

107TH CONGRESS
1ST SESSION

S. 1530

To provide improved safety and security measures for rail transportation, provide for improved passenger rail service, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 11, 2001

Mr. HOLLINGS (for himself, Mr. BIDEN, Mr. BREAUX, Mr. CLELAND, Mr. SCHUMER, Mr. KERRY, Mr. ROCKEFELLER, Mr. CARPER, Mr. JEFFORDS, and Mr. DURBIN) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To provide improved safety and security measures for rail transportation, provide for improved passenger rail service, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Railroad Advancement
5 and Infrastructure Law for the 21st Century”.

6 **SEC. 2. 1-YEAR EXTENSION OF AUTHORIZATION.**

7 (a) IN GENERAL.—Section 24104(a) of title 49,
8 United States Code, is amended—

9 (1) by striking “and” in paragraph (4);

1 (2) by striking “2002,” in paragraph (5) and
2 inserting “2002; and”; and

3 (3) by inserting after paragraph (5) the fol-
4 lowing:

5 “(6) \$1,200,000,000 for fiscal year 2003,”.

6 (b) REPEAL OF SELF-SUFFICIENCY REQUIRE-
7 MENTS.—

8 (1) TITLE 49 AMENDMENTS.—Chapter 241 of
9 title 49, United States Code, is amended—

10 (A) by striking the last sentence of section
11 24101(d); and

12 (B) by striking the last sentence of section
13 24104(a).

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

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

22 (c) LEASE ARRANGEMENTS.—Amtrak may obtain
23 services from the Administrator of General Services, and
24 the Administrator may provide services to Amtrak, under
25 section 201(b) and 211(b) of the Federal Property and

1 Administrative Service Act of 1949 (40 U.S.C. 481(b) and
2 491(b)) for fiscal year 2002 and each fiscal year thereafter
3 until the fiscal year that Amtrak operates without Federal
4 operating grant funds appropriated for its benefit, as re-
5 quired by sections 24101(d) and 24104(a) of title 49,
6 United States Code.

7 **SEC. 3. EMERGENCY AMTRAK ASSISTANCE.**

8 (a) IN GENERAL.—There are authorized to be appro-
9 priated to the Secretary of Transportation for the use of
10 Amtrak for the 2-year period beginning on the date of en-
11 actment of this Act—

12 (1) \$471,000,000 for systemwide security up-
13 grades, including hiring and training additional po-
14 lice officers, canine-assisted security units, and sur-
15 veillance equipment;

16 (2) \$998,000,000 to be used to complete New
17 York tunnel life safety projects and rehabilitate tun-
18 nels in Washington, D.C., and Baltimore, Maryland;

19 (3) \$949,000,000 for bridges, track, power, and
20 station improvements to increase capacity and im-
21 prove reliability of rail passenger transportation in
22 the Northeast Corridor;

23 (4) \$656,000,000 for equipment, including—

24 (A) the overhauling and returning of 45
25 passenger cars and 5 locomotives to service,

1 (B) the upgrading and overhauling of 231
2 passenger cars and 33 locomotives, and

3 (C) the purchase of 10 new trainsets,
4 of which sum at least 25 percent shall be used for
5 operations outside the Northeast Corridor (unless
6 the Secretary determines that demand for such oper-
7 ations outside the Northeast Corridor is less than 25
8 percent); and

9 (5) \$77,000,000 for incremental operating
10 costs, including reservation centers, overtime com-
11 pensation, and mechanical terminals (net of incre-
12 mental revenues).

13 (b) AVAILABILITY OF FUNDS.—Amounts appro-
14 priated pursuant to subsection (a) shall remain available
15 until expended.

16 (c) COORDINATION WITH EXISTING LAW.—Amounts
17 made available to Amtrak under this section shall not be
18 considered to be Federal assistance for purposes of part
19 C of subtitle V of title 49, United States Code.

20 **SEC. 4. 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—

1 (1) by striking “\$3,500,000,000” and inserting
2 “\$35,000,000,000”;

3 (2) by striking “\$1,000,000,000” and inserting
4 “\$7,000,000,000”; and

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”;

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) in subsection (f)(2)(A), by inserting “, if
7 any” after “collateral offered”; 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(f) and (g) 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 new subsection:

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 web site 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 **SEC. 5. CAPITAL GRANTS FOR RAILROAD TRACK.**

4 (a) AMENDMENT.—Chapter 223 of title 49, United
5 States Code, is amended to read as follows:

6 **“CHAPTER 223—CAPITAL GRANTS FOR**
7 **RAILROAD TRACK**

“Sec.

“22301. Capital grants for railroad track.

8 **“§ 22301. Capital grants for railroad track**

9 “(a) ESTABLISHMENT OF PROGRAM.—

10 “(1) ESTABLISHMENT.—The Secretary of
11 Transportation shall establish a program of capital
12 grants for the rehabilitation, preservation, or im-
13 provement of railroad track (including roadbed,
14 bridges, and related track structures) of class II and
15 class III railroads. Such grants shall be for rehabili-
16 tating, preserving, or improving track used primarily
17 for freight transportation to a standard ensuring
18 that the track can be operated safely and efficiently,
19 including grants for rehabilitating, preserving, or im-
20 proving track to handle 286,000 pound rail cars.
21 Grants may be provided under this chapter—

22 “(A) directly to the class II or class III
23 railroad; or

1 “(B) with the concurrence of the class II
2 or class III railroad, to a State or local govern-
3 ment.

4 “(2) STATE COOPERATION.—Class II and class
5 III railroad applicants for a grant under this chap-
6 ter are encouraged to utilize the expertise and assist-
7 ance of State transportation agencies in applying for
8 and administering such grants. State transportation
9 agencies are encouraged to provide such expertise
10 and assistance to such railroads.

11 “(3) INTERIM REGULATIONS.—Not later than
12 December 31, 2001, the Secretary shall issue tem-
13 porary regulations to implement the program under
14 this section. Subchapter II of chapter 5 of title 5
15 does not apply to a temporary regulation issued
16 under this paragraph or to an amendment to such
17 a temporary regulation.

18 “(4) FINAL REGULATIONS.—Not later than Oc-
19 tober 1, 2002, the Secretary shall issue final regula-
20 tions to implement the program under this section.

21 “(b) MAXIMUM FEDERAL SHARE.—The maximum
22 Federal share for carrying out a project under this section
23 shall be 80 percent of the project cost. The non-Federal
24 share may be provided by any non-Federal source in cash,
25 equipment, or supplies. Other in-kind contributions may

1 be approved by the Secretary on a case by case basis con-
2 sistent with this chapter.

3 “(c) PROJECT ELIGIBILITY.—For a project to be eli-
4 gible for assistance under this section the track must have
5 been operated or owned by a class II or class III railroad
6 as of the date of the enactment of the Railroad Advance-
7 ment and Infrastructure Law for the 21st Century.

8 “(d) USE OF FUNDS.—Grants provided under this
9 section shall be used to implement track capital projects
10 as soon as possible. In no event shall grant funds be con-
11 tractually obligated for a project later than the end of the
12 third Federal fiscal year following the year in which the
13 grant was awarded. Any funds not so obligated by the end
14 of such fiscal year shall be returned to the Secretary for
15 reallocation.

16 “(e) ADDITIONAL PURPOSE.—In addition to making
17 grants for projects as provided in subsection (a), the Sec-
18 retary may also make grants to supplement direct loans
19 or loan guarantees made under title V of the Railroad Re-
20 vitalization and Regulatory Reform Act of 1976 (45
21 U.S.C. 822(d)), for projects described in the last sentence
22 of section 502(d) of such title. Grants made under this
23 subsection may be used, in whole or in part, for paying
24 credit risk premiums, lowering rates of interest, or pro-
25 viding for a holiday on principal payments.

1 “(f) EMPLOYEE PROTECTION.—The Secretary shall
2 require as a condition of any grant made under this sec-
3 tion that the recipient railroad provide a fair arrangement
4 at least as protective of the interests of employees who
5 are affected by the project to be funded with the grant
6 as the terms imposed under section 11326(a), as in effect
7 on the date of the enactment of the Railroad Advancement
8 and Infrastructure Law for the 21st Century.

9 “(g) LABOR STANDARDS.—

10 “(1) PREVAILING WAGES.—The Secretary shall
11 ensure that laborers and mechanics employed by
12 contractors and subcontractors in construction work
13 financed by a grant made under this section will be
14 paid wages not less than those prevailing on similar
15 construction in the locality, as determined by the
16 Secretary of Labor under the Act of March 3, 1931
17 (known as the Davis-Bacon Act; 40 U.S.C. 276a et
18 seq.). The Secretary shall make a grant under this
19 section only after being assured that required labor
20 standards will be maintained on the construction
21 work.

22 “(2) WAGE RATES.—Wage rates in a collective
23 bargaining agreement negotiated under the Railway
24 Labor Act (45 U.S.C. 151 et seq.) are deemed for
25 purposes of this subsection to comply with the Act

1 of March 3, 1931 (known as the Davis-Bacon Act;
2 40 U.S.C. 276a et seq.).

3 “(h) STUDY.—The Secretary shall conduct a study
4 of the projects carried out with grant assistance under this
5 section to determine the public interest benefits associated
6 with the light density railroad networks in the States and
7 their contribution to a multimodal transportation system.
8 Not later than March 31, 2003, the Secretary shall report
9 to Congress any recommendations the Secretary considers
10 appropriate regarding the eligibility of light density rail
11 networks for Federal infrastructure financing.

12 “(i) AUTHORIZATION OF APPROPRIATIONS.—There
13 are authorized to be appropriated to the Secretary of
14 Transportation \$350,000,000 for each of the fiscal years
15 2002 through 2004 for carrying out this section.”.

16 (b) CONFORMING AMENDMENT.—The item relating
17 to chapter 223 in the table of chapters of subtitle V of
18 title 49, United States Code, is amended to read as fol-
19 lows:

“223. CAPITAL GRANTS FOR RAILROAD TRACK 22301”.

20 **SEC. 3. HIGH-SPEED RAIL CORRIDOR PLANNING AND DE-**
21 **VELOPMENT.**

22 (a) CORRIDOR PLANNING AND DEVELOPMENT.—

23 (1) AMENDMENTS.—Section 26101 of title 49,
24 United States Code, is amended—

1 (A) in the section heading, by inserting
2 **“and development”** after **“planning”**;

3 (B) by inserting “AND DEVELOPMENT” in
4 the heading of subsection (a) after “PLAN-
5 NING”;

6 (C) by inserting “and development” after
7 “corridor planning” each place it appears”;

8 (D) by striking “improvements.” in sub-
9 section (b)(1) and inserting “improvements, or
10 if it is an activity described in subparagraph
11 (M) or (N)”;

12 (E) by striking “and” at the end of sub-
13 paragraph (K) of subsection (b)(1);

14 (F) by striking “partnerships.” in subpara-
15 graph (L) of subsection (b)(1) and inserting
16 “partnerships;”; and

17 (G) by adding at the end of subsection
18 (b)(1) the following:

19 “(M) the acquisition of locomotives, rolling
20 stock, track, and signal equipment; and

21 “(N) security planning and the acquisition of
22 security and emergency response equipment.”; and

23 (H) by inserting “and development” after
24 “planning” in subsection (c)(2).

1 (2) CONFORMING AMENDMENT.—The item re-
2 relating to section 26101 in the table of sections of
3 chapter 261 of title 49, United States Code, is
4 amended by inserting “and development” after
5 “planning”.

6 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
7 26104 of title 49, United States Code, is amended to read
8 as follows:

9 **“§ 26104. Authorization of appropriations**

10 “(a) FISCAL YEARS 2002 THROUGH 2009.—There
11 are authorized to be appropriated to the Secretary—

12 “(1) \$25,000,000 for carrying out section
13 26101; and

14 “(2) \$25,000,000 for carrying out section
15 26102,

16 for each of the fiscal years 2002 through 2009.

17 “(b) FUNDS TO REMAIN AVAILABLE.—Funds made
18 available under this section shall remain available until ex-
19 pended.”.

20 (c) DESIGNATED HIGH-SPEED RAIL CORRIDORS.—
21 The Secretary of Transportation shall give priority in allo-
22 cating funds authorized by section 26104 of title 49,
23 United States Code, to the following High-Speed Rail Cor-
24 ridors:

1 (1) California Corridor connecting the San
2 Francisco Bay area and Sacramento to Los Angeles
3 and San Diego.

4 (2) Chicago Hub Corridor Network with the fol-
5 lowing spokes:

6 (A) Chicago to Detroit.

7 (B) Chicago to Minneapolis/St. Paul, MN.,
8 via Milwaukee, WI.

9 (C) Chicago to Kansas City, MO., via
10 Springfield, IL., and St Louis, MO.

11 (D) Chicago to Louisville, KY., via Indian-
12 apolis, IN., and Cincinnati, OH.

13 (E) Chicago to Cleveland, OH., via Toledo,
14 OH.

15 (F) Cleveland, OH., to Cincinnati, OH.,
16 via Columbus, OH.

17 (3) Empire State Corridor from New York City,
18 NY., through Albany, N.Y. to Buffalo, N.Y.

19 (4) Florida High-Speed Rail Corridor from
20 Tampa through Orlando to Miami.

21 (5) Gulf Coast Corridor from Houston TX.,
22 through New Orleans, LA., to Mobile, AL., with a
23 branch from New Orleans, through Meridian, MS.,
24 and Birmingham, AL., to Atlanta, GA.

1 (6) Keystone Corridor from Philadelphia, PA.,
2 through Harrisburg, PA., to Pittsburgh, PA.

3 (7) Northeast Corridor from Washington, D.C.,
4 through New York City, N.Y., New Haven, CT., and
5 Providence, R.I., to Boston, MA.

6 (8) New England Corridor from Boston, MA.,
7 to Portland and Auburn, ME., and from Boston,
8 MA., through Concord, N.H., and Montpelier, VT.,
9 to Montreal, P.Q.

10 (9) Pacific Northwest Corridor from Eugene,
11 OR., through Portland, OR., and Seattle, WA., to
12 Vancouver, B.C.

13 (10) South Central Corridor from San Antonio,
14 TX., through Dallas/ Fort Worth to Little Rock,
15 AK., with a branch from Dallas/Fort Worth through
16 Oklahoma City, OK., to Tulsa, OK.

17 (11) Southeast Corridor from Washington,
18 D.C., through Richmond, VA., Raleigh, N.C., Co-
19 lumbia, S.C., Savannah, GA., and Jesup, GA., to
20 Jacksonville, FL., with a branch from Raleigh, N.C.,
21 through Charlotte, N.C., and Greenville, S.C., to At-
22 lanta, GA., a branch from Richmond, to Hampton
23 Roads/Norfolk, VA., and a connecting route between
24 Atlanta, GA., to Jesup, GA.

○