

TCU LEGISLATIVE WATCH

110TH Congress

FINAL REPORT
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The 110th Congress passed Continuing Resolutions (CR) covering spending bills that involve TCU issues. The CR provides funding at the level that was appropriated in the Fiscal Year 2008 budget. The CR provides funding through March 2009. This means that the 111th Congress will have to complete the Fiscal Year 2008 budget before it begins work on the Fiscal Year 2009 budget.

AMTRAK—Budget And Appropriation For FY 2009:

On February 4, 2008, the Presidential Budget for FY 2009 was released. This budget continued Bush's mission to kill Amtrak by proposing only \$800 million to run the nation's passenger rail system together with \$100 million for states to partner with Amtrak under capital matching grants for intercity passenger rail projects. Congressional representatives and Amtrak officials referred to the President's budget request as a shut-down number. Congressmen said that it would be received as dead-on-arrival. His operating request for FY 2009 is the same as last year's request. The House Budget Committee proposed \$1.8 billion for Amtrak for FY 2009. The House Appropriations Committee will take up the appropriations under regular order of business. The Senate Budget Committee has also proposed \$1.8 billion for Amtrak. The Senate Appropriations Committee held a hearing on the FY 2009 appropriations in early April 2008. The \$1.8 billion would be adequate to pay the balance of the back pay owed to Amtrak's employees. Congress passed a continuing resolution (CR) covering Amtrak, as well as all other appropriations bills. The CR will keep Amtrak running through next March at last year's appropriated amount.

HR 4; S 3;--Medicare Prescription Drug Price Negotiation Act of 2007:

HR 4 was introduced on

Jan. 5, 2007 by Rep. John Dingell (D-MI) along with 198 co-sponsors. This bill would amend part D of title XVIII of the Social Security Act to require the Secretary of Health and Human Services to negotiate lower covered part D drug prices on behalf of Medicare beneficiaries. HR 4 was passed by the House of Representatives on Jan. 12, 2007, on a vote of 255 yeas and 170 nays. On January 4, 2007, Sen. Harry Reid (D-NV) introduced S 3 with 14 co-sponsors. This bill would amend part D of title XVIII of the Social Security Act to provide for fair prescription drug prices for Medicare beneficiaries. On April 18 the Senate voted against cloture that would have allowed debate on S 3. The loss of this vote means that this bill will not be brought up again until a later date and makes passage doubtful in this session. ***Bills dead due to adjournment of Congress.***

HR 697; S 1301—National Right to Work Act: Rep. Joe Wilson (R-SC) together with 77 co-sponsors introduced HR 697 on Jan. 24, 2007, for the alleged purpose of preserving and protecting the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities. On May 3, 2007, Sen. Jim DeMint (R-SC) introduced a companion bill, S 1301, in the Senate with no co-sponsors. These bills are another right-wing attempt to pass a national right to work (for less) bill. These bills

would change both the NLRA and the Railway Labor Act. **HR 697** has been referred to the Subcommittee on Health, Employment, Labor, and Pensions in the House and **S 1301** is pending further action in the Senate. *Bills dead due to adjournment of Congress.*

S 294—Passenger Rail Investment and Improvement Act of 2007 & HR 6003—Passenger Rail Investment and Improvement Act of 2008:

On January 16, 2007 Senators Frank Lautenberg (D-NJ) and Trent Lott (R-MS) together with 33 co-sponsors introduced **S 294**. This is a bill to reauthorize appropriations for Amtrak for FY2007-FY2012. On Tuesday, October 30, 2007, the Senate passed **S 294** on a vote of 70-22. It authorizes operating grants for Amtrak of \$580 million in FY2007, \$590 million in FY2008, \$600 million in FY2009, \$575 million in FY2010, \$535 million in FY2011 and \$455 million in FY2012. Capital grants would total \$813 million in FY2007, \$910 million in FY2008, \$1 billion in FY2009 and FY2010, and \$1.2 billion in FY2011 and FY2012. It would provide funds for Amtrak to repay long term debt, monies to help cover certain Amtrak Railroad Retirement Tier II taxes, and grants to Amtrak and states participating in development of next generation equipment. It mandates some Amtrak reforms such as requiring Amtrak's board to implement a modern financial accounting and reporting system, development of a five year financial plan and developing and implementing procedures for allocating train route operating and capital costs among states and Amtrak. Amtrak also would have to evaluate the financial and operating performance of long distance routes and develop a performance improvement plan; establish a state-of-good-repair plan for the Northeast Corridor; and develop a plan to improve on-board service. On May 22, 2007, the Senate Commerce Committee marked up **S 294** by voice vote. On October 30, 2007, after a contentious debate and fight on the Senate floor, Senator Lautenberg and Senator Lott in a bipartisan effort prevailed in defeating a series of right wing killer amendments among those was to eliminate long distance trains and an amendment to eliminate financing for food service on Amtrak trains.

On May 8, 2008 Chairman James Oberstar (D-MN) together with Ranking Member John Mica, Subcommittee Chairwoman Corrine Brown, Subcommittee Ranking Member Bill Shuster, and more than 30 other members of the Committee on Transportation and Infrastructure introduced **HR 6003**, a bill that authorizes more than \$14.4 billion for Amtrak capital and operating grants, state intercity passenger grants, and high-speed rail over the next five years. The bill authorizes \$6.7 billion (an average of \$1.34 billion per year) to Amtrak for capital grants and \$3.0 billion (an average of \$606 million per year) for operating grants. Past inconsistent Federal support has hampered

Amtrak's ability to replace catenaries, passenger cars, bridges, ties, and other equipment necessary for Amtrak to provide service. The capital grants will help Amtrak bring the Northeast Corridor to a State of Good Repair, procure new rolling stock, rehabilitate existing bridges, as well as make additional capital improvements and maintenance over its entire network. In addition, the operating grants authorized under the bill will help Amtrak pay salaries, health costs, overtime pay, fuel costs, facilities, and train maintenance and operations. The operating grants will also ensure that Amtrak can meet the obligations from the Presidential Emergency Board Recommendations in the recently negotiated labor contracts. The bill also would authorize \$2.5 billion for states to improve or add intercity passenger service and would allow private companies to bid on a high-speed rail project that would connect Washington, D.C., and New York City. This provision was a compromise with the Ranking Member John Mica of Florida a known foe of Amtrak to allow the bill to move. We believe this Republican provision is potentially a move to eventually privatize not just the Northeast Corridor, but the whole country. "If we could get one or two lines working," it can be replicated, said Mica in his statement. The bill creates a new State Capital Grant program for intercity passenger rail capital projects, based on the New Starts transit capital program administered by the Federal Transit Administration. The bill provides \$500 million per year for grants to States to pay for the capital costs of facilities and equipment necessary to provide new or improved intercity passenger rail. The Federal share of the grants is up to 80 percent. The Secretary of Transportation would award these grants on a competitive basis for projects based on economic performance, expected ridership, and other factors. **S 294** is substantially similar to **HR 6003** but does not contain the privatization provisions for the high-speed rail. Rail Labor's does not oppose **HR 6003**, but we oppose the privatization language in the bill. The House passed the bill on a vote of 311 yeas to 104 nays. Both **S 294** and **HR 6003** were reconciled by the House and Senate and made a part of **HR 2095**, the Rail Safety bill, which was passed by both the House and the Senate and was signed into law by President Bush on October 16, 2008 **PL 110-432**.

HR 626—Railroad Retirement Fairness Act: On January 22, 2007, Rep. Bart Stupak (D-MI) introduced **HR 626**. This bill would amend the Railroad Retirement Act of 1974 to provide that a current connection is not lost by an individual who is misled or not properly informed by the Railroad Retirement Board of the requirement for, and the circumstances resulting in the loss of, a current connection. (Current law deems an individual to have "a current connection with the railroad industry" at the time an annuity begins to accrue to that individual and at death, provided certain conditions exist.) The bill creates a tremendous problem with

opening the Act and at the same time conflicts with the existing Governmental Agency definition and authority. Both rail labor and rail management do not support the bill because of the numerous problems that it would create. Opening the act could be costly to the Railroad Retirement System. The bill was referred to the Committee on Transportation and Infrastructure. ***Bill dead due to adjournment of Congress.***

HR 1704— Amend the Railroad Retirement Act to Provide Relief for Robert and Verda Shatusky:

On March 26, 2007 Congressman Bart Stupak introduced a similar bill to the preceding bill, **HR 626**, to amend certain sections of the Railroad Retirement Act for the purposes of deeming Robert Shatusky, of Menominee, Michigan, to have had a current connection with the railroad industry at the time that his annuity began to accrue, and this would apply to any month that begins more than 30 days after the date of the enactment of this bill. In addition it would require The Secretary of the Treasury to pay, out of any money in the Treasury not otherwise appropriated, to Robert Shatusky of Menominee, Michigan, a sum that equals the total amount of any supplemental annuity payments to which Robert Shatusky would have been entitled under the Railroad Retirement Act for said period of time. This provision is a “rifle shot” fix which could potentially open a Pandora’s Box causing the Railroad Retirement to lose control of many claims. Congressman Stupak has introduced similar bills to **HR 626** in the past, but this is the first time that he calls for a special bill designed for a specific individual. ***Bill dead due to adjournment of Congress.***

S 772 & HR 1650—Railroad Antitrust Enforcement Act of 2007:

Sen. Herb Kohl (D-WI) together with 5 co-sponsors introduced **S 772** on March 6, 2007. This bill would amend the Federal antitrust laws to provide expanded coverage and to eliminate exemptions from such laws that are contrary to the public interest with respect to railroads. **S 772** is pending Senate floor action. Rep. Tammy Baldwin (D-WI) together with 6 co-sponsors introduced **HR 1650** on March 22, 2007. This bill is the same as **S 772**. **HR 1650** was adopted by the Judiciary Committee and is pending further action in the Committee on Transportation and Infrastructure, and Committee on Energy and Commerce. The railroads are opposed to these bills as they consider them as an attempt to re-regulate the rail industry. ***Bill dead due to adjournment of Congress.***

S 953; HR 2125—Railroad Competition and Service Improvement Act of 2007:

On March 21, 2007, Senator John D. Rockefeller (D-WV) introduced **S 953** with (9) co-sponsors. The Railroad Competition and

Service Improvement Act of 2007 - Sets forth Surface Transportation Board directives calling for effective competition among rail carriers and reliable rail transportation service for rail customers. Requires a rail carrier, upon shipper request, to establish rates for transportation and provide requested service between any two points on the carrier's system. Prohibits the Board from issuing a certificate authorizing construction and operation of railroad lines, short line purchases by Class II and Class III rail carriers, or consolidation, merger, and acquisition of control of rail carriers, or exempt from such certificate requirements any person, transaction, or service with respect to such activity, if the activity involves a transfer of interest in a line of railroad, from a Class I rail carrier to a Class II or III rail carrier, and the activity would: (1) restrict the ability of the Class II or Class III rail carrier to interchange traffic with other rail carriers; (2) restrict competition of rail carriers in the region affected by the activity in a manner that would violate U.S. antitrust laws; or (3) require higher per car interchange rates for Class II or Class III rail carriers to interchange traffic with other rail carriers. Prescribes procedures for Board review of any activity alleged to have resulted in a restriction of competition. Makes entry by rail carriers into reciprocal switching agreements mandatory where the Board finds it is practicable and in the public interest, or where such agreements are necessary to provide competitive rail service. Requires the Board to post rail service complaints on its website. Sets forth time limits for the Board to act on complaints filed alleging unlawfulness of a new or revised rail rate, rule, or practice. Grants rail customers access to a Board process for determining rail rate reasonableness in railroad market dominance cases. Requires submission to arbitration of certain rail rate, service, and other disputes. Authorizes the Board to investigate rail carrier violations on its own initiative. Requires the Board to initiate an investigation upon receiving a complaint alleging rail carrier violations. Under current law the Board is authorized to investigate only if there is a complaint. The bill was referred to the Committee on Commerce, Science, and Transportation. The railroad industry was criticized in a hearing by captive shippers and the Surface Transportation Board who have been unable to correct shipper rates on commodities. On May 3, 2007, Rep. James Oberstar (D-MN) along with 27 co-sponsors introduced **HR 2125** a companion bill to **S 953**. It has been referred to the House Transportation and Infrastructure Committee. The rail industry strongly opposes these bills and believes that they re-regulate the industry. ***Bill dead due to adjournment of Congress.***

HR 800 & S 1041—Employee Free Choice Act:

On February 5, 2007, Rep. George Miller (D-CA) together with 233 co-sponsors introduced **HR 800** a bill to amend the National Labor Relations Act to establish an

efficient system to enable employees to form, join, or assist labor organizations and to provide for mandatory injunctions for unfair labor practices during organizing efforts. The bill was passed by the House on March 31, 2007, by a vote of 241 in favor and 185 against. On March 29, 2007, Senator Edward Kennedy (D-MA) introduced **S 1041** with 46 co-sponsors. This bill is identical to **HR 800** as passed in the House. These bills were considered by the full Senate on June 25 and 26. On June 26 a cloture vote was lost on a vote of 51 in favor and 48 opposed. Even though there was a majority of the members of the Senate in favor of the Employee Free Choice Act, the bill was lost due to the procedural vote. ***Bills dead due to adjournment of Congress.***

S 881—Short Line Railroad Investment Act of 2007: On March 14, 2007, Senator Blanche Lincoln (D-AR) introduced **S. 881** with (3) co-sponsors; a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit for the Short Line Railroads. The bill amends the Internal Revenue Code to: (1) increase the allowable amount of the railroad track maintenance tax credit; (2) extend such credit through 2010; and (3) allow such credit against alternative minimum tax liabilities. The bill was referred to the Committee on Finance. ***Bill dead due to adjournment of Congress.***

HR 1584—Amend the Internal Revenue Code of 1986 and Modify the Railroad Track Maintenance Credit: On March 20, 2007, Representative Earl Pomeroy (D-ND) together with 6 co-sponsors introduced **HR 1584**, a bill to amend the Internal Revenue Code to increase the allowable amount of the railroad track maintenance tax credit; extend the credit through 2010 and to allow such credit against the alternative minimum tax liabilities. The bill has been referred to the Committee on Ways and Means. ***Bill dead due to adjournment of Congress.***

S 136—National Domestic Preparedness Consortium Expansion Act of 2007: On January 4, 2007 Senator Wayne Allard (R-CO) introduced **S 136** a bill to expand the National Domestic Preparedness Consortium to include the Transportation Technology Center in Pueblo Colorado. The Transportation Technology Center is a federally-owned multi-modal testing and training facility in Pueblo, Colorado. It can be used as an Emergency Response Training Center and is uniquely positioned to teach emergency response for railway-related emergencies with 69 railway freight cars, 15 railroad passenger cars, 25 highway cargo tanks, van trailers, and intermodal containers, and computer work stations equipped with the latest emergency response software. The Passenger Railcar Security and Integrity

Training Facility is currently being developed at the Transportation Technology Center to test various inspection, response, and remediation techniques effectiveness for mitigation to incidents involving passenger railcars. This public-private partnership facility offers a well-established infrastructure, a host of emergency preparedness training experts, and the support of the American Public Transit Association, the Association of American Railroads, the Federal Railroad Administration, the Federal Transit Authority, and the Colorado Senate; railroad tunnels and underground stations have been identified as particularly high-risk targets for terrorists because of the potential for large passenger volumes, confined spaces, relatively unrestricted access, and the possibility for network disruptions with significant economic, political and social impact; The National Domestic Preparedness Consortium does not currently include a facility that is uniquely focused on emergency preparedness within the railroad and mass transit environment. Currently the railroad industry controls this facility and the unions have called for a joint venture with management which has not been achieved. The bill has been referred to Senate Committee on Homeland Security and Governmental Affairs. ***Bill dead due to adjournment of Congress.***

S 376—Law Enforcement Officers Safety Act of 2007: On January 24, 2007, Senators Patrick Leahy (D-VT), Arlen Specter (R-PA) and Jon Kyle (R-AZ) introduced a bill to improve the provisions relating to the carrying of concealed weapons by law enforcement officers. This bill amends the federal criminal code; (1) to include Amtrak and executive branch police officers as qualified law enforcement officers for state concealed weapons' certification purposes; (2) reduce from 15 to 10 years the length of service requirement applicable to retired law enforcement officers seeking state certification to carry concealed weapons; and (3) revise certain other criteria used by states in certifying retired law enforcement officers to carry concealed weapons. The bill has been referred to Committee on the Judiciary and adopted on September 5, 2007 and referred to the Senate floor. ***Bill dead due to adjournment of Congress.***

HR 154—Ending the Medicare Disability Waiting Period Act of 2007: On January 4, 2007, Congressman Gene Green (D-TX) introduced with 2 co-sponsors **HR 154** a bill to amend the Social Security Act and the Railroad Retirement Act to phase out the 24-month waiting period for disabled individuals to become eligible for Medicare benefits and to eliminate the waiting period for individuals with life-threatening conditions. It also directs the Secretary of Health and Human Services to request the Institute of Medicine of the National Academy of Sciences to study the range of

disability conditions that can be delayed or prevented if individuals receive access to health care services and coverage before a condition reaches disability levels. The bill was referred to House subcommittee on Railroads, Pipelines, and Hazardous Materials. ***Bill dead due to adjournment of Congress.***

S 1125; HR 2116—Freight Rail Infrastructure Capacity Expansion Act of 2007: On April 17, Senator Trent Lott (R-MS) along with 12 co-sponsors introduced **S 1125** a bill to amend the Internal Revenue Code of 1986 to provide incentives to encourage investment in the expansion of freight rail infrastructure capacity and to enhance modal tax equity. This is similar to a bill that the rail industry got Senator Lott (R-MS) to introduce in the 109th Congress. This bill would allow the railroads to take a 25 percent tax credit of the cost of construction and of property placed in service during the taxable year. This would amount to a taxpayer subsidy for the railroads which is one of the richest private industries in the country. Some rail labor unions are opposed to **S 1125**. It is doubtful that this legislation will become law if rail labor opposes it. The railroads have estimated that the industry could save up to \$400 million per year if this tax credit were to become law. The bill has been referred to the Senate Committee on Finance. On May 2, 2007, Rep. Kendrick Meek (R-FL) together with 6 co-sponsors introduced **HR 2116**. This is a companion bill to **S 1125** that would provide incentives to encourage investment in the expansion of freight rail infrastructure capacity and to enhance modal tax equity. **HR 2116** has been referred to the House Committee on Ways and Means. ***Bills dead due to adjournment of Congress.***

HR 2095 The Rail Safety Improvement Act of 2007 and S 1889—Railroad Safety Enhancement Act of 2007: On May 1, 2007, James Oberstar (D-MN) Chairman of the T&I Committee introduced **H 2095** with 94 co-sponsors, a bill to provide rail safety, to prevent railroad fatalities, injuries, and hazardous materials releases, to authorize the Federal Railroad Safety Administration. The bill provides sweeping reforms to railroad safety regulations and vastly improve the quality of life for all railroad workers. The bill would re-designate the Federal Railroad Administration (FRA) as the Federal Railroad Safety Administration (FRSA), whose goal would be to reduce accidents, injuries and fatalities, and with safety as its "highest priority." The FRSA administrator would be required to have "professional experience in railroad safety, hazardous materials safety, or other transportation safety." The FRSA would also be required to double the number of safety inspectors from 400 to 800 by Dec. 31, 2011. It deals in direct relief from fatigue for operating and signal employees by making changes in the hours of service requirements. Railroads would be required to

file a fatigue management plan with the Department of Transportation every two years. The legislation would significantly strengthen existing whistleblower protections for rail workers who report unsafe or hazardous conditions. A worker would be protected if he refused to use equipment that the employee reasonably believes to be unsafe or hazardous to operate or work with. Class I railroads would have 12 months after enactment of the legislation to submit concrete plans for the implementation of positive train control. The technology would be used to assist train crews with safety, and not as a means to reduce crew size. The bill would also require railroads to install warning devices in non-signaled territory that would warn train crews of misaligned switches. The Secretary of Transportation would be required to establish minimum training standards for each craft of rail employees under the new law. The bill would require railroads to qualify or otherwise document the proficiency of their employees in each craft regarding their knowledge of, and ability to comply with, federal railroad safety laws and regulations and railroad carrier rules. Each railroad would also establish its own training and qualification program, which would be submitted to the FRSA for approval. Also, under this proposed legislation, railroads would not be allowed to discipline, or threaten to discipline an employee for requesting medical or first aid treatment, or for following orders or a treatment plan of a treating physician. TCU was able to include in the bill language to Certify TCU Carmen under SEC. 612. CERTIFICATION OF CARMEN: The bill provides that no later than 18 months after the date of enactment, the Secretary of Transportation shall prescribe regulations and issue orders to establish a program requiring the certification of Carmen, including all employees performing mechanical inspections, brake system inspections, or maintenance on freight and passenger rail cars. **HR 2095** was passed by the full House on Oct. 17, 2007, on a vote of 377 yeas to 38 nays. The final bill was amended to provide that inspections of trains from Mexico have to be performed by U.S. workers meaning TCU Carmen.

On July 26, 2007, Sen. Frank Lautenberg (D-NJ) with 4 co-sponsors introduced **S 1889** the companion bill to **HR 2095**. This bill also covers improvements to sight distance at highway-rail grade crossings, Operation Lifesaver, trespasser prevention and highway-rail crossing safety, introduction of new technology to improve safety at highway-rail grade crossings, prohibition of individuals from performing safety-sensitive functions for a violation of hazardous materials transportation law, employee training, and certification of certain crafts or classes of employees. It also provides grants for railroad safety technology and railroad safety infrastructure improvement. While **S 1889** is similar to **HR 2095**, **S 1889** does not provide for certification of Carmen but merely gives discretion to the Department of Transportation to do a study of the

rail safety issues. This bill is much more railroad industry friendly. **S 1889** was passed by unanimous consent. **HR 2095** and **S 1889** were reconciled by the House and the Senate and **HR 6003** and **S 294**, Amtrak Reauthorization bills were added. Rail safety and Amtrak reauthorization passed as **HR 2095** in both houses of Congress and the bill was signed into law by President Bush on October 16, 2008, **PL 110-336**.

S 1438—Railroad Crossing and Hazardous Materials Transport Safety Act of 2007: Sen. Chuck Schumer (D-NY) with no-cosponsors introduced this bill on May 21, 2007, to improve railroad safety. The bill would improve rail crossing safety as well as the safe transport of hazardous materials. It would increase civil penalties for violations of requirements related to highway-rail grade crossing safety and regarding transportation of hazardous materials. It would require the Federal Railroad Administration (FRA) to hire hazardous materials inspectors. It would strengthen inspections of railroad cars carrying hazardous materials. And it would appropriate the necessary money needed to carry out the requirements of the bill. **S 1438** has been referred to the Committee on Commerce, Science, and Transportation. *Bill dead due to adjournment of Congress.*

HR 2701—Transportation Energy Security and Climate Change Mitigation Act of 2007: Rep. James Oberstar (D-MN) with 14 co-sponsors introduced this bill on June 13, 2007, to strengthen the Nation's energy security and mitigate the effects of climate change by promoting energy efficient transportation and public buildings, creating incentives for the use of alternative fuel vehicles and renewable energy, and ensuring sound water resource and natural disaster preparedness planning. Among other things **HR 2701** provides funds to railroads for "green locomotive" grants and capital grants for railroad track for class II and III carriers. It would also provide \$1.6 billion for urban and rural transit agencies to expand service or reduce fares. **HR 2701** also would enable transit-rail operators to request non-binding mediation from the STB to settle disputes regarding access to trackage owned by freight railroads. This bill has been passed by the House Committee on Transportation and Infrastructure and awaits further House action. *Bill dead due to adjournment of Congress.*

S 1723—Improving Government Accountability Act: On June 28, 2007, Sen. Claire McCaskill (D-MO) introduced a bill to amend the Inspector General Act of 1978 to enhance the independence of the Inspectors General and to create a Council of the Inspectors General on integrity and efficiency. **S 1723** has been referred to the Homeland Security and Governmental

Affairs Committee. *Bill dead due to adjournment of Congress.*

S 1766—Low Carbon Economy Act of 2007: On July 11, 2007, Sen. Jeff Bingaman (D-NM) along with 6 co-sponsors introduced a bill to reduce greenhouse gas emissions from the production and use of energy. The bill outlines that meeting the commitment to stabilize greenhouse gas emissions at appropriate levels will require a long-term global effort; and it is possible and desirable to implement, in the United States, an economy-wide annual limit on greenhouse gas emissions for calendar year 2012 and each subsequent calendar year, with the limit declining to 2006 levels by 2020, 1990 levels by 2030, and at least 60 percent below 2006 levels by 2050 (contingent on sufficient international effort), if the system includes (a) cost mitigation measures, including a technology accelerator payment mechanism, banking, and offsets; (b) requirements for periodic Presidential reports and recommendations and expedited congressional procedures to adjust the stringency of the regulatory program on consideration of new scientific information and the efforts of other countries to reduce their emissions; (c) an aggressive advanced energy technology deployment program to lower costs of compliance and to improve use of fuels; (d) a program to fund activities to address adaptation to a warming climate; and (e) a program to provide assistance to low-income persons who may be hardest hit by the costs of climate change and mitigation. This bill has been referred to the Committee on Environment and Public Works. *Bill dead due to adjournment of Congress.*

HR 2881—FAA Reauthorization Act of 2007: Working with the IAM we were able to garner overwhelming bipartisan support to adopt an amendment by Rep. James Oberstar to include in the FAA Reauthorization bill express carrier employee protection language which would end the abuse of the Railway Labor Act (RLA) that some trucking delivery employers use to impede organizing efforts. This amendment will ensure fairness and consistency in the RLA. In 1996, the Senate relaxed its rules and allowed non-germane amendments to be attached to the FAA reauthorization bill; consequently the term "express carrier" under the RLA was inserted into the FAA reauthorization bill. The 1996 change allowed an entire company's workforce to fall under the RLA's jurisdiction, regardless of the employees relationship to rail or air transportation. As a result, this created a disparity in the parcel delivery industry that has all but eliminated the opportunity for some workers to bargain for better wages, benefits and workplace improvements. The largest delivery companies have workers who perform virtually identical work; however, some companies' workers are governed under the National Labor

Relations Act while workers at other companies fall under the RLA. The critical difference is that the NLRA workers can organize and collectively bargain locally, but RLA workers must organize nationally. The amendment modifying the “express carrier” language in the RLA is long over due. The amendment was adopted in committee on vote of 51-18 in favor. On September 24, 2007 the bill, as amended, was sent to the Senate. ***Bill dead due to adjournment of Congress.***

S 1974 & HR 3361—Pension Protection Technical Corrections Act of 2007: Senate Edward Kennedy together with three co-sponsors introduced **S 1974** on August 2, 2007. Rep. Charles Rangel (D-NY) introduced **HR 3361** with three co-sponsors on August 3, 2007. These companion bills would amend the Employee Retirement Income Security Act and the Internal Revenue Code as amended by the Pension Protection Act of 2006, to make changes regarding defined benefit pension plans. Section 11 of the bills provides that former spouses would be entitled to survivor benefits under Railroad Retirement Act if the employee had completed 10 years of service in the railroad industry, reduced to 5 years after December 31, 1995; the spouse or former spouse had attained age 62; and the employee attained age 62 or if decease would have attained age 62. Provision would be effective for payments due after August 2007. **S 1974** was passed by unanimous consent in the Senate. **HR 3361** was passed by the House and was placed on the Senate Legislative Calendar March 31, 2008 under General Orders. **S 1974** and **HR 3361** were subsumed and became part of **HR 7327, Worker, Retiree, and Employer Recovery Act of 2008**. The above provisions became Section 110 of **HR 7327**, which was passed by both Houses of Congress and signed into law by President Bush as **PL 110-458** on December 23, 2008.

HR 3761—Northeast Corridor Rail Tunnel Safety Act: Rep. Peter King (R-NY) introduced this bill on October 4, 2007, with one co-sponsor. This bill would provide \$898 million for tunnel safety and rehabilitation projects for Amtrak in the Northeast Corridor. This bill has been referred to the Committee on Transportation and Infrastructure. ***Bill dead due to adjournment of Congress.***

HR 5102—Our Nation’s Trade, Infrastructure, Mobility and Efficiency (ON TIME) Act of 2007: On January 23, 2008, Rep. Ken Calvert (R-CA) with four co-sponsors introduced a bill to direct the Secretary of Transportation to establish and collect a fee based on the fair market value of articles imported into the United States and articles exported from the United States in

commerce and to use amounts collected from the fee to make grants to carry out certain transportation projects in the transportation trade corridors for which the fee is collected. The projects eligible to receive funding include, but are not limited to, freeway expansion, grade separations, dedicated truck lanes, and publicly owned intermodal freight transfer facilities. Eligible projects must be located within a National Trade Gateway Corridor in order to receive funds under the bill. Each state transportation agency is required to consult with local governments, transportation agencies and freight stakeholders to rate, prioritize and select which goods movement projects receive funding. The bill was referred to House Foreign Affairs, Transportation and Infrastructure and Ways and Means Committees. On June 10 the T&I Subcommittee on Railroads, Pipelines and Hazardous Materials held a hearing on the bill. ***Bill dead due to adjournment of Congress.***

HR 5644—Provide for Competitive Development and Operation of High-Speed Corridor Projects: Rep. John Mica (R-FL) introduced this bill on March 14, 2008, with thirty-one co-sponsors. The bill requires not later than 60 days after enactment, the Secretary of Transportation to issue request for proposals for projects for the financing, design, construction and operation of an initial high-speed rail system operating between Washington, DC and New York City. This bill has been referred to the Transportation and Infrastructure Committee—Sub-committee on Railroads. This is nothing more than another attempt to undermine Amtrak and to privatize the Northeast Corridor. **HR 5644** has been included as part of **HR 6003** which is the Amtrak reauthorization bill. Provisions were subsumed by **HR 2095** which was signed into law by President on October 16, 2008, **PL 110-432**. ***Bill dead due to adjournment of Congress.***

HR 6004—Rail Infrastructure Development and Expansion Act for the 21st Century: On May 8, 2008 Chairman James Oberstar (D-MN) introduced with 3 co-sponsors **HR 6004**, a bill to amend federal transportation law to authorize the Secretary of Transportation to designate high-speed rail infrastructure bonds if: (1) the bonds are issued by a state, or one or more of the states that have entered into an interstate compact under the Amtrak Reform and Accountability Act of 1997, or by such compact; (2) they are for financing projects that make a substantial contribution to providing the infrastructure required to complete a railroad passenger transportation corridor for high-speed intercity rail passenger service, or for projects for the Alaska Railroad; (3) for a railroad passenger transportation corridor design that includes the use of freight railroad rights-of-way, a written agreement exists between the applicant and the freight

railroad regarding such use and other conditions are met; (4) the corridor design eliminates all existing railroad grade crossings that would impede high-speed rail operations; (5) the applicant agrees to comply with certain labor standards with respect to such project; and (6) the applicant agrees not to pay the principal or interest on the bonds using funds derived directly or indirectly from the Highway Trust Fund, except as permitted by existing law. The bill excludes the interest on such bonds from an individual's gross income. It also requires any entity providing high-speed intercity passenger railroad transportation to negotiate over hiring and working conditions with the collective bargaining agent or agents of the employees of any existing rail passenger service it might be replacing. The bill amends the Internal Revenue Code to allow certain tax credits to holders of qualified high-speed rail infrastructure bonds. The bill has been referred to the T&I Committee and the Ways and Means Committee. ***Bill dead due to adjournment of Congress.***

HR 6052—Saving Energy Through Public Transportation Act of 2008: This bill was introduced on May 14, 2008, by Rep. James Oberstar (D-MN) together with twenty two co-sponsors. The bill is intended to promote increased public transportation use and to promote increased use of alternative fuels in providing public transportation. The bill would authorize \$1.7 billion in grants over two years to improve public transportation service which includes \$237 million for New York's MTA. It also would authorize up to 100% of the cost of acquiring clean fuel or alternative fuel vehicle relate equipment or facilities that comply with the Clean Air Act. It would direct the Secretary of Transportation, within 60 days after enactment, to issue guidance on nationwide implementation of a transit pass transportation fringe benefits program. The bill passed the House on a vote of 322 yeas and 98 nays. It has been referred to the Senate Committee on Banking, Housing and Urban Affairs for further consideration. ***Bill dead due to adjournment of Congress.***

S 3360—Creating American Rolling Stock Act of 2008: Sen. Richard Durbin with 1 co-sponsor introduced this bill on July 29, 2008. This bill would increase the availability of domestically manufactured passenger cars for intercity passenger rail service. The bill provides funding to encourage manufacturers currently supplying train sets overseas to bring their modern design and manufacturing expertise to the U.S. and open rail car manufacturing facilities here. The bill also provides a tax incentive for private, domestic businesses to re-enter the passenger rail equipment business and rebuild facilities and train cars here in the U.S. **S. 3660** has been referred to the Committee on

Finance for further consideration. **Bill dead due to adjournment of Congress.**

HR 6707—Taking Responsible Action for Community Safety Act: On July 31, 2008, Chairman Jim Oberstar (D-MN) together with 22 co-sponsors introduced this bill to require the Surface Transportation Board (STB) to consider the safety and environmental effects of certain railroad transactions on local communities, such as public safety, grade crossing safety, hazardous materials transportation safety, emergency response time, noise, and socioeconomic impacts. It also requires the STB to consider the effects of the proposed transaction on intercity passenger rail and commuter rail. The bill prohibits the STB from approving or authorizing a merger or consolidation if it finds that the transaction is inconsistent with the public interest because the transaction's impacts on safety and on the affected communities outweigh the transaction's transportation benefits. Further, the bill authorizes the STB to impose conditions to mitigate the effects of the transaction on local communities when such conditions are in the public interest. The bill failed on a vote of 243 yeas, 175 nays; 279 votes in favor were needed for passage.

HR 6973—Rail Collision Prevention Act: On September 18, 2008, Rep. Adam Schiff (D-CA) together with 8 co-sponsors introduced this bill to require rail carriers to develop positive rail control system plans for improving railroad safety and to increase civil penalties for railroad safety violations. The bill has been referred to the Transportation and Infrastructure Committee for further consideration. ***Bill dead due to adjournment of Congress.***

S 3700—High Speed Rail for America Act of 2008: Sen. John Kerry with 15 co-sponsors introduced this bill on November 19, 2008. This bill would provide for the development of world class, high-speed passenger rail transportation in the United States. It would also provide a constant and reliable source of funding for high speed passenger rail and intercity passenger rail in the form of tax exempt bonds and tax credit bonds in order to reduce non-rail traffic congestion, reduces greenhouse gas emissions and provide alternative modes or transportation between city centers. **S 3700** has been referred to the Committee on Finance for further consideration. **Bill dead due to adjournment of Congress.**