

H.R. 1

To allow the National Railroad Passenger Corporation to bring civil actions in Federal district courts to enforce the right to set preference over freight transportation under respective titles of the United States Code

IN THE CONGRESS OF THE UNITED STATES

JANUARY 13TH, 2021

Mr. LIGHTWOOD (for himself, Mr. PURDY, Mr. HEV, Mr. BOLTON, and Mr. SALINGER) introduced the following bill;

A BILL

To allow the National Railroad Passenger Corporation to bring civil actions in Federal district courts to enforce the right to set preference over freight transportation under respective titles of the United States Code

Be it enacted by the Senate and House of Representatives in Congress Assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Commuter Rail Preference Rights Act of 2022”.

SEC. 2. FINDINGS.

Congress finds that:

- (1) The National Railroad Passenger Corporation, or Amtrak, was established under the Public Service Act of 1970;
- (2) In May of 1971, Amtrak began service and took over most of the intercity passenger trains that private and freight railroads were required to operate. In assuming these operations, Amtrak was given access to the national railroad network.
- (3) Congress passed the Amtrak Improvement Act of 1973 which gave intercity and commuter rail transportation preference over freight transportation in using a rail line, junction, or crossing. This right is now codified as section 24308(c) of title 49, United States Code.
- (4) Many railways ignored the law (referred to in paragraph (3)) by denying passenger rail the priority to which it is statutorily authorized and giving freight transportation the higher priority. As a result, Amtrak's on-time performance on most host railroads is poor.
- (5) As a result of the violations of Amtrak's right to preference, Amtrak has been consistently unable to meet its mandated mission and goals, which are codified in section 24101 of title 49, United States Code, which relates to providing on-time and trip-time competitive service to its passengers.

SEC. 3. AUTHORIZATION FOR AMTRAK TO BRING CIVIL ACTION BASED ON PREFERENCE RIGHTS.

- (a) IN GENERAL.— Section 24308(c) of title 49, United States Code, is amended by adding the following at the end: “Notwithstanding sections 24103(a) and 24308(f), Amtrak shall have the right to bring an action for equitable or other miscellaneous relief in the United States District Court for the District of Columbia to enforce the preference rights granted under this subsection.”.
- (b) CONFORMING AMENDMENT.— Section 24103 of title 49, United States Code, is amended by adding the following before “, only the Attorney General”: “and section 24308(c)”.

SEC. 3. ENACTMENT.

EFFECTIVE DATE.—This Act shall go into effect immediately upon passage.
