

In the Senate of the United States,

September 12, 2007.

Resolved, That the bill from the House of Representatives (H.R. 3074) entitled "An Act making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.", do pass with the following

FEDERAL RAILROAD ADMINISTRATION

9 SAFETY AND OPERATIONS

*10 For necessary expenses of the Federal Railroad Admin11
12 \$12,268,890 shall remain available until expended.*

13 RAILROAD RESEARCH AND DEVELOPMENT

*14 For necessary expenses for railroad research and devel15
16 opment, \$36,250,000, to remain available until expended.*

16 CAPITAL ASSISTANCE TO STATES—INTERCITY PASSENGER

17 RAIL SERVICE

*18 To enable the Federal Railroad Administrator to make
19 grants to States for the capital costs of improving existing
20 intercity passenger rail service and providing new
intercity*

*21 passenger rail, \$100,000,000, to remain available until
ex22*

*23 pended: Provided, That grants shall be provided to a State
24 only on a reimbursable basis: Provided further, That
grants*

*25 cover no more than 50 percent of the total capital cost of
26 a project selected for funding: Provided further, That no
later than eight months following enactment of this Act,
the*

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*1 Secretary shall establish and publish criteria for project se2
lection, set a deadline for grant applications, and provide
3 a schedule for project selection: Provided further, That the
4 provisions of section 24312 of title 49, United States Code,
5 shall apply to grantees assisted under this paragraph: Pro6*

vided further, That to be eligible for this assistance, States
7 must include intercity passenger rail service as an integral
8 part of statewide transportation planning as required
9 under section 135 of title 23, United States Code: Provided
10 further, That the specific project must be on the
Statewide
11 Transportation Improvement Plan at the time of the
appli12
cation to qualify: Provided further, That the Secretary give
13 priority to applications for projects that improve the
safety
14 and reliability of intercity passenger trains, involve a
com15
mitment by freight railroads to an enforceable on-time per16
formance of passenger trains of 80 percent or greater, in17
volve a commitment by freight railroads of financial re18
sources commensurate with the benefit expected to their
op19
erations, improve or extend service on a route that requires
20 little or no Federal assistance for its operations, involve a
21 commitment by States or railroads of financial resources
22 to improve the safety of highway/rail grade crossings
over
23 which the passenger service operates.

24 RAILROAD REHABILITATION AND IMPROVEMENT PROGRAM

25 The Secretary of Transportation is authorized to issue
26 to the Secretary of the Treasury notes or other
obligations

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1 pursuant to section 512 of the Railroad Revitalization and
2 Regulatory Reform Act of 1976 (Public Law 94-210), as
3 amended, in such amounts and at such times as may be
4 necessary to pay any amounts required pursuant to the
5 guarantee of the principal amount of obligations under
sec6
tions 511 through 513 of such Act, such authority to exist
7 as long as any such guaranteed obligation is outstanding:
8 Provided, That pursuant to section 502 of such Act, as

9 amended, no new direct loans or loan guarantee commitments shall be made using Federal funds for the credit risk premium during fiscal year 2008.

12 OPERATING GRANTS TO THE NATIONAL RAILROAD

13 PASSENGER CORPORATION

14 To enable the Secretary of Transportation to make quarterly grants to the National Railroad Passenger Corporation for operation of intercity passenger rail, \$485,000,000 to remain available until expended:

Provided,

18 That the Secretary of Transportation shall approve funding

19 to cover operating losses for the Corporation only after receiving and reviewing a grant request for each specific train route: Provided further, That each such grant request shall

21 be accompanied by a detailed financial analysis, revenue projection, and capital expenditure projection justifying the Federal support to the Secretary's satisfaction: Provided further, That the Corporation is directed to achieve savings

22 through operating efficiencies including, but not limited to,

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1 modifications to food and beverage service and first class service: Provided further, That the Inspector General of the Department of Transportation shall report to the House and Senate Committees on Appropriations beginning three months after the date of the enactment of this Act and quarterly thereafter with estimates of the savings accrued as a result of all operational reforms instituted by the Corporation: Provided further, That not later than 120 days after enactment of this Act, the Corporation shall transmit to the House and Senate Committees on Appropriations the status

11 of its plan to improve the financial performance of food
12 and beverage service and its plan to improve the
13 financial
14 performance of first class service (including sleeping car
15 service): Provided further, That the Corporation shall
16 report
17 quarterly to the House and Senate Committees on
18 Appropriations on its progress against the milestones and target
19 dates contained in the plan provided in fiscal year 2007
20 and quantify savings realized to date on a monthly basis
21 compared to those projected in the plan, identify any
22 changes in the plan or delays in implementing these
23 plans,
24 and identify the causes of delay and proposed corrective
25 measures: Provided further, That not later than 90 days
26 after enactment of this Act, the Corporation shall
27 transmit,
28 in electronic format, to the Secretary, the House and
29 Senate
30 Committees on Appropriations, the House Committee on

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1 Transportation and Infrastructure and the Senate Com2
3 mittee on Commerce, Science, and Transportation a com3
4 prehensive business plan approved by the Board of Direc4
5 tors for fiscal year 2008 under section 24104(a) of title 49,
6 United States Code: Provided further, That the business
7 plan shall include, as applicable, targets for ridership,
8 revenues, and capital and operating expenses: Provided further,
9 That the plan shall also include a separate accounting of
10 such targets for the Northeast Corridor; commuter service;
11 long-distance Amtrak service; State-supported service;
12 each
13 intercity train route, including Autotrain; and commercial
14 activities including contract operations: Provided further,
15 That the business plan shall include a description of the

14 work to be funded, along with cost estimates and an
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mated timetable for completion of the projects covered by
16 this business plan: Provided further, That the Corporation
17 shall continue to provide monthly reports in electronic
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mat regarding the pending business plan, which shall de19
scribe the work completed to date, any changes to the
busi20
ness plan, and the reasons for such changes, and shall
iden21
tify all sole source contract awards which shall be accom22
panied by a justification as to why said contract was
23 awarded on a sole source basis: Provided further, That
the
24 Corporation's business plan and all subsequent supple25
mental plans shall be displayed on the Corporation's

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1 website within a reasonable timeframe following their sub2
mission to the appropriate entities: Provided further, That
3 the leases and contracts entered into by the Corporation in
4 any year that the Corporation receives a Federal subsidy
5 after the date of enactment of the Act, regardless of the
place
6 the same may be executed, shall be governed by the laws
7 of the District of Columbia: Provided further, That none
8 of the funds under this heading may be obligated or ex9
pended until the Corporation agrees to continue abiding by
10 the provisions of paragraphs 1, 2, 5, 9, and 11 of the
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mary of conditions for the direct loan agreement of June
12 28, 2002, in the same manner as in effect on the date of
13 enactment of this Act.

14 CAPITAL AND DEBT SERVICE GRANTS TO THE NATIONAL

15 RAILROAD PASSENGER CORPORATION

16 To enable the Secretary of Transportation to make
17 quarterly grants to the National Railroad Passenger Cor18
poration for the maintenance and repair of capital infra19

structure owned by the Corporation, including railroad
20 equipment, rolling stock, legal mandates and other
services,
21 \$885,000,000, to remain available until expended, of
which
22 not to exceed \$285,000,000 shall be for debt service
obliga23
tions: Provided, That the Secretary may retain up to one24
quarter of one percent of the funds under this heading to
25 fund the oversight by the Federal Railroad Administration
26 of the design and implementation of capital projects
funded

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1 by grants made under this heading: Provided further, That
2 the Secretary shall approve funding for capital expendi3
tures, including advance purchase orders of materials, for
4 the Corporation only after receiving and reviewing a grant
5 request for each specific capital grant justifying the
Federal

6 support to the Secretary's satisfaction: Provided further,
7 That none of the funds under this heading may be used
8 to subsidize operating losses of the Corporation: Provided
9 further, That none of the funds under this heading may be
10 used for capital projects not approved by the Secretary of
11 Transportation or on the Corporation's fiscal year 2008
12 business plan: Provided further, That \$35,000,000 of
13 amounts made available under this heading shall be
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able until expended for capital improvements if the Cor15
poration demonstrates to the Secretary's satisfaction that
16 the Corporation has achieved operational savings and
met

17 ridership and revenue targets as defined in the Corpora18
tion's business plan: Provided further, That of the funds
19 provided under this section, not less than \$5,000,000
shall

20 be expended for the development and implementation of
a

21 managerial cost accounting system, which includes
average

22 and marginal unit cost capability: Provided further, That
23 within 90 days of enactment, the Department of
Transpor24

tation Inspector General shall review and comment to the
25 Secretary of Transportation and the House and Senate

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1 Committees on Appropriations upon the strengths and
2 weaknesses of the system being developed by the
Corporation

3 and how it best can be implemented to improve decision
4 making by the Board of Directors and management of the

5 Corporation: Provided further, That not later than 180

6 days after the enactment of this Act, the Secretary, in con7

sultation with the Corporation and the States on the North8

east Corridor, shall establish a common definition of what

9 is determined to be a “state of good repair” on the

Northeast

10 Corridor and report its findings, including definitional

11 areas of disagreement, to the House and Senate

Committees

12 on Appropriations, the House Committee on Transpor13

tation and Infrastructure and the Senate Committee on

14 Commerce, Science, and Transportation.

15 ADMINISTRATIVE PROVISIONS—FEDERAL RAILROAD

16 ADMINISTRATION

17 SEC. 150. Notwithstanding any other provision of this

18 Act, funds provided in this Act for the National Railroad

19 Passenger Corporation shall immediately cease to be

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able to said Corporation in the event that the Corporation

21 contracts to have services provided at or from any

location

22 outside the United States. For purposes of this section,

the

23 word “services” shall mean any service that was, as of

July

24 1, 2006, performed by a full-time or part-time Amtrak
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ployee whose base of employment is located within the
26 United States.

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1 SEC. 151. Not later than January 1, 2008, the Federal
2 Railroad Administrator shall submit a report, and quar3
terly reports thereafter, to the House and Senate Commit4
tees on Appropriations detailing the Administrator's efforts
5 at improving the on-time performance of Amtrak intercity
6 rail service operating on non-Amtrak owned property. Such
7 reports shall compare the most recent actual on-time per8
formance data to pre-established on-time performance goals
9 that the Administrator shall set for each rail service,
identi10

fied by route. Such reports shall also include whatever other
11 information and data regarding the on-time performance
12 of Amtrak trains the Administrator deems to be appro13
priate.

14 SEC. 152. The Secretary may purchase promotional
15 items of nominal value for use in public outreach
activities
16 to accomplish the purposes of 49 U.S.C. 20134: Provided,
17 That the Secretary shall prescribe guidelines for the
admin18
istration of such purchases and use.

19 SEC. 153. Hereafter, any lease or contract entered into
20 between the National Railroad Passenger Corporation and
21 the State of Maryland or any department or agency of the
22 State of Maryland, after the date of the enactment of this
23 Act, shall be governed by the laws of the District of
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bia.

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