

104<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. 733

To amend title 23, United States Code, to permit States to use Federal highway funds for capital improvements to, and operating support for, intercity passenger rail service, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

APRIL 27 (legislative day, APRIL 24), 1995

Mr. ROTH (for himself, Mr. BIDEN, Mr. JEFFORDS, Mr. LEAHY, Mr. MOYNIHAN, Mrs. MURRAY, Mr. CHAFEE, Mrs. BOXER, Mr. COHEN, and Mr. LAUTENBERG) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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## A BILL

To amend title 23, United States Code, to permit States to use Federal highway funds for capital improvements to, and operating support for, intercity 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 “Intercity Rail Infra-  
5 structure Investment Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

1           (1) intercity passenger rail service is an essen-  
2           tial component of an integrated national transpor-  
3           tation system;

4           (2) Amtrak must lessen its dependence on Fed-  
5           eral operating support and instead enter into more  
6           sustaining partnerships with States, multi-State re-  
7           gions, and localities;

8           (3) intercity passenger rail service can play a  
9           significant role in reducing traffic congestion, im-  
10          prove national ambient air quality standards, and  
11          lower fuel consumption;

12          (4) since certain major rail corridors clearly  
13          meet the description of National Highway System  
14          principal arterial routes in section 103(b)(1) of title  
15          23, United States Code, by serving major population  
16          centers, major travel destinations, and other inter-  
17          modal transportation facilities, the corridors should  
18          be designated as part of the mapped National High-  
19          way System;

20          (5) since intercity passenger rail service is often  
21          provided in the same corridor as, or in proximity to,  
22          a designated segment of the National Highway Sys-  
23          tem or will improve the level of service on a National  
24          Highway System segment, the service should be eli-

1 gible for funding under section 103(i) of title 23,  
2 United States Code;

3 (6) States should be given the maximum flexi-  
4 bility in the use of Federal transportation funds pro-  
5 vided under titles 23 and 49, United States Code, to  
6 provide—

7 (A) transportation systems that reflect  
8 local priorities; and

9 (B) the highest quality most appropriate  
10 transportation services for citizens of the  
11 States; and

12 (7) Federal law should not restrict the rights of  
13 States to use their Federal transportation allocation  
14 for intercity passenger rail service.

15 **SEC. 3. DESIGNATION OF CERTAIN CORRIDORS AS PART OF**  
16 **NATIONAL HIGHWAY SYSTEM.**

17 Section 103 of title 23, United States Code, is  
18 amended by inserting after subsection (b) the following:

19 “(c) RAIL LINES AND RELATED FACILITIES.—The  
20 National Highway System as designated pursuant to this  
21 section shall include the rail lines and related facilities  
22 owned or used by the National Railroad Passenger Cor-  
23 poration for the provision of intercity passenger service be-  
24 tween Boston, Massachusetts, and Washington, District of  
25 Columbia (including the rail lines owned by the Corpora-

1 tion between Philadelphia, Pennsylvania, and Harrisburg,  
 2 Pennsylvania, and between New Haven, Connecticut, and  
 3 Springfield, Massachusetts); between New York, New  
 4 York, and Albany, New York; between Albany, New York,  
 5 and Buffalo, New York; between Washington, District of  
 6 Columbia, and Richmond, Virginia; between Raleigh,  
 7 North Carolina, and Charlotte, North Carolina; between  
 8 Miami, Florida, and Tampa, Florida (through West Palm  
 9 Beach, Florida, and Orlando, Florida); between Detroit,  
 10 Michigan, and Chicago, Illinois; between Milwaukee, Wis-  
 11 consin, and Chicago, Illinois; between St. Louis, Missouri,  
 12 and Chicago, Illinois; between San Diego, California, and  
 13 Sacramento, California (through Los Angeles, California,  
 14 and Oakland, California); and between Eugene, Oregon,  
 15 and Vancouver, British Columbia (through Portland,  
 16 Oregon).”.

17 **SEC. 4. INTERSTATE RAIL COMPACTS.**

18 (a) CONSENT TO COMPACTS.—Congress grants con-  
 19 sent to States with an interest in a specific form, route,  
 20 or corridor of intercity passenger rail service (including  
 21 high speed rail service) to enter into interstate compacts  
 22 to promote the provision of the service, including—

23 (1) retaining an existing service or commencing  
 24 a new service;

25 (2) assembling rights-of-way; and

1           (3) performing capital improvements, includ-  
2     ing—

3           (A) the construction and rehabilitation of  
4     maintenance facilities;

5           (B) the purchase of locomotives; and

6           (C) operational improvements, including  
7     communications, signals, and other systems.

8     (b) FINANCING.—An interstate compact established  
9     by States under subsection (a) may provide that, in order  
10    to carry out the compact, the States may—

11           (1) accept contributions from a unit of State or  
12    local government or a person;

13           (2) use any Federal or State funds made avail-  
14    able for intercity passenger rail service (except funds  
15    made available for the National Railroad Passenger  
16    Corporation);

17           (3) on such terms and conditions as the States  
18    consider advisable—

19           (A) borrow money on a short-term basis  
20    and issue notes for the borrowing; and

21           (B) issue bonds; and

22           (4) obtain financing by other means permitted  
23    under Federal or State law.

1 **SEC. 5. ELIGIBILITY OF PASSENGER RAIL AS NATIONAL**  
2 **HIGHWAY SYSTEM PROJECT.**

3 Section 103(i) of title 23, United States Code, is  
4 amended by adding at the end the following:

5 “(14) Construction of and operational improve-  
6 ments for intercity passenger rail facilities, operation  
7 of intercity passenger rail trains, and acquisition of  
8 rolling stock for intercity passenger rail service, ex-  
9 cept that not more than 50 percent of the amount  
10 received by a State for a fiscal year under this para-  
11 graph may be obligated for operation.”.

12 **SEC. 6. ELIGIBILITY OF PASSENGER RAIL UNDER CONGES-**  
13 **TION MITIGATION AND AIR QUALITY IM-**  
14 **PROVEMENT PROGRAM.**

15 The first sentence of section 149(b) of title 23, Unit-  
16 ed States Code, is amended—

17 (1) in paragraph (2), by striking “or” at the  
18 end;

19 (2) in paragraph (3), by striking the period at  
20 the end and inserting “; or”; and

21 (3) by adding at the end the following:

22 “(4) if the project or program will have air  
23 quality benefits through construction of and oper-  
24 ational improvements for intercity passenger rail fa-  
25 cilities, operation of intercity passenger rail trains,  
26 and acquisition of rolling stock for intercity pas-

1 senger rail service, except that not more than 50  
2 percent of the amount received by a State for a fis-  
3 cal year under this paragraph may be obligated for  
4 operating support.”.

5 **SEC. 7. ELIGIBILITY OF PASSENGER RAIL FOR MASS**  
6 **TRANSPORTATION FUNDING.**

7 (a) DEFINITION OF MASS TRANSPORTATION.— Sec-  
8 tion 5302(a)(7) of title 49, United States Code, is amend-  
9 ed by inserting “including intercity passenger rail trans-  
10 portation,” after “public”.

11 (b) DEFINITION OF DESIGNATED RECIPIENT.—Sec-  
12 tion 5307(a)(2) of title 49, United States Code, is amend-  
13 ed—

14 (1) in subparagraph (B), by striking “or” at  
15 the end;

16 (2) in subparagraph (C), by striking the period  
17 at the end and inserting “; or” and

18 (3) by adding at the end the following:

19 “(D) a provider of intercity passenger rail  
20 transportation.”.

21 (c) FINANCIAL ASSISTANCE FOR OTHER THAN UR-  
22 BANIZED AREAS.—Section 5311(b) of title 49, United  
23 States Code, is amended by adding at the end the follow-  
24 ing:

1       “(3) Grants for intercity passenger rail service under  
2 this section shall be used to preserve the maximum choice  
3 of passenger modes in areas other than urbanized areas.”.

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