

107TH CONGRESS
2D SESSION

H. R. 5216

To establish a national rail passenger transportation system, reauthorize Amtrak, improve security and service on Amtrak, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 25, 2002

Ms. CARSON of Indiana (for herself, Mr. McNULTY, Mr. LUCAS of Kentucky, Mr. MORAN of Virginia, Mr. FROST, Mr. SANDERS, Mr. LYNCH, Mr. PAYNE, Mrs. CHRISTENSEN, Ms. JACKSON-LEE of Texas, Mr. CUMMINGS, Mrs. JONES of Ohio, Ms. WATSON of California, Mr. DAVIS of Illinois, Mr. POMEROY, Mr. WATT of North Carolina, Mr. EVANS, Mr. SERRANO, Mr. McINTYRE, Mr. BOSWELL, Ms. LEE, Mr. DINGELL, and Mr. BACA) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To establish a national rail passenger transportation system, reauthorize Amtrak, improve security and service on Amtrak, 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; AMENDMENT OF TITLE 49;**
4 **TABLE OF CONTENTS.**

5 (a) SHORT TITLE.—This Act may be cited as the
6 “National Defense Rail Act”.

1 (b) AMENDMENT OF TITLE 49.—Except as otherwise
 2 expressly provided, whenever in this Act an amendment
 3 or repeal is expressed in terms of an amendment to, or
 4 a repeal of, a section or other provision, the reference shall
 5 be considered to be made to a section or other provision
 6 of title 49, United States Code.

7 (c) TABLE OF CONTENTS.—The table of contents for
 8 this Act is as follows:

Sec. 1. Short title; amendment of title 49; table of contents.
 Sec. 2. Findings.

TITLE I—RAIL TRANSPORTATION SECURITY

Sec. 101. Amtrak security assistance.
 Sec. 102. Study of foreign rail transport security programs.
 Sec. 103. Passenger, baggage, and cargo screening.
 Sec. 104. Rail security.
 Sec. 105. Rail transportation security risk assessment.

TITLE II—INTERSTATE RAILROAD PASSENGER HIGH-SPEED TRANSPORTATION SYSTEM

Sec. 201. Interstate railroad passenger high-speed transportation policy.
 Sec. 202. High-speed rail corridor planning.
 Sec. 203. Implementation assistance.
 Sec. 204. Designated high-speed rail corridors.
 Sec. 205. Labor standards.
 Sec. 206. Railway-highway crossings in high-speed rail corridors.
 Sec. 207. Authorization of appropriations.

TITLE III—NATIONAL RAILROAD PASSENGER CORPORATION

Sec. 301. National railroad passenger transportation system defined.
 Sec. 302. Extension of authorization.
 Sec. 303. Additional Amtrak authorizations.
 Sec. 304. Northeast Corridor authorizations.
 Sec. 305. Long distance trains.
 Sec. 306. Short distance trains; State-supported routes.
 Sec. 307. Reestablishment of Northeast Corridor Safety Committee.
 Sec. 308. On-time performance.
 Sec. 309. Amtrak board of directors.
 Sec. 310. Independent audit of Amtrak operations; review by DOT IG.

TITLE IV—MISCELLANEOUS

Sec. 401. Rehabilitation, improvement, and security financing.
 Sec. 402. Rail passenger cooperative research program.

See. 403. Conforming amendments to title 49 reflecting ICC Termination Act.

Sec. 404. Applicability of reversion to Alaska Railroad right-of-way property.

1 **SEC. 2. FINDINGS.**

2 The Congress finds the following:

3 (1) Financial investment in passenger rail in-
4 frastructure is critical, and Federal leadership is re-
5 quired to address the needs of a reliable safe, secure
6 passenger rail network, just as has been used in es-
7 tablishing the interstate highway system and the
8 Federal aviation network.

9 (2) Lack of investment and attention to the
10 needs of passenger rail infrastructure has resulted in
11 a weak passenger rail network, and has caused a
12 strain on the capacity of other modes of transpor-
13 tation in many areas of the country. According to
14 the Department of Transportation, in 1999 the cost
15 of wasted time and extra fuel consumption due to
16 delays on congested roads was estimated at \$78 bil-
17 lion.

18 (3) Passenger rail is an integral part of the
19 United States transportation system, and, as can be
20 evidenced in the Northeast Corridor, relieves the
21 pressures of congestion on highways and at airports,
22 and creates a more balanced system of transpor-
23 tation alternatives.

10 (8) The Amtrak Reform and Accountability Act
11 of 1997, and preceding statutes, resulted in creating
12 conflicting missions for the National Railroad Pas-
13 senger Corporation of both serving a public function
14 by operating unprofitable long-distance routes while
15 also attempting to operate at a profit. This policy
16 has also restricted Amtrak's profit potential on the
17 Northeast Corridor by limiting the capital expendi-
18 tures to help defray other costs.

19 (9) Due to a lack of capital investment, the
20 Northeast Corridor has accumulated a backlog of re-
21 pair needs, including life safety and security needs.
22 Investment in the capital needs of the Northeast
23 Corridor would result in capacity improvements
24 which would result in greater utilization of the exist-
25 ing infrastructure.

1 (10) The Department of Transportation Inspec-
2 tor General's 2001 Assessment of Amtrak's Finan-
3 cial Performance and Requirements (Report #CR-
4 2002-075) found that Amtrak's lack of available
5 capital has impeded its efforts to achieve financial
6 goals.

12 (12) The Department of Transportation Inspec-
13 tor General's 2001 Assessment of Amtrak's Finan-
14 cial Performance and Requirements (Report #CR-
15 2002-075) found that Amtrak's most profitable op-
16 erations are on the Northeast Corridor, where Fed-
17 eral investment in passenger rail infrastructure has
18 been significantly higher than anywhere else in the
19 country.

20 (13) Federal investments in capital projects to
21 support passenger rail in areas other than the
22 Northeast Corridor would result in improved service
23 and increase profitability.

24 (14) The need for a balanced interstate and
25 international transportation system that provides a

1 viable alternative to travel by private automobile or
2 commercial aircraft is particularly evident after the
3 events of September 11, 2001.

4 (15) As a matter of national security, a strong
5 passenger rail network would provide travelers an al-
6 ternative to highway and air travel, which could lead
7 to reduced United States reliance on foreign oil im-
8 ports.

9 (16) In fiscal year 2001, the United States
10 spent less than 1 percent of all transportation modal
11 spending on intercity passenger rail, and since 1998,
12 Amtrak has received only \$4.59 billion of the \$8.42
13 billion it has been authorized to receive by Congress.

14 (17) Passenger rail in the United States has no
15 stable funding source, in contrast to highways, avia-
16 tion, and transit.

17 (18) Per capita spending on passenger rail is
18 much higher in other countries than the United
19 States and, in fact, the United States ranks behind
20 other countries including Canada, Japan, France,
21 Great Britain, Italy, Spain, Austria, Switzerland,
22 Belgium, Sweden, Luxembourg, Denmark, Ireland,
23 Norway, the Czech Republic, Finland, Slovakia, Por-
24 tugal, Poland, South Africa, Greece, and Estonia.

10 (21) Long-term planning and support for pas-
11 senger rail will help offset the emerging problems
12 created by transportation congestion, and contribute
13 to a cleaner and more environmentally-friendly
14 transportation system.

15 (22) A comprehensive re-evaluation of our na-
16 tion's rail passenger policy is required and a clearly
17 defined role for Amtrak and a connected rail pas-
18 senger network must be established.

5 **TITLE I—RAIL**

6 **TRANSPORTATION SECURITY**

7 SEC. 101. AMTRAK SECURITY ASSISTANCE.

8 (a) INFRASTRUCTURE SECURITY.—The following
9 amounts are authorized to be appropriated to the Sec-
10 retary of Transportation for the use of Amtrak for fiscal
11 year 2003:

10 (9) \$5,800,000 for a passenger information re-
11 trieval system to capture security information, create
12 watchlists, and an online history of passengers.

13 (10) \$6,200,000 for an incident tracking sys-
14 tem to create and maintain an electronic database of
15 data on criminal and operational incidents.

16 (11) \$4,300,000 for upgrades to ticket kiosks
17 for photo imaging for identification purposes, of
18 which 50 percent shall be obligated or expended on
19 the Northeast Corridor and 50 percent shall be obli-
20 gated or expended outside the Northeast Corridor.

21 (12) \$16,750,000 for an incident command sys-
22 tem to serve as a second command center and a dis-
23 aster recovery command site.

24 (13) \$5,000,000 for train locator and tracking
25 systems to provide GPS coordinates for all loco-

1 motives, of which 50 percent shall be obligated or
2 expended on the Northeast Corridor and 50 percent
3 shall be obligated or expended outside the Northeast
4 Corridor.

5 (14) \$120,000 for a notification system for in-
6 tegration of GPS information into the central com-
7 puter systems.

8 (15) \$1,245,000 for mail and express shipment
9 software to identify each shipment positively before
10 it is transported by rail, of which \$405,000 shall be
11 obligated or expended on the Northeast Corridor and
12 \$840,000 shall be obligated or expended outside the
13 Northeast Corridor.

14 (16) \$1,211,000 for mail and express tracking
15 deployment to identify the status of each rail ship-
16 ment.

17 (b) SECURITY OPERATIONS.—The following amounts
18 are authorized to be appropriated to the Secretary of
19 Transportation for the use of Amtrak for fiscal year 2003:

20 (1) \$354,000 for hiring 4 police officers, each
21 of whom is to be dedicated to a specific region of the
22 United States, to provide intelligence-gathering and
23 analysis, conduct crime-mapping assessments
24 throughout the entire system, work with law enforce-
25 ment to prevent terrorist acts and reduce Amtrak's

1 vulnerability, of which 50 percent shall be obligated
2 or expended on the Northeast Corridor and 50 per-
3 cent shall be obligated or expended outside the
4 Northeast Corridor.

5 (2) \$10,411,000 for the hiring of 150 patrol of-
6 ficers and 48 specialized personnel, of whom 101
7 shall be deployed on the Northeast Corridor and 97
8 outside the Northeast Corridor.

9 (3) \$11,292,000 for the hiring of 250 security
10 officers, of whom 147 shall be deployed on the
11 Northeast Corridor and 103 outside the Northeast
12 Corridor.

13 (4) \$1,828,000 for the hiring of 20 canine
14 bomb teams, of which 14 shall be deployed outside
15 the Northeast Corridor and 10 shall be deployed to
16 mail and express facilities.

17 (5) \$30,761,000 for 90 infrastructure security
18 inspectors to inspect the rights-of-way, bridges,
19 buildings, tunnels, communications and signaling
20 equipment, fencing, gates, barriers, lighting, cat-
21 enary system, and other security features, of which
22 \$21,000,000 shall be obligated or expended on the
23 Northeast Corridor and \$10,000,000 shall be obli-
24 gated or expended outside the Northeast Corridor.

20 (9) \$980,000 for applicant background inves-
21 tigations.

22 (10) \$457,000 for rapid response teams to re-
23 spond to and prepare for on-site consequence man-
24 agement, all of which shall be obligated or expended
25 outside the Northeast Corridor.

1 (c) EQUIPMENT SECURITY.—

2 (1) IN GENERAL.—The following amounts are
3 authorized to be appropriated to the Secretary of
4 Transportation for the use of Amtrak for fiscal year
5 2003:6 (A) \$1,755,000 to provide two-way com-
7 munication devices for all Amtrak conductors.8 (B) \$3,000,000 for 2 mobile emergency
9 command and communication units and rapid
10 response teams, 1 to be located in the Midwest
11 and 1 on the West Coast.12 (C) \$651,000 for 200 to 400 radioactive
13 material detectors to be deployed system-wide,
14 of which \$231,000 shall be obligated or ex-
15 pended on the Northeast Corridor and
16 \$420,000 shall be obligated or expended outside
17 the Northeast Corridor.18 (D) \$4,000,000 for hand-held bomb detec-
19 tors for use by police to inspect baggage and
20 packages.21 (E) \$1,400,000 to screen express packages
22 before being placed on trains.23 (F) \$1,305,000 for secure locking devices
24 on mail and express cars that have satellite-
25 monitoring capability.

1 (G) \$10,234,000 for video recording sys-
2 tems on road locomotives, of which \$4,859,000
3 shall be obligated or expended on the Northeast
4 Corridor and \$5,375,000 shall be obligated or
5 expended outside the Northeast Corridor.

(H) \$6,712,000 to acquire and install satellite-based technology to shut down any locomotive that is not under the control of its crew.

13 (J) \$4,000,000 for 4 self-propelled high-
14 speed rail cars designated for selective patrol
15 and enforcement functions, including critical in-
16 cident response, dignitary protection, and rov-
17 ing rail security inspections.

1 (d) AVAILABILITY OF FUNDS.—Amounts appro-
2 priated pursuant to subsections (a), (b), and (c) shall re-
3 main available until expended.

4 (e) PROHIBITION ON USE OF EQUIPMENT FOR EM-
5 PLOYMENT-RELATED PURPOSES.—An employer may not
6 use closed circuit television cameras purchased with
7 amounts authorized by this section for employee discipli-
8 nary or monitoring purposes unrelated to transportation
9 security.

10 SEC. 102. STUDY OF FOREIGN RAIL TRANSPORT SECURITY
11 PROGRAMS.

12 (a) REQUIREMENT FOR STUDY.—Not later than
13 June 1, 2003, the Comptroller General shall carry out a
14 study of the rail passenger transportation security pro-
15 grams that are carried out for rail transportation systems
16 in Japan, member nations of the European Union, and
17 other foreign countries.

18 (b) PURPOSE.—The purpose of the study shall be to
19 identify effective rail transportation security measures
20 that are in use in foreign rail transportation systems, in-
21 cluding innovative measures and screening procedures de-
22 termined effective.

23 (c) REPORT.—The Comptroller General shall submit
24 a report on the results of the study to Congress. The re-
25 port shall include the Comptroller General's assessment

1 regarding whether it is feasible to implement within the
2 United States any of the same or similar security meas-
3 ures that are determined effective under the study.

4 **SEC. 103. PASSENGER, BAGGAGE, AND CARGO SCREENING.**

5 (a) REQUIREMENT FOR STUDY AND REPORT.—The
6 Secretary of Transportation shall—

7 (1) study the cost and feasibility of requiring
8 security screening for all passengers, baggage, and
9 mail, express, and other cargo on Amtrak trains;
10 and

11 (2) report the results of the study, together
12 with any recommendations that the Secretary may
13 have for implementing a rail security screening pro-
14 gram, to the Committee on Commerce, Science, and
15 Transportation of the Senate and the Committee on
16 Transportation and Infrastructure of the House of
17 Representatives not later than one year after the
18 date of enactment of this Act.

19 (b) PILOT PROGRAM.—As part of the study under
20 subsection (a), the Secretary shall conduct a pilot program
21 of random security screening of passengers and baggage
22 at 5 of the 10 busiest passenger rail stations served by
23 Amtrak (measured by the average number of boardings
24 of Amtrak passenger trains) and at up to five additional
25 rail stations served by Amtrak that are selected by the

1 Secretary. In selecting the additional train stations the
2 Secretary shall attempt to achieve a distribution of partici-
3 pating stations in terms of geographic location and size.

4 **SEC. 104. RAIL SECURITY.**

5 (a) SECRETARY OF TRANSPORTATION.—Section
6 20103(a) is amended by striking “safety” and inserting
7 “safety, including the security of railroad operations.”.

8 (b) RAIL POLICE OFFICERS.—Section 28101 is
9 amended by striking “the rail carrier” each place it ap-
10 pears and inserting “any rail carrier”.

11 (c) REVIEW OF RAIL REGULATIONS.—Within 180
12 days after the date of enactment of this Act, the Secretary
13 of Transportation, in consultation with the Federal Rail-
14 road Administration’s Rail Safety Advisory Committee,
15 shall review existing rail regulations of the Department
16 of Transportation for the purpose of identifying areas in
17 which those regulations need to be revised to improve rail
18 safety and security.

19 **SEC. 105. RAIL TRANSPORTATION SECURITY RISK ASSESS-
20 MENT.**

21 (a) IN GENERAL.—

22 (1) ASSESSMENT.—The Secretary of Transpor-
23 tation shall assess the security risks associated with
24 rail transportation and develop prioritized rec-
25 ommendations for—

9 (B) the deployment of chemical and bio-
10 logical weapon detection equipment;

11 (C) dealing with the immediate and long-
12 term economic impact of measures that may be
13 required to address those risks; and

14 (D) training employees in terrorism re-
15 sponse activities

1 roads for motor vehicle traffic, especially in major
2 metropolitan areas. The Secretary shall include in
3 the recommendations developed under paragraph (1)
4 recommended actions for preventing such delays and
5 reducing the risks identified in the analysis.

6 (b) CONSULTATION; USE OF EXISTING RE-
7 SOURCES.—In carrying out the assessment required by
8 subsection (a), the Secretary shall—

9 (1) consult with rail management, rail labor,
10 and public safety officials (including officials respon-
11 sible for responding to emergencies); and

12 (2) utilize, to the maximum extent feasible, the
13 resources and assistance of—

14 (A) the Federal Railroad Administration's
15 Rail Safety Advisory Committee; and

16 (B) the Transportation Research Board of
17 the National Academy of Sciences.

18 (c) REPORT.—

19 (1) CONTENTS.—Within 180 days after the
20 date of enactment of this Act, the Secretary shall
21 transmit to the Senate Committee on Commerce,
22 Science, and Transportation and the House of Rep-
23 resentatives Committee on Transportation and In-
24 frastructure a report, without compromising national
25 security, containing—

15 (d) AUTHORIZATION OF APPROPRIATIONS.—There
16 are authorized to be appropriated to the Secretary
17 \$5,000,000 for fiscal year 2003 to carry out this section,
18 such sums to remain available until expended.

1 **TITLE II—INTERSTATE RAIL-**
2 **ROAD PASSENGER HIGH-**
3 **SPEED TRANSPORTATION**
4 **SYSTEM**

5 **SEC. 201. INTERSTATE RAILROAD PASSENGER HIGH-SPEED**
6 **TRANSPORTATION POLICY.**

7 (a) IN GENERAL.—Chapter 261 is amended by in-
8 serting before section 26101 the following:

9 **“§ 26100. Policy**

10 “(a) IN GENERAL.—The Congress declares that it is
11 the policy of the United States that designated high-speed
12 railroad passenger transportation corridors are the build-
13 ing blocks of an interconnected interstate railroad pas-
14 senger system that serves the entire Nation.

15 “(b) SECRETARY REQUIRED TO ESTABLISH NA-
16 TIONAL HIGH-SPEED GROUND TRANSPORTATION POL-
17 ICY.—The Secretary of Transportation shall establish the
18 national high-speed ground transportation policy required
19 by section 309(e)(1) of this title no later than December
20 31, 2002.”.

21 (b) CONFORMING AMENDMENTS.—

22 (1) The chapter analysis for chapter 261 is
23 amended by inserting before the item relating to sec-
24 tion 26101 the following:

“26100. Policy.”.

5 SEC. 202. HIGH-SPEED RAIL CORRIDOR PLANNING.

6 (a) IN GENERAL.—Section 26101(a) is amended to
7 read as follows:

8 "(a) PLANNING.—

9 “(1) IN GENERAL.—The Secretary of Transporta-
10 tion shall provide planning assistance to States or
11 group of States and other public agencies promoting
12 the development of high-speed rail corridors des-
13 gnated by the Secretary under section 104(d) of
14 title 23.

15 “(2) SECRETARY MAY PROVIDE DIRECT OR FI-
16 NANCIAL ASSISTANCE.—The Secretary may provide
17 planning assistance under paragraph (1) directly or
18 by providing financial assistance to a public agency
19 or group of public agencies to undertake planning
20 activities approved by the Secretary.

21 “(3) 100 PERCENT FEDERAL FUNDING.—The
22 Secretary may not require any portion of the pub-
23 licly financed costs associated with eligible activities
24 with respect to which assistance is provided under
25 this subsection to come from non-Federal sources.

1 “(4) PRIORITIES TO CHICAGO, ATLANTA, AND
2 DALLAS/FORT WORTH.—In determining projects to
3 be undertaken pursuant to this subsection, the Sec-
4 retary shall give the highest priorities to undertaking
5 planning in the vicinity of Union Station in Chicago,
6 Illinois, in metropolitan Atlanta, Georgia, and in the
7 Dallas/Fort Worth, Texas, area.”.

8 (b) CONFORMING AND OTHER AMENDMENTS TO
9 SECTION 26101.—Section 26101 is further amended—

10 (1) by striking subsection (c)(2) and inserting
11 the following:

12 “(2) the extent to which the proposed planning
13 focuses on high-speed rail systems, giving a priority
14 to systems which will achieve sustained speeds of
15 125 miles per hour or greater and projects involving
16 dedicated rail passenger rights-of-way;”;

17 (2) by inserting “and” after the semicolon in
18 subsection (c)(12);

19 (3) by striking “completed; and” in subsection
20 (c)(13) and inserting “completed.”;

21 (4) by striking subsection (c)(14); and

22 (5) by adding at the end the following:

23 “(d) OPERATORS AND CERTAIN SERVICE PROVIDERS
24 DEEMED RAIL CARRIERS.—A person that conducts rail
25 operations, or performs catering, cleaning, construction,

1 maintenance, or other services for rail operations, funded
2 or otherwise receiving assistance under this section is
3 deemed to be a rail carrier for purposes of part A of sub-
4 title IV, when so operating or performing such services.”.

5 (c) CONFORMING AMENDMENT.—Section 511(n)(1)
6 of the Railroad Revitalization and Regulatory Reform Act
7 of 1976 (45 U.S.C. 831(n)(1)) is amended by striking
8 “125” and inserting “90”.

9 (d) FINANCIAL ASSISTANCE TO INCLUDE LOANS
10 AND LOAN GUARANTEES.—Section 26105(1) is amended
11 by inserting “loans, loan guarantees,” after “contracts,”.

12 (e) REINVESTMENT OF NON-PASSENGER OPERATING
13 PROFIT.—Amtrak shall invest any revenue from non-pas-
14 senger operations in capital needs outside the Northeast
15 Corridor.

16 **SEC. 203. IMPLEMENTATION ASSISTANCE.**

17 (a) IN GENERAL.—Chapter 261 is amended by in-
18 serting after section 26101 the following:

19 **“§ 26101A. Implementation of corridor plans**

20 “(a) IMPLEMENTATION ASSISTANCE.—

21 “(1) IN GENERAL.—The Secretary of Transpor-
22 tation shall provide implementation assistance to
23 States or group of States and other public agencies
24 promoting the development of high-speed rail cor-
25 ridors designated by the Secretary under section

1 104(d) of title 23. The Secretary shall establish an
2 application and qualification process and, before pro-
3 viding assistance under this section, make a deter-
4 mination on the record that the applicant is quali-
5 fied and eligible for assistance under this section.

6 “(2) SECRETARY MAY PROVIDE DIRECT OR FI-
7 NANCIAL ASSISTANCE.—The Secretary may provide
8 implementation assistance under paragraph (1) di-
9 rectly or by providing financial assistance to a public
10 agency or group of public agencies to undertake im-
11 plementation activities approved by the Secretary.

12 “(3) 100 PERCENT FEDERAL SHARE.—The Sec-
13 retary may not require any portion of the publicly fi-
14 nanced costs associated with eligible activities with
15 respect to which assistance is provided under this
16 subsection to come from non-Federal sources.

17 “(4) CONTRIBUTION OF LAND.—Notwith-
18 standing paragraph (3), the Secretary may accept
19 land contributed by a State for right-of-way, without
20 regard to whether the State acquired the land di-
21 rectly or indirectly through the use of Federal funds,
22 including transfers from the Highway Trust Fund
23 under section 9503 of the Internal Revenue Code of
24 1986.

1 “(5) PRIORITIES TO CHICAGO, ATLANTA, AND
2 DALLAS/FORT WORTH.—In determining projects to
3 be undertaken pursuant to this subsection, the Sec-
4 retary shall give the highest priorities to undertaking
5 implementation assistance in the vicinity of Union
6 Station in Chicago, Illinois, in metropolitan Atlanta,
7 Georgia, and in the Dallas/Fort Worth, Texas, area.

8 “(6) SPECIAL TRANSPORTATION CIR-
9 CUMSTANCES.—In carrying out this section, the Sec-
10 retary shall allocate an appropriate portion of the
11 amounts available for implementation assistance to
12 providing appropriate related assistance in any State
13 the rail transportation system of which—

14 “(A) is not physically connected to rail sys-
15 tems in the continental United States; and

16 “(B) may not otherwise qualify for high-
17 speed rail implementation assistance due to the
18 constraints imposed on the railway infrastruc-
19 ture in that State due to the unique character-
20 istics of the geography of that State or other
21 relevant considerations, as determined by the
22 Secretary.

23 “(b) ELIGIBLE IMPLEMENTATION ACTIVITIES.—The
24 following activities are eligible for implementation assist-
25 ance under subsection (a):

1 “(1) Security planning and the acquisition of
2 security and emergency response equipment.

3 “(2) Operating expenses.

4 “(3) Infrastructure acquisition and construction
5 of track and facilities.

6 “(4) Highway-rail grade crossing eliminations
7 and improvements.

8 “(5) Acquisition of rights-of-way, locomotives,
9 rolling stock, track, and signal equipment.

10 “(c) CRITERIA FOR DETERMINING ASSISTANCE FOR
11 IMPLEMENTATION ACTIVITIES.—The Secretary, in select-
12 ing recipients of assistance under subsection (a), shall—

13 “(1) encourage the use of positive train control
14 technologies;

15 “(2) require that any project meet any existing
16 safety regulations, and give preference to any project
17 determined by the Secretary to have particularly
18 high levels of safety;

19 “(3) encourage intermodal connectivity by locat-
20 ing train stations in or near airports, bus terminals,
21 subway stations, ferry ports, and other modes of
22 transportation; and

23 “(4) ensure a general regional balance in pro-
24 viding such assistance and avoid the concentration
25 of a disproportionate dedication of available financial

1 assistance resources to a single project or region of
2 the country.

3 “(d) OPERATORS AND CERTAIN SERVICE PROVIDERS
4 DEEMED RAIL CARRIERS.—A person that conducts rail
5 operations, or performs catering, cleaning, construction,
6 maintenance or other services for rail operations, funded
7 or otherwise receiving assistance under this section is
8 deemed to be a rail carrier for purposes of part A of sub-
9 title IV, when so operating or performing such services.”.

10 (b) RULEMAKING REQUIRED.—Within 90 days after
11 the date of enactment of this Act, the Secretary of Trans-
12 portation shall initiate a rulemaking to create an applica-
13 tion and qualification procedure for providing high-speed
14 rail corridor implementation assistance under section
15 26101A of title 49, United States Code.

16 (c) CONFORMING AMENDMENT.—The chapter anal-
17 ysis for chapter 261 is amended by inserting after the item
18 relating to section 26101 the following:

“26101A. Implementation of corridor plans.”.

19 **SEC. 204. DESIGNATED HIGH-SPEED RAIL CORRIDORS.**

20 (a) IN GENERAL.—The Secretary of Transportation
21 shall give priority in allocating funds authorized by section
22 26104 of title 49, United States Code, to designated high-
23 speed rail corridors.

1 (b) DESIGNATED HIGH-SPEED RAIL CORRIDORS.—

2 For purposes of subsection (a), the following shall be con-
3 sidered to be designated high-speed rail corridors:4 (1) California Corridor connecting the San
5 Francisco Bay area and Sacramento to Los Angeles
6 and San Diego.7 (2) Chicago Hub Corridor Network with the fol-
8 lowing spokes:

9 (A) Chicago to Detroit.

10 (B) Chicago to Minneapolis/St. Paul, Min-
11 nesota, via Milwaukee, Wisconsin.12 (C) Chicago to Kansas City, Missouri, via
13 Springfield, Illinois, and St. Louis, Missouri.14 (D) Chicago to Louisville, Kentucky, via
15 Indianapolis, Indiana, and Cincinnati, Ohio.16 (E) Chicago to Cleveland, Ohio, via Toledo,
17 Ohio.18 (F) Cleveland, Ohio, to Cincinnati, Ohio,
19 via Columbus, Ohio.20 (3) Empire State Corridor from New York City,
21 New York, through Albany, New York, to Buffalo,
22 New York.23 (4) Florida High-Speed Rail Corridor from
24 Tampa through Orlando to Miami.

15 (8) New England Corridor from Boston, Massa-
16 chusetts, to Portland and Auburn, Maine, and from
17 Boston, Massachusetts, through Concord, New
18 Hampshire, and Montpelier, Vermont, to Montreal,
19 Quebec.

(9) Pacific Northwest Corridor from Eugene, Oregon, through Portland, Oregon, and Seattle, Washington, to Vancouver, British Columbia.

23 (10) South Central Corridor from San Antonio,
24 Texas, through Dallas/Fort Worth to Little Rock,
25 Arkansas, with a branch from Dallas/Fort Worth

1 through Oklahoma City, Oklahoma, to Tulsa, Okla-
2 homa.

3 (11) Southeast Corridor from Washington, Dis-
4 trict of Columbia, through Richmond, Virginia, Ra-
5 leigh, North Carolina, Columbia, South Carolina,
6 Savannah, Georgia, and Jesup, Georgia, to Jackson-
7 ville, Florida, with—

8 (A) a branch from Raleigh, North Caro-
9 lina, through Charlotte, North Carolina, and
10 Greenville, South Carolina, to Atlanta, Georgia;
11 a branch from Richmond, to Hampton Roads/
12 Norfolk, Virginia;

13 (B) a branch from Charlotte, North Caro-
14 lina, to Columbia, South Carolina, to Charles-
15 ton, South Carolina;

16 (C) a connecting route from Atlanta, Geor-
17 gia, to Jesup, Georgia;

18 (D) a connecting route from Atlanta, Geor-
19 gia, to Charleston, South Carolina; and

20 (E) a branch from Raleigh, North Caro-
21 lina, through Fayetteville, North Carolina,
22 through Florence, South Carolina, to Charles-
23 ton, South Carolina, and Savannah, Georgia,
24 with a connecting route from Florence, South
25 Carolina, to Myrtle Beach, South Carolina.

(12) Southwest Corridor from Los Angeles, California, to Las Vegas, Nevada.

(c) OTHER HIGH-SPEED RAIL CORRIDORS.—For purposes of this section, subsection (b)—

5 (1) does not limit the term “designated high-
6 speed rail corridor” to those corridors described in
7 subsection (b); and

10 (A) to designate additional high-speed rail
11 corridors; or

12 (B) to terminate the designation of any
13 high-speed rail corridor.

14 SEC. 205. LABOR STANDARDS.

15 (a) EMPLOYEE PROTECTION.—The Secretary of
16 Transportation shall require as a condition of any project
17 financed in whole or in part by funds authorized by this
18 Act that the project be conducted in a manner that pro-
19 vides a fair arrangement at least as protective of the inter-
20 ests of employees who are affected by the project so fund-
21 ed as the terms imposed under arrangements reached
22 under section 141 of the Amtrak Reform and Account-
23 ability Act of 1997 (49 U.S.C. 24706 note) on rail car-
24 riers.

25 (b) LABOR STANDARDS.—

1 (1) PREVAILING WAGES.—The Secretary of
2 Transportation—

12 (B) may make such funds available with
13 respect to construction work only after being
14 assured that required labor standards will be
15 maintained on the construction work.

22 SEC. 206. RAILWAY-HIGHWAY CROSSINGS IN HIGH-SPEED
23 RAIL CORRIDORS.

24 (a) IN GENERAL.—Except as otherwise provided in
25 this section, the entire cost of construction of projects may

1 be paid from sums authorized by subsection (k) for the
2 elimination of hazards of railway-highway crossings in
3 designated high-speed rail corridors, including—

4 (1) the separation or protection of grades at
5 crossings;

6 (2) the reconstruction of existing railroad grade
7 crossing structures;

8 (3) the relocation of highways; and

9 (4) only if the cost is estimated by the Sec-
10 retary of Transportation to be less than the cost of
11 elimination by one of the other methods described in
12 this subsection, the relocation of a portion of a rail-
13 way.

14 (b) CLASSIFICATION OF PROJECTS.—The Secretary
15 may classify the various types of projects involved in the
16 elimination of hazards of high-speed rail corridor railway-
17 highway crossings, and may set for each such classifica-
18 tion a percentage of the costs of construction which shall
19 be deemed to represent the net benefit to the railroad or
20 railroads for the purpose of determining the railroad's
21 share of the cost of construction. The percentage so deter-
22 mined shall in no case exceed 10 percent of such costs.
23 The Secretary shall determine the appropriate classifica-
24 tion of each project.

1 (c) LIABILITY OF RAILROAD.—Any railroad involved
2 in a project for the elimination of hazards of railway-high-
3 way crossings paid for in whole or in part from sums made
4 available under this section shall be liable to the United
5 States for the net benefit to the railroad determined under
6 the classification of such project made under subsection
7 (b). That liability to the United States may be discharged
8 by direct payment to the State transportation department
9 of the State in which the project is located. The payment
10 may consist in whole or in part of materials and labor
11 furnished by the railroad in connection with the construc-
12 tion of the project. If any such railroad fails to discharge
13 such liability within a 6-month period after completion of
14 the project the Secretary shall request the Attorney Gen-
15 eral to institute proceedings against such railroad for the
16 recovery of the amount for which it is liable under this
17 subsection. The Attorney General is authorized to bring
18 such proceedings on behalf of the United States, in the
19 appropriate district court of the United States, and the
20 United States shall be entitled in such proceedings to re-
21 cover such sums as it is considered and adjudged by the
22 court that such railroad is liable for in the premises.

23 (d) SURVEY AND SCHEDULE OF PROJECTS.—Each
24 State shall conduct and systematically maintain a survey
25 of all high-speed rail corridor railway-highway crossings

1 to identify those railroad crossings which may require sep-
2 aration, relocation, or protective devices, and establish and
3 implement a schedule of projects for this purpose.

4 (e) FUNDS FOR PROTECTIVE DEVICES.—The Sec-
5 retary shall give priority under this section to the elimi-
6 nation of high-speed rail corridor railway-highway grade
7 crossings, but shall make funds authorized for obligation
8 or expenditure under this section available for the installa-
9 tion of protective devices at high-speed rail corridor rail-
10 way-highway crossings where appropriate.

11 (f) APPORTIONMENT.—The Secretary shall apportion
12 funds available for obligation and expenditure under this
13 section between high-speed rail corridor railway-highway
14 crossings on the Northeast Corridor and such crossings
15 outside the Northeast Corridor in an equitable fashion,
16 taking into account traffic volume, traffic patterns, fre-
17 quency of trains, adequacy of existing hazard warnings,
18 and such other factors as the Secretary deems appro-
19 priate.

20 (g) ANNUAL REPORT.—The Secretary shall report to
21 the Senate Committee on Commerce, Science, and Trans-
22 portation and the House of Representatives Committee on
23 Transportation and Infrastructure not later than Decem-
24 ber 30 of each year on the progress being made to imple-
25 ment the railway-highway crossings program authorized

1 by this section and the effectiveness of such improvements.
2 Each report shall contain an assessment of the costs of
3 the various treatments employed and subsequent accident
4 experience at improved locations. The report shall
5 include—

6 (1) the number of projects undertaken, their
7 distribution by cost range, road system, nature of
8 treatment, and subsequent accident experience at
9 improved locations;

10 (2) an analysis and evaluation of the program
11 activities in each State, including identification of
12 any State found not to be in compliance with the
13 schedule of improvements required by subsection (d);
14 and

15 (3) recommendations for future implementation
16 of the railway-highway crossings program under this
17 section and section 130 of title 23, United States
18 Code.

19 (h) USE OF FUNDS FOR MATCHING.—Funds author-
20 ized to be appropriated to carry out this section may be
21 used to provide a local government with funds to be used
22 on a matching basis when State funds are available which
23 may only be spent when the local government produces
24 matching funds for the improvement of high-speed rail-
25 way-highway crossings.

1 (i) INCENTIVE PAYMENTS FOR AT-GRADE CROSSING

2 CLOSURES.—

3 (1) IN GENERAL.—Notwithstanding any other
4 provision of this section and subject to paragraphs
5 (2) and (3), the Secretary may make incentive pay-
6 ments to a local government upon the permanent
7 closure by such government of public at-grade high-
8 speed rail corridor railway-highway crossings under
9 its jurisdiction.

10 (2) PAYMENTS BY RAILROADS.—The Secretary
11 may not make an incentive payment under para-
12 graph (1) to a local government with respect to the
13 closure of a crossing unless the railroad owning the
14 tracks on which the crossing is located makes a pay-
15 ment to the local government with respect to the clo-
16 sure.

17 (3) AMOUNT OF FEDERAL INCENTIVE PAY-
18 MENT.—The amount of the incentive payment pay-
19 able to a local government under paragraph (1) with
20 respect to a crossing may not exceed the lesser of—

21 (A) the amount of the payment paid to the
22 local government with respect to the crossing by
23 the railroad concerned under paragraph (2); or
24 (B) \$7,500.

1 (j) COORDINATION WITH TITLE 23 PROGRAM.—In
2 carrying out this section, the Secretary shall coordinate
3 the administration of this section with the program estab-
4 lished by section 130 of title 23, United States Code, in
5 order to avoid duplication of effort and to ensure the effec-
6 tiveness of both programs.

7 (k) FUNDING.—Not less than 10 percent of the
8 amounts appropriated for each fiscal year under section
9 26104(a)(2) of title 49, United States Code, shall be obli-
10 gated or expended to carry out this section.

11 **SEC. 207. AUTHORIZATION OF APPROPRIATIONS.**

12 Section 26104 is amended to read as follows:

13 **“§ 26104. Authorization of appropriations**

14 “(a) FISCAL YEARS 2003 THROUGH 2008.—There
15 are authorized to be appropriated to the Secretary for
16 each of fiscal years 2003 through 2008—

17 “(1) \$25,000,000 for carrying out section
18 26101;

19 “(2) \$1,500,000,000 for carrying out section
20 26101A and section 206 of the National Defense
21 Rail Act; and

22 “(3) \$25,000,000 for carrying out section
23 26102.

1 “(b) FUNDS TO REMAIN AVAILABLE.—Funds made
2 available under this section shall remain available until ex-
3 pended.

4 “(c) SPECIAL RULE.—Except as specifically provided
5 in section 26101, 26101A, or 26102, no amount author-
6 ized by subsection (a) may be used for obligation or ex-
7 penditure on the Boston-to-Washington segment of the
8 Northeast Corridor while that segment is receiving Fed-
9 eral funds for capital or operating expenses.”.

10 **TITLE III—NATIONAL RAILROAD
11 PASSENGER CORPORATION**

12 **SEC. 301. NATIONAL RAILROAD PASSENGER TRANSPOR-
13 TATION SYSTEM DEFINED.**

14 (a) IN GENERAL.—Section 24102 is amended—
15 (1) by striking paragraph (2);
16 (2) by redesignating paragraphs (3), (4), and
17 (5) as paragraphs (2), (3), and (4), respectively; and
18 (3) by inserting after paragraph (4) as so re-
19 designated the following:

20 “(5) ‘national rail passenger transportation sys-
21 tem’ means—

22 “(A) the main line of the Northeast Cor-
23 ridor between Boston, Massachusetts and
24 Washington, D.C.;

1 “(B) rail corridors that have been des-
2 ignated by the Secretary of Transportation as
3 high-speed corridors, but only after they have
4 been improved to permit operation of high-
5 speed service;

6 “(C) long-distance routes of more than
7 750 miles between endpoints operated by Am-
8 trak as of the date of enactment of the Na-
9 tional Defense Rail Act; and

10 “(D) short-distance corridors or routes op-
11 erated as of the date of enactment of the Na-
12 tional Defense Rail Act, unless discontinued by
13 Amtrak.”.

14 (b) AMTRAK ROUTES WITH STATE FUNDING.—

15 (1) IN GENERAL.—Chapter 247 is amended by
16 inserting after section 27101 the following:

17 **“§ 24702. Transportation requested by States, au-**
18 **thorities, and other persons**

19 “(a) CONTRACTS FOR TRANSPORTATION.—Amtrak
20 and a State, a regional or local authority, or another per-
21 son may enter into a contract for Amtrak to operate an
22 intercity rail service or route not included in the national
23 rail passenger transportation system upon such terms as
24 the parties thereto may agree.

1 “(b) DISCONTINUANCE.—Upon termination of a con-
2 tract entered into under this section, or the cessation of
3 financial support under such a contract, Amtrak may dis-
4 continue such service or route, notwithstanding any other
5 provision of law.”.

6 (2) CONFORMING AMENDMENT.—The chapter
7 analysis for chapter 247 is amended by inserting
8 after the item relating to section 24701 the fol-
9 lowing:

“24702. Transportation requested by States, authorities, and other persons.”.

10 **SEC. 302. EXTENSION OF AUTHORIZATION.**

11 (a) REPEAL OF SELF-SUFFICIENCY REQUIREMENTS.

12 (1) TITLE 49 AMENDMENTS.—Chapter 241 is
13 amended—

14 (A) by striking the last sentence of section
15 24101(d); and

16 (B) by striking the last sentence of section
17 24104(a).

18 (2) AMTRAK REFORM AND ACCOUNTABILITY
19 ACT AMENDMENTS.—Title II of the Amtrak Reform
20 and Accountability Act of 1997 (49 U.S.C. 24101
21 nt) is amended by striking sections 204 and 205.

22 (3) COMMON STOCK REDEMPTION DATE.—Sec-
23 tion 415 of the Amtrak Reform and Accountability
24 Act of 1997 (49 U.S.C. 24304 nt) is amended by
25 striking subsection (b).

1 (b) LEASE ARRANGEMENTS.—Amtrak may obtain
2 lease services from the Administrator of General Services,
3 and the Administrator may provide services to Amtrak,
4 under section 201(b) and 211(b) of the Federal Property
5 and Administrative Services Act of 1949 (40 U.S.C.
6 481(b) and 491(b)) for fiscal year 2003 and each fiscal
7 year thereafter.

8 (c) MISCELLANEOUS AMTRAK-RELATED AMEND-
9 MENTS.—

10 (1) FINANCIAL POWERS.—Section 415(d) of the
11 Amtrak Reform and Accountability Act of 1997 is
12 amended by adding at the end the following:
13 “(3) The amendments made by this subsection shall
14 not affect the applicability of section 3729 of title 31,
15 United States Code, to claims made against Amtrak.”.

16 (2) APPLICATION OF D.C. BUSINESS CORPORA-
17 TION ACT.—Section 24301(e) is amended by striking
18 “title 5, this part, and, to the extent consistent with
19 this part, the District of Columbia Business Cor-
20 poration Act (D.C. Code § 29–301 et seq.)” and in-
21 serting “title 5 and this part”.

22 (3) APPLICATION OF BUY AMERICAN ACT.—Sec-
23 tion 24305(f) is amended to read as follows:

24 “(f) DOMESTIC BUYING PREFERENCES.—The Buy
25 American Act (41 U.S.C. 10a) and section 301 of the

1 Trade Agreements Act of 1979 (19 U.S.C. 2511) apply
2 to Amtrak.”.

3 **SEC. 303. ADDITIONAL AMTRAK AUTHORIZATIONS.**

4 (a) EXCESS RRTA.—There are authorized to be ap-
5 propriated to the Secretary of Transportation for the use
6 of Amtrak for fiscal year 2003, and each fiscal year there-
7 after, an amount equal to the amount Amtrak must pay
8 under section 3221 of the Internal Revenue Code of 1986
9 that is more than the amount needed for benefits for indi-
10 viduals who retire from Amtrak and for their beneficiaries.

11 (b) PRINCIPAL AND INTEREST PAYMENTS.—

12 (1) PRINCIPAL ON DEBT SERVICE.—There are
13 authorized to be appropriated to the Secretary of
14 Transportation for the use of Amtrak for retirement
15 of principal on loans for capital equipment, or cap-
16 ital leases, the following amounts:

- 17 (A) For fiscal year 2003, \$105,000,000.
18 (B) For fiscal year 2004, \$93,000,000.
19 (C) For fiscal year 2005, \$105,000,000.
20 (D) For fiscal year 2006, \$108,000,000.
21 (E) For fiscal year 2007, \$183,000,000.

22 (2) INTEREST ON DEBT.—There are authorized
23 to be appropriated to the Secretary of Transpor-
24 tation for the use of Amtrak for the payment of in-

1 terest on loans for capital equipment, or capital
2 leases, the following amounts:

- 3 (A) For fiscal year 2003, \$160,000,000.
 - 4 (B) For fiscal year 2004, \$157,000,000.
 - 5 (C) For fiscal year 2005, \$147,000,000.
 - 6 (D) For fiscal year 2006, \$142,000,000.
 - 7 (E) For fiscal year 2007, \$134,000,000.

8 (c) ENVIRONMENTAL COMPLIANCE.—There are au-
9 thorized to be appropriated to the Secretary of Transpor-
10 tation for the use of Amtrak for fiscal year 2003, and each
11 fiscal year thereafter, \$30,000,000, of which one-third
12 shall be obligated or expended on the Northeast Corridor
13 and two-thirds shall be obligated or expended outside the
14 Northeast Corridor, in order to comply with environmental
15 laws and regulations.

16 (d) ACCESSIBILITY FOR ELDERLY AND PERSONS
17 WITH DISABILITIES.—

1 (A) \$10,000,000 shall be obligated or ex-
2 pended on the Northeast Corridor; and

3 (B) \$33,000,000 shall be obligated or ex-
4 pended outside the Northeast Corridor.

22 SEC. 304. NORTHEAST CORRIDOR AUTHORIZATIONS.

23 (a) IN GENERAL.—There are authorized to be appro-
24 priated to the Secretary of Transportation for the use of

1 Amtrak for fiscal year 2003, and each fiscal year there-
2 after, the following amounts:

3 (1) \$370,000,000 for capital backlog on infra-
4 structure on the Northeast Corridor to bring infra-
5 structure up to state-of-good-repair, including re-
6 newal of the South End electric traction system, im-
7 provements on bridges and tunnels, and interlocking
8 and signal system renewal.

9 (2) \$60,000,000 for capital backlog on fleet to
10 bring existing fleet to a state-of-good-repair, includ-
11 ing equipment replacement and upgrades necessary
12 to meet current service commitments.

13 (3) \$40,000,000 for capital backlog on stations
14 and facilities, including improvements to the facility
15 and platform at the existing Penn Station, and
16 bringing maintenance-of-way facilities up to state-of-
17 good-repair.

18 (4) \$350,000,000 for ongoing capital
19 infrastructure—

20 (A) to replace assets on a life-cycle basis;
21 (B) to ensure that a state-of-good-repair is
22 maintained in order to meet safety and reli-
23 ability standards; and

24 (C) to meet current service commitments.

15 (b) LIFE SAFETY NEEDS.—There are authorized to
16 be appropriated to the Secretary of Transportation for the
17 use of Amtrak for fiscal year 2003:

23 (2) \$57,000,000 for the Baltimore & Potomac
24 tunnel built in 1872 to provide adequate drainage,

1 ventilation, communication, lighting, and passenger
2 egress upgrades.

3 (3) \$40,000,000 for the Washington, D.C.
4 Union Station tunnels built in 1904 under the Su-
5 preme Court and House and Senate Office Buildings
6 to improve ventilation, communication, lighting, and
7 passenger egress upgrades.

8 (c) INFRASTRUCTURE UPGRADES.—There are au-
9 thorized to be appropriated to the Secretary of Transpor-
10 tation for the use of Amtrak for fiscal year 2003
11 \$3,000,000 for the preliminary design of options for a new
12 tunnel on a different alignment to augment the capacity
13 of the existing Baltimore tunnels.

14 (d) CORRIDOR GROWTH INVESTMENT.—There are
15 authorized to be appropriated to the Secretary of Trans-
16 portation for the use of Amtrak for corridor growth invest-
17 ments in the Northeast Corridor—

18 (1) for fiscal year 2003, \$200,000,000;
19 (2) for fiscal year 2004, \$300,000,000;
20 (3) for fiscal year 2005, \$400,000,000;
21 (4) for fiscal year 2006, \$500,000,000; and
22 (5) for fiscal year 2007, \$600,000,000.

23 (e) FINANCIAL CONTRIBUTION FROM OTHER TUN-
24 NEL USERS.—The Secretary shall, taking into account the

- 1 need for the timely completion of all life safety portions
- 2 of the tunnel projects described in subsection (b)—

3 (1) consider the extent to which rail carriers
4 other than Amtrak use the tunnels;

5 (2) consider the feasibility of seeking a financial
6 contribution from those other rail carriers toward
7 the costs of the projects; and

10 (f) AVAILABILITY OF FUNDS.—Amounts appro-
11 priated pursuant to this section shall remain available
12 until expended.

13 (g) REINVESTMENT OF NEC OPERATING PROFIT.—
14 Amtrak shall invest any revenue from operations in the
15 Northeast Corridor in capital needs of the corridor until
16 the backlog of capital improvements are completed under
17 Amtrak's 20-year plan.

18 SEC. 305. LONG DISTANCE TRAINS.

19 (a) OPERATING COSTS.—There are authorized to be
20 appropriated to the Secretary of Transportation for the
21 use of Amtrak for fiscal year 2003, and each fiscal year
22 thereafter, \$360,000,000 for operating costs associated
23 with long distance trains.

(b) CAPITAL BACKLOG AND UPGRADES.—There are authorized to be appropriated to the Secretary of Trans-

1 portation for the use of Amtrak for fiscal year 2003, and
2 each fiscal year thereafter, \$70,000,000 to reduce the cap-
3 ital backlog and to bring its existing fleet of long distance
4 trains to a state-of-good-repair, including equipment re-
5 placement and upgrades necessary to meet current service
6 commitments.

7 (c) ONGOING CAPITAL INFRASTRUCTURE INVEST-
8 MENTS.—There are authorized to be appropriated to the
9 Secretary of Transportation for the use of Amtrak for fis-
10 cal year 2003, and each fiscal year thereafter,
11 \$80,000,000 for ongoing capital infrastructure relating to
12 long distance trains—

13 (1) to replace assets on a life-cycle basis;
14 (2) to ensure that a state-of-good-repair is
15 maintained in order to meet safety and reliability
16 standards;
17 (3) to meet current service commitments; and
18 (4) to provide funds for investment in partner
19 railroads to operate passenger service at currently
20 committed levels.

21 (d) CAPITAL FLEET NEEDS.—There are authorized
22 to be appropriated to the Secretary of Transportation for
23 the use of Amtrak for fiscal year 2003, and each fiscal
24 year thereafter, \$50,000,000 for ongoing long distance
25 train capital fleet needs to sustain regularly scheduled

1 maintenance, including a 120-day cycle of preventive
2 maintenance, and heavy overhauls on a 4-year schedule,
3 with interior enhancements as needed.

4 (e) CAPITAL STATIONS AND FACILITIES.—There are
5 authorized to be appropriated to the Secretary of Trans-
6 portation for the use of Amtrak for fiscal year 2003, and
7 each fiscal year thereafter, \$10,000,000 for ongoing cap-
8 ital stations and facilities needs to provide regular up-
9 grades to stations to meet current long distance train serv-
10 ice needs, and regular improvements to maintenance-of-
11 way equipment and maintenance-of-way facilities.

12 (f) TECHNOLOGY NEEDS.—There are authorized to
13 be appropriated to the Secretary of Transportation for the
14 use of Amtrak for fiscal year 2003, and each fiscal year
15 thereafter, \$10,000,000 for ongoing technology needs to
16 upgrade long distance train reservation, distribution, fi-
17 nancial, and operations systems, including hardware, soft-
18 ware, infrastructure, and communications.

19 (g) AVAILABILITY OF FUNDS.—Amounts appro-
20 priated pursuant to this section shall remain available
21 until expended.

22 **SEC. 306. SHORT DISTANCE TRAINS; STATE-SUPPORTED**
23 **ROUTES.**

24 (a) AUTHORIZATIONS.—There are authorized to be
25 appropriated to the Secretary of Transportation for the

1 use of Amtrak for fiscal year 2003, and each fiscal year
2 thereafter, for obligation and expenditure on short dis-
3 tance routes outside the Northeast Corridor—

4 (1) \$20,000,000 for capital backlog on infra-
5 structure to bring infrastructure up to a state-of-
6 good-repair, including improvements on bridges and
7 tunnels that are approaching the end of their useful
8 life and interlocking and signal system renewal;

9 (2) \$10,000,000 for capital backlog on its fleet
10 to bring Amtrak's existing fleet as of the date of en-
11 actment of this Act to a state-of-good-repair, includ-
12 ing equipment replacement and upgrades necessary
13 to meet current service commitments;

14 (3) \$170,000,000 for ongoing capital infra-
15 structure to replace assets on a life-cycle basis to en-
16 sure a state-of-good-repair is maintained in order to
17 meet safety and reliability standards needed to de-
18 liver current service commitments, including invest-
19 ment in partner railroads to operate passenger serv-
20 ice at currently committed levels;

21 (4) \$40,000,000 for ongoing capital fleet needs
22 to sustain regularly scheduled maintenance, includ-
23 ing a 120-day cycle preventive maintenance sched-
24 ule, and heavy overhauls on a 4-year schedule, with
25 interior enhancements as needed;

6 (6) \$20,000,000 for ongoing technology needs
7 to upgrade of reservation, distribution, financial, and
8 operations systems, including hardware, software, in-
9 frastructure and communications.

10 (b) AVAILABILITY OF FUNDS.—Amounts appro-
11 priated pursuant to this section shall remain available
12 until expended.

13 SEC. 307. REESTABLISHMENT OF NORTHEAST CORRIDOR

14 SAFETY COMMITTEE.

15 (a) REESTABLISHMENT OF NORTHEAST CORRIDOR
16 SAFETY COMMITTEE.—The Secretary of Transportation
17 shall reestablish the Northeast Corridor Safety Committee
18 authorized by section 24905(b) of title 49, United States
19 Code.

20 (b) TERMINATION DATE.—Section 24905(b)(4) is
21 amended by striking “January 1, 1999,” and inserting
22 “January 1, 2008.”.

23 SEC. 308. ON-TIME PERFORMANCE.

24 Section 24308 is amended by adding at the end the
25 following:

1 “(f) ON-TIME PERFORMANCE.—If the on-time per-
2 formance of any intercity passenger train averages less
3 than 80 percent for any consecutive 3-month period, Am-
4 trak may petition the Surface Transportation Board to in-
5 vestigate whether, and to what extent, delays are due to
6 causes that could reasonably be addressed by a rail carrier
7 over the tracks of which the intercity passenger train oper-
8 ates, or by a regional authority providing commuter serv-
9 ice, if any. In carrying out such an investigation, the Sur-
10 face Transportation Board shall obtain information from
11 all parties involved and make recommendations regarding
12 reasonable measures to improve the on-time performance
13 of the train.”.

14 **SEC. 309. AMTRAK BOARD OF DIRECTORS.**

15 (a) IN GENERAL.—Section 24302 is amended to read
16 as follows:

17 **“§ 24302. Board of directors**

18 “(a) COMPOSITION AND TERMS.—

19 “(1) The board of directors of Amtrak is com-
20 posed of the following 9 directors:

21 “(A) The President of Amtrak.

22 “(B) The Secretary of Transportation.

23 “(C) 7 individuals, each of whom must be
24 a citizen of the United States, appointed by the
25 President of the United States, by and with the

1 advice and consent of the Senate, with an inter-
2 est, experience, and qualifications in or directly
3 related to rail transportation, including rep-
4 resentatives of the passenger rail transpor-
5 tation, travel, and passenger air transportation
6 businesses, and consumers of passenger rail
7 transportation.

8 “(2) An individual appointed under paragraph
9 (1)(C) of this subsection shall serve for 5 years or
10 until the individual’s successor is appointed and
11 qualified. Not more than 4 individuals appointed
12 under paragraph (1)(C) may be members of the
13 same political party.

14 “(3) The board shall elect a chairman and a
15 vice chairman from among its membership. The vice
16 chairman shall serve as chairman in the absence of
17 the chairman.

18 “(4) The Secretary may be represented at a
19 meeting of the board only by the Deputy Secretary
20 of Transportation, the Administrator of the Federal
21 Railroad Administration, or the General Counsel of
22 the Department of Transportation.

23 “(b) PAY AND EXPENSES.—Each director not em-
24 ployed by the United States Government is entitled to
25 \$300 a day when performing board duties and powers.

1 Each director is entitled to reimbursement for necessary
2 travel, reasonable secretarial and professional staff sup-
3 port, and subsistence expenses incurred in attending board
4 meetings.

5 “(c) VACANCIES.—A vacancy on the board shall be
6 filled in the same way as the original selection, except that
7 an individual appointed by the President of the United
8 States under subsection (a)(1)(C) of this section to fill a
9 vacancy occurring before the end of the term for which
10 the predecessor of that individual was appointed shall be
11 appointed for the remainder of that term. A vacancy re-
12 quired to be filled by appointment under subsection
13 (a)(1)(C) shall be filled not later than 120 days after the
14 vacancy occurs.

15 “(d) BYLAWS.—The board may adopt and amend by-
16 laws governing the operation of Amtrak. The bylaws shall
17 be consistent with this part and the articles of incorpora-
18 tion.”.

19 (b) EFFECTIVE DATE.—The amendment made by
20 subsection (a) shall take effect on October 1, 2003. The
21 members of the Amtrak Reform Board may continue to
22 serve until 3 directors appointed by the President under
23 section 24302(a)(1)(C) of title 49, United States Code,
24 as amended by subsection (a), have qualified for office.

1 **SEC. 310. INDEPENDENT AUDIT OF AMTRAK OPERATIONS;**2 **REVIEW BY DOT IG.**3 (a) IN GENERAL.—Amtrak shall employ an inde-
4 pendent financial consultant—5 (1) to assess its financial accounting and re-
6 porting system;7 (2) to design and assist Amtrak in imple-
8 menting a modern financial accounting and report-
9 ing system, on the basis of the assessment, that will
10 produce accurate and timely financial information in
11 sufficient detail—12 (A) to enable Amtrak to assign revenues
13 and expenses appropriately to each of its lines
14 of business activity; and15 (B) to aggregate expenses and revenues re-
16 lated to infrastructure and distinguish them
17 from expenses and revenues related to rail oper-
18 ations.19 (b) VERIFICATION OF SYSTEM; REPORT.—The In-
20 spector General of the Department of Transportation shall
21 review the accounting system designed and implemented
22 under subsection (a) to ensure that it accomplishes the
23 purposes for which it is intended. The Inspector General
24 shall report his findings and conclusions, together with
25 any recommendations, to the Senate Committee on Com-
26 merce, Science, and Transportation and the House of Rep-

1 representatives Committee on Transportation and Infrastruc-
2 ture.

3 (c) REVIEW OF FINANCIAL STATUS AND FUNDING
4 REQUIREMENTS BY DOT INSPECTOR GENERAL.—The In-
5 spector General of the Department of Transportation
6 shall, as part of the Department's annual assessment of
7 Amtrak's financial status and capital funding require-
8 ments, review the obligation and expenditure of funds
9 under each funding document, procedure, or arrangement
10 relating to such status and requirements to ensure that
11 the expenditure and obligation of those funds are con-
12 sistent with the purposes for which they are provided
13 under this Act.

14 (d) AUTHORIZATION OF APPROPRIATIONS.—There
15 are authorized to be appropriated to the Secretary of
16 Transportation for the use of Amtrak \$2,500,000 for fis-
17 cal year 2003 to carry out subsection (a), such sums to
18 remain available until expended.

19 **TITLE IV—MISCELLANEOUS**

20 **SEC. 401. REHABILITATION, IMPROVEMENT, AND SECURITY** 21 **FINANCING.**

22 (a) DEFINITIONS.—Section 102(7) of the Railroad
23 Revitalization and Regulatory Reform Act of 1976 (45
24 U.S.C. 802(7)) is amended to read as follows:

1 “(7) ‘railroad’ has the meaning given that term
2 in section 20102 of title 49, United States Code;
3 and”.

4 (b) GENERAL AUTHORITY.—Section 502 of the Rail-
5 road Revitalization and Regulatory Reform Act of 1976
6 (45 U.S.C. 822) is amended—

7 (1) by striking “Secretary may provide direct
8 loans and loan guarantees to State and local govern-
9 ments,” in subsection (a) and inserting “Secretary
10 shall provide direct loans and loan guarantees to
11 State and local governments, interstate compacts en-
12 tered into under section 410 of the Amtrak Reform
13 and Accountability Act of 1997 (49 U.S.C 24101
14 nt),”;

15 (2) by striking “or” in subsection (b)(1)(B);
16 (3) by redesignating subparagraph (C) of sub-
17 section (b)(1) as subparagraph (D); and
18 (4) by inserting after subparagraph (B) of sub-
19 section (b)(1) the following:

20 “(C) to acquire, improve, or rehabilitate
21 rail safety and security equipment and facilities;
22 or”.

23 (c) EXTENT OF AUTHORITY.—Section 502(d) of the
24 Railroad Revitalization and Regulatory Reform Act of
25 1976 (45 U.S.C. 822(d)) is amended—

5 (3) by adding at the end the following new sen-
6 tence: “The Secretary shall not establish any limit
7 on the proportion of the unused amount authorized
8 under this subsection that may be used for 1 loan
9 or loan guarantee.”.

10 (d) COHORTS OF LOANS.—Section 502(f) of the Rail-
11 road Revitalization and Regulatory Reform Act of 1976
12 (45 U.S.C. 822(f)) is amended—

13 (1) in paragraph (2)—

14 (A) by striking “and” at the end of sub-
15 paragraph (D);

16 (B) by redesignating subparagraph (E) as
17 subparagraph (F); and

18 (C) by adding after subparagraph (D) the
19 following new subparagraph:

20 “(E) the size and characteristics of the co-
21 hort of which the loan or loan guarantee is a
22 member; and”; and

23 (2) by adding at the end of paragraph (4) the
24 following: "A cohort may include loans and loan
25 guarantees. The Secretary shall not establish any

1 limit on the proportion of a cohort that may be used
2 for 1 loan or loan guarantee.”.

3 (e) CONDITIONS OF ASSISTANCE.—Section 502 of the
4 Railroad Revitalization and Regulatory Reform Act of
5 1976 (45 U.S.C. 822) is amended—

6 (1) by striking “offered;” in subsection
7 (f)(2)(A) and inserting “offered, if any;” and
8 (2) by adding at the end of subsection (h) the
9 following:

10 “The Secretary shall not require an applicant for a direct
11 loan or loan guarantee under this section to provide collat-
12 eral. The Secretary shall not require that an applicant for
13 a direct loan or loan guarantee under this section have
14 previously sought the financial assistance requested from
15 another source. The Secretary shall require recipients of
16 direct loans or loan guarantees under this section to apply
17 the standards of section 22301(b) and (c) of title 49,
18 United States Code, to their projects.”.

19 (f) TIME LIMIT FOR APPROVAL OR DISAPPROVAL.—
20 Section 502 of the Railroad Revitalization and Regulatory
21 Reform Act of 1976 (45 U.S.C. 822) is amended by add-
22 ing at the end the following:

23 “(i) TIME LIMIT FOR APPROVAL OR DISAPPROVAL.—
24 Not later than 180 days after receiving a complete appli-
25 cation for a direct loan or loan guarantee under this sec-

1 tion, the Secretary shall approve or disapprove the applica-
2 tion.”.

3 (g) FEES AND CHARGES.—Section 503 of the Rail-
4 road Revitalization and Regulatory Reform Act of 1976
5 (45 U.S.C. 823) is amended—

6 (1) by adding at the end of subsection (k) the
7 following: “Funds received by the Secretary under
8 the preceding sentence shall be credited to the ap-
9 propriation from which the expenses of making such
10 appraisals, determinations, and findings were in-
11 curred.”; and

12 (2) by adding at the end the following new sub-
13 section:

14 (l) FEES AND CHARGES.—Except as provided in
15 this title, the Secretary may not assess any fees, including
16 user fees, or charges in connection with a direct loan or
17 loan guarantee provided under section 502.”.

18 (h) SUBSTANTIVE CRITERIA AND STANDARDS.—Not
19 later than 30 days after the date of the enactment of this
20 Act, the Secretary of Transportation shall publish in the
21 Federal Register and post on the Department of Trans-
22 portation website the substantive criteria and standards
23 used by the Secretary to determine whether to approve
24 or disapprove applications submitted under section 502 of

1 the Railroad Revitalization and Regulatory Reform Act of
2 1976 (45 U.S.C. 822).

3 (i) OPERATORS AND SERVICE PROVIDERS DEEMED
4 RAIL CARRIERS.—Section 502 of the Railroad Revitaliza-
5 tion and Regulatory Reform Act of 1976 (45 U.S.C. 822),
6 as amended by subsection (f), is further amended by add-
7 ing at the end the following:

8 “(j) OPERATORS AND CERTAIN SERVICE PROVIDERS
9 DEEMED RAIL CARRIERS.—A person that conducts rail
10 operations, or performs catering, cleaning, construction,
11 maintenance, or other services for rail operations, funded
12 or otherwise receiving assistance under this section is
13 deemed to be a rail carrier for purposes of part A of sub-
14 title IV of title 49, United States Code, when so operating
15 or performing such services.”.

16 **SEC. 402. RAIL PASSENGER COOPERATIVE RESEARCH PRO-**

17 **GRAM.**

18 (a) IN GENERAL.—Chapter 249 is amended by add-
19 ing at the end the following:

20 **“§ 24910. Passenger rail cooperative research pro-**

21 **gram**

22 (a) IN GENERAL.— The Secretary of Transpor-
23 tation shall establish and carry out a rail passenger coop-
24 erative research program. The program shall—

1 “(1) address, among other matters, intercity
2 rail passenger services, including existing rail pas-
3 senger technologies and speeds, incrementally en-
4 hanced rail systems and infrastructure, and new
5 high-speed wheel-on-rail systems;

6 “(2) give consideration to research on com-
7 muter rail, regional rail, freight rail, and other
8 modes of rail transportation that may affect rail
9 passenger transportation due to the interconnected-
10 ness of the rail passenger network with other rail
11 transportation services; and

12 “(3) give consideration to regional concerns re-
13 garding rail passenger transportation, including
14 meeting research needs common to designated high-
15 speed corridors, long-distance rail services, and re-
16 gional intercity rail corridors, projects, and entities.

17 “(b) CONTENTS.—The program to be carried out
18 under this section shall include research designed—

19 “(1) to develop more accurate models for eval-
20 uating the indirect effects of rail passenger service,
21 including the effects on highway and airport and air-
22 way congestion, environmental quality, and energy
23 consumption;

24 “(2) to develop a better understanding of modal
25 choice as it affects rail passenger transportation, in-

1 cluding development of better models to predict rid-
2 ership;

3 “(3) to recommend priorities for technology
4 demonstration and development;

5 “(4) to meet additional priorities as determined
6 by the advisory board established under subsection
7 (c);

8 “(5) to explore improvements in management,
9 financing, and institutional structures;

10 “(6) to address rail capacity constraints that
11 affect passenger rail service through a wide variety
12 of options, ranging from operating improvements to
13 dedicated new infrastructure, taking into account
14 the impact of such options on freight and commuter
15 rail operations; and

16 “(7) to improve maintenance, operations, cus-
17 tomer service, or other aspects of existing intercity
18 rail passenger service existing in 2002.

19 “(c) ADVISORY BOARD.—

20 “(1) ESTABLISHMENT.—In consultation with
21 the heads of appropriate Federal departments and
22 agencies, the Secretary shall establish an advisory
23 board to recommend research, technology, and tech-
24 nology transfer activities related to rail passenger
25 transportation.

1 “(2) MEMBERSHIP.—The advisory board shall
2 include—

3 “(A) representatives of State transpor-
4 tation agencies;

5 “(B) transportation and environmental
6 economists, scientists, and engineers; and

7 “(C) representatives of Amtrak, the Alaska
8 Railroad, transit operating agencies, intercity
9 rail passenger agencies, railway labor organiza-
10 tions, and environmental organizations.

11 “(d) NATIONAL ACADEMY OF SCIENCES.—The Sec-
12 retary may make grants to, and enter into cooperative
13 agreements with, the National Academy of Sciences to
14 carry out such activities relating to the research, tech-
15 nology, and technology transfer activities described in sub-
16 section (b) as the Secretary deems appropriate.”.

17 (b) CONFORMING AMENDMENT.—The chapter anal-
18 ysis for chapter 249 is amended by adding at the end the
19 following:

“24910. Passenger rail cooperative research program.”.

20 (c) AUTHORIZATION OF APPROPRIATIONS.—There
21 are authorized to be appropriated to the Secretary of
22 Transportation \$5,000,000 for fiscal year 2003, and each
23 fiscal year thereafter, to carry out section 24910 of title
24 49, United States Code.

1 SEC. 403. CONFORMING AMENDMENTS TO TITLE 49 RE-

2 FLECTING ICC TERMINATION ACT.

3 (a) SECTION 307.—

4 (1) Section 307 is amended—

5 (A) by striking “**Interstate Commerce Commission**” in the section heading
6 and inserting “**Surface Transportation Board**”;7 (B) by striking “Interstate Commerce Commission” in subsection (a) and inserting
8 “Surface Transportation Board”; and9 (C) by striking “Commission” each place it
10 appears and inserting “Board”.11 (2) The chapter analysis for chapter 3 is
12 amended by striking the item relating to section 307
13 and inserting the following:

14 “307. Safety information and intervention in Surface Transportation Board proceedings.”.

15 (b) SECTION 333.—Section 333 is amended—

16 (1) by striking “Interstate Commerce Commission” each place it appears and inserting “Surface
17 Transportation Board”; and18 (2) by striking “Commission” in subsection (c)
19 and inserting “Board”.

1 (c) SECTION 351.—Section 351(c) is amended by
2 striking “Interstate Commerce Commission” and inserting
3 “Surface Transportation Board”.

4 (d) SECTION 24307.—Section 24307(b)(3) is amend-
5 ed by striking “Interstate Commerce Commission” and in-
6 serting “Surface Transportation Board”.

7 (e) SECTION 24308.—Section 24308 is amended—
8 (1) by striking “Interstate Commerce Commis-
9 sion” in subsection (a)(2)(A) and inserting “Surface
10 Transportation Board”; and

11 (2) by striking “Commission” each place it ap-
12 pears in subsections (a), (b), and (e)(3) and insert-
13 ing “Board”.

14 (f) SECTION 24311.—Section 24311 is amended—
15 (1) by striking “Interstate Commerce Commis-
16 sion” in subsection (c)(1) and inserting “Surface
17 Transportation Board”; and

18 (2) by striking “Commission” each place it ap-
19 pears in subsection (c) and inserting “Board”.

20 (g) SECTION 24902.—Section 24902 is amended—
21 (1) by striking “Interstate Commerce Commis-
22 sion” in subsections (g)(2) and (g)(3) and inserting
23 “Surface Transportation Board”; and

1 (2) by striking “Commission” each place it ap-
2 pears in subsections (g)(2) and (g)(3) and inserting
3 “Board”.

4 (h) SECTION 24904.—Section 24904 is amended—

5 (1) by striking “Interstate Commerce Commis-
6 sion” in subsection (c)(2) and inserting “Surface
7 Transportation Board”; and

10 SEC. 404. APPLICABILITY OF REVERSION TO ALASKA RAIL-
11 ROAD RIGHT-OF-WAY PROPERTY.

12 Section 610(b) of the Alaska Railroad Transfer Act
13 of 1982 (45 U.S.C. 1209(b)) is amended—

14 (1) by inserting “(1)” after “(b);

15 (2) by redesignating paragraphs (1) and (2) as
16 subparagraphs (A) and (B), respectively; and

17 (3) by adding at the end the following new
18 paragraph:

19 “(2)(A) The State-owned railroad may convey all
20 right, title, and interest of the State in any land within
21 the right-of-way to a third party in exchange for other
22 land that, in substitution for the land conveyed, is to be
23 utilized as part of the right-of-way if the continuity of the
24 right-of-way corridor for transportation, communications,

1 and transmission purposes is provided by such use of the
2 substituted land.

3 “(B) The provisions of this section that require rever-
4 sion shall apply to the substituted land, as of the effective
5 date of the exchange of that land in a transaction author-
6 ized by subparagraph (A), as fully as if the substituted
7 land had been rail properties of the Alaska Railroad as
8 of January 13, 1983.

9 “(C) Upon the conveyance of land in a transaction
10 authorized by subparagraph (A), any reversionary interest
11 in the land under this section shall terminate.”

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