

109TH CONGRESS
1ST SESSION

H. R. 3851

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

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 21, 2005

Mr. MICA (for himself and Mr. WESTMORELAND) 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 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 shall transfer to the Secretary of Transportation;
6 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, until directed service is initiated
16 under subsection (c). The Secretary is authorized to use
17 personnel of the National Railroad Passenger Corporation
18 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 shall
25 take such actions as are necessary to initiate and maintain

1 such directed service until the disposition of such oper-
2 ations pursuant to section 3, and for such additional time
3 as is necessary to ensure the orderly transition of oper-
4 ations under those sections. In carrying out this sub-
5 section, the Secretary and any entity or entities selected
6 by the Secretary shall have the powers and authorities,
7 including access rights, of the National Railroad Pas-
8 senger Corporation with respect to the service involved.

9 **SEC. 3. NORTHEAST CORRIDOR.**

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

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

19 (a) RETENTION OF AMOUNTS.—The Secretary of
20 Transportation shall retain all amounts appropriated by
21 the Federal Government for fiscal year 2006 for the Na-
22 tional Railroad Passenger Corporation that have not been
23 provided to the National Railroad Passenger Corporation,
24 and such amounts shall be available to the Secretary for
25 carrying out this Act.

1 (b) TRANSFER OF AMOUNTS.—The National Rail-
2 road Passenger Corporation shall transfer to the Secretary
3 of Transportation all amounts appropriated by the Fed-
4 eral Government for fiscal year 2006 and provided to the
5 National Railroad Passenger Corporation, and such
6 amounts shall be available to the Secretary for carrying
7 out this Act.

8 **SEC. 5. NONAPPLICABILITY OF PROVISION.**

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

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