

107TH CONGRESS  
1ST SESSION

# H. R. 3591

To provide for the competitive operation of the Northeast rail corridor and Autotrain using State and private sector initiatives.

---

## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 20, 2001

Mr. MICA (for himself, Mr. DELAY, Mr. GRAVES, Mr. HEFLEY, Mr. DAN MILLER of Florida, Mr. KINGSTON, Mr. LINDER, Mr. COLLINS, Mr. POMBO, Mr. PETRI, and Mr. STEARNS) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

---

## A BILL

To provide for the competitive operation of the Northeast rail corridor and Autotrain using State and private sector initiatives.

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 “Systemic Passenger  
5 Infrastructure and Network Overhaul through Financial  
6 Freedom Act”.

7 **SEC. 2. INTERIM DIRECTED SERVICE.**

8 (a) TRANSFER OF OWNERSHIP.—Effective on the  
9 date of the enactment of this Act—

1           (1) title to all property of the National Railroad  
2           Passenger Corporation necessary for the operation  
3           of the main line of the Northeast Corridor between  
4           the District of Columbia and Boston, Massachusetts,  
5           and the Autotrain shall transfer to the Secretary of  
6           Transportation; and

7           (2) the note and mortgage described in section  
8           24907 of title 49, United States Code, is canceled,  
9           in consideration for the transfer described in para-  
10          graph (1).

11          (b) INTERIM OPERATIONS.—The Secretary of Trans-  
12          portation shall ensure the continuation of maintenance  
13          and dispatching of service on the main line of the North-  
14          east Corridor between the District of Columbia and Bos-  
15          ton, Massachusetts, and of the Autotrain, until directed  
16          service is initiated under subsection (c). The Secretary is  
17          authorized to use personnel of the National Railroad Pas-  
18          senger Corporation to carry out this subsection.

19          (c) DIRECTED SERVICE.—Not later than 3 months  
20          after the date of the enactment of this Act, the Secretary  
21          of Transportation shall complete a competitive selection  
22          of an entity or entities to maintain and dispatch service  
23          on the main line of the Northeast Corridor between the  
24          District of Columbia and Boston, Massachusetts, and for  
25          the Autotrain, and shall take such actions as are necessary

1 to initiate and maintain such directed service until the dis-  
2 position of such operations pursuant to sections 3 and 4,  
3 and for such additional time as is necessary to ensure the  
4 orderly transition of operations under those sections. In  
5 carrying out this subsection, the Secretary and any entity  
6 or entities selected by the Secretary shall have the powers  
7 and authorities, including access rights, of the National  
8 Railroad Passenger Corporation with respect to the service  
9 involved.

10 **SEC. 3. NORTHEAST CORRIDOR.**

11 (a) **COMPTROLLER GENERAL ANALYSIS.**—Not later  
12 than 1 year after the date of the enactment of this Act,  
13 the Comptroller General shall transmit to the Secretary  
14 of Transportation a report analyzing the capital require-  
15 ments needed to ensure that the Northeast Corridor can  
16 be operated in a financially viable manner.

17 (b) **DETERMINATION OF APPROPRIATE DISPOSI-**  
18 **TION.**—Not later than 2 years after the date of the enact-  
19 ment of this Act, the Secretary, after considering the pros-  
20 pects of financial viability, including capital requirements  
21 as reported under subsection (a) and proposed financing  
22 options, shall determine which of the following options is  
23 most appropriate for the disposition of the operations (and  
24 all necessary supporting property) described in section  
25 2(b) and (c) with respect to the Northeast Corridor:

1           (1) Transfer of such operations to an interstate  
2           compact, entered into under section 410 of the Am-  
3           trak Reform and Accountability Act of 1997, con-  
4           sisting of the States of the Northeast Corridor.

5           (2) Transfer of such operations to a new quasi-  
6           governmental corporation or to a private sector cor-  
7           poration.

8           (3) Retention of ownership by the Secretary of  
9           Transportation, with competitive franchising, by 1  
10          or more entities, of the management and dispatching  
11          of service.

12       The Secretary shall transmit to the Congress a report on  
13       the determination made under this subsection.

14       (c) IMPLEMENTATION.—Not later than 6 months  
15       after a determination is made under subsection (b), the  
16       Secretary shall implement the appropriate disposition as  
17       so determined.

18       **SEC. 4. AUTOTRAIN.**

19       (a) DETERMINATION OF APPROPRIATE DISPOSI-  
20       TION.—Not later than 1 year after the date of the enact-  
21       ment of this Act, the Secretary, after considering the pros-  
22       pects of financial viability, including capital requirements  
23       and proposed financing options, shall determine which of  
24       the following options is most appropriate for the disposi-  
25       tion of the operations (and all necessary supporting prop-

1 erty) described in section 2(b) with respect to the Auto-  
2 train:

3           (1) Transfer of such operations to a new quasi-  
4 governmental corporation or to a private sector cor-  
5 poration.

6           (2) Retention of ownership by the Secretary of  
7 Transportation, with competitive franchising, by 1  
8 or more entities, of the management and operations.  
9 The Secretary shall transmit to the Congress a report on  
10 the determination made under this subsection.

11       (b) IMPLEMENTATION.—Not later than 6 months  
12 after a determination is made under subsection (a), the  
13 Secretary shall implement the appropriate disposition as  
14 so determined.

15 **SEC. 5. FUNDING.**

16       (a) RETENTION OF AMOUNTS.—The Secretary of  
17 Transportation shall retain all amounts appropriated by  
18 the Federal Government for fiscal year 2002 for the Na-  
19 tional Railroad Passenger Corporation that have not been  
20 provided to the National Railroad Passenger Corporation,  
21 and such amounts shall be available to the Secretary for  
22 carrying out this Act.

23       (b) TRANSFER OF AMOUNTS.—The National Rail-  
24 road Passenger Corporation shall transfer to the Secretary  
25 of Transportation all amounts appropriated by the Fed-

1 eral Government for fiscal year 2002 and provided to the  
2 National Railroad Passenger Corporation, and such  
3 amounts shall be available to the Secretary for carrying  
4 out this Act.

5 **SEC. 6. NONAPPLICABILITY OF PROVISION.**

6 A local governmental authority (as defined in section  
7 5302(a)(6) of title 49, United States Code) shall not be  
8 subject to any obligation under any arrangement pursuant  
9 to section 5333(b) of title 49, United States Code, with  
10 respect to employees of the National Railroad Passenger  
11 Corporation providing services to such authority pursuant  
12 to a contract between the authority and the National Rail-  
13 road Passenger Corporation.

○