



## Legislative Bulletin.....June 10, 2008

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**H.R. 6003**—Passenger Rail Investment and Improvement Act of 2008

H.R. 6003, the Passenger Rail Investment and Improvement Act of 2008 (sponsored by Rep. James Oberstar, D-MN), is scheduled to be considered on the House floor on Tuesday, June 10, 2008, subject to a structured rule ([H.Res. 1253](#)), making in order the eight amendments summarized below, each debatable for 10 minutes.

The rule waives all points of order against consideration of the bill, except those regarding PAYGO and earmarks, waives all points of order against the bill itself—except the PAYGO rule—and allows the Chair to postpone consideration of the legislation at any time during its consideration. The rule allows one motion to recommit with or without instructions.

Note: The summaries below are based on RSC staff review of *actual amendment text* and thus differ from what’s on the Rules Committee website. For a summary of the underlying bill, see a separate RSC document released today.

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### AMENDMENTS MADE IN ORDER UNDER THE RULE

1. ***Oberstar (D-MN) Manager’s Amendment:*** In addition to technical corrections, the amendment states none of the funds can be used to employ workers in violation of the Immigration and Nationality Act and requires the Secretary of Transportation to conduct a study on the “Historic Preservation and Railroad Safety.”
2. ***Davis (R-VA)/Van Hollen (D-MD)/Hoyer (D-MD):*** This amendment is similar to H.R. 401, the National Capital Transportation Amendments Act of 2007. The amendment would authorize \$1.5 billion in federal money for the DOT to fund 50% of Washington Metropolitan Area Transit Authority (WMATA) capital and preventative maintenance projects over the next ten years. The money would be used primarily for infrastructure upgrades and new rail cars and buses. Over the next decade, WMATA intends to replace nearly all of its Metrorail cars and a significant portion of its transit system’s buses.

Many House and Senate conservatives have mounted numerous attempts to block consideration of the National Capital Transportation Amendments Act. In 2006, RSC Chairman Jeb Hensarling and former Chairman Mike Pence sent [a joint letter](#) to House

Leadership asking that the bill not be brought for floor. The letter expressed concerns that the legislation would undermine competition and incentivize mismanagement by taking \$1.5 billion from taxpayers to bail out a poorly administered transit system in one metropolitan area.

During debate on the bill in 2006, the legislation was dubbed “the largest earmark in history” by the Heritage Foundation and various media sources. The Heritage Foundation’s Ronald Utt warned that, “If enacted, this earmark would be one of the largest ever passed—seven times larger than Alaska’s ‘Bridge to Nowhere’ and twice as large as Mississippi’s ‘Train to Nowhere.’ This earmark would reward Metro’s poor performance with an astounding sum of money while enabling the system to put off essential reforms.” Such funding is particularly questionable given that it uses federal money to benefit a single transit system in an area with a median income of \$78,978, while the median income of all American taxpayers is \$48,201.

For more information, see [this](#) RSC Policy Brief.

3. **Smith (D-WA):** The amendment would require Amtrak to engage in “good faith discussions” with commuter rail entities and regional and state public transportation authorities operating on the same tracks owned by a rail carrier as Amtrak, with respect to 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...and with respect to the expansion and enhancement of enhancement of commuter rail and regional rail public transportation service.”
4. **Sessions (R-TX):** The amendment prohibits funds authorized by H.R. 6003 from being used by Amtrak for the long distance route that has the highest cost on a per seat/mile ratio according to the March 2008 Amtrak monthly performance route. According to this report, that route is the Sunset Limited, which runs from Los Angeles to New Orleans. An exception is provided if the Secretary has transmitted a waiver for the route because the Secretary considers it to be critical to homeland security.
5. **McCarthy (D-NY):** Requires the Rail cooperative research program (established by section 304 of the bill) to carry out research for the development and use of train horn technology, with an emphasis on reducing train horn noise and its effect on communities.
6. **Flake (R-AZ):** Strikes section 104 from H.R. 6003. This section of the bill authorizes \$60 million (subject to appropriation) for the Federal Railroad Administration to be used for preliminary alignment selection and environmental review for a new tunnel for intercity passenger rail in Baltimore, MD.
7. **Murphy (D-CT):** The amendment would express the Sense of the Congress that “expanded commuter rail service on the rail line between New Haven, CT and Springfield, MA 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.” The amendment requires Amtrak to submit a report

to Congress and to the states of Connecticut and Massachusetts on the total cost of uncompleted infrastructure maintenance on the rail and line between New Haven, CT and Springfield, MA.

8. ***Murphy (D-PA/Schwartz (D-PA)/Holt (D-NJ))***: The amendment requires Amtrak to transmit to the U.S. Congress the results of evaluations of passenger rail service 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.
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