

## S 1991

National Defense Rail Act

**Congress:** 107 (2001–2003, Ended)

**Chamber:** Senate

**Policy Area:** Transportation and Public Works

**Introduced:** Mar 6, 2002

**Current Status:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 404.

**Latest Action:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 404. (May 29, 2002)

**Official Text:** <https://www.congress.gov/bill/107th-congress/senate-bill/1991>

### Sponsor

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**Name:** Sen. Hollings, Ernest F. [D-SC]

**Party:** Democratic • **State:** SC • **Chamber:** Senate

**Cosponsors** (38 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Biden, Joseph R., Jr. [D-DE]	D · DE		Mar 6, 2002
Sen. Breaux, John B. [D-LA]	D · LA		Mar 6, 2002
Sen. Carper, Thomas R. [D-DE]	D · DE		Mar 6, 2002
Sen. Cleland, Max [D-GA]	D · GA		Mar 6, 2002
Sen. Clinton, Hillary Rodham [D-NY]	D · NY		Mar 6, 2002
Sen. Corzine, Jon S. [D-NJ]	D · NJ		Mar 6, 2002
Sen. Durbin, Richard J. [D-IL]	D · IL		Mar 6, 2002
Sen. Feinstein, Dianne [D-CA]	D · CA		Mar 6, 2002
Sen. Hutchison, Kay Bailey [R-TX]	R · TX		Mar 6, 2002
Sen. Jeffords, James M. [I-VT]	I · VT		Mar 6, 2002
Sen. Kennedy, Edward M. [D-MA]	D · MA		Mar 6, 2002
Sen. Kerry, John F. [D-MA]	D · MA		Mar 6, 2002
Sen. Leahy, Patrick J. [D-VT]	D · VT		Mar 6, 2002
Sen. Mikulski, Barbara A. [D-MD]	D · MD		Mar 6, 2002
Sen. Reid, Harry [D-NV]	D · NV		Mar 6, 2002
Sen. Rockefeller, John D., IV [D-WV]	D · WV		Mar 6, 2002
Sen. Schumer, Charles E. [D-NY]	D · NY		Mar 6, 2002
Sen. Stevens, Ted [R-AK]	R · AK		Mar 6, 2002
Sen. Torricelli, Robert G. [D-NJ]	D · NJ		Mar 6, 2002
Sen. Baucus, Max [D-MT]	D · MT		Mar 7, 2002
Sen. Snowe, Olympia J. [R-ME]	R · ME		Mar 7, 2002
Sen. Sarbanes, Paul S. [D-MD]	D · MD		Mar 8, 2002
Sen. Boxer, Barbara [D-CA]	D · CA		Mar 11, 2002
Sen. Inouye, Daniel K. [D-HI]	D · HI		Mar 13, 2002
Sen. Burns, Conrad R. [R-MT]	R · MT		Mar 15, 2002
Sen. Dorgan, Byron L. [D-ND]	D · ND		Mar 15, 2002
Sen. Specter, Arlen [R-PA]	R · PA		Mar 15, 2002
Sen. Lieberman, Joseph I. [D-CT]	D · CT		Mar 19, 2002
Sen. Collins, Susan M. [R-ME]	R · ME		Apr 10, 2002
Sen. Chafee, Lincoln [R-RI]	R · RI		Apr 12, 2002
Sen. Dodd, Christopher J. [D-CT]	D · CT		Apr 12, 2002
Sen. Nelson, Ben [D-NE]	D · NE		Apr 12, 2002
Sen. Cochran, Thad [R-MS]	R · MS		May 2, 2002
Sen. Miller, Zell [D-GA]	D · GA		May 21, 2002
Sen. Dayton, Mark [D-MN]	D · MN		Jun 3, 2002
Sen. Bayh, Evan [D-IN]	D · IN		Jun 25, 2002
Sen. Wellstone, Paul D. [D-MN]	D · MN		Jun 25, 2002
Sen. Johnson, Tim [D-SD]	D · SD		Aug 1, 2002

Committee Activity

Committee	Chamber	Activity	Date
Commerce, Science, and Transportation Committee	Senate	Reported By	May 29, 2002

Subjects & Policy Tags

Policy Area:

Transportation and Public Works

Related Bills

No related bills are listed.

**National Defense Rail Act - Title I: Rail Transportation Security** - Authorizes appropriations for Amtrak for FY 2003 for security, including infrastructure, operations, and technology.

(Sec. 102) Directs the Comptroller General to study and report to Congress on rail passenger transportation security programs in Japan, the European Union, and other countries.

(Sec. 103) Directs the Secretary of Transportation to study and report to the appropriate congressional committees on security screening for passengers, baggage, mail, express and other cargo. Requires a pilot program of random security screening at ten rail stations, including five of the ten busiest.

(Sec. 104) Requires the Secretary to review rail regulations for needed safety and security revisions.

(Sec. 105) Directs the Secretary to assess and report to the appropriate congressional committees on rail transportation security risks, including recommendations for prioritized improvements for rail tunnels, bridges, switching and other areas, detection equipment, personnel training, and railroad crossing delays. Requires an assessment of and consultation with existing private and public resources and efforts. Includes an assessment of the security needs of non-Amtrak stations. Authorizes appropriations for FY 2003.

(Sec. 106) Expresses the intent of Congress that earlier appropriations for Amtrak security made under the Department of Defense and Emergency Supplemental Appropriations for Recovery from and Response to Terrorist Attacks on the United States Act, 2002 be offset against funds authorized by this title.

**Title II: Interstate Railroad Passenger High-Speed Transportation System** - Requires the Secretary to establish the national high-speed ground transportation policy.

(Sec. 202) Permits the Secretary to provide 100 percent of the funding (rather than requiring matching funds) for planning and financial assistance to public agencies, including States, promoting the development of high-speed rail corridors. Gives priority to planning in the vicinity of Chicago, Illinois; Atlanta, Georgia; Dallas/Fort Worth, Texas; Portland, Oregon; and Orlando, Florida.

(Sec. 203) Directs the Secretary to provide implementation assistance, including direct or financial assistance of up to 100 percent. Grants priority to the same areas receiving planning assistance priority.

Allocates funds for systems not physically connected to the continental United States with infrastructure constraints imposed by unique geographical characteristics.

Permits funds to be used for security planning, operating expenses, infrastructure, rail grade crossing improvements, and acquisitions of rights-of-way or equipment.

Requires that projects: (1) encourage positive train control technologies; (2) have particularly high safety levels; (3) encourage intermodal connectivity; (4) ensure regional balance; and (5) are compatible with metropolitan and state surface transportation plans.

Requires project assistance recipients to buy American above a de minimis amount, permitting exemptions as specified.

Requires the use of competitive bidding as a condition of receiving project assistance.

(Sec. 204) Grants funding priority to designated high-speed rail corridors. Designates the following as high-speed rail corridors: (1) the California Corridor connecting the San Francisco Bay area and Sacramento to Los Angeles and San Diego; (2) the Chicago Hub Corridor Network with specified spokes; (3) the Empire State Corridor from New York City, New York, through Albany, New York, to Buffalo, New York; (4) the Florida High-Speed Rail Corridor from Tampa through Orlando to Miami; (5) the Gulf Coast Corridor from Houston Texas, through New Orleans, Louisiana, to Mobile, Alabama, with a branch from New Orleans, through Meridian, Mississippi, and Birmingham, Alabama, to Atlanta, Georgia; (6) the Keystone Corridor from Philadelphia, Pennsylvania, through Harrisburg, Pennsylvania, to Pittsburgh, Pennsylvania; (7) the Northeast Corridor from Washington, District of Columbia, through New York City, New York, New Haven, Connecticut, and Providence, Rhode Island, to Boston, Massachusetts, with a branch from New Haven, Connecticut, to Springfield, Massachusetts; (8) the New England Corridor from Boston, Massachusetts, to Portland and Auburn, Maine, and from Boston, Massachusetts, through Concord, New Hampshire, and Montpelier, Vermont, to Montreal, Quebec; (9) the Pacific Northwest Corridor from Eugene, Oregon, through Portland, Oregon, and Seattle, Washington, to Vancouver, British Columbia; (10) the South Central Corridor from San Antonio, Texas, through Dallas/Fort Worth to Little Rock, Arkansas, with a branch from Dallas/Fort Worth through Oklahoma City, Oklahoma, to Tulsa, Oklahoma; (11) the Southeast Corridor from Washington, District of Columbia, through Richmond, Virginia, Raleigh, North Carolina, Columbia, South Carolina, Savannah, Georgia, and Jessup, Georgia, to Jacksonville, Florida, with specified branches; and (12) the Southwest Corridor from Los Angeles, California, to Las Vegas, Nevada.

(Sec. 205) States that current employee protections remain unaffected by this Act. Requires that projects under this Act comply with: (1) Davis-Bacon prevailing wage and other labor standard requirements; and (2) protections equivalent to those imposed by the Amtrak Reform and Accountability Act of 1997 concerning discontinuance.

(Sec. 206) Authorizes funding the entire cost of projects that improve or eliminate highway-rail grade crossings in high-speed corridors, subject to specified conditions. Permits the relocation of a portion of a highway or a railway to eliminate a hazard.

Authorizes the Secretary to classify projects and set a percentage of funding to be met by the railroad(s) according to their net benefit received, up to ten percent. Makes the railroad(s) liable to the United States for such net benefit, permitting payment in materials and labor.

Requires the Secretary to survey crossings and establish a schedule for projects. Grants priority to the elimination of crossings but authorizes expenditures for the installation of protective devices. Requires equitable apportionment of funds between high-speed rail corridor railway-highway crossings on the Northeast Corridor and such crossings outside the Corridor, based upon traffic volume and patterns and existing hazard warnings.

Requires the Secretary to report annually to the appropriate congressional committees on the effectiveness of the improvements, including cost and accident assessments and State compliance.

Provides local governments with funds under this program as: (1) matching funds when required for the expenditure of State funds; and (2) incentive payments when public at-grade high-speed rail corridor railway-highway crossings under its jurisdiction are permanently closed and the railroad also makes an incentive payment.

Requires the coordination of this program with existing requirements concerning the classification of projects and railroad share of cost and highway railway crossings.

(Sec. 207) Authorizes appropriations for FY 2003 through 2007, earmarking funds for high-speed rail corridor planning and implementation and technology improvement.

**Title III : National Railroad Passenger Corporation** - Defines the national rail passenger transportation system to include: (1) the Northeast Corridor between Boston, Massachusetts, and Washington, D.C.; (2) designated rail corridors sufficiently improved to permit high-speed service; (3) current long-distance routes of more than 750 miles between Amtrak endpoints; and (4) current short-distance corridors or routes unless discontinued by Amtrak.

Authorizes Amtrak to contract to operate an intercity rail service or route not included in the national rail passenger transportation system. Permits discontinuance of such service or route upon termination of a contract or the cessation of financial support. Continues Amtrak's authority to restore, improve, or develop non-high-speed intercity passenger rail service.

(Sec. 302) Amends the Amtrak Reform and Accountability Act of 1997 to repeal the requirements of: (1) operating self-sufficiency; and (2) redemption of common stock for fair market value by the start of FY 2003. Authorizes Amtrak to obtain lease arrangement services from the Administrator of General Services for FY 2003 through 2007. States that Amtrak's right to bring claims under the False Claims Act remains unaffected.

(Sec. 303) Authorizes appropriations to Amtrak for FY 2003 through 2007 for: (1) excess mandatory contributions to the Railroad Retirement Trust Account; (2) retirement of principal and payment of interest on loans for capital equipment, or capital leases; (3) environmental compliance; and (4) compliance with the Americans With Disabilities Act of 1990 (ADA). Permits an extension of ADA compliance deadlines if substantial progress has been made but compliance has not been achieved due to insufficient funding.

Requires the reinvestment of net revenues from non-passenger operations after systemwide current liabilities have been satisfied.

(Sec. 304) Authorizes appropriations for FY 2003 through 2007 for the Northeast Corridor for capital investment in infrastructure, fleet, stations and facilities, both backlog and ongoing, and technology upgrades.

Authorizes appropriations for FY 2003 for life safety improvements to specified tunnels in New York, Washington, D.C., and Baltimore. Directs the Secretary to consider and attain financial contributions from other rail carriers using such tunnels, where feasible.

Authorizes appropriations for FY 2003 through 2007 for corridor growth investments. Requires the reinvestment of net revenue from core passenger operations for capital needs until the backlog is completed.

(Sec. 305) Authorizes appropriations for FY 2003 through 2007 for: (1) operating costs associated with long-distance trains; (2) capital backlog and upgrades; (3) ongoing capital infrastructure; (4) capital fleet needs; (5) capital stations and facilities; and (6) technology needs.

(Sec. 306) Authorizes appropriations for FY 2003 through 2007 for routes outside the Northeast Corridor for: (1) capital backlog on infrastructure and fleet; and (2) ongoing capital infrastructure, fleet, capital stations and facilities, and technology needs.

(Sec. 307) Directs the Secretary of Transportation to re-establish the Northeast Corridor Safety Committee through 2007.

(Sec. 308) Authorizes Amtrak to petition the Surface Transportation Board to investigate delays on intercity passenger train service when service falls below an 80 percent on-time performance level.

(Sec. 309) Revises provisions concerning the board of directors of Amtrak.

(Sec. 310) Requires Amtrak to employ an independent financial consultant to assess current accounting and reporting systems and practices and to implement a modern system, subject to the oversight of the Inspector General of the Department of Transportation and the appropriate congressional committees. Requires that such system be able to assign revenues and expenses to each line of business and major activity, aggregate expenses and revenues related to infrastructure as opposed to operations, and provide ticketing and reservation information on a real-time basis. Authorizes appropriations.

(Sec. 311) Requires Amtrak's board of directors to prepare and submit to the Inspector General an annual budget and five-year financial plan projecting revenues and expenditures, ridership, capital and operating funding needs, financial stability, debt, and cash flow. Requires the Inspector General to assess and report to the appropriate congressional committees on such plan.

(Sec. 312) Requires Amtrak to revise its operations reporting methodology for preparing the annual operations reports (Route Profitability System report), specifically excluding non-core profits in calculating train performance.

(Sec. 313) Requires Amtrak to allocate appropriations proportionately, after first meeting mandatory retirement contributions.

(Sec. 314) Directs the Inspector General to hire an independent auditor to establish objective criteria for Amtrak service changes, such criteria to be incorporated in decisions made by the board of directors concerning routes, service, capital plans, and budgets. Requires the board to notify the appropriate congressional committees and explain whenever they make a service decision inconsistent with such criteria. Authorizes appropriations.

**Title IV: Miscellaneous** - Revises the Railroad Rehabilitation and Improvement Financing (RRIF) program to require rather than permit the Secretary to provide direct loans to State and local governments for railroad non-operating expenses, including safety and security equipment and facilities. Increases: (1) the aggregate unpaid principal amount of obligations under direct loans and loan guarantees; and (2) set asides for projects primarily benefitting freight railroads other than Class I carriers.

Revises provisions concerning a cohort of loans, including size and characteristic as a credit risk premium factor, composition, and limits. Prohibits the Secretary from limiting the proportion of a cohort which may be used for a single loan or guarantee.

Modifies requirements for a direct loan or guarantee to exclude the need for collateral or a previous search for alternative financing. Establishes time limits for loan approval or disapproval and for the publication of standards and criteria concerning the same.

Limits loan fees and charges to investigation charges to appraise equipment. Requires such charges to be credited to appropriations for loan administration.

Deems as rail carriers persons conducting rail operations funded with RRIF loans.

(Sec. 402) Directs the Secretary to establish and implement a rail passenger cooperative research program to address intercity rail passenger services and related issues including the indirect effects of rail passenger service, modal choice, technology priorities, management and maintenance improvement, and rail capacity constraints.

Directs the Secretary to establish an advisory board to recommend research, technology, and technology transfer activities related to rail passenger transportation.

Authorizes appropriations for FY 2003 through 2007.

(Sec. 403) Makes conforming amendments to acknowledge the supplanting of duties of the Interstate Commerce Commission by the Surface Transportation Board.

(Sec. 404) Amends the Alaska Railroad Transfer Act of 1982 to authorize the Alaska Railroad to exchange lands along its right-of-way.

### **Actions Timeline**

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- **May 29, 2002:** Committee on Commerce, Science, and Transportation. Reported by Senator Hollings under authority of the order of the Senate of 05/22/2002 with an amendment in the nature of a substitute. With written report No. 107-157. Minority views filed.
- **May 29, 2002:** Committee on Commerce, Science, and Transportation. Reported by Senator Hollings under authority of the order of the Senate of 05/22/2002 with an amendment in the nature of a substitute. With written report No. 107-157. Minority views filed.
- **May 29, 2002:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 404.
- **Apr 18, 2002:** Committee on Commerce, Science, and Transportation. Ordered to be reported with an amendment in the nature of a substitute favorably.
- **Mar 14, 2002:** Committee on Commerce, Science, and Transportation. Hearings held. Hearings printed: S.Hrg. 107-1078.
- **Mar 6, 2002:** Introduced in Senate
- **Mar 6, 2002:** Sponsor introductory remarks on measure. (CR S1600-1602)
- **Mar 6, 2002:** Read twice and referred to the Committee on Commerce, Science, and Transportation. (text of measure as introduced: CR S1602-1610)