), 50 percent of the associated capital costs”.

(c) REPEAL.—Section 602 of the Rail Passenger Service Act (45 U.S.C. 602) is repealed.

SEC. 8. DEFINITION.

Section 103 of the Rail Passenger Service Act (45 U.S.C. 502) is amended—

(1) by redesignating paragraphs (13) through (17) as paragraphs (14) through (18), respectively; and

(2) by inserting after paragraph (12) the following new paragraph:

"(13) 'Northeast Corridor' has the meaning given such term in section 701(c) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 851(c)).".

SEC. 9. HIGH SPEED RAIL CORRIDOR DEVELOPMENT.

Title VIII of the Rail Passenger Service Act (45 U.S.C. 642 et seq.) (as amended by section 3) is amended by adding at the end the following new section:

45 USC 650c.

"SEC. 813. HIGH SPEED RAIL CORRIDOR DEVELOPMENT.

"(a) ENCOURAGEMENT AND ASSISTANCE.—The Corporation shall, upon reasonable request by States, political subdivisions, regional partnerships, private sector representatives, and other qualified persons, consult and cooperate with such parties to the extent feasible to assist the efforts of such parties to achieve high-speed rail service through equipment upgrades, grade-crossing safety improvements, and incremental infrastructure improvements on existing railroad facilities utilized by the Corporation, other than the Northeast Corridor.

"(b) REPORT.—The Corporation shall submit a written report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate by September 30, 1993, on the Corporation's efforts under subsection (a).".

SEC. 10. DISCONTINUATION, MODIFICATION, OR ALTERATION OF CERTAIN RAIL PASSENGER SERVICES.

Section 403(d) of the Rail Passenger Service Act (45 U.S.C. 563(d)) is amended by inserting at the end the following: "Notwithstanding the second sentence of this subsection, on any date between October 1, 1993, and September 30, 1995, if the service operated pursuant to this paragraph on a route during the previous 6-month period has a short-term avoidable loss, the Corporation may elect to consider discontinuance, modification, or adjustment of such service. If such election is made, the Corporation shall solicit public comment on alternatives to discontinuance, modification, or adjustment of such service. The public comment period shall be at least 30 days. Within 60 days after the expiration of that comment period, the Corporation may discontinue, modify, or adjust such service so that there is no short-term avoidable loss for operation of service pursuant to this subsection on the route. For purposes of this paragraph the calculation of short-term avoidable loss shall not include the cost of providing passenger equipment required to operate such service.".

SEC. 11. EMERGENCY TRAINING AND RESPONSE.

Title VIII of the Rail Passenger Service Act (45 U.S.C. 642 et seq.) (as amended by section 9) is amended by adding at the end the following new section:

45 USC 650d.

"SEC. 814. EMERGENCY TRAINING AND RESPONSE.

"(a) TASK FORCE.—The Corporation, together with representatives from each of the on-board service and operating crafts and unions, shall form a task force to consider recommendations for improving emergency training and performance of on-board service and operating crew members. A representative of the Federal Railroad Administration shall serve on the task force. The task force

shall convene its first meeting within 90 days following the date of enactment of this section.

“(b) MATTERS TO BE CONSIDERED.—The task force formed under subsection (a) shall consider, at a minimum—

“(1) whether the Corporation’s emergency training and drill program as presently constituted is adequate, and if not, in what ways it can be augmented or improved;

“(2) whether medical first-aid training, including cardiopulmonary resuscitation, should be required for all on-board service crew members;

“(3) whether the Corporation’s requirements with respect to employee responsibilities for passenger evacuation, emergency communications, crew coordination, and disaster response should be coordinated; and

“(4) whether certification of the Corporation’s emergency training program and evacuation procedures by the Federal Railroad Administration is warranted.

In considering the matters described in paragraphs (1) through (4), the task force shall address relevant prior recommendations and findings by the National Transportation Safety Board.

“(c) REPORT.—Not later than June 1, 1993, the task force shall report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on its findings in subsection (b), together with a summary of actions implemented to date and recommendations for future action.”.

SEC. 12. COLUMBUS AND GREENVILLE RAILWAY.

(a) IN GENERAL.—Title V of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 821 et seq.) is amended by adding at the end the following new section:

“SEC. 518. COLUMBUS AND GREENVILLE RAILWAY.

45 USC 838.

“(a) LIMITATION OF UNITED STATES INTEREST.—Notwithstanding any other provision of this title, the Secretary shall limit the interest of the United States in any debt of the Columbus and Greenville Railway under sections 505 and 511 of this title to an interest which attaches to such debt in the event of (1) bankruptcy, or (2) substantial sale or liquidation of the assets of the railroad, the proceeds of which are not reinvested in the operations of the railroad. The Secretary may substitute for the evidence of such debt contingency notes payable solely from the railroad operating assets then securing such debt, including reinvestments thereof, or such other contingency notes as the Secretary deems appropriate and which conform to the terms in this section.

“(b) HIGHER PRIORITY FOR NEW DEBT.—If the interest of the United States is limited under subsection (a) of this section, any new debt issued by such railroad subsequent to the issuance of the debt described in such subsection may have such higher priority in the event of bankruptcy, liquidation, or abandonment of the assets of such a railroad than the debt described in such subsection as the Secretary and railroad may agree.”.

(b) CONFORMING AMENDMENT.—The table of contents in the first section of the Railroad Revitalization and Regulatory Reform Act of 1976 is amended by inserting immediately after the item relating to section 517 the following new item:

“Sec. 518. Columbus and Greenville Railway.”.

SEC. 13. NEW YORK CITY STATION FACILITIES.

Title VIII of the Rail Passenger Service Act (455 U.S.C. 642 et seq.) (as amended by section 11) is amended by adding at the end the following new section:

45 USC 650e.

"SEC. 815. NEW YORK CITY STATION FACILITIES.

"The Corporation shall develop a plan for new or redeveloped station facilities in New York City, New York, to accommodate the intercity rail passenger service requirements of the Corporation, along with needs of the commuter rail services currently using New York Penn Station. In developing the plan, the Corporation shall consider use of the James A. Farley Post Office building as the primary facility for handling intercity passengers, shall evaluate sources of State, local, and private funding therefor, and shall determine the future allocation of space and costs in the existing New York Penn Station and new facilities among all transportation services using the facilities. The plan shall be predicated upon completing the project without Federal funds appropriated for the Corporation. The Corporation shall submit a report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on such plan no later than April 1, 1993."

Reports.

SEC. 14. LOCOMOTIVE CONSPICUITY.

Section 202 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431) is amended by adding at the end the following new subsection:

"(u) LOCOMOTIVE CONSPICUITY.—

"(1) The Secretary shall conduct a review of the Department of Transportation's rules with respect to locomotive conspicuity and shall complete the Department's current locomotive conspicuity research no later than December 31, 1993. As part of this review, the Secretary shall collect relevant data from operational experience by railroads having enhanced conspicuity measures in service.

Regulations.

"(2) Not later than December 31, 1992, the Secretary shall issue interim regulations identifying ditch lights, crossing lights, strobe lights, and oscillating lights as interim locomotive conspicuity measures, and authorizing and encouraging installation and use of such measures. The interim regulations and any amendments thereto shall be adopted without regard to subchapter II of chapter 5 of title 5, United States Code. Any locomotive equipped with such interim conspicuity measures on the date of issuance of final regulations under paragraph (3) shall be considered in full compliance with such final regulations until 4 years after issuance of such final regulations.

Regulations.

"(3) Not later than June 30, 1994, the Secretary shall initiate a rulemaking proceeding to issue final regulations requiring substantially enhanced locomotive conspicuity measures. In such rulemaking proceeding, the Secretary shall consider, at a minimum—

"(A) revisions to the existing locomotive headlight standard, including standards for placement and intensity;

"(B) requiring use of reflective materials to enhance locomotive conspicuity;

“(C) requiring use of additional alerting lights (including ditch, crossing, strobe, and oscillating lights);

“(D) requiring use of auxiliary lights to enhance locomotive conspicuity when viewed from the side;

“(E) the effect of any enhanced conspicuity measures on the vision, health, and safety of train crew members;

“(F) separate standards for self-propelled, push-pull and multi-unit passenger operations without a dedicated head-end locomotive.

“(4) In issuing regulations under paragraph (3), the Secretary may exclude from any specific conspicuity requirement and category of trains or rail operations if the Secretary determines that such an exclusion is in the public interest and is consistent with rail safety (including grade-crossing safety).

“(5) The Secretary shall issue final regulations requiring enhanced locomotive conspicuity measures no later than June 30, 1995. The Secretary shall require that all locomotives not excluded from the regulations be equipped with interim conspicuity measures under paragraph (2) or the conspicuity measures mandated by final regulations issued under this paragraph, no later than December 31, 1997.

“(6) As used in this subsection, the term ‘locomotive conspicuity’ means the enhancement of day and night visibility of the front-end unit of a train, by means of lighting, reflective materials, or other means, with particular consideration to the visibility and perspective of drivers of motor vehicles at grade crossings.”

Regulations.

Approved October 27, 1992.

LEGISLATIVE HISTORY—H.R. 4250 (S. 2608):

HOUSE REPORTS: Nos. 102-513 (Comm. on Energy and Commerce) and 102-990 (Comm. of Conference).

SENATE REPORTS: No. 102-326 accompanying S. 2608 (Comm. on Commerce, Science, and Transportation).

CONGRESSIONAL RECORD, Vol. 138 (1992):

Aug. 11, considered and passed House.

Aug. 12, considered and passed Senate, amended.

Oct. 5, House agreed to conference report.

Oct. 7, Senate agreed to conference report.