

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 6003)
TO REAUTHORIZE AMTRAK, AND FOR OTHER PURPOSES

JUNE 9, 2008.—Referred to the House Calendar and ordered to be printed

Ms. MATSUI, from the Committee on Rules,
submitted the following

R E P O R T

[To accompany H. Res. 1253]

The Committee on Rules, having had under consideration House Resolution 1253, by a non-record vote, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 6003, the “Passenger Rail Investment and Improvement Act of 2008,” under a structured rule. The resolution provides for one hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure.

The resolution waives all points of order against consideration of the bill except those arising under clause 9 or 10 of rule XXI. The resolution makes in order the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure as the original bill for the purpose of further amendment and considers the committee amendment as read. The resolution waives all points of order against the committee amendment except those arising under clause 10 of rule XXI. This waiver does not affect the point of order available under clause 9 of rule XXI (regarding earmark disclosure).

The resolution makes in order only those amendments printed in this report and waives all points of order against such amendments except those arising under clause 9 or 10 of rule XXI. The amendments made in order shall be considered as read, shall be debatable for the time specified in this report equally divided by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question.

The resolution provides one motion to recommit with or without instructions. Finally, notwithstanding the operation of the previous question, the Chair may postpone further consideration until a time designated by the Speaker.

EXPLANATION OF WAIVERS

Although the rule waives all points of order against the bill and its consideration (except for those arising under clause 9 or 10 of rule XXI), the Committee is not aware of any specific points of order. The waivers of all points of order against the bill and against its consideration are prophylactic in nature.

SUMMARY OF AMENDMENTS MADE IN ORDER

(Summaries derived from information provided by sponsors.)

1. Oberstar (MN): Manager's Amendment. Would provide that none of the funds may be used to employ workers in violation of section 274A of the Immigration and Nationality Act; and requires the Secretary of Transportation to conduct a study on ways to streamline compliance with National Historic Preservation Act requirements for federally funded railroad infrastructure projects. It also contains provisions regarding the Northeast Corridor. It requires studies regarding the expansion of the South Central High-Speed Rail Corridor to Memphis and to far south Texas. It requires proposals for building station stops for the proposed high-speed rail system in the Northeast Corridor. It also would authorize intercity passenger rail grants to be used for bicycle access into rolling stock and would provide bicycle racks in trains. Finally, it makes technical corrections to the bill. (30 minutes)

2. Davis, Tom (VA)/Van Hollen (MD)/Hoyer (MD): Would authorize the Transportation Secretary to make grants to the Washington Metropolitan Area Transit Authority to finance in part the capital and preventive maintenance projects included in the Capital Improvement Program approved by the Board of Directors of the Transit Authority. It would prohibit funds to the Transit Authority unless the Authority ensures its rail customers have access to any services provided by any licensed wireless provider that notifies the Authority of its intent to offer services to the public. (10 minutes)

3. Smith, Adam (WA): Would require Amtrak to engage in good faith discussions, with commuter rail entities and public transportation authorities operating on the same trackage owned by a rail carrier as Amtrak, with respect to routing and timing of trains to efficiently move a maximal number of commuters, intercity, and passenger rail passengers, particularly during peak times of commuter usage. It also would require such discussion with respect to the expansion and enhancement of commuter rail and regional rail public transportation service. (10 minutes)

4. Sessions (TX): Would prohibit funds from being used for the long distance Amtrak route with the highest cost per seat/mile according to Amtrak's March 2008 monthly performance report unless the Secretary has transmitted a waiver for this route or a portion of it because the Secretary considers it critical to homeland security. (10 minutes)

5. McCarthy (NY): Would add to the passenger rail system comparison study a request to study train horn technology, with an

emphasis on reducing train horn noise and its effect on local communities. (10 minutes)

6. Flake (AZ): Would remove section 104 of the bill (Baltimore tunnel project). (10 minutes)

7. Murphy, Christopher (CT): Would express support for commuter rail service between New Haven, CT, and Springfield, MA. It would encourage Amtrak to cooperate with state Departments of Transportation to expand commuter rail service on that line. Amtrak shall report to Congress and the Transportation Departments of Connecticut and Massachusetts on the total cost of uncompleted infrastructure maintenance on the rail line between New Haven and Springfield. (10 minutes)

8. Murphy, Patrick (PA)/Schwartz (PA)/Holt (NJ): Would require Amtrak, within one year of enactment, to report to Congress on the results of an evaluation of passenger rail between Cornwells Heights, PA, and New York City, NY, and between Princeton Junction, NJ, and New York City, NY, to determine whether to expand passenger rail service by increasing the frequency of stops or reducing commuter ticket prices for this route. (10 minutes)

TEXT OF AMENDMENTS MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE OBERSTAR OF MINNESOTA, OR HIS DESIGNEE, DEBATABLE FOR 30 MINUTES

In section 101(c)—

(1) strike “AMERICANS WITH DISABILITIES ACT COMPLIANCE” in the subsection heading and insert “ACCESSIBILITY IMPROVEMENTS AND BARRIER REMOVAL FOR PEOPLE WITH DISABILITIES”; and

(2) strike “for compliance with the requirements of the Americans With Disabilities Act of 1990 (42 U.S.C. 12101 et seq.)” and insert “to improve the accessibility of facilities, including rail platforms, and services”.

In title I, add at the end the following new section (and amend the table of contents accordingly):

SEC. 105. COMPLIANCE WITH IMMIGRATION AND NATIONALITY ACT.

Notwithstanding any other provision of this Act, none of the funds authorized by this Act may be used to employ workers in violation of section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a).

In section 205(a), strike “103(c)” and insert “103(2)”.

In section 209(a), in the proposed section 24905(b)—

(1) strike “and” at the end of paragraph (8);

(2) strike the period at the end of paragraph (9) and insert “; and”; and

(3) after paragraph (9), insert the following new paragraph: “(10) potential funding and financing mechanisms for projects of corridor-wide significance.

In section 209(a), in the proposed section 24905(c)(1)(A)—

(1) strike “and” at the end of clause (i);

(2) insert “and” at the end of clause (ii); and

(3) after clause (ii), insert the following new clause:

“(iii) all financial contributions made by an operator of a service, including but not limited to, for any cap-

ital infrastructure investments, as well as for any in-kind services, are considered;

In section 209(c)(2)(B), insert “, including but not limited to, any adverse impact on existing and projected intercity, commuter, and freight service” after “such an achievement”.

In section 211, insert “including issues related to the raising of passenger rail station platforms,” after “to achieving compliance.”

In section 211, strike “an overall schedule” and insert “a detailed plan and schedule”.

In section 211, insert “by the 2010 statutory deadline for station accessibility” after “parts of section 242(e)(2)”.

In section 211, strike “July 1, 2009” and insert “February 1, 2009”.

Strike subsection (c) of section 214.

In title II, add at the end the following new section (and amend the table of contents accordingly):

SEC. 225. HISTORIC PRESERVATION AND RAILROAD SAFETY.

(a) STUDY; OTHER ACTIONS.—The Secretary of Transportation shall—

(1) conduct a study, in consultation with the Advisory Council on Historic Preservation, the National Conference of State Historic Preservation Officers, the Department of the Interior, appropriate representatives of the railroad industry, and representative stakeholders, on ways to streamline compliance with the requirements of section 303 of title 49, United States Code, and section 106 of the National Historic Preservation Act (16 U.S.C. 470f) for federally funded railroad infrastructure repair and improvement projects;

(2) take immediate action to cooperate with the Alaska Railroad, the Alaska State Historic Preservation Office, the Advisory Council on Historic Preservation, and the Department of the Interior, in expediting the decisionmaking process for safety-related projects of the railroad involving property and facilities that have disputed historic significance; and

(3) take immediate action to cooperate with the North Carolina Department of Transportation, the North Carolina State Historic Preservation Office, the Virginia State Historic Preservation Office, the Advisory Council on Historic Preservation, and the Department of the Interior, in expediting the decisionmaking process for safety-related projects of the railroad and the Southeast High Speed Rail Corridor involving property and facilities that have disputed historic significance.

(b) REPORT.—Not later than one year after the date of enactment of this Act, the Secretary shall submit, to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, a report on the results of the study conducted under subsection (a)(1) and the actions directed under subsection (a)(2) and (3). The report shall include recommendations for any regulatory or legislative amendments that may streamline compliance with the requirements described in subsection (a)(1) in a manner consistent with railroad safety and the policies and purposes of section 106 of the National Historic Preservation Act (16 U.S.C. 470f), section 303 of title 49, United States Code, and section 8(d) of Public Law 90–543 (16 U.S.C. 1247(d)).

In section 301, in the proposed section 24402, add at the end the following new subsection:

“(k) BICYCLE ACCESS.—Grants under this chapter may be used to provide bicycle access into rolling stock, and to provide bicycle racks in trains.”.

In section 301, in the proposed section 24405(e), strike paragraph (1) and redesignate paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

In section 502(a)(2), amend subparagraph (F) to read as follows:

(F) the locations of proposed stations, identifying, in the case of a proposal submitted under paragraph (1) (A), a plan allowing for station stops at or in close proximity to the busiest Amtrak stations;

In section 503—

(1) strike “and” at the end of paragraph (1);

(2) strike the period at the end of paragraph (2) and insert a semicolon; and

(3) insert after paragraph (2) the following new paragraphs:

(3) a feasibility analysis regarding the expansion of the South Central High-Speed Rail Corridor to Memphis, Tennessee; and

(4) a feasibility analysis regarding the expansion of the South Central High-Speed Rail Corridor south of San Antonio to a location in far south Texas to be chosen at the discretion of the Secretary.

In section 504(e), strike paragraph (1) and redesignate paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE DAVIS OF VIRGINIA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Add at the end of title I the following new section:

SEC. 105. AUTHORIZATION FOR CAPITAL AND PREVENTIVE MAINTENANCE PROJECTS FOR WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY.

(a) AUTHORIZATION.—

(1) IN GENERAL.—Subject to the succeeding provisions of this section, the Secretary of Transportation is authorized to make grants to the Transit Authority, in addition to the contributions authorized under sections 3, 14, and 17 of the National Capital Transportation Act of 1969 (sec. 9–1101.01 et seq., D.C. Official Code), for the purpose of financing in part the capital and preventive maintenance projects included in the Capital Improvement Program approved by the Board of Directors of the Transit Authority.

(2) DEFINITIONS.—In this section—

(A) the term “Transit Authority” means the Washington Metropolitan Area Transit Authority established under Article III of the Compact; and

(B) the term “Compact” means the Washington Metropolitan Area Transit Authority Compact (80 Stat. 1324; Public Law 89–774).

(b) USE OF FUNDS.—The Federal grants made pursuant to the authorization under this section shall be subject to the following limitations and conditions:

(1) The work for which such Federal grants are authorized shall be subject to the provisions of the Compact (consistent with the amendments to the Compact described in subsection (d)).

(2) Each such Federal grant shall be for 50 percent of the net project cost of the project involved, and shall be provided in cash from sources other than Federal funds or revenues from the operation of public mass transportation systems. Consistent with the terms of the amendment to the Compact described in subsection (d)(1), any funds so provided shall be solely from undistributed cash surpluses, replacement or depreciation funds or reserves available in cash, or new capital.

(3) Such Federal grants may be used only for the maintenance and upkeep of the systems of the Transit Authority as of the date of the enactment of this Act and may not be used to increase the mileage of the rail system.

(c) **APPLICABILITY OF REQUIREMENTS FOR MASS TRANSPORTATION CAPITAL PROJECTS RECEIVING FUNDS UNDER FEDERAL TRANSPORTATION LAW.**—Except as specifically provided in this section, the use of any amounts appropriated pursuant to the authorization under this section shall be subject to the requirements applicable to capital projects for which funds are provided under chapter 53 of title 49, United States Code, except to the extent that the Secretary of Transportation determines that the requirements are inconsistent with the purposes of this section.

(d) **AMENDMENTS TO COMPACT.**—No amounts may be provided to the Transit Authority pursuant to the authorization under this section until the Transit Authority notifies the Secretary of Transportation that each of the following amendments to the Compact (and any further amendments which may be required to implement such amendments) have taken effect:

(1)(A) An amendment requiring that all payments by the local signatory governments for the Transit Authority for the purpose of matching any Federal funds appropriated in any given year authorized under subsection (a) for the cost of operating and maintaining the adopted regional system are made from amounts derived from dedicated funding sources.

(B) For purposes of this paragraph, the term “dedicated funding source” means any source of funding which is earmarked or required under State or local law to be used to match Federal appropriations authorized under this Act for payments to the Transit Authority.

(2) An amendment establishing an Office of the Inspector General of the Transit Authority.

(3) An amendment expanding the Board of Directors of the Transit Authority to include 4 additional Directors appointed by the Administrator of General Services, of whom 2 shall be nonvoting and 2 shall be voting, and requiring one of the voting members so appointed to be a regular passenger and customer of the bus or rail service of the Transit Authority.

(e) **ACCESS TO WIRELESS SERVICE IN METRORAIL SYSTEM.**—

(1) **REQUIRING TRANSIT AUTHORITY TO PROVIDE ACCESS TO SERVICE.**—No amounts may be provided to the Transit Authority pursuant to the authorization under this section unless the Transit Authority ensures that customers of the rail service of

the Transit Authority have access within the rail system to services provided by any licensed wireless provider that notifies the Transit Authority (in accordance with such procedures as the Transit Authority may adopt) of its intent to offer service to the public, in accordance with the following timetable:

(A) Not later than 1 year after the date of the enactment of this Act, in the 20 underground rail station platforms with the highest volume of passenger traffic.

(B) Not later than 4 years after such date, throughout the rail system.

(2) ACCESS OF WIRELESS PROVIDERS TO SYSTEM FOR UPGRADES AND MAINTENANCE.—No amounts may be provided to the Transit Authority pursuant to the authorization under this section unless the Transit Authority ensures that each licensed wireless provider who provides service to the public within the rail system pursuant to paragraph (1) has access to the system on an ongoing basis (subject to such restrictions as the Transit Authority may impose to ensure that such access will not unduly impact rail operations or threaten the safety of customers or employees of the rail system) to carry out emergency repairs, routine maintenance, and upgrades to the service.

(3) PERMITTING REASONABLE AND CUSTOMARY CHARGES.—Nothing in this subsection may be construed to prohibit the Transit Authority from requiring a licensed wireless provider to pay reasonable and customary charges for access granted under this subsection.

(4) REPORTS.—Not later than 1 year after the date of the enactment of this Act, and each of the 3 years thereafter, the Transit Authority shall submit to the Committee on Oversight and Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the implementation of this subsection.

(5) DEFINITION.—In this subsection, the term “licensed wireless provider” means any provider of wireless services who is operating pursuant to a Federal license to offer such services to the public for profit.

(f) AMOUNT.—There are authorized to be appropriated to the Secretary of Transportation for grants under this section an aggregate amount not to exceed \$1,500,000,000 to be available in increments over 10 fiscal years beginning in fiscal year 2009, or until expended.

(g) AVAILABILITY.—Amounts appropriated pursuant to the authorization under this section shall remain available until expended.

3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SMITH OF WASHINGTON, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

In title IV, add at the end the following new section (and amend the table of contents accordingly):

SEC. 402. ROUTING EFFICIENCY DISCUSSIONS WITH AMTRAK.

Amtrak shall engage in good faith discussions, with commuter rail entities and regional and State public transportation authori-

ties operating on the same trackage owned by a rail carrier as Amtrak, with respect to the routing and timing of trains to most efficiently move a maximal number of commuter, intercity, and regional rail passengers, particularly during the peak times of commuter usage at the morning and evening hours marking the start and end of a typical work day, and with respect to the expansion and enhancement of commuter rail and regional rail public transportation service.

4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SESSIONS OF TEXAS, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

In title I, add at the end the following new section (and amend the table of contents accordingly):

SEC. 105. LIMITATION.

None of the operating funds authorized in this Act may be used by Amtrak for the long distance route that has the highest cost per seat/mile ratio according to the March 2008 Amtrak monthly performance report, unless the Secretary has transmitted a waiver for this route or a portion of the route because the Secretary considers it to be critical to homeland security.

5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MCCARTHY OF NEW YORK, OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

In section 304(a), in the proposed section 24910(b)—

- (1) strike “and” at the end of paragraph (11);
- (2) strike the period at the end of paragraph (12) and insert “; and”; and
- (3) after paragraph (12), add the following new paragraph:
“(13) the development and use of train horn technology, including, but not limited to, broadband horns, with an emphasis on reducing train horn noise and its effect on communities.

6. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE FLAKE OF ARIZONA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Strike section 104 and the item relating thereto in the table of contents.

7. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MURPHY OF CONNECTICUT, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

In title II, add at the end the following new section (and amend the table of contents accordingly):

SEC. 225. COMMUTER RAIL EXPANSION.

- (a) FINDINGS.—The Congress find the following:
 - (1) In 2006, Americans took 10,100,000,000 trips on public transportation for the first time since 1949.
 - (2) The Northeast region is one of the Nation’s largest emerging transportation “megaregions” where infrastructure expansion and improvements are most needed.
 - (3) New England’s road traffic has increased two to three times faster than its population since 1990.

(4) Connecticut has one of the Nation's longest average commute times according to the United States Census Bureau, and 80 percent of Connecticut commuters drive by themselves to work, demonstrating the need for expanded commuter rail access.

(5) The Connecticut Department of Transportation has pledged to modernize, repair, and strengthen the rail line infrastructure to provide for increased safety and security along a crucial transportation corridor in the Northeast.

(6) Expanded New Haven-Springfield rail service would improve access to Bradley International Airport, one the region's busiest airports, as well as to Hartford, Connecticut, and Springfield, Massachusetts, two of the region's commercial, residential, and industrial centers.

(7) Expanded commuter rail service on the New Haven-Springfield line will result in an estimated 630,000 additional trips per year and 2,215,384 passenger miles per year, helping to curb pollution and greenhouse gas production that vehicle traffic would otherwise produce.

(8) The MetroNorth New Haven Line and Shore Line East railways saw respective 3.43 percent and 4.93 percent increases in ridership over the course of 2007, demonstrating the need for expanded commuter rail service in Connecticut.

(9) Expanded New Haven-Springfield commuter rail service will provide transportation nearly 17 times more efficient in terms of average mileage versus road vehicles, alleviating road congestion and providing a significant savings to consumers during a time of high gas prices.

(b) SENSE OF CONGRESS.—It is the Sense of the Congress that expanded commuter rail service on the rail line between New Haven, Connecticut, and Springfield, Massachusetts, is an important transportation priority, and Amtrak should work cooperatively with the States of Connecticut and Massachusetts to enable expanded commuter rail service on such line.

(c) INFRASTRUCTURE MAINTENANCE REPORT.—Amtrak shall submit a report to Congress and the State Departments of Transportation of Connecticut and Massachusetts on the total cost of uncompleted infrastructure maintenance on the rail line between New Haven, Connecticut, and Springfield, Massachusetts.

8. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE PATRICK MURPHY OF PENNSYLVANIA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

In title II, add at the end the following new section (and amend the table of contents accordingly):

SEC. 225. SERVICE EVALUATION.

Not later than 1 year after the date of enactment of this Act, Amtrak shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing the results of an evaluation of passenger rail service between Cornwells Heights, PA, and New York City, NY, and between Princeton Junction, NJ, and New York City, NY, to deter-

mine whether to expand passenger rail service by increasing the frequency of stops or reducing commuter ticket prices for this route.

