

In the House of Representatives, U. S.,

July 22, 2008.

Resolved, That the bill from the Senate (S. 294) entitled “An Act to reauthorize Amtrak, and for other purposes”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

1 ***SECTION 1. SHORT TITLE.***

2 *This Act may be cited as the “Passenger Rail Invest-*
3 *ment and Improvement Act of 2008”.*

4 ***SEC. 2. AMENDMENT OF TITLE 49, UNITED STATES CODE.***

5 *Except as otherwise specifically provided, whenever in*
6 *this Act an amendment is expressed in terms of an amend-*
7 *ment to a section or other provision of law, the reference*
8 *shall be considered to be made to a section or other provi-*
9 *sion of title 49, United States Code.*

10 ***SEC. 3. TABLE OF CONTENTS.***

11 *The table of contents for this Act is as follows:*

Sec. 1. Short title.

Sec. 2. Amendment of title 49, United States Code.

Sec. 3. Table of contents.

TITLE I—AUTHORIZATIONS

Sec. 101. Authorization for Amtrak capital and operating expenses and State capital grants.

Sec. 102. Repayment of long-term debt and capital leases.

Sec. 103. Other authorizations.

Sec. 104. Tunnel project.

Sec. 105. Compliance with Immigration and Nationality Act.

Sec. 106. Authorization for capital and preventive maintenance projects for Washington Metropolitan Area Transit Authority.

TITLE II—AMTRAK REFORM AND OPERATIONAL IMPROVEMENTS

Sec. 201. National railroad passenger transportation system defined.

Sec. 202. Amtrak Board of Directors.

Sec. 203. Establishment of improved financial accounting system.

Sec. 204. Development of 5-year financial plan.

Sec. 205. Establishment of grant process.

Sec. 206. State-supported routes.

Sec. 207. Metrics and standards.

Sec. 208. Northeast Corridor state-of-good-repair plan.

Sec. 209. Northeast Corridor infrastructure and operations improvements.

Sec. 210. Restructuring long-term debt and capital leases.

Sec. 211. Study of compliance requirements at existing intercity rail stations.

Sec. 212. Oversight of Amtrak's compliance with accessibility requirements.

Sec. 213. Access to Amtrak equipment and services.

Sec. 214. General Amtrak provisions.

Sec. 215. Amtrak management accountability.

Sec. 216. Passenger rail study.

Sec. 217. Congestion grants.

Sec. 218. Plan for restoration of service.

Sec. 219. Locomotive biofuel study.

Sec. 220. Study of the use of biobased lubricants.

Sec. 221. Applicability of Buy American Act.

Sec. 222. Intercity passenger rail service performance.

Sec. 223. Amtrak Inspector General utilization study.

Sec. 224. Amtrak service preference study.

Sec. 225. Historic preservation and railroad safety.

Sec. 226. Commuter rail expansion.

Sec. 227. Service evaluation.

TITLE III—INTERCITY PASSENGER RAIL POLICY

Sec. 301. Capital assistance for intercity passenger rail service; State rail plans.

Sec. 302. State rail plans.

Sec. 303. Next generation corridor train equipment pool.

Sec. 304. Rail cooperative research program.

Sec. 305. Passenger rail system comparison study.

TITLE IV—COMMUTER RAIL TRANSIT ENHANCEMENT

Sec. 401. Commuter rail transit enhancement.

Sec. 402. Routing efficiency discussions with Amtrak.

TITLE V—HIGH-SPEED RAIL

Sec. 501. High-speed rail corridor program.

Sec. 502. Additional high-speed projects.

Sec. 503. High-speed rail study.

Sec. 504. Grant conditions.

1 ***TITLE I—AUTHORIZATIONS***

2 ***SEC. 101. AUTHORIZATION FOR AMTRAK CAPITAL AND OP-***
 3 ***ERATING EXPENSES AND STATE CAPITAL***
 4 ***GRANTS.***

5 *(a) OPERATING GRANTS.—There are authorized to be*
 6 *appropriated to the Secretary of Transportation for the use*
 7 *of Amtrak for operating costs the following amounts:*

8 *(1) For fiscal year 2009, \$525,000,000.*

9 *(2) For fiscal year 2010, \$600,000,000.*

10 *(3) For fiscal year 2011, \$614,000,000.*

11 *(4) For fiscal year 2012, \$638,000,000.*

12 *(5) For fiscal year 2013, \$654,000,000.*

13 *(b) INSPECTOR GENERAL.—Out of the amounts au-*
 14 *thorized under subsection (a), there are authorized to be ap-*
 15 *propriated to the Secretary of Transportation for the Office*
 16 *of the Inspector General of Amtrak the following amounts:*

17 *(1) For fiscal year 2009, \$20,368,900.*

18 *(2) For fiscal year 2010, \$22,586,000.*

19 *(3) For fiscal year 2011, \$24,337,000.*

20 *(4) For fiscal year 2012, \$26,236,000.*

21 *(5) For fiscal year 2013, \$28,287,000.*

22 *(c) ACCESSIBILITY IMPROVEMENTS AND BARRIER RE-*
 23 *MOVAL FOR PEOPLE WITH DISABILITIES.—There are au-*
 24 *thorized to be appropriated to the Secretary of Transpor-*
 25 *tation for the use of Amtrak to improve the accessibility*

1 of facilities, including rail platforms, and services the fol-
 2 lowing amounts:

3 (1) For fiscal year 2009, \$68,500,000.

4 (2) For fiscal year 2010, \$240,000,000.

5 (3) For fiscal year 2011, \$240,000,000.

6 (4) For fiscal year 2012, \$240,000,000.

7 (5) For fiscal year 2013, \$240,000,000.

8 (d) CAPITAL GRANTS.—There are authorized to be ap-
 9 propriated to the Secretary of Transportation for the use
 10 of Amtrak for capital projects (as defined in subparagraphs
 11 (A) and (B) of section 24401(2) of title 49, United States
 12 Code) to bring the Northeast Corridor (as defined in section
 13 24102(a)) to a state-of-good-repair, for capital expenses of
 14 the national rail passenger transportation system, and for
 15 purposes of making capital grants under section 24402 of
 16 that title to States, the following amounts:

17 (1) For fiscal year 2009, \$1,202,000,000.

18 (2) For fiscal year 2010, \$1,321,000,000.

19 (3) For fiscal year 2011, \$1,321,000,000.

20 (4) For fiscal year 2012, \$1,427,000,000.

21 (5) For fiscal year 2013, \$1,427,000,000.

22 (e) AMOUNTS FOR STATE GRANTS.—Out of the
 23 amounts authorized under subsection (d), the following per-
 24 centage shall be available each fiscal year for capital grants
 25 to States under section 24402 of title 49, United States

1 *Code, to be administered by the Secretary of Transpor-*
 2 *tation:*

3 (1) *41.60 percent for fiscal year 2009.*

4 (2) *38 percent for fiscal year 2010.*

5 (3) *38 percent for fiscal year 2011.*

6 (4) *35 percent for fiscal year 2012.*

7 (5) *35 percent for fiscal year 2013.*

8 (f) *PROJECT MANAGEMENT OVERSIGHT.—The Sec-*
 9 *retary may withhold up to 1/2 of 1 percent of amounts ap-*
 10 *propriated pursuant to subsection (d) for the costs of project*
 11 *management oversight of capital projects carried out by*
 12 *Amtrak.*

13 **SEC. 102. REPAYMENT OF LONG-TERM DEBT AND CAPITAL**
 14 **LEASES.**

15 (a) *AMTRAK PRINCIPAL AND INTEREST PAYMENTS.—*

16 (1) *PRINCIPAL AND INTEREST ON DEBT SERV-*
 17 *ICE.—There are authorized to be appropriated to the*
 18 *Secretary of Transportation for the use of Amtrak for*
 19 *retirement of principal and payment of interest on*
 20 *loans for capital equipment, or capital leases, not*
 21 *more than the following amounts:*

22 (A) *For fiscal year 2009, \$345,000,000.*

23 (B) *For fiscal year 2010, \$345,000,000.*

24 (C) *For fiscal year 2011, \$345,000,000.*

25 (D) *For fiscal year 2012, \$345,000,000.*

1 (E) *For fiscal year 2013, \$345,000,000.*

2 (2) *EARLY BUYOUT OPTION.—There are author-*
 3 *ized to be appropriated to the Secretary of Transpor-*
 4 *tation such sums as may be necessary for the use of*
 5 *Amtrak for the payment of costs associated with early*
 6 *buyout options if the exercise of those options is deter-*
 7 *mined to be advantageous to Amtrak.*

8 (3) *LEGAL EFFECT OF PAYMENTS UNDER THIS*
 9 *SECTION.—The payment of principal and interest on*
 10 *secured debt, with the proceeds of grants authorized*
 11 *by this section shall not—*

12 (A) *modify the extent or nature of any in-*
 13 *debtedness of the National Railroad Passenger*
 14 *Corporation to the United States in existence of*
 15 *the date of enactment of this Act;*

16 (B) *change the private nature of Amtrak’s*
 17 *or its successors’ liabilities; or*

18 (C) *imply any Federal guarantee or com-*
 19 *mitment to amortize Amtrak’s outstanding in-*
 20 *debtedness.*

21 **SEC. 103. OTHER AUTHORIZATIONS.**

22 *There are authorized to be appropriated to the Sec-*
 23 *retary of Transportation—*

24 (1) *\$5,000,000 for each of fiscal years 2009*
 25 *through 2013 to carry out the rail cooperative re-*

1 *search program under section 24910 of title 49,*
 2 *United States Code; and*

3 (2) *\$5,000,000 for fiscal year 2009, to remain*
 4 *available until expended, for grants to Amtrak and*
 5 *States participating in the Next Generation Corridor*
 6 *Train Equipment Pool Committee established under*
 7 *section 303 of this Act for the purpose of designing,*
 8 *developing specifications for, and initiating the pro-*
 9 *curement of an initial order of 1 or more types of*
 10 *standardized next-generation corridor train equip-*
 11 *ment and establishing a jointly owned corporation to*
 12 *manage that equipment.*

13 **SEC. 104. TUNNEL PROJECT.**

14 (a) *NEW TUNNEL ALIGNMENT AND ENVIRONMENTAL*
 15 *REVIEW.*—*Not later than September 30, 2013, the Federal*
 16 *Railroad Administration, working with Amtrak, the City*
 17 *of Baltimore, State of Maryland, and rail operators de-*
 18 *scribed in subsection (b), shall—*

19 (1) *approve a new rail tunnel alignment in Bal-*
 20 *timore that will permit an increase in train speed*
 21 *and service reliability; and*

22 (2) *ensure completion of the related environ-*
 23 *mental review process.*

24 (b) *AFFECTED RAIL OPERATORS.*—*Rail operators*
 25 *other than Amtrak may participate in activities described*

1 *in subsection (a) to the extent that they can demonstrate*
 2 *the intention and ability to contribute to the construction*
 3 *of the new tunnel.*

4 *(c) AUTHORIZATION OF APPROPRIATIONS.—There are*
 5 *authorized to be appropriated to the Federal Railroad Ad-*
 6 *ministration for carrying out this section \$60,000,000 for*
 7 *the period encompassing fiscal years 2009 through 2013.*

8 **SEC. 105. COMPLIANCE WITH IMMIGRATION AND NATION-**
 9 **ALITY ACT.**

10 *Notwithstanding any other provision of this Act, none*
 11 *of the funds authorized by this Act may be used to employ*
 12 *workers in violation of section 274A of the Immigration and*
 13 *Nationality Act (8 U.S.C. 1324a).*

14 **SEC. 106. AUTHORIZATION FOR CAPITAL AND PREVENTIVE**
 15 **MAINTENANCE PROJECTS FOR WASHINGTON**
 16 **METROPOLITAN AREA TRANSIT AUTHORITY.**

17 *(a) AUTHORIZATION.—*

18 *(1) IN GENERAL.—Subject to the succeeding pro-*
 19 *visions of this section, the Secretary of Transpor-*
 20 *tation is authorized to make grants to the Transit*
 21 *Authority, in addition to the contributions authorized*
 22 *under sections 3, 14, and 17 of the National Capital*
 23 *Transportation Act of 1969 (sec. 9–1101.01 et seq.,*
 24 *D.C. Official Code), for the purpose of financing in*
 25 *part the capital and preventive maintenance projects*

1 *included in the Capital Improvement Program ap-*
 2 *proved by the Board of Directors of the Transit Au-*
 3 *thority.*

4 (2) *DEFINITIONS.—In this section—*

5 (A) *the term “Transit Authority” means the*
 6 *Washington Metropolitan Area Transit Author-*
 7 *ity established under Article III of the Compact;*
 8 *and*

9 (B) *the term “Compact” means the Wash-*
 10 *ington Metropolitan Area Transit Authority*
 11 *Compact (80 Stat. 1324; Public Law 89–774).*

12 (b) *USE OF FUNDS.—The Federal grants made pursu-*
 13 *ant to the authorization under this section shall be subject*
 14 *to the following limitations and conditions:*

15 (1) *The work for which such Federal grants are*
 16 *authorized shall be subject to the provisions of the*
 17 *Compact (consistent with the amendments to the*
 18 *Compact described in subsection (d)).*

19 (2) *Each such Federal grant shall be for 50 per-*
 20 *cent of the net project cost of the project involved, and*
 21 *shall be provided in cash from sources other than Fed-*
 22 *eral funds or revenues from the operation of public*
 23 *mass transportation systems. Consistent with the*
 24 *terms of the amendment to the Compact described in*
 25 *subsection (d)(1), any funds so provided shall be sole-*

1 *ly from undistributed cash surpluses, replacement or*
 2 *depreciation funds or reserves available in cash, or*
 3 *new capital.*

4 *(3) Such Federal grants may be used only for the*
 5 *maintenance and upkeep of the systems of the Transit*
 6 *Authority as of the date of the enactment of this Act*
 7 *and may not be used to increase the mileage of the*
 8 *rail system.*

9 *(c) APPLICABILITY OF REQUIREMENTS FOR MASS*
 10 *TRANSPORTATION CAPITAL PROJECTS RECEIVING FUNDS*
 11 *UNDER FEDERAL TRANSPORTATION LAW.—Except as spe-*
 12 *cifically provided in this section, the use of any amounts*
 13 *appropriated pursuant to the authorization under this sec-*
 14 *tion shall be subject to the requirements applicable to cap-*
 15 *ital projects for which funds are provided under chapter*
 16 *53 of title 49, United States Code, except to the extent that*
 17 *the Secretary of Transportation determines that the require-*
 18 *ments are inconsistent with the purposes of this section.*

19 *(d) AMENDMENTS TO COMPACT.—No amounts may be*
 20 *provided to the Transit Authority pursuant to the author-*
 21 *ization under this section until the Transit Authority noti-*
 22 *fies the Secretary of Transportation that each of the fol-*
 23 *lowing amendments to the Compact (and any further*
 24 *amendments which may be required to implement such*
 25 *amendments) have taken effect:*

1 (1)(A) *An amendment requiring that all pay-*
2 *ments by the local signatory governments for the*
3 *Transit Authority for the purpose of matching any*
4 *Federal funds appropriated in any given year au-*
5 *thorized under subsection (a) for the cost of operating*
6 *and maintaining the adopted regional system are*
7 *made from amounts derived from dedicated funding*
8 *sources.*

9 (B) *For purposes of this paragraph, the term*
10 *“dedicated funding source” means any source of fund-*
11 *ing which is earmarked or required under State or*
12 *local law to be used to match Federal appropriations*
13 *authorized under this Act for payments to the Transit*
14 *Authority.*

15 (2) *An amendment establishing an Office of the*
16 *Inspector General of the Transit Authority.*

17 (3) *An amendment expanding the Board of Di-*
18 *rectors of the Transit Authority to include 4 addi-*
19 *tional Directors appointed by the Administrator of*
20 *General Services, of whom 2 shall be nonvoting and*
21 *2 shall be voting, and requiring one of the voting*
22 *members so appointed to be a regular passenger and*
23 *customer of the bus or rail service of the Transit Au-*
24 *thority.*

1 (e) *ACCESS TO WIRELESS SERVICE IN METRORAIL*
 2 *SYSTEM.*—

3 (1) *REQUIRING TRANSIT AUTHORITY TO PROVIDE*
 4 *ACCESS TO SERVICE.*—No amounts may be provided
 5 to the Transit Authority pursuant to the authoriza-
 6 tion under this section unless the Transit Authority
 7 ensures that customers of the rail service of the Tran-
 8 sit Authority have access within the rail system to
 9 services provided by any licensed wireless provider
 10 that notifies the Transit Authority (in accordance
 11 with such procedures as the Transit Authority may
 12 adopt) of its intent to offer service to the public, in
 13 accordance with the following timetable:

14 (A) Not later than 1 year after the date of
 15 the enactment of this Act, in the 20 underground
 16 rail station platforms with the highest volume of
 17 passenger traffic.

18 (B) Not later than 4 years after such date,
 19 throughout the rail system.

20 (2) *ACCESS OF WIRELESS PROVIDERS TO SYSTEM*
 21 *FOR UPGRADES AND MAINTENANCE.*—No amounts
 22 may be provided to the Transit Authority pursuant
 23 to the authorization under this section unless the
 24 Transit Authority ensures that each licensed wireless
 25 provider who provides service to the public within the

1 *rail system pursuant to paragraph (1) has access to*
 2 *the system on an ongoing basis (subject to such re-*
 3 *strictions as the Transit Authority may impose to en-*
 4 *sure that such access will not unduly impact rail op-*
 5 *erations or threaten the safety of customers or employ-*
 6 *ees of the rail system) to carry out emergency repairs,*
 7 *routine maintenance, and upgrades to the service.*

8 (3) *PERMITTING REASONABLE AND CUSTOMARY*
 9 *CHARGES.—Nothing in this subsection may be con-*
 10 *strued to prohibit the Transit Authority from requir-*
 11 *ing a licensed wireless provider to pay reasonable and*
 12 *customary charges for access granted under this sub-*
 13 *section.*

14 (4) *REPORTS.—Not later than 1 year after the*
 15 *date of the enactment of this Act, and each of the 3*
 16 *years thereafter, the Transit Authority shall submit to*
 17 *the Committee on Oversight and Government Reform*
 18 *of the House of Representatives and the Committee on*
 19 *Homeland Security and Governmental Affairs of the*
 20 *Senate a report on the implementation of this sub-*
 21 *section.*

22 (5) *DEFINITION.—In this subsection, the term*
 23 *“licensed wireless provider” means any provider of*
 24 *wireless services who is operating pursuant to a Fed-*

1 *eral license to offer such services to the public for*
 2 *profit.*

3 (f) *AMOUNT.—There are authorized to be appropriated*
 4 *to the Secretary of Transportation for grants under this sec-*
 5 *tion an aggregate amount not to exceed \$1,500,000,000 to*
 6 *be available in increments over 10 fiscal years beginning*
 7 *in fiscal year 2009, or until expended.*

8 (g) *AVAILABILITY.—Amounts appropriated pursuant*
 9 *to the authorization under this section shall remain avail-*
 10 *able until expended.*

11 ***TITLE II—AMTRAK REFORM AND*** 12 ***OPERATIONAL IMPROVEMENTS***

13 ***SEC. 201. NATIONAL RAILROAD PASSENGER TRANSPOR-*** 14 ***TATION SYSTEM DEFINED.***

15 (a) *IN GENERAL.—Section 24102 is amended—*

16 (1) *by striking paragraph (2);*

17 (2) *by redesignating paragraphs (3), (4), and (5)*
 18 *as paragraphs (2), (3), and (4), respectively; and*

19 (3) *by inserting after paragraph (4) as so redes-*
 20 *ignated the following:*

21 “(5) ‘*national rail passenger transportation sys-*
 22 *tem*’ means—

23 “(A) *the segment of the Northeast Corridor*
 24 *between Boston, Massachusetts and Washington,*
 25 *DC;*

1 “(B) rail corridors that have been des-
 2 ignated by the Secretary of Transportation as
 3 high-speed corridors (other than corridors de-
 4 scribed in subparagraph (A)), but only after they
 5 have been improved to permit operation of high-
 6 speed service;

7 “(C) long distance routes of more than 750
 8 miles between endpoints operated by Amtrak as
 9 of the date of enactment of the Passenger Rail
 10 Investment and Improvement Act of 2008; and

11 “(D) short-distance corridors, or routes of
 12 not more than 750 miles between endpoints, op-
 13 erated by—

14 “(i) Amtrak; or

15 “(ii) another rail carrier that receives
 16 funds under chapter 244.”.

17 (b) *AMTRAK ROUTES WITH STATE FUNDING.*—

18 (1) *IN GENERAL.*—Chapter 247 is amended by
 19 inserting after section 24701 the following:

20 **“§ 24702. Transportation requested by States, authori-**
 21 **ties, and other persons**

22 “(a) *CONTRACTS FOR TRANSPORTATION.*—Amtrak
 23 may enter into a contract with a State, a regional or local
 24 authority, or another person for Amtrak to operate an
 25 intercity rail service or route not included in the national

1 rail passenger transportation system upon such terms as
2 the parties thereto may agree.

3 “(b) *DISCONTINUANCE*.—Upon termination of a con-
4 tract entered into under this section, or the cessation of fi-
5 nancial support under such a contract by either party, Am-
6 trak may discontinue such service or route, notwithstanding
7 any other provision of law.”.

8 (2) *CONFORMING AMENDMENT*.—The chapter
9 analysis for chapter 247 is amended by inserting
10 after the item relating to section 24701 the following:

“24702. *Transportation requested by States, authorities, and other persons.*”.

11 (c) *AMTRAK TO CONTINUE TO PROVIDE NON-HIGH-*
12 *SPEED SERVICES*.—Nothing in this Act is intended to pre-
13 clude Amtrak from restoring, improving, or developing non-
14 high-speed intercity passenger rail service.

15 (d) *APPLICABILITY OF SECTION 24706*.—Section
16 24706 is amended by adding at the end the following:

17 “(c) *APPLICABILITY*.—This section applies to all serv-
18 ice over routes provided by Amtrak, notwithstanding any
19 provision of section 24701 of this title or any other provi-
20 sion of this title except section 24702(b).”.

21 **SEC. 202. AMTRAK BOARD OF DIRECTORS.**

22 (a) *IN GENERAL*.—Section 24302 is amended to read
23 as follows:

24 **“§ 24302. Board of Directors**

25 “(a) *COMPOSITION AND TERMS*.—

1 “(1) *The Board of Directors of Amtrak is com-*
2 *posed of the following 10 directors, each of whom*
3 *must be a citizen of the United States:*

4 “(A) *The Secretary of Transportation.*

5 “(B) *The President of Amtrak, who shall*
6 *serve ex officio, as a non-voting member.*

7 “(C) *Eight individuals appointed by the*
8 *President of the United States, by and with the*
9 *advice and consent of the Senate, with general*
10 *business and financial experience, experience or*
11 *qualifications in transportation, freight and pas-*
12 *senger rail transportation, travel, hospitality,*
13 *cruise line, and passenger air transportation*
14 *businesses, or representatives of employees or*
15 *users of passenger rail transportation or a State*
16 *government.*

17 “(2) *In selecting individuals described in para-*
18 *graph (1) for nominations for appointments to the*
19 *Board, the President shall consult with the Speaker of*
20 *the House of Representatives, the minority leader of*
21 *the House of Representatives, the majority leader of*
22 *the Senate, and the minority leader of the Senate and*
23 *try to provide adequate and balanced representation*
24 *of the major geographic regions of the United States*
25 *served by Amtrak.*

1 “(3) *An individual appointed under paragraph*
 2 *(1)(C) of this subsection serves for 5 years or until the*
 3 *individual’s successor is appointed and qualified. Not*
 4 *more than 5 individuals appointed under paragraph*
 5 *(1)(C) may be members of the same political party.*

6 “(4) *The Board shall elect a chairman and a*
 7 *vice chairman from among its membership. The vice*
 8 *chairman shall serve as chairman in the absence of*
 9 *the chairman.*

10 “(5) *The Secretary may be represented at board*
 11 *meetings by the Secretary’s designee.*

12 “(b) *PAY AND EXPENSES.—Each director not em-*
 13 *ployed by the United States Government is entitled to \$300*
 14 *a day when performing Board duties. Each Director is enti-*
 15 *tled to reimbursement for necessary travel, reasonable secre-*
 16 *tarial and professional staff support, and subsistence ex-*
 17 *penses incurred in attending Board meetings.*

18 “(c) *VACANCIES.—A vacancy on the Board is filled in*
 19 *the same way as the original selection, except that an indi-*
 20 *vidual appointed by the President of the United States*
 21 *under subsection (a)(1)(C) of this section to fill a vacancy*
 22 *occurring before the end of the term for which the prede-*
 23 *cessor of that individual was appointed is appointed for*
 24 *the remainder of that term. A vacancy required to be filled*

1 *by appointment under subsection (a)(1)(C) must be filled*
 2 *not later than 120 days after the vacancy occurs.*

3 “(d) *QUORUM.*—*A majority of the members serving*
 4 *shall constitute a quorum for doing business.*

5 “(e) *BYLAWS.*—*The Board may adopt and amend by-*
 6 *laws governing the operation of Amtrak. The bylaws shall*
 7 *be consistent with this part and the articles of incorpora-*
 8 *tion.”.*

9 (b) *EFFECTIVE DATE FOR DIRECTORS’ PROVISION.*—
 10 *The amendment made by subsection (a) shall take effect 6*
 11 *months after the date of enactment of this Act. The members*
 12 *of the Amtrak Board serving on the date of enactment of*
 13 *this Act may continue to serve for the remainder of the term*
 14 *to which they were appointed.*

15 **SEC. 203. ESTABLISHMENT OF IMPROVED FINANCIAL AC-**
 16 **COUNTING SYSTEM.**

17 (a) *IN GENERAL.*—*The Amtrak Board of Directors—*

18 (1) *may employ an independent financial con-*
 19 *sultant with experience in railroad accounting to as-*
 20 *sist Amtrak in improving Amtrak’s financial ac-*
 21 *counting and reporting system and practices;*

22 (2) *shall implement a modern financial account-*
 23 *ing and reporting system not later than 1 year after*
 24 *the date of enactment of this Act; and*

1 (3) shall, not later than 90 days after the end of
2 each fiscal year through fiscal year 2013—

3 (A) submit to Congress a comprehensive re-
4 port that allocates all of Amtrak's revenues and
5 costs to each of its routes, each of its lines of
6 business, and each major activity within each
7 route and line of business activity, including—

8 (i) train operations;

9 (ii) equipment maintenance;

10 (iii) food service;

11 (iv) sleeping cars;

12 (v) ticketing; and

13 (vi) reservations;

14 (B) include the report described in subpara-
15 graph (A) in Amtrak's annual report; and

16 (C) post such report on Amtrak's website.

17 (b) VERIFICATION OF SYSTEM; REPORT.—The Inspec-
18 tor General of the Department of Transportation shall re-
19 view the accounting system designed and implemented
20 under subsection (a) to ensure that it accomplishes the pur-
21 poses for which it is intended. The Inspector General shall
22 report his findings and conclusions, together with any rec-
23 ommendations, to the House of Representatives Committee
24 on Transportation and Infrastructure and the Senate Com-
25 mittee on Commerce, Science, and Transportation.

1 (c) *CATEGORIZATION OF REVENUES AND EXPENSES.*—

2 (1) *IN GENERAL.*—*In carrying out subsection*
 3 *(a), the Amtrak Board of Directors shall separately*
 4 *categorize routes, assigned revenues, and attributable*
 5 *expenses by type of service, including long distance*
 6 *routes, State-sponsored routes, commuter contract*
 7 *routes, and Northeast Corridor routes.*

8 (2) *NORTHEAST CORRIDOR.*—*Amtrak revenues*
 9 *generated by freight and commuter railroads oper-*
 10 *ating on the Northeast Corridor shall be separately*
 11 *listed to include the charges per car mile assessed by*
 12 *Amtrak to other freight and commuter railroad enti-*
 13 *ties.*

14 (3) *FIXED OVERHEAD EXPENSES.*—*Fixed over-*
 15 *head expenses that are not directly assigned or attrib-*
 16 *uted to any route (or group of routes) shall be listed*
 17 *separately by line item and expense category.*

18 **SEC. 204. DEVELOPMENT OF 5-YEAR FINANCIAL PLAN.**

19 (a) *DEVELOPMENT OF 5-YEAR FINANCIAL PLAN.*—*The*
 20 *Amtrak Board of Directors shall submit an annual budget*
 21 *and business plan for Amtrak, and a 5-year financial plan*
 22 *for the fiscal year to which that budget and business plan*
 23 *relate and the subsequent 4 years, prepared in accordance*
 24 *with this section, to the Secretary of Transportation and*

1 *the Inspector General of the Department of Transportation*
 2 *no later than—*

3 (1) *the first day of each fiscal year beginning*
 4 *after the date of enactment of this Act; or*

5 (2) *the date that is 60 days after the date of en-*
 6 *actment of an appropriation Act for the fiscal year,*
 7 *if later.*

8 (b) *CONTENTS OF 5-YEAR FINANCIAL PLAN.—The 5-*
 9 *year financial plan for Amtrak shall include, at a min-*
 10 *imum—*

11 (1) *all projected revenues and expenditures for*
 12 *Amtrak, including governmental funding sources;*

13 (2) *projected ridership levels for all Amtrak pas-*
 14 *senger operations;*

15 (3) *revenue and expenditure forecasts for non-*
 16 *passenger operations;*

17 (4) *capital funding requirements and expendi-*
 18 *tures necessary to maintain passenger service which*
 19 *will accommodate predicted ridership levels and pre-*
 20 *dicted sources of capital funding;*

21 (5) *operational funding needs, if any, to main-*
 22 *tain current and projected levels of passenger service,*
 23 *including state-supported routes and predicted fund-*
 24 *ing sources;*

1 (6) *projected capital and operating requirements,*
 2 *ridership, and revenue for any new passenger service*
 3 *operations or service expansions;*

4 (7) *an assessment of the continuing financial*
 5 *stability of Amtrak, such as Amtrak's ability to effi-*
 6 *ciently manage its workforce, and Amtrak's ability to*
 7 *effectively provide passenger train service;*

8 (8) *estimates of long-term and short-term debt*
 9 *and associated principal and interest payments (both*
 10 *current and anticipated);*

11 (9) *annual cash flow forecasts;*

12 (10) *a statement describing methods of esti-*
 13 *mation and significant assumptions;*

14 (11) *specific measures that demonstrate measur-*
 15 *able improvement year over year in the financial re-*
 16 *sults of Amtrak's operations;*

17 (12) *prior fiscal year and projected operating*
 18 *ratio, cash operating loss, and cash operating loss per*
 19 *passenger on a route, business line, and corporate*
 20 *basis;*

21 (13) *prior fiscal year and projected specific costs*
 22 *and savings estimates resulting from reform initia-*
 23 *tives;*

1 (14) prior fiscal year and projected labor pro-
 2 ductivity statistics on a route, business line, and cor-
 3 porate basis; and

4 (15) prior fiscal year and projected equipment
 5 reliability statistics.

6 (c) *STANDARDS TO PROMOTE FINANCIAL STA-*
 7 *BILITY.*—*In meeting the requirements of subsection (b), Am-*
 8 *trak shall—*

9 (1) *apply sound budgetary practices, including*
 10 *reducing costs and other expenditures, improving pro-*
 11 *ductivity, increasing revenues, or combinations of*
 12 *such practices;*

13 (2) *use the categories specified in the financial*
 14 *accounting and reporting system developed under sec-*
 15 *tion 203 when preparing its 5-year financial plan;*
 16 *and*

17 (3) *ensure that the plan is consistent with the*
 18 *authorizations of appropriations under title I of this*
 19 *Act.*

20 **SEC. 205. ESTABLISHMENT OF GRANT PROCESS.**

21 (a) *GRANT REQUESTS.*—*Amtrak shall submit grant*
 22 *requests (including a schedule for the disbursement of*
 23 *funds), consistent with the requirements of this Act, to the*
 24 *Secretary of Transportation for funds authorized to be ap-*

1 *propriated to the Secretary for the use of Amtrak under*
 2 *sections 101(a), (c), and (d), 102, and 103(2) of this Act.*

3 *(b) PROCEDURES FOR GRANT REQUESTS.—The Sec-*
 4 *retary shall establish substantive and procedural require-*
 5 *ments, including schedules, for grant requests under this*
 6 *section not later than 30 days after the date of enactment*
 7 *of this Act and shall transmit copies to the Committee on*
 8 *Transportation and Infrastructure of the House of Rep-*
 9 *resentatives and the Committee on Commerce, Science, and*
 10 *Transportation of the Senate.*

11 *(c) REVIEW AND APPROVAL.—*

12 *(1) 30-DAY APPROVAL PROCESS.—The Secretary*
 13 *shall complete the review of a complete grant request*
 14 *(including the disbursement schedule) and approve or*
 15 *disapprove the request within 30 days after the date*
 16 *on which Amtrak submits the grant request. If the*
 17 *Secretary disapproves the request or determines that*
 18 *the request is incomplete or deficient, the Secretary*
 19 *shall include the reason for disapproval or the incom-*
 20 *plete items or deficiencies in the notice to Amtrak.*

21 *(2) 15-DAY MODIFICATION PERIOD.—Within 15*
 22 *days after receiving notification from the Secretary*
 23 *under the preceding sentence, Amtrak shall submit a*
 24 *modified request for the Secretary's review.*

1 (3) *REVISED REQUESTS.*—Within 15 days after
 2 receiving a modified request from Amtrak, the Sec-
 3 retary shall either approve the modified request, or, if
 4 the Secretary finds that the request is still incomplete
 5 or deficient, the Secretary shall identify in writing to
 6 the House of Representatives Committee on Transpor-
 7 tation and Infrastructure and the Senate Committee
 8 on Commerce, Science, and Transportation the re-
 9 maining deficiencies and recommend a process for re-
 10 solving the outstanding portions of the request.

11 **SEC. 206. STATE-SUPPORTED ROUTES.**

12 (a) *IN GENERAL.*—Within 2 years after the date of en-
 13 actment of this Act, the Board of Directors of Amtrak, in
 14 consultation with the Secretary of Transportation and the
 15 governors of each relevant State and the Mayor of the Dis-
 16 trict of Columbia or groups representing those officials,
 17 shall develop and implement a single, Nationwide standard-
 18 ized methodology for establishing and allocating the oper-
 19 ating and capital costs among the States and Amtrak asso-
 20 ciated with trains operated on routes described in section
 21 24102(5)(B) or (D) or section 24702 that—

22 (1) ensures, within 5 years after the date of en-
 23 actment of this Act, equal treatment in the provision
 24 of like services of all States and groups of States (in-
 25 cluding the District of Columbia); and

1 (2) allocates to each route the costs incurred only
 2 for the benefit of that route and a proportionate
 3 share, based upon factors that reasonably reflect rel-
 4 ative use, of costs incurred for the common benefit of
 5 more than 1 route.

6 (b) *REVIEW.*—If Amtrak and the States (including the
 7 District of Columbia) in which Amtrak operates such routes
 8 do not voluntarily adopt and implement the methodology
 9 developed under subsection (a) in allocating costs and deter-
 10 mining compensation for the provision of service in accord-
 11 ance with the date established therein, the Surface Trans-
 12 portation Board shall determine the appropriate method-
 13 ology required under subsection (a) for such services in ac-
 14 cordance with the procedures and procedural schedule ap-
 15 plicable to a proceeding under section 24904(c) of title 49,
 16 United States Code, and require the full implementation
 17 of this methodology with regards to the provision of such
 18 service within 1 year after the Board’s determination of the
 19 appropriate methodology.

20 (c) *USE OF CHAPTER 244 FUNDS.*—Funds provided
 21 to a State under chapter 244 of title 49, United States Code,
 22 may be used, as provided in that chapter, to pay capital
 23 costs determined in accordance with this section.

1 **SEC. 207. METRICS AND STANDARDS.**

2 (a) *IN GENERAL.*—Within 180 days after the date of
3 enactment of this Act, the Administrator of the Federal
4 Railroad Administration and Amtrak shall jointly, in con-
5 sultation with the Surface Transportation Board, rail car-
6 riers over whose rail lines Amtrak trains operate, States,
7 Amtrak employees, nonprofit employee organizations rep-
8 resenting Amtrak employees, and groups representing Am-
9 trak passengers, as appropriate, develop new or improve ex-
10 isting metrics and minimum standards for measuring the
11 performance and service quality of intercity passenger train
12 operations, including cost recovery, on-time performance
13 and minutes of delay, ridership, on-board services, stations,
14 facilities, equipment, and other services. Such metrics, at
15 a minimum, shall include the percentage of avoidable and
16 fully allocated operating costs covered by passenger revenues
17 on each route, ridership per train mile operated, measures
18 of on-time performance and delays incurred by intercity
19 passenger trains on the rail lines of each rail carrier and,
20 for long distance routes, measures of connectivity with other
21 routes in all regions currently receiving Amtrak service and
22 the transportation needs of communities and populations
23 that are not well-served by other forms of public transpor-
24 tation. Amtrak shall provide reasonable access to the Fed-
25 eral Railroad Administration in order to enable the Admin-
26 istration to carry out its duty under this section.

1 (b) *QUARTERLY REPORTS.*—*The Administrator of the*
 2 *Federal Railroad Administration shall collect the necessary*
 3 *data and publish a quarterly report on the performance and*
 4 *service quality of intercity passenger train operations, in-*
 5 *cluding Amtrak's cost recovery, ridership, on-time perform-*
 6 *ance and minutes of delay, causes of delay, on-board serv-*
 7 *ices, stations, facilities, equipment, and other services.*

8 (c) *CONTRACT WITH HOST RAIL CARRIERS.*—*To the*
 9 *extent practicable, Amtrak and its host rail carriers shall*
 10 *incorporate the metrics and standards developed under sub-*
 11 *section (a) into their access and service agreements.*

12 (d) *ARBITRATION.*—*If the development of the metrics*
 13 *and standards is not completed within the 180-day period*
 14 *required by subsection (a), any party involved in the devel-*
 15 *opment of those standards may petition the Surface Trans-*
 16 *portation Board to appoint an arbitrator to assist the par-*
 17 *ties in resolving their disputes through binding arbitration.*

18 **SEC. 208. NORTHEAST CORRIDOR STATE-OF-GOOD-REPAIR**

19 **PLAN.**

20 (a) *IN GENERAL.*—*Within 9 months after the date of*
 21 *enactment of this Act, the National Railroad Passenger Cor-*
 22 *poration, in consultation with the Secretary and the States*
 23 *(including the District of Columbia) that make up the*
 24 *Northeast Corridor (as defined in section 24102 of title 49,*
 25 *United States Code), shall prepare a capital spending plan*

1 *for capital projects required to return the railroad right-*
2 *of-way (including track, signals, and auxiliary structures),*
3 *facilities, stations, and equipment, of the Northeast Cor-*
4 *ridor to a state of good repair by the end of fiscal year*
5 *2024, consistent with the funding levels authorized in this*
6 *Act and shall submit the plan to the Secretary.*

7 *(b) APPROVAL BY THE SECRETARY.—*

8 *(1) The Corporation shall submit the capital*
9 *spending plan prepared under this section to the Sec-*
10 *retary of Transportation for review and approval*
11 *pursuant to the procedures developed under section*
12 *205 of this Act.*

13 *(2) The Secretary of Transportation shall require*
14 *that the plan be updated at least annually and shall*
15 *review and approve such updates. During review, the*
16 *Secretary shall seek comments and review from the*
17 *commission established under section 24905 of title*
18 *49, United States Code, and other Northeast Corridor*
19 *users regarding the plan.*

20 *(3) The Secretary shall make grants to the Cor-*
21 *poration with funds authorized by section 101(d) of*
22 *this Act for Northeast Corridor capital investments*
23 *contained within the capital spending plan prepared*
24 *by the Corporation and approved by the Secretary.*

1 (4) *Using the funds authorized by section 101(f)*
 2 *of this Act, the Secretary shall review Amtrak’s cap-*
 3 *ital expenditures funded by this section to ensure that*
 4 *such expenditures are consistent with the capital*
 5 *spending plan and that Amtrak is providing adequate*
 6 *project management oversight and fiscal controls.*

7 (c) *ELIGIBILITY OF EXPENDITURES.—The Federal*
 8 *share of expenditures for capital improvements under this*
 9 *section may not exceed 100 percent.*

10 **SEC. 209. NORTHEAST CORRIDOR INFRASTRUCTURE AND**
 11 **OPERATIONS IMPROVEMENTS.**

12 (a) *IN GENERAL.—Section 24905 is amended to read*
 13 *as follows:*

14 **“§ 24905. Northeast Corridor Infrastructure and Oper-**
 15 **ations Advisory Commission**

16 “(a) *NORTHEAST CORRIDOR INFRASTRUCTURE AND*
 17 *OPERATIONS ADVISORY COMMISSION.—*

18 “(1) *Within 180 days after the date of enactment*
 19 *of the Passenger Rail Investment and Improvement*
 20 *Act of 2008, the Secretary of Transportation shall es-*
 21 *tablish a Northeast Corridor Infrastructure and Oper-*
 22 *ations Advisory Commission (hereinafter referred to*
 23 *in this section as the ‘Commission’) to promote mu-*
 24 *tual cooperation and planning pertaining to the rail*

1 *operations and related activities of the Northeast Cor-*
 2 *ridor. The Commission shall be made up of—*

3 *“(A) members representing the National*
 4 *Railroad Passenger Corporation;*

5 *“(B) members representing the Secretary of*
 6 *Transportation and the Federal Railroad Ad-*
 7 *ministration;*

8 *“(C) one member from each of the States*
 9 *(including the District of Columbia) that con-*
 10 *stitute the Northeast Corridor as defined in sec-*
 11 *tion 24102, designated by, and serving at the*
 12 *pleasure of, the chief executive officer thereof; and*

13 *“(D) non-voting representatives of freight*
 14 *railroad carriers using the Northeast Corridor*
 15 *selected by the Secretary.*

16 *“(2) The Secretary shall ensure that the member-*
 17 *ship belonging to any of the groups enumerated under*
 18 *subparagraph (1) shall not constitute a majority of*
 19 *the commission’s memberships.*

20 *“(3) The commission shall establish a schedule*
 21 *and location for convening meetings, but shall meet*
 22 *no less than four times per fiscal year, and the com-*
 23 *mission shall develop rules and procedures to govern*
 24 *the commission’s proceedings.*

1 “(4) A vacancy in the Commission shall be filled
2 in the manner in which the original appointment was
3 made.

4 “(5) Members shall serve without pay but shall
5 receive travel expenses, including per diem in lieu of
6 subsistence, in accordance with sections 5702 and
7 5703 of title 5, United States Code.

8 “(6) The Chairman of the Commission shall be
9 elected by the members.

10 “(7) The Commission may appoint and fix the
11 pay of such personnel as it considers appropriate.

12 “(8) Upon request of the Commission, the head
13 of any department or agency of the United States
14 may detail, on a reimbursable basis, any of the per-
15 sonnel of that department or agency to the Commis-
16 sion to assist it in carrying out its duties under this
17 section.

18 “(9) Upon the request of the Commission, the
19 Administrator of General Services shall provide to the
20 Commission, on a reimbursable basis, the administra-
21 tive support services necessary for the Commission to
22 carry out its responsibilities under this section.

23 “(10) The commission shall consult with other
24 entities as appropriate.

1 “(b) *GENERAL RECOMMENDATIONS.—The Commission*
 2 *shall develop recommendations concerning Northeast Cor-*
 3 *ridor rail infrastructure and operations including pro-*
 4 *posals addressing, as appropriate—*

5 “(1) *short-term and long-term capital investment*
 6 *needs beyond the state-of-good-repair under section*
 7 *208 of the Passenger Rail Investment and Improve-*
 8 *ment Act of 2008;*

9 “(2) *future funding requirements for capital im-*
 10 *provements and maintenance;*

11 “(3) *operational improvements of intercity pas-*
 12 *senger rail, commuter rail, and freight rail services;*

13 “(4) *opportunities for additional non-rail uses of*
 14 *the Northeast Corridor;*

15 “(5) *scheduling and dispatching;*

16 “(6) *safety enhancements;*

17 “(7) *equipment design;*

18 “(8) *marketing of rail services;*

19 “(9) *future capacity requirements; and*

20 “(10) *potential funding and financing mecha-*
 21 *nisms for projects of corridor-wide significance.*

22 “(c) *ACCESS COSTS.—*

23 “(1) *DEVELOPMENT OF FORMULA.—Within 1*
 24 *year after verification of Amtrak’s new financial ac-*
 25 *counting system pursuant to section 203(b) of the*

1 *Passenger Rail Investment and Improvement Act of*
2 *2008, the Commission shall—*

3 “(A) *develop a standardized formula for de-*
4 *termining and allocating costs, revenues, and*
5 *compensation for Northeast Corridor commuter*
6 *rail passenger transportation, as defined in sec-*
7 *tion 24102 of this title, that use National Rail-*
8 *road Passenger Corporation facilities or services*
9 *or that provide such facilities or services to the*
10 *National Railroad Passenger Corporation that*
11 *ensure that—*

12 “(i) *there is no cross-subsidization of*
13 *commuter rail passenger, intercity rail pas-*
14 *senger, or freight rail transportation;*

15 “(ii) *each service is assigned the costs*
16 *incurred only for the benefit of that service,*
17 *and a proportionate share, based upon fac-*
18 *tors that reasonably reflect relative use, of*
19 *costs incurred for the common benefit of*
20 *more than 1 service; and*

21 “(iii) *all financial contributions made*
22 *by an operator of a service, including but*
23 *not limited to, for any capital infrastruc-*
24 *ture investments, as well as for any in-kind*
25 *services, are considered;*

1 “(B) develop a proposed timetable for im-
 2 plementing the formula before the end of the 6th
 3 year following the date of enactment of that Act;

4 “(C) transmit the proposed timetable to the
 5 Surface Transportation Board; and

6 “(D) at the request of a Commission mem-
 7 ber, petition the Surface Transportation Board
 8 to appoint a mediator to assist the Commission
 9 members through non-binding mediation to
 10 reach an agreement under this section.

11 “(2) IMPLEMENTATION.—The National Railroad
 12 Passenger Corporation and the commuter authorities
 13 providing commuter rail passenger transportation on
 14 the Northeast Corridor shall implement new agree-
 15 ments for usage of facilities or services based on the
 16 formula proposed in paragraph (1) in accordance
 17 with the timetable established therein. If the entities
 18 fail to implement such new agreements in accordance
 19 with the timetable, the Commission shall petition the
 20 Surface Transportation Board to determine the ap-
 21 propriate compensation amounts for such services in
 22 accordance with section 24904(c) of this title. The
 23 Surface Transportation Board shall enforce its deter-
 24 mination on the party or parties involved.

1 “(d) *TRANSMISSION OF RECOMMENDATIONS.—The*
 2 *commission shall annually transmit the recommendations*
 3 *developed under subsection (b) and the formula and time-*
 4 *table developed under subsection (c)(1) to the Committee on*
 5 *Transportation and Infrastructure of the House of Rep-*
 6 *resentatives and the Committee on Commerce, Science, and*
 7 *Transportation of the Senate.”.*

8 (b) *CONFORMING AMENDMENTS.—(1) Section*
 9 *24904(c)(2) is amended by—*

10 (A) *inserting “commuter rail passenger and”*
 11 *after “between”; and*

12 (B) *striking “freight” in the second sentence.*

13 (2) *The chapter analysis for chapter 249 is amended*
 14 *by striking the item relating to section 24905 and inserting*
 15 *the following:*

“24905. Northeast Corridor Infrastructure and Operations Advisory Commis-
sion.”.

16 (c) *ACELA SERVICE STUDY.—*

17 (1) *IN GENERAL.—Amtrak shall conduct a con-*
 18 *duct a study to determine the infrastructure and*
 19 *equipment improvements necessary to provide regular*
 20 *Acela service—*

21 (A) *between Washington, DC and New York*
 22 *City—*

23 (i) *in 2 hours and 30 minutes;*

24 (ii) *in 2 hours and 15 minutes; and*

1 (iii) in 2 hours; and

2 (B) between New York City and Boston—

3 (i) in 3 hours and 15 minutes;

4 (ii) in 3 hours; and

5 (iii) in 2 hours and 45 minutes.

6 (2) *ISSUES.*—The study conducted under para-
7 graph (1) shall include—

8 (A) an estimated time frame for achieving
9 the trip time described in paragraph (1);

10 (B) an analysis of any significant obstacles
11 that would hinder such an achievement, includ-
12 ing but not limited to, any adverse impact on
13 existing and projected intercity, commuter, and
14 freight service; and

15 (C) a detailed description and cost estimate
16 of the specific infrastructure and equipment im-
17 provements necessary for such an achievement.

18 (3) *REPORT.*—Within 1 year after the date of
19 enactment of this Act, Amtrak shall submit a written
20 report containing the results of the study required
21 under this subsection to—

22 (A) the Committee on Transportation and
23 Infrastructure of the House of Representatives;

24 (B) the Committee on Appropriations of the
25 House of Representatives;

1 (C) the Committee on Commerce, Science,
2 and Transportation of the Senate;

3 (D) the Committee on Appropriations of the
4 Senate; and

5 (E) the Federal Railroad Administration.

6 (4) AUTHORIZATION OF APPROPRIATIONS.—

7 There are authorized to be appropriated to the Sec-
8 retary of Transportation to enable Amtrak to conduct
9 the study under this subsection \$5,000,000.

10 **SEC. 210. RESTRUCTURING LONG-TERM DEBT AND CAPITAL**
11 **LEASES.**

12 (a) IN GENERAL.—The Secretary of the Treasury, in
13 consultation with the Secretary of Transportation and Am-
14 trak, may make agreements to restructure Amtrak's indebt-
15 edness as of the date of enactment of this Act. This author-
16 ization expires 18 months after the date of enactment of
17 this Act.

18 (b) DEBT RESTRUCTURING.—The Secretary of the
19 Treasury, in consultation with the Secretary of Transpor-
20 tation and Amtrak, shall enter into negotiations with the
21 holders of Amtrak debt, including leases, outstanding on the
22 date of enactment of this Act for the purpose of restruc-
23 turing (including repayment) and repaying that debt. The
24 Secretary of the Treasury may secure agreements for re-
25 structuring or repayment on such terms as the Secretary

1 *of the Treasury deems favorable to the interests of the Gov-*
 2 *ernment.*

3 (c) *CRITERIA.—In restructuring Amtrak’s indebted-*
 4 *ness, the Secretary of the Treasury and Amtrak—*

5 (1) *shall take into consideration repayment costs,*
 6 *the term of any loan or loans, and market conditions;*
 7 *and*

8 (2) *shall ensure that the restructuring results in*
 9 *significant savings to Amtrak and the United States*
 10 *Government.*

11 (d) *PAYMENT OF RENEGOTIATED DEBT.—If the cri-*
 12 *teria under subsection (c) are met, the Secretary of the*
 13 *Treasury may assume or repay the restructured debt, as*
 14 *appropriate.*

15 (e) *AMTRAK PRINCIPAL AND INTEREST PAYMENTS.—*

16 (1) *PRINCIPAL ON DEBT SERVICE.—Unless the*
 17 *Secretary of the Treasury makes sufficient payments*
 18 *to creditors under subsection (d) so that Amtrak is re-*
 19 *quired to make no payments to creditors in a fiscal*
 20 *year, the Secretary of Transportation shall use funds*
 21 *authorized by section 102(a)(1) of this Act for the use*
 22 *of Amtrak for retirement of principal on loans for*
 23 *capital equipment, or capital leases.*

24 (2) *INTEREST ON DEBT.—Unless the Secretary of*
 25 *the Treasury makes sufficient payments to creditors*

1 *under subsection (d) so that Amtrak is required to*
 2 *make no payments to creditors in a fiscal year, the*
 3 *Secretary of Transportation shall use funds author-*
 4 *ized by section 102(a)(1) of this Act for the use of*
 5 *Amtrak for the payment of interest on loans for cap-*
 6 *ital equipment, or capital leases.*

7 (3) *REDUCTIONS IN AUTHORIZATION LEVELS.—*
 8 *Whenever action taken by the Secretary of the Treas-*
 9 *ury under subsection (a) results in reductions in*
 10 *amounts of principal or interest that Amtrak must*
 11 *service on existing debt, the corresponding amounts*
 12 *authorized by section 102(a)(1) shall be reduced ac-*
 13 *cordingly.*

14 (f) *LEGAL EFFECT OF PAYMENTS UNDER THIS SEC-*
 15 *TION.—The payment of principal and interest on secured*
 16 *debt, other than debt assumed under subsection (d), with*
 17 *the proceeds of grants under subsection (e) shall not—*

18 (1) *modify the extent or nature of any indebted-*
 19 *ness of the National Railroad Passenger Corporation*
 20 *to the United States in existence of the date of enact-*
 21 *ment of this Act;*

22 (2) *change the private nature of Amtrak's or its*
 23 *successors' liabilities; or*

24 (3) *imply any Federal guarantee or commitment*
 25 *to amortize Amtrak's outstanding indebtedness.*

1 (g) *SECRETARY APPROVAL.*—*Amtrak may not incur*
 2 *more debt after the date of enactment of this Act without*
 3 *the express advance approval of the Secretary of Transpor-*
 4 *tation.*

5 (h) *REPORT.*—*The Secretary of the Treasury shall*
 6 *transmit a report to the Committee on Transportation and*
 7 *Infrastructure of the House of Representatives, the Com-*
 8 *mittee on Appropriations of the House of Representatives,*
 9 *the Committee on Commerce, Science, and Transportation*
 10 *of the Senate, and the Committee on Appropriations of the*
 11 *Senate, by November 1, 2009—*

12 (1) *describing in detail any agreements to re-*
 13 *structure the Amtrak debt; and*

14 (2) *providing an estimate of the savings to Am-*
 15 *trak and the United States Government.*

16 **SEC. 211. STUDY OF COMPLIANCE REQUIREMENTS AT EX-**
 17 **ISTING INTERCITY RAIL STATIONS.**

18 *Amtrak, in consultation with station owners and other*
 19 *railroads operating service through the existing stations*
 20 *that it serves, shall evaluate the improvements necessary to*
 21 *make these stations readily accessible to and usable by indi-*
 22 *viduals with disabilities, as required by such section*
 23 *242(e)(2) of the Americans with Disabilities Act of 1990,*
 24 *as amended (42 U.S.C. 12162(e)(2)). The evaluation shall*
 25 *include, for each applicable station, improvements required*

1 to bring it into compliance with the applicable parts of such
 2 section 242(e)(2), any potential barriers to achieving com-
 3 pliance, including issues related to the raising of passenger
 4 rail station platforms, the estimated cost of the improve-
 5 ments necessary, the identification of the responsible person
 6 (as defined in section 241(5) of that Act (42 U.S.C.
 7 12161(5))), and the earliest practicable date when such im-
 8 provements can be made. The evaluation shall also include
 9 a detailed plan and schedule for bringing all applicable sta-
 10 tions into compliance with the applicable parts of section
 11 242(e)(2) by the 2010 statutory deadline for station accessi-
 12 bility. Amtrak shall submit the evaluation to the Committee
 13 on Transportation and Infrastructure of the House of Rep-
 14 resentatives; the Committee on Commerce, Science, and
 15 Transportation of the Senate; the Department of Transpor-
 16 tation; and the National Council on Disability by February
 17 1, 2009, along with recommendations for funding the nec-
 18 essary improvements. Should the Department of Transpor-
 19 tation issue the Final Rule to its Notice of Proposed Rule-
 20 making of February 27, 2006, on “Transportation for Indi-
 21 viduals with Disabilities,” after Amtrak submits its evalua-
 22 tion, Amtrak shall, not later than 120 days after the date
 23 the Final Rule is published, submit to the above parties a
 24 supplemental evaluation on the impact of those changes on
 25 its cost and schedule for achieving full compliance.

1 **SEC. 212. OVERSIGHT OF AMTRAK'S COMPLIANCE WITH AC-**
2 **CESSIBILITY REQUIREMENTS.**

3 *Using the funds authorized by section 101(f) of this*
4 *Act, the Federal Railroad Administration shall monitor*
5 *and conduct periodic reviews of Amtrak's compliance with*
6 *applicable sections of the Americans with Disabilities Act*
7 *of 1990 and the Rehabilitation Act of 1974 to ensure that*
8 *Amtrak's services and facilities are accessible to individuals*
9 *with disabilities to the extent required by law.*

10 **SEC. 213. ACCESS TO AMTRAK EQUIPMENT AND SERVICES.**

11 *If a State desires to select or selects an entity other*
12 *than Amtrak to provide services required for the operation*
13 *of an intercity passenger train route described in section*
14 *24102(5)(D) or 24702 of title 49, United States Code, the*
15 *State may make an agreement with Amtrak to use facilities*
16 *and equipment of, or have services provided by, Amtrak*
17 *under terms agreed to by the State and Amtrak to enable*
18 *the State to utilize an entity other than Amtrak to provide*
19 *services required for operation of the route. If the parties*
20 *cannot agree upon terms, and the Surface Transportation*
21 *Board finds that access to Amtrak's facilities or equipment,*
22 *or the provision of services by Amtrak, is necessary to carry*
23 *out this provision and that the operation of Amtrak's other*
24 *services will not be impaired thereby, the Surface Transpor-*
25 *tation Board shall, within 120 days after submission of the*
26 *dispute, issue an order that the facilities and equipment*

1 *be made available, and that services be provided, by Am-*
 2 *trak, and shall determine reasonable compensation, liability*
 3 *and other terms for use of the facilities and equipment and*
 4 *provision of the services. Compensation shall be determined*
 5 *in accordance with the methodology established pursuant to*
 6 *section 206 of this Act.*

7 **SEC. 214. GENERAL AMTRAK PROVISIONS.**

8 (a) *REPEAL OF SELF-SUFFICIENCY REQUIRE-*
 9 *MENTS.—*

10 (1) *PLAN REQUIRED.—Section 24101(d) is*
 11 *amended—*

12 (A) *by striking “plan to operate within the*
 13 *funding levels authorized by section 24104 of this*
 14 *chapter, including budgetary goals for fiscal*
 15 *years 1998 through 2002.” and inserting “plan,*
 16 *consistent with section 204 of the Passenger Rail*
 17 *Investment and Improvement Act of 2008, in-*
 18 *cluding the budgetary goals for fiscal years 2009*
 19 *through 2013.”; and*

20 (B) *by striking the last sentence and insert-*
 21 *ing “Amtrak and its Board of Directors shall*
 22 *adopt a long-term plan that minimizes the need*
 23 *for Federal operating subsidies.”.*

24 (2) *AMTRAK REFORM AND ACCOUNTABILITY ACT*
 25 *AMENDMENTS.—Title II of the Amtrak Reform and*

1 *Accountability Act of 1997 (49 U.S.C. 24101 nt) is*
 2 *amended by striking sections 204 and 205.*

3 (b) *LEASE ARRANGEMENTS.—Amtrak may obtain*
 4 *services from the Administrator of General Services, and*
 5 *the Administrator may provide services to Amtrak, under*
 6 *section 201(b) and 211(b) of the Federal Property and Ad-*
 7 *ministrative Service Act of 1949 (40 U.S.C. 481(b) and*
 8 *491(b)) for each of fiscal years 2009 through 2013.*

9 **SEC. 215. AMTRAK MANAGEMENT ACCOUNTABILITY.**

10 (a) *IN GENERAL.—Chapter 243 is amended by insert-*
 11 *ing after section 24309 the following:*

12 **“§24310. Management accountability**

13 “(a) *IN GENERAL.—Three years after the date of en-*
 14 *actment of the Passenger Rail Investment and Improvement*
 15 *Act of 2008, and 2 years thereafter, the Inspector General*
 16 *of the Department of Transportation shall complete an over-*
 17 *all assessment of the progress made by Amtrak management*
 18 *and the Department of Transportation in implementing the*
 19 *provisions of that Act.*

20 “(b) *ASSESSMENT.—The management assessment un-*
 21 *dertaken by the Inspector General may include a review*
 22 *of—*

23 “(1) *effectiveness in improving annual financial*
 24 *planning;*

1 “(2) effectiveness in implementing improved fi-
2 nancial accounting;

3 “(3) efforts to implement minimum train per-
4 formance standards;

5 “(4) progress maximizing revenues and mini-
6 mizing Federal subsidies and improving financial re-
7 sults; and

8 “(5) any other aspect of Amtrak operations the
9 Inspector General finds appropriate to review.”.

10 (b) *CONFORMING AMENDMENT.*—The chapter analysis
11 for chapter 243 is amended by inserting after the item relat-
12 ing to section 24309 the following:

 “24310. Management accountability.”.

13 **SEC. 216. PASSENGER RAIL STUDY.**

14 (a) *IN GENERAL.*—The Comptroller General of the
15 General Accountability Office shall conduct a study to de-
16 termine the potential cost and benefits of expanding pas-
17 senger rail service options in underserved communities.

18 (b) *SUBMISSION.*—Not later than 1 year after the date
19 of the enactment of this Act, the Comptroller General shall
20 submit a report containing the results of the study con-
21 ducted under this section to—

22 (1) the Committee on Transportation and Infra-
23 structure of the House of Representatives; and

24 (2) the Committee on Commerce, Science, and
25 Transportation of the Senate.

1 **SEC. 217. CONGESTION GRANTS.**

2 (a) *AUTHORITY.*—*The Secretary of Transportation*
 3 *may make grants to States, or to Amtrak in cooperation*
 4 *with States, for financing the capital costs of facilities, in-*
 5 *frastructure, and equipment for high priority rail corridor*
 6 *projects necessary to reduce congestion or facilitate rider-*
 7 *ship growth in intercity passenger rail transportation.*

8 (b) *ELIGIBLE PROJECTS.*—*Projects eligible for grants*
 9 *under this section include projects—*

10 (1) *identified by Amtrak as necessary to reduce*
 11 *congestion or facilitate ridership growth in intercity*
 12 *passenger rail transportation along heavily traveled*
 13 *rail corridors; and*

14 (2) *designated by the Secretary as being suffi-*
 15 *ciently advanced in development to be capable of serv-*
 16 *ing the purposes described in subsection (a) on an ex-*
 17 *pedited schedule.*

18 (c) *COMPLIANCE WITH ENVIRONMENTAL LAWS.*—*The*
 19 *Secretary shall not make a grant under this section for a*
 20 *project without adequate assurances that the project will be*
 21 *completed in full compliance with all applicable Federal*
 22 *and State environmental laws and regulations.*

23 (d) *FEDERAL SHARE.*—*The Federal share of the cost*
 24 *of a project financed under this section shall not exceed 80*
 25 *percent.*

1 (e) *EMPLOYEE PROTECTION.*—*The recipient of a grant*
 2 *under this section shall agree to comply with the standards*
 3 *of section 24312 of title 49, United States Code, as such*
 4 *section was in effect on September 1, 2003, with respect to*
 5 *the project in the same manner that the National Railroad*
 6 *Passenger Corporation is required to comply with those*
 7 *standards for construction work financed under an agree-*
 8 *ment made under section 24308(a) of such title.*

9 **SEC. 218. PLAN FOR RESTORATION OF SERVICE.**

10 (a) *IN GENERAL.*—*Not later than 9 months after the*
 11 *date of enactment of this Act, Amtrak shall transmit to the*
 12 *Committee on Transportation and Infrastructure of the*
 13 *House of Representatives and the Committee on Commerce,*
 14 *Science, and Transportation of the Senate a plan for restor-*
 15 *ing passenger rail service between New Orleans, Louisiana,*
 16 *and Sanford, Florida. The plan shall include a projected*
 17 *timeline for restoring such service, the costs associated with*
 18 *restoring such service, and any proposals for legislation nec-*
 19 *essary to support such restoration of service. In developing*
 20 *the plan, Amtrak shall consult with representatives from*
 21 *the States of Louisiana, Alabama, Mississippi, and Florida,*
 22 *railroad carriers whose tracks may be used for such service,*
 23 *rail passengers, rail labor, and other entities as appro-*
 24 *priate.*

1 (b) *AUTHORIZATION OF APPROPRIATIONS.*—*There are*
 2 *authorized to be appropriated to the Secretary of Transpor-*
 3 *tation to enable Amtrak to conduct the study under this*
 4 *subsection \$1,000,000.*

5 **SEC. 219. LOCOMOTIVE BIOFUEL STUDY.**

6 (a) *IN GENERAL.*—*The Administrator of the Federal*
 7 *Railroad Administration, in consultation with the Sec-*
 8 *retary of Energy and the Administrator of the Environ-*
 9 *mental Protection Agency, shall conduct a study to deter-*
 10 *mine the extent to which freight and passenger rail opera-*
 11 *tors could use biofuel blends to power its locomotive fleet*
 12 *and other vehicles that operate on rail tracks.*

13 (b) *DEFINITION.*—*For purposes of this section, the*
 14 *term “biofuel” means a fuel that utilizes renewable re-*
 15 *sources and is composed substantially of a renewable re-*
 16 *source blended with ethanol, methanol, or other additive.*

17 (c) *FACTORS.*—*In conducting the study, the Federal*
 18 *Railroad Administration shall consider—*

19 (1) *the energy intensity of various biofuel blends*
 20 *compared to diesel fuel;*

21 (2) *the emission benefits of using various biofuel*
 22 *blends compared to locomotive diesel fuel;*

23 (3) *the cost of purchasing biofuel blends;*

24 (4) *the public benefits derived from the use of*
 25 *such fuels; and*

1 (5) *the effect of biofuel use on relevant locomotive*
 2 *and other vehicle performance.*

3 (d) *LOCOMOTIVE TESTING.—As part of the study, the*
 4 *Federal Railroad Administration shall test locomotive en-*
 5 *gine performance and emissions using blends of biofuel and*
 6 *diesel fuel in order to recommend a premium locomotive*
 7 *biofuel blend.*

8 (e) *REPORT.—Not later than 1 year after the date of*
 9 *enactment of this Act, the Federal Railroad Administration*
 10 *shall issue the results of this study to the Committee on*
 11 *Transportation and Infrastructure of the House of Rep-*
 12 *resentatives and the Committee on Commerce, Science, and*
 13 *Transportation of the Senate.*

14 (f) *AUTHORIZATION OF APPROPRIATIONS.—There are*
 15 *authorized to be appropriated to the Secretary of Transpor-*
 16 *tation \$1,000,000 to carry out this section, to remain avail-*
 17 *able until expended.*

18 **SEC. 220. STUDY OF THE USE OF BIOBASED LUBRICANTS.**

19 *Not later than 180 days after the date of enactment*
 20 *of this Act, the Federal Railroad Administration shall*
 21 *transmit to the Committee on Transportation and Infra-*
 22 *structure of the House of Representatives and the Committee*
 23 *on Commerce, Science, and Transportation of the Senate*
 24 *a report containing the results of a study of the feasibility*
 25 *of using readily biodegradable lubricants by freight and*

1 *passenger railroads. The Federal Railroad Administration*
 2 *shall work with an agricultural-based lubricant testing fa-*
 3 *cility or facilities to complete this study. The study shall*
 4 *include—*

5 *(1) an analysis of the potential use of soy-based*
 6 *grease and soy-based hydraulic fluids to perform ac-*
 7 *cording to railroad industry standards;*

8 *(2) an analysis of the potential use of other read-*
 9 *ily biodegradable lubricants to perform according to*
 10 *railroad industry standards;*

11 *(3) a comparison of the health and safety of pe-*
 12 *troleum-based lubricants with biobased lubricants,*
 13 *which shall include an analysis of fire safety; and*

14 *(4) a comparison of the environmental impact of*
 15 *petroleum-based lubricants with biobased lubricants,*
 16 *which shall include rate and effects of*
 17 *biodegradability.*

18 **SEC. 221. APPLICABILITY OF BUY AMERICAN ACT.**

19 *Section 24305(f) is amended to read as follows:*

20 *“(f) APPLICABILITY OF BUY AMERICAN ACT.—Amtrak*
 21 *shall be subject to the Buy American Act (41 U.S.C. 10a–*
 22 *d) and the regulations thereunder, for purchases of \$100,000*
 23 *or more.”.*

1 **SEC. 222. INTERCITY PASSENGER RAIL SERVICE PERFORM-**
 2 **ANCE.**

3 (a) *DEVELOPMENT OF EVALUATION METRICS.*—Not
 4 later than 6 months after the date of enactment of this Act,
 5 the Inspector General of the Department of Transportation
 6 shall, using the financial and performance metrics devel-
 7 oped under section 207, develop metrics for the evaluation
 8 of the performance and service quality of intercity pas-
 9 senger rail services including cost recovery, on-time per-
 10 formance and minutes of delay, ridership, onboard services,
 11 maintenance of facilities and equipment, and other services.

12 (b) *IDENTIFICATION OF WORST PERFORMING*
 13 *ROUTES.*—On the basis of these metrics, the Inspector Gen-
 14 eral shall identify the five worst performing Amtrak routes.

15 (c) *ALTERNATIVE ROUTES.*—The Inspector General
 16 shall also establish criteria for evaluating routes not cur-
 17 rently served by Amtrak which might be able to support
 18 passenger rail service at a reasonable cost.

19 (d) *REPORT TO CONGRESS.*—The Inspector General
 20 shall submit a report to the Committee on Transportation
 21 and Infrastructure of the House of Representatives and the
 22 Committee on Commerce, Science, and Transportation of
 23 the Senate recommending a process for the Department of
 24 Transportation to consider proposals by Amtrak and others
 25 to serve underperforming routes, and routes not currently
 26 served by Amtrak. The proposals shall require that appli-

1 *cants follow grant requirements of section 504. The Inspec-*
 2 *tor General shall recommend one route not currently served*
 3 *by Amtrak and two routes (from among the five worst*
 4 *routes identified under subsection (b)) currently served by*
 5 *Amtrak, for the Department of Transportation to consider*
 6 *under the selection process.*

7 *(e) IMPLEMENTATION.—The Secretary shall not imple-*
 8 *ment the selection process recommended by the Inspector*
 9 *General under subsection (d) until legislation has been en-*
 10 *acted authorizing the Secretary to take such action.*

11 **SEC. 223. AMTRAK INSPECTOR GENERAL UTILIZATION**
 12 **STUDY.**

13 *Not later than 9 months after the date of enactment*
 14 *of this Act, the Amtrak Inspector General shall transmit*
 15 *to the Committee on Transportation and Infrastructure of*
 16 *the House of Representatives and the Committee on Com-*
 17 *merce, Science, and Transportation of the Senate a report*
 18 *on Amtrak's utilization of its facilities, including the Beech*
 19 *Grove Repair facility in Indiana. The report shall include*
 20 *an examination of Amtrak's utilization of its existing fa-*
 21 *cilities to determine the extent Amtrak is maximizing the*
 22 *opportunities for each facility, including any attempts to*
 23 *provide maintenance and repair to other rail carriers. In*
 24 *developing this report, the Amtrak Inspector General shall*

1 *consult with other railroad carriers as it deems appro-*
 2 *priate.*

3 **SEC. 224. AMTRAK SERVICE PREFERENCE STUDY.**

4 *Not later than 6 months after the date of enactment*
 5 *of this Act, the Surface Transportation Board shall trans-*
 6 *mit to the Congress a report containing—*

7 *(1) the findings of a study of the effectiveness of*
 8 *the implementation of section 24308(c) of title 49,*
 9 *United States Code, in ensuring the preference of Am-*
 10 *trak service over freight transportation service; and*

11 *(2) recommendations with respect to any regu-*
 12 *latory or legislative actions that would improve such*
 13 *effectiveness.*

14 **SEC. 225. HISTORIC PRESERVATION AND RAILROAD SAFE-**
 15 **TY.**

16 *(a) STUDY; OTHER ACTIONS.—The Secretary of*
 17 *Transportation shall—*

18 *(1) conduct a study, in consultation with the Ad-*
 19 *visory Council on Historic Preservation, the National*
 20 *Conference of State Historic Preservation Officers, the*
 21 *Department of the Interior, appropriate representa-*
 22 *tives of the railroad industry, and representative*
 23 *stakeholders, on ways to streamline compliance with*
 24 *the requirements of section 303 of title 49, United*
 25 *States Code, and section 106 of the National Historic*

1 *Preservation Act (16 U.S.C. 470f) for federally funded*
 2 *railroad infrastructure repair and improvement*
 3 *projects;*

4 *(2) take immediate action to cooperate with the*
 5 *Alaska Railroad, the Alaska State Historic Preserva-*
 6 *tion Office, the Advisory Council on Historic Preser-*
 7 *vation, and the Department of the Interior, in expe-*
 8 *diting the decisionmaking process for safety-related*
 9 *projects of the railroad involving property and facili-*
 10 *ties that have disputed historic significance; and*

11 *(3) take immediate action to cooperate with the*
 12 *North Carolina Department of Transportation, the*
 13 *North Carolina State Historic Preservation Office, the*
 14 *Virginia State Historic Preservation Office, the Advi-*
 15 *sory Council on Historic Preservation, and the De-*
 16 *partment of the Interior, in expediting the decision-*
 17 *making process for safety-related projects of the rail-*
 18 *road and the Southeast High Speed Rail Corridor in-*
 19 *volving property and facilities that have disputed his-*
 20 *toric significance.*

21 *(b) REPORT.—Not later than 1 year after the date of*
 22 *enactment of this Act, the Secretary shall submit, to the*
 23 *Committee on Transportation and Infrastructure of the*
 24 *House of Representatives and the Committee on Commerce,*
 25 *Science, and Transportation of the Senate, a report on the*

1 *results of the study conducted under subsection (a)(1) and*
 2 *the actions directed under subsection (a)(2) and (3). The*
 3 *report shall include recommendations for any regulatory or*
 4 *legislative amendments that may streamline compliance*
 5 *with the requirements described in subsection (a)(1) in a*
 6 *manner consistent with railroad safety and the policies and*
 7 *purposes of section 106 of the National Historic Preserva-*
 8 *tion Act (16 U.S.C. 470f), section 303 of title 49, United*
 9 *States Code, and section 8(d) of Public Law 90–543 (16*
 10 *U.S.C. 1247(d)).*

11 **SEC. 226. COMMUTER RAIL EXPANSION.**

12 *(a) FINDINGS.—The Congress find the following:*

13 *(1) In 2006, Americans took 10,100,000,000*
 14 *trips on public transportation for the first time since*
 15 *1949.*

16 *(2) The Northeast region is one of the Nation’s*
 17 *largest emerging transportation “megaregions” where*
 18 *infrastructure expansion and improvements are most*
 19 *needed.*

20 *(3) New England’s road traffic has increased two*
 21 *to three times faster than its population since 1990.*

22 *(4) Connecticut has one of the Nation’s longest*
 23 *average commute times according to the United States*
 24 *Census Bureau, and 80 percent of Connecticut com-*

1 *muters drive by themselves to work, demonstrating the*
2 *need for expanded commuter rail access.*

3 *(5) The Connecticut Department of Transpor-*
4 *tation has pledged to modernize, repair, and strength-*
5 *en the rail line infrastructure to provide for increased*
6 *safety and security along a crucial transportation*
7 *corridor in the Northeast.*

8 *(6) Expanded New Haven-Springfield rail serv-*
9 *ice would improve access to Bradley International*
10 *Airport, one the region's busiest airports, as well as*
11 *to Hartford, Connecticut, and Springfield, Massachu-*
12 *setts, two of the region's commercial, residential, and*
13 *industrial centers.*

14 *(7) Expanded commuter rail service on the New*
15 *Haven-Springfield line will result in an estimated*
16 *630,000 additional trips per year and 2,215,384 pas-*
17 *senger miles per year, helping to curb pollution and*
18 *greenhouse gas production that vehicle traffic would*
19 *otherwise produce.*

20 *(8) The MetroNorth New Haven Line and Shore*
21 *Line East railways saw respective 3.43 percent and*
22 *4.93 percent increases in ridership over the course of*
23 *2007, demonstrating the need for expanded commuter*
24 *rail service in Connecticut.*

1 (9) *Expanded New Haven-Springfield commuter*
 2 *rail service will provide transportation nearly 17*
 3 *times more efficient in terms of average mileage*
 4 *versus road vehicles, alleviating road congestion and*
 5 *providing a significant savings to consumers during*
 6 *a time of high gas prices.*

7 (b) *SENSE OF CONGRESS.—It is the Sense of the Con-*
 8 *gress that expanded commuter rail service on the rail line*
 9 *between New Haven, Connecticut, and Springfield, Massa-*
 10 *chusetts, is an important transportation priority, and Am-*
 11 *trak should work cooperatively with the States of Con-*
 12 *necticut and Massachusetts to enable expanded commuter*
 13 *rail service on such line.*

14 (c) *INFRASTRUCTURE MAINTENANCE REPORT.—Am-*
 15 *trak shall submit a report to Congress and the State De-*
 16 *partments of Transportation of Connecticut and Massachu-*
 17 *setts on the total cost of uncompleted infrastructure mainte-*
 18 *nance on the rail line between New Haven, Connecticut,*
 19 *and Springfield, Massachusetts.*

20 **SEC. 227. SERVICE EVALUATION.**

21 *Not later than 1 year after the date of enactment of*
 22 *this Act, Amtrak shall transmit to the Committee on Trans-*
 23 *portation and Infrastructure of the House of Representa-*
 24 *tives and the Committee on Commerce, Science, and Trans-*
 25 *portation of the Senate a report containing the results of*

1 *an evaluation of passenger rail service between Cornwells*
 2 *Heights, PA, and New York City, NY, and between Prince-*
 3 *ton Junction, NJ, and New York City, NY, to determine*
 4 *whether to expand passenger rail service by increasing the*
 5 *frequency of stops or reducing commuter ticket prices for*
 6 *this route.*

7 ***TITLE III—INTERCITY***
 8 ***PASSENGER RAIL POLICY***

9 ***SEC. 301. CAPITAL ASSISTANCE FOR INTERCITY PAS-***
 10 ***SENGER RAIL SERVICE; STATE RAIL PLANS.***

11 *(a) IN GENERAL.—Part C of subtitle V is amended by*
 12 *inserting the following after chapter 243:*

13 ***“CHAPTER 244—INTERCITY PASSENGER***
 14 ***RAIL SERVICE CORRIDOR CAPITAL AS-***
 15 ***SISTANCE***

“Sec.

“24401. Definitions.

“24402. Capital investment grants to support intercity passenger rail service.

“24403. Project management oversight.

“24404. Use of capital grants to finance first-dollar liability of grant project.

“24405. Grant conditions.

16 ***“§ 24401. Definitions***

17 *“In this chapter:*

18 *“(1) APPLICANT.—The term ‘applicant’ means a*
 19 *State (including the District of Columbia), a group of*
 20 *States, an Interstate Compact, or a public agency es-*
 21 *tablished by one or more States and having responsi-*
 22 *bility for providing intercity passenger rail service.*

1 “(2) *CAPITAL PROJECT.*—The term ‘capital
2 *project*’ means a project or program in a State rail
3 *plan developed under chapter 225 of this title for—*

4 “(A) *acquiring, constructing, improving, or*
5 *inspecting equipment, track and track structures,*
6 *or a facility for use in or for the primary benefit*
7 *of intercity passenger rail service, expenses inci-*
8 *dental to the acquisition or construction (includ-*
9 *ing designing, engineering, location surveying,*
10 *mapping, environmental studies, and acquiring*
11 *rights-of-way), payments for the capital portions*
12 *of rail trackage rights agreements, highway-rail*
13 *grade crossing improvements related to intercity*
14 *passenger rail service, mitigating environmental*
15 *impacts, communication and signalization im-*
16 *provements, relocation assistance, acquiring re-*
17 *placement housing sites, and acquiring, con-*
18 *structing, relocating, and rehabilitating replace-*
19 *ment housing;*

20 “(B) *rehabilitating, remanufacturing or*
21 *overhauling rail rolling stock and facilities used*
22 *primarily in intercity passenger rail service;*

23 “(C) *costs associated with developing State*
24 *rail plans; and*

1 “(D) the first-dollar liability costs for insur-
 2 ance related to the provision of intercity pas-
 3 senger rail service under section 24404.

4 “(3) *INTERCITY PASSENGER RAIL SERVICE*.—The
 5 term ‘intercity passenger rail service’ means trans-
 6 portation services with the primary purpose of pas-
 7 senger transportation between towns, cities and met-
 8 ropolitan areas by rail, including high-speed rail, as
 9 defined in section 24102 of this title.

10 **“§24402. Capital investment grants to support inter-**
 11 **city passenger rail service**

12 “(a) *GENERAL AUTHORITY*.—

13 “(1) *The Secretary of Transportation may make*
 14 *grants under this section to an applicant to assist in*
 15 *financing the capital costs of facilities, infrastructure,*
 16 *and equipment necessary to provide or improve inter-*
 17 *city passenger rail transportation.*

18 “(2) *The Secretary shall require that a grant*
 19 *under this section be subject to the terms, conditions,*
 20 *requirements, and provisions the Secretary decides*
 21 *are necessary or appropriate for the purposes of this*
 22 *section, including requirements for the disposition of*
 23 *net increases in value of real property resulting from*
 24 *the project assisted under this section and shall pre-*
 25 *scribe procedures and schedules for the awarding of*

1 *grants under this title, including application and*
 2 *qualification procedures and a record of decision on*
 3 *applicant eligibility. The Secretary shall issue a final*
 4 *rule establishing such procedures not later than 90*
 5 *days after the date of enactment of the Passenger Rail*
 6 *Investment and Improvement Act of 2008.*

7 “(b) *PROJECT AS PART OF STATE RAIL PLAN.*—

8 “(1) *The Secretary may not approve a grant for*
 9 *a project under this section unless the Secretary finds*
 10 *that the project is part of a State rail plan developed*
 11 *under chapter 225 of this title, or under the plan re-*
 12 *quired by section 302 of the Passenger Rail Invest-*
 13 *ment and Improvement Act of 2008, and that the ap-*
 14 *plicant or recipient has or will have the legal, finan-*
 15 *cial, and technical capacity to carry out the project,*
 16 *satisfactory continuing control over the use of the*
 17 *equipment or facilities, and the capability and will-*
 18 *ingness to maintain the equipment or facilities.*

19 “(2) *An applicant shall provide sufficient infor-*
 20 *mation upon which the Secretary can make the find-*
 21 *ings required by this subsection.*

22 “(3) *If an applicant has not selected the pro-*
 23 *posed operator of its service competitively, the appli-*
 24 *cant shall provide written justification to the Sec-*
 25 *retary showing why the proposed operator is the best,*

1 *taking into account price and other factors, and that*
 2 *use of the proposed operator will not unnecessarily in-*
 3 *crease the cost of the project.*

4 “(c) *PROJECT SELECTION CRITERIA.*—*The Secretary,*
 5 *in selecting the recipients of financial assistance to be pro-*
 6 *vided under subsection (a), shall—*

7 “(1) *require that each proposed project meet all*
 8 *safety requirements that are applicable to the project*
 9 *under law;*

10 “(2) *give preference to projects with high levels*
 11 *of estimated ridership, increased on-time perform-*
 12 *ance, reduced trip time, additional service frequency*
 13 *to meet anticipated or existing demand, or other sig-*
 14 *nificant service enhancements as measured against*
 15 *minimum standards developed under section 207 of*
 16 *the Passenger Rail Investment and Improvement Act*
 17 *of 2008;*

18 “(3) *encourage intermodal connectivity through*
 19 *projects that provide direct connections between train*
 20 *stations, airports, bus terminals, subway stations,*
 21 *ferry ports, and other modes of transportation;*

22 “(4) *ensure that each project is compatible with,*
 23 *and is operated in conformance with—*

1 “(A) plans developed pursuant to the re-
2 quirements of section 135 of title 23, United
3 States Code; and

4 “(B) the national rail plan (if it is avail-
5 able); and

6 “(5) favor the following kinds of projects:

7 “(A) Projects that are expected to have a
8 significant favorable impact on air or highway
9 traffic congestion, capacity, or safety.

10 “(B) Projects that improve freight or com-
11 muter rail operations.

12 “(C) Projects that have significant environ-
13 mental benefits, including projects that involve
14 the purchase of environmentally sensitive, fuel-ef-
15 ficient, and cost-effective passenger rail equip-
16 ment.

17 “(D) Projects that are—

18 “(i) at a stage of preparation that all
19 pre-commencement compliance with envi-
20 ronmental protection requirements has al-
21 ready been completed; and

22 “(ii) ready to be commenced.

23 “(E) Projects with positive economic and
24 employment impacts.

1 “(F) *Projects that encourage the use of posi-*
 2 *tive train control technologies.*

3 “(G) *Projects that have commitments of*
 4 *funding from non-Federal Government sources in*
 5 *a total amount that exceeds the minimum*
 6 *amount of the non-Federal contribution required*
 7 *for the project.*

8 “(H) *Projects that involve donated property*
 9 *interests or services.*

10 “(I) *Projects that are identified by the Sur-*
 11 *face Transportation Board as necessary to im-*
 12 *prove the on time performance and reliability of*
 13 *intercity passenger rail under section 24308(f).*

14 “(J) *Projects described in section*
 15 *5302(a)(1)(G) of this title that are designed to*
 16 *support intercity passenger rail service.*

17 “(K) *Projects that encourage intermodal*
 18 *connectivity, create significant opportunity for*
 19 *State and private contributions toward station*
 20 *development, are energy and environmentally ef-*
 21 *ficient, and have economic benefits.*

22 “(d) *AMTRAK ELIGIBILITY.—To receive a grant under*
 23 *this section, the National Railroad Passenger Corporation*
 24 *may enter into a cooperative agreement with 1 or more*
 25 *States to carry out 1 or more projects on a State rail plan’s*

1 *ranked list of rail capital projects developed under section*
 2 *22504(a)(5) of this title.*

3 “(e) *LETTERS OF INTENT, FULL FUNDING GRANT*
 4 *AGREEMENTS, AND EARLY SYSTEMS WORK AGREE-*
 5 *MENTS.—*

6 “(1)(A) *The Secretary may issue a letter of in-*
 7 *tent to an applicant announcing an intention to obli-*
 8 *gate, for a major capital project under this section,*
 9 *an amount from future available budget authority*
 10 *specified in law that is not more than the amount*
 11 *stipulated as the financial participation of the Sec-*
 12 *retary in the project.*

13 “(B) *At least 30 days before issuing a letter*
 14 *under subparagraph (A) of this paragraph or enter-*
 15 *ing into a full funding grant agreement, the Secretary*
 16 *shall notify in writing the Committee on Transpor-*
 17 *tation and Infrastructure of the House of Representa-*
 18 *tives and the Committee on Commerce, Science, and*
 19 *Transportation of the Senate and the House and Sen-*
 20 *ate Committees on Appropriations of the proposed let-*
 21 *ter or agreement. The Secretary shall include with the*
 22 *notification a copy of the proposed letter or agreement*
 23 *as well as the evaluations and ratings for the project.*

1 “(C) *An obligation or administrative commit-*
 2 *ment may be made only when amounts are appro-*
 3 *priated.*

4 “(2)(A) *The Secretary may make a full funding*
 5 *grant agreement with an applicant. The agreement*
 6 *shall—*

7 “(i) *establish the terms of participation by*
 8 *the United States Government in a project under*
 9 *this section;*

10 “(ii) *establish the maximum amount of*
 11 *Government financial assistance for the project;*

12 “(iii) *cover the period of time for com-*
 13 *pleting the project, including a period extending*
 14 *beyond the period of an authorization; and*

15 “(iv) *make timely and efficient manage-*
 16 *ment of the project easier according to the law*
 17 *of the United States.*

18 “(B) *An agreement under this paragraph obli-*
 19 *gates an amount of available budget authority speci-*
 20 *fied in law and may include a commitment, contin-*
 21 *gent on amounts to be specified in law in advance for*
 22 *commitments under this paragraph, to obligate an*
 23 *additional amount from future available budget au-*
 24 *thority specified in law. The agreement shall state*
 25 *that the contingent commitment is not an obligation*

1 *of the Government and is subject to the availability*
 2 *of appropriations made by Federal law and to Fed-*
 3 *eral laws in force on or enacted after the date of the*
 4 *contingent commitment. Interest and other financing*
 5 *costs of efficiently carrying out a part of the project*
 6 *within a reasonable time are a cost of carrying out*
 7 *the project under a full funding grant agreement, ex-*
 8 *cept that eligible costs may not be more than the cost*
 9 *of the most favorable financing terms reasonably*
 10 *available for the project at the time of borrowing. The*
 11 *applicant shall certify, in a way satisfactory to the*
 12 *Secretary, that the applicant has shown reasonable*
 13 *diligence in seeking the most favorable financing*
 14 *terms.*

15 *“(3)(A) The Secretary may make an early sys-*
 16 *tems work agreement with an applicant if a record*
 17 *of decision under the National Environmental Policy*
 18 *Act of 1969 (42 U.S.C. 4321 et seq.) has been issued*
 19 *on the project and the Secretary finds there is reason*
 20 *to believe—*

21 *“(i) a full funding grant agreement for the*
 22 *project will be made; and*

23 *“(ii) the terms of the work agreement will*
 24 *promote ultimate completion of the project more*
 25 *rapidly and at less cost.*

1 “(B) A work agreement under this paragraph ob-
2 ligates an amount of available budget authority speci-
3 fied in law and shall provide for reimbursement of
4 preliminary costs of carrying out the project, includ-
5 ing land acquisition, timely procurement of system
6 elements for which specifications are decided, and
7 other activities the Secretary decides are appropriate
8 to make efficient, long-term project management easi-
9 er. A work agreement shall cover the period of time
10 the Secretary considers appropriate. The period may
11 extend beyond the period of current authorization. In-
12 terest and other financing costs of efficiently carrying
13 out the work agreement within a reasonable time are
14 a cost of carrying out the agreement, except that eligi-
15 ble costs may not be more than the cost of the most
16 favorable financing terms reasonably available for the
17 project at the time of borrowing. The applicant shall
18 certify, in a way satisfactory to the Secretary, that
19 the applicant has shown reasonable diligence in seek-
20 ing the most favorable financing terms. If an appli-
21 cant does not carry out the project for reasons within
22 the control of the applicant, the applicant shall repay
23 all Government payments made under the work agree-
24 ment plus reasonable interest and penalty charges the
25 Secretary establishes in the agreement.

1 “(4) *The total estimated amount of future obliga-*
 2 *tions of the Government and contingent commitments*
 3 *to incur obligations covered by all outstanding letters*
 4 *of intent, full funding grant agreements, and early*
 5 *systems work agreements may be not more than the*
 6 *amount authorized under section 101(d) of the Pas-*
 7 *senger Rail Investment and Improvement Act of 2008,*
 8 *less an amount the Secretary reasonably estimates is*
 9 *necessary for grants under this section not covered by*
 10 *a letter. The total amount covered by new letters and*
 11 *contingent commitments included in full funding*
 12 *grant agreements and early systems work agreements*
 13 *may be not more than a limitation specified in law.*

14 “(f) *FEDERAL SHARE OF NET PROJECT COST.—*

15 “(1)(A) *Based on engineering studies, studies of*
 16 *economic feasibility, and information on the expected*
 17 *use of equipment or facilities, the Secretary shall esti-*
 18 *mate the net project cost.*

19 “(B) *A grant for the project shall not exceed 80*
 20 *percent of the project net capital cost.*

21 “(C) *The Secretary shall give priority in allo-*
 22 *cating future obligations and contingent commitments*
 23 *to incur obligations to grant requests seeking a lower*
 24 *Federal share of the project net capital cost.*

1 “(2) Up to an additional 20 percent of the re-
2 quired non-Federal funds may be funded from
3 amounts appropriated to or made available to a de-
4 partment or agency of the Federal Government that
5 are eligible to be expended for transportation.

6 “(3) 50 percent of the average amounts expended
7 by a State or group of States (including the District
8 of Columbia) for capital projects to benefit intercity
9 passenger rail service and operating costs in fiscal
10 years 2002, 2003, 2004, 2005, 2006, 2007, and 2008
11 shall be credited towards the matching requirements
12 for grants awarded in fiscal years 2009, 2010, and
13 2011 under this section. The Secretary may require
14 such information as necessary to verify such expendi-
15 tures.

16 “(4) 50 percent of the average amounts expended
17 by a State or group of States (including the District
18 of Columbia) in a fiscal year, beginning in fiscal year
19 2007, for capital projects to benefit intercity pas-
20 senger rail service or for the operating costs of such
21 service above the average capital and operating ex-
22 penditures made for such service in fiscal years 2004,
23 2005, 2006, 2007, and 2008 shall be credited towards
24 the matching requirements for grants awarded under

1 *this section. The Secretary may require such informa-*
 2 *tion as necessary to verify such expenditures.*

3 “(g) *UNDERTAKING PROJECTS IN ADVANCE.*—

4 “(1) *The Secretary may pay the Federal share of*
 5 *the net capital project cost to an applicant that car-*
 6 *ries out any part of a project described in this section*
 7 *according to all applicable procedures and require-*
 8 *ments if—*

9 “(A) *the applicant applies for the payment;*

10 “(B) *the Secretary approves the payment;*

11 *and*

12 “(C) *before carrying out the part of the*
 13 *project, the Secretary approves the plans and*
 14 *specifications for the part in the same way as*
 15 *other projects under this section.*

16 “(2) *The cost of carrying out part of a project*
 17 *includes the amount of interest earned and payable*
 18 *on bonds issued by the applicant to the extent pro-*
 19 *ceeds of the bonds are expended in carrying out the*
 20 *part. However, the amount of interest under this*
 21 *paragraph may not be more than the most favorable*
 22 *interest terms reasonably available for the project at*
 23 *the time of borrowing. The applicant shall certify, in*
 24 *a manner satisfactory to the Secretary, that the ap-*

1 *plicant has shown reasonable diligence in seeking the*
 2 *most favorable financial terms.*

3 *“(3) The Secretary shall consider changes in*
 4 *capital project cost indices when determining the esti-*
 5 *mated cost under paragraph (2) of this subsection.*

6 *“(h) 2-YEAR AVAILABILITY.—Funds appropriated*
 7 *under this section shall remain available until expended.*
 8 *If any amount provided as a grant under this section is*
 9 *not obligated or expended for the purposes described in sub-*
 10 *section (a) within 2 years after the date on which the State*
 11 *received the grant, such sums shall be returned to the Sec-*
 12 *retary for other intercity passenger rail development*
 13 *projects under this section at the discretion of the Secretary.*

14 *“(i) SPECIAL TRANSPORTATION CIRCUMSTANCES.—In*
 15 *carrying out this section, the Secretary shall allocate an*
 16 *appropriate portion of the amounts available under this*
 17 *section to provide grants to States—*

18 *“(1) in which there is no intercity passenger rail*
 19 *service for the purpose of funding freight rail capital*
 20 *projects that are on a State rail plan developed under*
 21 *chapter 225 of this title that provide public benefits*
 22 *(as defined in chapter 225) as determined by the Sec-*
 23 *retary; or*

24 *“(2) in which the rail transportation system is*
 25 *not physically connected to rail systems in the conti-*

1 *mental United States or may not otherwise qualify for*
 2 *a grant under this section due to the unique charac-*
 3 *teristics of the geography of that State or other rel-*
 4 *evant considerations, for the purpose of funding*
 5 *transportation-related capital projects.*

6 “(j) *SMALL CAPITAL PROJECTS.*—*The Secretary shall*
 7 *make available \$10,000,000 annually from the amounts au-*
 8 *thorized under section 101(d) of the Passenger Rail Invest-*
 9 *ment and Improvement Act of 2008 beginning in fiscal year*
 10 *2009 for grants for capital projects eligible under this sec-*
 11 *tion not exceeding \$2,000,000, including costs eligible under*
 12 *section 206(c) of that Act. The Secretary may wave require-*
 13 *ments of this section, including state rail plan require-*
 14 *ments, as appropriate.*

15 “(k) *BICYCLE ACCESS.*—*Grants under this chapter*
 16 *may be used to provide bicycle access into rolling stock, and*
 17 *to provide bicycle racks in trains.*

18 **“§24403. Project management oversight**

19 “(a) *PROJECT MANAGEMENT PLAN REQUIREMENTS.*—
 20 *To receive Federal financial assistance for a major capital*
 21 *project under this chapter, an applicant must prepare and*
 22 *carry out a project management plan approved by the Sec-*
 23 *retary of Transportation. The plan shall provide for—*

24 “(1) *adequate recipient staff organization with*
 25 *well-defined reporting relationships, statements of*

1 *functional responsibilities, job descriptions, and job*
2 *qualifications;*

3 “(2) a budget covering the project management
4 organization, appropriate consultants, property ac-
5 quisition, utility relocation, systems demonstration
6 staff, audits, and miscellaneous payments the recipi-
7 ent may be prepared to justify;

8 “(3) a construction schedule for the project;

9 “(4) a document control procedure and record-
10 keeping system;

11 “(5) a change order procedure that includes a
12 documented, systematic approach to handling the con-
13 struction change orders;

14 “(6) organizational structures, management
15 skills, and staffing levels required throughout the con-
16 struction phase;

17 “(7) quality control and quality assurance func-
18 tions, procedures, and responsibilities for construc-
19 tion, system installation, and integration of system
20 components;

21 “(8) material testing policies and procedures;

22 “(9) internal plan implementation and reporting
23 requirements;

24 “(10) criteria and procedures to be used for test-
25 ing the operational system or its major components;

1 “(11) *periodic updates of the plan, especially re-*
 2 *lated to project budget and project schedule, financ-*
 3 *ing, and ridership estimates; and*

4 “(12) *the recipient’s commitment to submit a*
 5 *project budget and project schedule to the Secretary*
 6 *each month.*

7 “(b) *SECRETARIAL OVERSIGHT.—*

8 “(1) *The Secretary may use no more than 0.5*
 9 *percent of amounts made available in a fiscal year*
 10 *for capital projects under this chapter to enter into*
 11 *contracts to oversee the construction of such projects.*

12 “(2) *The Secretary may use amounts available*
 13 *under paragraph (1) of this subsection to make con-*
 14 *tracts for safety, procurement, management, and fi-*
 15 *nancial compliance reviews and audits of a recipient*
 16 *of amounts under paragraph (1).*

17 “(3) *The Federal Government shall pay the en-*
 18 *tire cost of carrying out a contract under this sub-*
 19 *section.*

20 “(c) *ACCESS TO SITES AND RECORDS.—Each recipi-*
 21 *ent of assistance under this chapter shall provide the Sec-*
 22 *retary and a contractor the Secretary chooses under sub-*
 23 *section (c) of this section with access to the construction*
 24 *sites and records of the recipient when reasonably necessary.*

1 **“§ 24404. Use of capital grants to finance first-dollar**
 2 **liability of grant project**

3 “Notwithstanding the requirements of section 24402 of
 4 this chapter, the Secretary of Transportation may approve
 5 the use of capital assistance under this chapter to fund self-
 6 insured retention of risk for the first tier of liability insur-
 7 ance coverage for rail passenger service associated with the
 8 capital assistance grant, but the coverage may not exceed
 9 \$20,000,000 per occurrence or \$20,000,000 in aggregate per
 10 year.

11 **“§ 24405. Grant conditions**

12 “(a) DOMESTIC BUYING PREFERENCE.—

13 “(1) REQUIREMENT.—

14 “(A) IN GENERAL.—In carrying out a
 15 project funded in whole or in part with a grant
 16 under this title, the grant recipient shall pur-
 17 chase only—

18 “(i) unmanufactured articles, material,
 19 and supplies mined or produced in the
 20 United States; or

21 “(ii) manufactured articles, material,
 22 and supplies manufactured in the United
 23 States substantially from articles, material,
 24 and supplies mined, produced, or manufac-
 25 tured in the United States.

1 “(B) *DE MINIMIS AMOUNT*.—Subparagraph
 2 (A) *applies only to a purchase in an total*
 3 *amount that is not less than \$1,000,000.*

4 “(2) *EXEMPTIONS*.—On application of a recipi-
 5 *ent, the Secretary may exempt a recipient from the*
 6 *requirements of this subsection if the Secretary de-*
 7 *cides that, for particular articles, material, or sup-*
 8 *plies—*

9 “(A) *such requirements are inconsistent*
 10 *with the public interest;*

11 “(B) *the cost of imposing the requirements*
 12 *is unreasonable; or*

13 “(C) *the articles, material, or supplies, or*
 14 *the articles, material, or supplies from which*
 15 *they are manufactured, are not mined, produced,*
 16 *or manufactured in the United States in suffi-*
 17 *cient and reasonably available commercial quan-*
 18 *tities and are not of a satisfactory quality.*

19 “(3) *UNITED STATES DEFINED*.—In this sub-
 20 *section, the term ‘the United States’ means the States,*
 21 *territories, and possessions of the United States and*
 22 *the District of Columbia.*

23 “(b) *OPERATORS DEEMED RAIL CARRIERS AND EM-*
 24 *PLOYERS FOR CERTAIN PURPOSES*.—A person that con-
 25 *ducts rail operations over rail infrastructure constructed or*

1 *improved with funding provided in whole or in part in a*
 2 *grant made under this title shall be considered a rail car-*
 3 *rier as defined in section 10102(5) of this title for purposes*
 4 *of this title and any other statute that adopts that defini-*
 5 *tion or in which that definition applies, including—*

6 “(1) *the Railroad Retirement Act of 1974 (45*
 7 *U.S.C. 231 et seq.);*

8 “(2) *the Railway Labor Act (43 U.S.C. 151 et*
 9 *seq.); and*

10 “(3) *the Railroad Unemployment Insurance Act*
 11 *(45 U.S.C. 351 et seq.).*

12 “(c) *GRANT CONDITIONS.—The Secretary shall require*
 13 *as a condition of making any grant under this title for a*
 14 *project that uses rights-of-way owned by a railroad that—*

15 “(1) *a written agreement exist between the appli-*
 16 *cant and the railroad regarding such use and owner-*
 17 *ship, including—*

18 “(A) *any compensation for such use;*

19 “(B) *assurances regarding the adequacy of*
 20 *infrastructure capacity to accommodate both ex-*
 21 *isting and future freight and passenger oper-*
 22 *ations;*

23 “(C) *an assurance by the railroad that col-*
 24 *lective bargaining agreements with the railroad’s*
 25 *employees (including terms regulating the con-*

1 *tracting of work) will remain in full force and*
 2 *effect according to their terms for work per-*
 3 *formed by the railroad on the railroad transpor-*
 4 *tation corridor; and*

5 *“(D) an assurance that an applicant com-*
 6 *plies with liability requirements consistent with*
 7 *section 28103 of this title; and*

8 *“(2) the applicant agrees to comply with—*

9 *“(A) the standards of section 24312 of this*
 10 *title, as such section was in effect on September*
 11 *1, 2003, with respect to the project in the same*
 12 *manner that the National Railroad Passenger*
 13 *Corporation is required to comply with those*
 14 *standards for construction work financed under*
 15 *an agreement made under section 24308(a) of*
 16 *this title; and*

17 *“(B) the protective arrangements established*
 18 *under section 504 of the Railroad Revitalization*
 19 *and Regulatory Reform Act of 1976 (45 U.S.C.*
 20 *836) with respect to employees affected by ac-*
 21 *tions taken in connection with the project to be*
 22 *financed in whole or in part by grants under*
 23 *this chapter.*

24 *“(d) REPLACEMENT OF EXISTING INTERCITY PAS-*
 25 *SENGER RAIL SERVICE.—*

1 “(1) *COLLECTIVE BARGAINING AGREEMENT FOR*
 2 *INTERCITY PASSENGER RAIL PROJECTS.*—Any entity
 3 *providing intercity passenger railroad transportation*
 4 *that begins operations after the date of enactment of*
 5 *this Act on a project funded in whole or in part by*
 6 *grants made under this title and replaces intercity*
 7 *rail passenger service that was provided by Amtrak,*
 8 *unless such service was provided solely by Amtrak to*
 9 *another entity, as of such date shall enter into an*
 10 *agreement with the authorized bargaining agent or*
 11 *agents for adversely affected employees of the prede-*
 12 *cessor provider that—*

13 “(A) *gives each such qualified employee of*
 14 *the predecessor provider priority in hiring ac-*
 15 *cording to the employee’s seniority on the prede-*
 16 *cessor provider for each position with the replac-*
 17 *ing entity that is in the employee’s craft or class*
 18 *and is available within 3 years after the termi-*
 19 *nation of the service being replaced;*

20 “(B) *establishes a procedure for notifying*
 21 *such an employee of such positions;*

22 “(C) *establishes a procedure for such an em-*
 23 *ployee to apply for such positions; and*

24 “(D) *establishes rates of pay, rules, and*
 25 *working conditions.*

1 “(2) *IMMEDIATE REPLACEMENT SERVICE.*—

2 “(A) *NEGOTIATIONS.*—*If the replacement of*
 3 *preexisting intercity rail passenger service occurs*
 4 *concurrent with or within a reasonable time be-*
 5 *fore the commencement of the replacing entity’s*
 6 *rail passenger service, the replacing entity shall*
 7 *give written notice of its plan to replace existing*
 8 *rail passenger service to the authorized collective*
 9 *bargaining agent or agents for the potentially*
 10 *adversely affected employees of the predecessor*
 11 *provider at least 90 days before the date on*
 12 *which it plans to commence service. Within 5*
 13 *days after the date of receipt of such written no-*
 14 *tice, negotiations between the replacing entity*
 15 *and the collective bargaining agent or agents for*
 16 *the employees of the predecessor provider shall*
 17 *commence for the purpose of reaching agreement*
 18 *with respect to all matters set forth in subpara-*
 19 *graphs (A) through (D) of paragraph (1). The*
 20 *negotiations shall continue for 30 days or until*
 21 *an agreement is reached, whichever is sooner. If*
 22 *at the end of 30 days the parties have not en-*
 23 *tered into an agreement with respect to all such*
 24 *matters, the unresolved issues shall be submitted*

1 *for arbitration in accordance with the procedure*
2 *set forth in subparagraph (B).*

3 “(B) *ARBITRATION.—If an agreement has*
4 *not been entered into with respect to all matters*
5 *set forth in subparagraphs (A) through (D) of*
6 *paragraph (1) as described in subparagraph (A)*
7 *of this paragraph, the parties shall select an ar-*
8 *bitrator. If the parties are unable to agree upon*
9 *the selection of such arbitrator within 5 days, ei-*
10 *ther or both parties shall notify the National Me-*
11 *diation Board, which shall provide a list of seven*
12 *arbitrators with experience in arbitrating rail*
13 *labor protection disputes. Within 5 days after*
14 *such notification, the parties shall alternately*
15 *strike names from the list until only 1 name re-*
16 *mains, and that person shall serve as the neutral*
17 *arbitrator. Within 45 days after selection of the*
18 *arbitrator, the arbitrator shall conduct a hearing*
19 *on the dispute and shall render a decision with*
20 *respect to the unresolved issues among the mat-*
21 *ters set forth in subparagraphs (A) through (D)*
22 *of paragraph (1). This decision shall be final,*
23 *binding, and conclusive upon the parties. The*
24 *salary and expenses of the arbitrator shall be*

1 borne equally by the parties; all other expenses
2 shall be paid by the party incurring them.

3 “(3) *SERVICE COMMENCEMENT.*—A replacing en-
4 tity under this subsection shall commence service only
5 after an agreement is entered into with respect to the
6 matters set forth in subparagraphs (A) through (D) of
7 paragraph (1) or the decision of the arbitrator has
8 been rendered.

9 “(4) *SUBSEQUENT REPLACEMENT OF SERVICE.*—
10 If the replacement of existing rail passenger service
11 takes place within 3 years after the replacing entity
12 commences intercity passenger rail service, the replac-
13 ing entity and the collective bargaining agent or
14 agents for the adversely affected employees of the pred-
15 ecessor provider shall enter into an agreement with
16 respect to the matters set forth in subparagraphs (A)
17 through (D) of paragraph (1). If the parties have not
18 entered into an agreement with respect to all such
19 matters within 60 days after the date on which the
20 replacing entity replaces the predecessor provider, the
21 parties shall select an arbitrator using the procedures
22 set forth in paragraph (2)(B), who shall, within 20
23 days after the commencement of the arbitration, con-
24 duct a hearing and decide all unresolved issues. This

1 *decision shall be final, binding, and conclusive upon*
 2 *the parties.*

3 “(e) *INAPPLICABILITY TO CERTAIN RAIL OPER-*
 4 *ATIONS.—Nothing in this section applies to—*

5 *“(1) the Alaska Railroad or its contractors; or*

6 *“(2) the National Railroad Passenger Corpora-*
 7 *tion’s access rights to railroad rights of way and fa-*
 8 *cilities under current law.”.*

9 (b) *CONFORMING AMENDMENT.—The chapter analysis*
 10 *for subtitle V is amended by inserting the following after*
 11 *the item relating to chapter 243:*

“244. INTERCITY PASSENGER RAIL SERVICE CORRIDOR CAP-
ITAL ASSISTANCE 24401”.

12 **SEC. 302. STATE RAIL PLANS.**

13 (a) *IN GENERAL.—Part B of subtitle V is amended*
 14 *by adding at the end the following:*

15 **“CHAPTER 225—STATE RAIL PLANS AND**
 16 **HIGH PRIORITY PROJECTS**

“Sec.

“22501. Definitions.

“22502. Authority.

“22503. Purposes.

“22504. Transparency; coordination; review.

“22505. Content.

“22506. Review.

17 **“§ 22501. Definitions**

18 *“In this chapter:*

19 *“(1) PRIVATE BENEFIT.—*

1 “(A) *IN GENERAL.*—The term ‘private ben-
2 efit’—

3 “(i) means a benefit accrued to a per-
4 son or private entity, other than the Na-
5 tional Railroad Passenger Corporation, that
6 directly improves the economic and com-
7 petitive condition of that person or entity
8 through improved assets, cost reductions,
9 service improvements, or any other means
10 as defined by the Secretary; and

11 “(ii) shall be determined on a project-
12 by-project basis, based upon an agreement
13 between the parties.

14 “(B) *CONSULTATION.*—The Secretary may
15 seek the advice of the States and rail carriers in
16 further defining this term.

17 “(2) *PUBLIC BENEFIT.*—

18 “(A) *IN GENERAL.*—The term ‘public ben-
19 efit’—

20 “(i) means a benefit accrued to the
21 public in the form of enhanced mobility of
22 people or goods, environmental protection or
23 enhancement, congestion mitigation, en-
24 hanced trade and economic development,
25 improved air quality or land use, more effi-

1 *cient energy use, enhanced public safety, re-*
 2 *duction of public expenditures due to im-*
 3 *proved transportation efficiency or infra-*
 4 *structure preservation, and any other posi-*
 5 *tive community effects as defined by the*
 6 *Secretary; and*

7 *“(ii) shall be determined on a project-*
 8 *by-project basis, based upon an agreement*
 9 *between the parties.*

10 *“(B) CONSULTATION.—The Secretary may*
 11 *seek the advice of the States and rail carriers in*
 12 *further defining this term.*

13 *“(3) STATE.—The term ‘State’ means any of the*
 14 *50 States and the District of Columbia.*

15 *“(4) STATE RAIL TRANSPORTATION AUTHOR-*
 16 *ITY.—The term ‘State rail transportation authority’*
 17 *means the State agency or official responsible under*
 18 *the direction of the Governor of the State or a State*
 19 *law for preparation, maintenance, coordination, and*
 20 *administration of the State rail plan.*

21 **“§ 22502. Authority**

22 *“(a) IN GENERAL.—Each State may prepare and*
 23 *maintain a State rail plan in accordance with the provi-*
 24 *sions of this chapter.*

1 “(b) *REQUIREMENTS.*—*For the preparation and peri-*
 2 *odic revision of a State rail plan, a State shall—*

3 “(1) *establish or designate a State rail transpor-*
 4 *tation authority to prepare, maintain, coordinate,*
 5 *and administer the plan;*

6 “(2) *establish or designate a State rail plan ap-*
 7 *proval authority to approve the plan;*

8 “(3) *submit the State’s approved plan to the Sec-*
 9 *retary of Transportation for review; and*

10 “(4) *revise and resubmit a State-approved plan*
 11 *no less frequently than once every 5 years for re-*
 12 *approval by the Secretary.*

13 **“§ 22503. Purposes**

14 “(a) *PURPOSES.*—*The purposes of a State rail plan*
 15 *are as follows:*

16 “(1) *To set forth State policy involving freight*
 17 *and passenger rail transportation, including com-*
 18 *muter rail operations, in the State.*

19 “(2) *To establish the period covered by the State*
 20 *rail plan.*

21 “(3) *To present priorities and strategies to en-*
 22 *hance rail service in the State that benefits the public.*

23 “(4) *To serve as the basis for Federal and State*
 24 *rail investments within the State.*

1 “(b) *COORDINATION.*—A State rail plan shall be co-
 2 ordinated with other State transportation planning goals
 3 and programs and set forth rail transportation’s role with-
 4 in the State transportation system.

5 **“§ 22504. Transparency; coordination; review**

6 “(a) *PREPARATION.*—A State shall provide adequate
 7 and reasonable notice and opportunity for comment and
 8 other input to the public, rail carriers, commuter and tran-
 9 sit authorities operating in, or affected by rail operations
 10 within the State, units of local government, and other inter-
 11 ested parties in the preparation and review of its State rail
 12 plan.

13 “(b) *INTERGOVERNMENTAL COORDINATION.*—A State
 14 shall review the freight and passenger rail service activities
 15 and initiatives by regional planning agencies, regional
 16 transportation authorities, and municipalities within the
 17 State, or in the region in which the State is located, while
 18 preparing the plan, and shall include any recommendations
 19 made by such agencies, authorities, and municipalities as
 20 deemed appropriate by the State.

21 **“§ 22505. Content**

22 “(a) *IN GENERAL.*—Each State rail plan shall contain
 23 the following:

24 “(1) *An inventory of the existing overall rail*
 25 *transportation system and rail services and facilities*

1 *within the State and an analysis of the role of rail*
 2 *transportation within the State’s surface transpor-*
 3 *tation system.*

4 “(2) *A review of all rail lines within the State,*
 5 *including proposed high-speed rail corridors and sig-*
 6 *nificant rail line segments not currently in service.*

7 “(3) *A statement of the State’s passenger rail*
 8 *service objectives, including minimum service levels,*
 9 *for rail transportation routes in the State.*

10 “(4) *A general analysis of rail’s transportation,*
 11 *economic, and environmental impacts in the State,*
 12 *including congestion mitigation, trade and economic*
 13 *development, air quality, land-use, energy-use, and*
 14 *community impacts.*

15 “(5) *A long-range rail investment program for*
 16 *current and future freight and passenger infrastruc-*
 17 *ture in the State that meets the requirements of sub-*
 18 *section (b).*

19 “(6) *A statement of public financing issues for*
 20 *rail projects and service in the State, including a list*
 21 *of current and prospective public capital and oper-*
 22 *ating funding resources, public subsidies, State tax-*
 23 *ation, and other financial policies relating to rail in-*
 24 *frastructure development.*

1 “(7) *An identification of rail infrastructure*
2 *issues within the State that reflects consultation with*
3 *all relevant stake holders.*

4 “(8) *A review of major passenger and freight*
5 *intermodal rail connections and facilities within the*
6 *State, including seaports, and prioritized options to*
7 *maximize service integration and efficiency between*
8 *rail and other modes of transportation within the*
9 *State.*

10 “(9) *A review of publicly funded projects within*
11 *the State to improve rail transportation safety, in-*
12 *cluding all major projects funded under section 130*
13 *of title 23.*

14 “(10) *A performance evaluation of passenger rail*
15 *services operating in the State, including possible im-*
16 *provements in those services, and a description of*
17 *strategies to achieve those improvements.*

18 “(11) *A compilation of studies and reports on*
19 *high-speed rail corridor development within the State*
20 *not included in a previous plan under this chapter,*
21 *and a plan for funding any recommended develop-*
22 *ment of such corridors in the State.*

23 “(12) *A statement that the State is in compli-*
24 *ance with the requirements of section 22102.*

1 “(b) *LONG-RANGE SERVICE AND INVESTMENT PRO-*
2 *GRAM.*—

3 “(1) *PROGRAM CONTENT.*—*A long-range rail in-*
4 *vestment program included in a State rail plan*
5 *under subsection (a)(5) shall include the following*
6 *matters:*

7 “(A) *A list of any rail capital projects ex-*
8 *pected to be undertaken or supported in whole or*
9 *in part by the State.*

10 “(B) *A detailed funding plan for those*
11 *projects.*

12 “(2) *PROJECT LIST CONTENT.*—*The list of rail*
13 *capital projects shall contain—*

14 “(A) *a description of the anticipated public*
15 *and private benefits of each such project; and*

16 “(B) *a statement of the correlation be-*
17 *tween—*

18 “(i) *public funding contributions for*
19 *the projects; and*

20 “(ii) *the public benefits.*

21 “(3) *CONSIDERATIONS FOR PROJECT LIST.*—*In*
22 *preparing the list of freight and intercity passenger*
23 *rail capital projects, a State rail transportation au-*
24 *thority should take into consideration the following*
25 *matters:*

1 “(A) Contributions made by non-Federal
2 and non-State sources through user fees, match-
3 ing funds, or other private capital involvement.

4 “(B) Rail capacity and congestion effects.

5 “(C) Effects on highway, aviation, and
6 maritime capacity, congestion, or safety.

7 “(D) Regional balance.

8 “(E) Environmental impact.

9 “(F) Economic and employment impacts.

10 “(G) Projected ridership and other service
11 measures for passenger rail projects.

12 **“§ 22506. Review**

13 *“The Secretary shall prescribe procedures for States to*
14 *submit State rail plans for review under this title, includ-*
15 *ing standardized format and data requirements. State rail*
16 *plans completed before the date of enactment of the Pas-*
17 *senger Rail Investment and Improvement Act of 2008 that*
18 *substantially meet the requirements of this chapter, as de-*
19 *termined by the Secretary, shall be deemed by the Secretary*
20 *to have met the requirements of this chapter.”.*

21 (b) CONFORMING AMENDMENT.—*The chapter analysis*
22 *for subtitle V is amended by inserting the following after*
23 *the item relating to chapter 223:*

 “225. STATE RAIL PLANS AND HIGH PRIORITY PROJECTS 22501”.

1 **SEC. 303. NEXT GENERATION CORRIDOR TRAIN EQUIPMENT**

2 **POOL.**

3 (a) *IN GENERAL.*—Within 180 days after the date of
 4 enactment of this Act, Amtrak shall establish a Next Gen-
 5 eration Corridor Equipment Pool Committee, comprised of
 6 representatives of Amtrak, the Federal Railroad Adminis-
 7 tration, host freight railroad companies, passenger railroad
 8 equipment manufacturers, and other passenger railroad op-
 9 erators as appropriate and interested States. The purpose
 10 of the Committee shall be to design, develop specifications
 11 for, and procure standardized next-generation corridor
 12 equipment.

13 (b) *FUNCTIONS.*—The Committee may—

14 (1) determine the number of different types of
 15 equipment required, taking into account variations in
 16 operational needs and corridor infrastructure;

17 (2) establish a pool of equipment to be used on
 18 corridor routes funded by participating States; and

19 (3) subject to agreements between Amtrak and
 20 States, utilize services provided by Amtrak to design,
 21 maintain and remanufacture equipment.

22 (c) *COOPERATIVE AGREEMENTS.*—Amtrak and States
 23 participating in the Committee may enter into agreements
 24 for the funding, procurement, remanufacture, ownership
 25 and management of corridor equipment, including equip-
 26 ment currently owned or leased by Amtrak and next-genera-

1 *tion corridor equipment acquired as a result of the Commit-*
 2 *tee's actions, and may establish a corporation, which may*
 3 *be owned or jointly owned by Amtrak, participating States*
 4 *or other entities, to perform these functions.*

5 *(d) FUNDING.—In addition to the authorization pro-*
 6 *vided in section 103(2) of this Act, capital projects to carry*
 7 *out the purposes of this section shall be eligible for grants*
 8 *made pursuant to chapter 244 of title 49, United States*
 9 *Code.*

10 **SEC. 304. RAIL COOPERATIVE RESEARCH PROGRAM.**

11 *(a) ESTABLISHMENT AND CONTENT.—Chapter 249 is*
 12 *amended by adding at the end the following:*

13 **“§ 24910. Rail cooperative research program**

14 *“(a) IN GENERAL.—The Secretary shall establish and*
 15 *carry out a rail cooperative research program. The program*
 16 *shall—*

17 *“(1) address, among other matters, intercity rail*
 18 *passenger and freight rail services, including existing*
 19 *rail passenger and freight technologies and speeds, in-*
 20 *crementally enhanced rail systems and infrastructure,*
 21 *and new high-speed wheel-on-rail systems;*

22 *“(2) address ways to expand the transportation*
 23 *of international trade traffic by rail, enhance the effi-*
 24 *ciency of intermodal interchange at ports and other*

1 *intermodal terminals, and increase capacity and*
 2 *availability of rail service for seasonal freight needs;*

3 *“(3) consider research on the interconnectedness*
 4 *of commuter rail, passenger rail, freight rail, and*
 5 *other rail networks; and*

6 *“(4) give consideration to regional concerns re-*
 7 *garding rail passenger and freight transportation, in-*
 8 *cluding meeting research needs common to designated*
 9 *high-speed corridors, long-distance rail services, and*
 10 *regional intercity rail corridors, projects, and entities.*

11 *“(b) CONTENT.—The program to be carried out under*
 12 *this section shall include research designed—*

13 *“(1) to identify the unique aspects and attributes*
 14 *of rail passenger and freight service;*

15 *“(2) to develop more accurate models for evalu-*
 16 *ating the impact of rail passenger and freight service,*
 17 *including the effects on highway and airport and air-*
 18 *way congestion, environmental quality, and energy*
 19 *consumption;*

20 *“(3) to develop a better understanding of modal*
 21 *choice as it affects rail passenger and freight trans-*
 22 *portation, including development of better models to*
 23 *predict utilization;*

24 *“(4) to recommend priorities for technology dem-*
 25 *onstration and development;*

1 “(5) to meet additional priorities as determined
2 by the advisory board established under subsection
3 (c), including any recommendations made by the Na-
4 tional Research Council;

5 “(6) to explore improvements in management, fi-
6 nancing, and institutional structures;

7 “(7) to address rail capacity constraints that af-
8 fect passenger and freight rail service through a wide
9 variety of options, ranging from operating improve-
10 ments to dedicated new infrastructure, taking into ac-
11 count the impact of such options on operations;

12 “(8) to improve maintenance, operations, cus-
13 tomer service, or other aspects of intercity rail pas-
14 senger and freight service;

15 “(9) to recommend objective methodologies for de-
16 termining intercity passenger rail routes and services,
17 including the establishment of new routes, the elimi-
18 nation of existing routes, and the contraction or ex-
19 pansion of services or frequencies over such routes;

20 “(10) to review the impact of equipment and
21 operational safety standards on the further develop-
22 ment of high-speed passenger rail operations con-
23 nected to or integrated with non-high-speed freight or
24 passenger rail operations;

1 “(11) to recommend any legislative or regulatory
 2 changes necessary to foster further development and
 3 implementation of high-speed passenger rail oper-
 4 ations while ensuring the safety of such operations
 5 that are connected to or integrated with non-high-
 6 speed freight or passenger rail operations;

7 “(12) to review rail crossing safety improve-
 8 ments, including improvements using new safety tech-
 9 nology; and

10 “(13) the development and use of train horn
 11 technology, including, but not limited to, broadband
 12 horns, with an emphasis on reducing train horn noise
 13 and its effect on communities.

14 “(c) *ADVISORY BOARD.*—

15 “(1) *ESTABLISHMENT.*—In consultation with the
 16 heads of appropriate Federal departments and agen-
 17 cies, the Secretary shall establish an advisory board
 18 to recommend research, technology, and technology
 19 transfer activities related to rail passenger and freight
 20 transportation.

21 “(2) *MEMBERSHIP.*—The advisory board shall
 22 include—

23 “(A) representatives of State transportation
 24 agencies;

1 “(B) transportation and environmental
2 economists, scientists, and engineers; and

3 “(C) representatives of Amtrak, the Alaska
4 Railroad, freight railroads, transit operating
5 agencies, intercity rail passenger agencies, rail-
6 way labor organizations, and environmental or-
7 ganizations.

8 “(d) NATIONAL ACADEMY OF SCIENCES.—The Sec-
9 retary may make grants to, and enter into cooperative
10 agreements with, the National Academy of Sciences to carry
11 out such activities relating to the research, technology, and
12 technology transfer activities described in subsection (b) as
13 the Secretary deems appropriate.”.

14 (b) CLERICAL AMENDMENT.—The chapter analysis for
15 chapter 249 is amended by adding at the end the following:
 “24910. Rail cooperative research program.”.

16 **SEC. 305. PASSENGER RAIL SYSTEM COMPARISON STUDY.**

17 (a) IN GENERAL.—Not later than 1 year after the date
18 of the enactment of this Act, the Comptroller General of the
19 United States shall complete a study that compares the pas-
20 senger rail system in the United States with the passenger
21 rail systems in Canada, Germany, Great Britain, France,
22 China, Spain, and Japan.

23 (b) ISSUES TO BE STUDIED.—The study conducted
24 under subsection (a) shall include a country-by-country
25 comparison of—

1 (1) *the development of high-speed rail;*

2 (2) *passenger rail operating costs;*

3 (3) *the amount and payment source of rail line*
4 *construction and maintenance costs;*

5 (4) *the amount and payment source of station*
6 *construction and maintenance costs;*

7 (5) *passenger rail debt service costs;*

8 (6) *passenger rail labor agreements and associ-*
9 *ated costs;*

10 (7) *the net profit realized by the major passenger*
11 *rail service providers in each of the 4 most recent*
12 *quarters;*

13 (8) *the percentage of the passenger rail system's*
14 *costs that are paid from general government revenues;*
15 *and*

16 (9) *the method used by the government to pro-*
17 *vide the subsidies described in paragraph (8).*

18 (c) *REPORT.*—*Not later than 180 days after the com-*
19 *pletion of the study under subsection (a), the Comptroller*
20 *General shall submit a report containing the findings of*
21 *such study to—*

22 (1) *the Committee on Transportation and Infra-*
23 *structure of the House of Representatives; and*

24 (2) *the Committee on Commerce, Science, and*
25 *Transportation of the Senate.*

**TITLE IV—COMMUTER RAIL
TRANSIT ENHANCEMENT**

SEC. 401. COMMUTER RAIL TRANSIT ENHANCEMENT.

(a) AMENDMENT.—Part E of subtitle V is amended by adding at the end the following:

**“CHAPTER 285—COMMUTER RAIL TRANSIT
ENHANCEMENT**

“Sec.

“28501. Definitions

“28502. Surface Transportation Board mediation of trackage use requests.

“28503. Surface Transportation Board mediation of rights-of-way use requests.

“28504. Applicability of other laws.

“28505. Rules and regulations.

§ 28501. Definitions

“In this chapter—

“(1) the term ‘Board’ means the Surface Transportation Board;

“(2) the term ‘capital work’ means maintenance, restoration, reconstruction, capacity enhancement, or rehabilitation work on trackage that would be treated, in accordance with generally accepted accounting principles, as a capital item rather than an expense;

“(3) the term ‘fixed guideway transportation’ means public transportation (as defined in section 5302(a)(10)) provided on, by, or using a fixed guideway (as defined in section 5302(a)(4));

“(4) the term ‘public transportation authority’ means a local governmental authority (as defined in

1 *section 5302(a)(6)) established to provide, or make a*
 2 *contract providing for, fixed guideway transportation;*

3 *“(5) the term ‘rail carrier’ means a person, other*
 4 *than a governmental authority, providing common*
 5 *carrier railroad transportation for compensation sub-*
 6 *ject to the jurisdiction of the Board under chapter*
 7 *105;*

8 *“(6) the term ‘segregated fixed guideway facility’*
 9 *means a fixed guideway facility constructed within*
 10 *the railroad right-of-way of a rail carrier but phys-*
 11 *ically separate from trackage, including relocated*
 12 *trackage, within the right-of-way used by a rail car-*
 13 *rier for freight transportation purposes; and*

14 *“(7) the term ‘trackage’ means a railroad line of*
 15 *a rail carrier, including a spur, industrial, team,*
 16 *switching, side, yard, or station track, and a facility*
 17 *of a rail carrier.*

18 **“§28502. Surface Transportation Board mediation of**
 19 ***trackage use requests***

20 *“If, after a reasonable period of negotiation, a public*
 21 *transportation authority cannot reach agreement with a*
 22 *rail carrier to use trackage of, and have related services pro-*
 23 *vided by, the rail carrier for purposes of fixed guideway*
 24 *transportation, the public transportation authority or the*
 25 *rail carrier may apply to the Board for nonbinding medi-*

1 *ation. The Board shall conduct the nonbinding mediation*
 2 *in accordance with the mediation process of section 1109.4*
 3 *of title 49, Code of Federal Regulations, as in effect on the*
 4 *date of enactment of this section.*

5 **“§28503. Surface Transportation Board mediation of**
 6 ***rights-of-way use requests***

7 *“If, after a reasonable period of negotiation, a public*
 8 *transportation authority cannot reach agreement with a*
 9 *rail carrier to acquire an interest in a railroad right-of-*
 10 *way for the construction and operation of a segregated fixed*
 11 *guideway facility, the public transportation authority or*
 12 *the rail carrier may apply to the Board for nonbinding*
 13 *mediation. The Board shall conduct the nonbinding medi-*
 14 *ation in accordance with the mediation process of section*
 15 *1109.4 of title 49, Code of Federal Regulations, as in effect*
 16 *on the date of enactment of this section.*

17 **“§28504. Applicability of other laws**

18 *“Nothing in this chapter shall be construed to limit*
 19 *a rail transportation provider’s right under section*
 20 *28103(b) to enter into contracts that allocate financial re-*
 21 *sponsibility for claims.*

22 **“§28505. Rules and regulations**

23 *“Not later than 180 days after the date of enactment*
 24 *of this section, the Board shall issue such rules and regula-*
 25 *tions as may be necessary to carry out this chapter.”.*

1 (b) *CLERICAL AMENDMENT.*—*The table of chapters of*
 2 *such subtitle is amended by adding after the item relating*
 3 *to chapter 283 the following:*

“285. *COMMUTER RAIL TRANSIT ENHANCEMENT* 28501”.

4 **SEC. 402. ROUTING EFFICIENCY DISCUSSIONS WITH AM-**
 5 **TRAK.**

6 *Amtrak shall engage in good faith discussions, with*
 7 *commuter rail entities and regional and State public trans-*
 8 *portation authorities operating on the same trackage owned*
 9 *by a rail carrier as Amtrak, with respect to the routing*
 10 *and timing of trains to most efficiently move a maximal*
 11 *number of commuter, intercity, and regional rail pas-*
 12 *sengers, particularly during the peak times of commuter*
 13 *usage at the morning and evening hours marking the start*
 14 *and end of a typical work day, and with respect to the ex-*
 15 *pansion and enhancement of commuter rail and regional*
 16 *rail public transportation service.*

17 **TITLE V—HIGH-SPEED RAIL**

18 **SEC. 501. HIGH-SPEED RAIL CORRIDOR PROGRAM.**

19 (a) *IN GENERAL.*—*Chapter 261 is amended by adding*
 20 *at the end thereof the following:*

21 **“§ 26106. High-speed rail corridor program**

22 “(a) *IN GENERAL.*—*The Secretary of Transportation*
 23 *shall establish and implement a high-speed rail corridor*
 24 *program.*

1 “(b) *DEFINITIONS.*—*In this section, the following defi-*
 2 *nitions apply:*

3 “(1) *APPLICANT.*—*The term ‘applicant’ means a*
 4 *State, a group of States, an Interstate Compact, a*
 5 *public agency established by one or more States and*
 6 *having responsibility for providing high-speed rail*
 7 *service, or Amtrak.*

8 “(2) *CORRIDOR.*—*The term ‘corridor’ means a*
 9 *corridor designated by the Secretary pursuant to sec-*
 10 *tion 104(d)(2) of title 23.*

11 “(3) *CAPITAL PROJECT.*—*The term ‘capital*
 12 *project’ means a project or program in a State rail*
 13 *plan developed under chapter 225 of this title for ac-*
 14 *quiring, constructing, improving, or inspecting equip-*
 15 *ment, track, and track structures, or a facility of use*
 16 *in or for the primary benefit of high-speed rail serv-*
 17 *ice, expenses incidental to the acquisition or construc-*
 18 *tion (including designing, engineering, location sur-*
 19 *veying, mapping, environmental studies, and acquir-*
 20 *ing rights-of-way), payments for the capital portions*
 21 *of rail trackage rights agreements, highway-rail grade*
 22 *crossing improvements related to high-speed rail serv-*
 23 *ice, mitigating environmental impacts, communica-*
 24 *tion and signalization improvements, relocation as-*
 25 *sistance, acquiring replacement housing sites, and ac-*

1 *quiring, constructing, relocating, and rehabilitating*
 2 *replacement housing.*

3 “(4) *HIGH-SPEED RAIL.*—*The term ‘high-speed*
 4 *rail’ means intercity passenger rail service that is*
 5 *reasonably expected to reach speeds of at least 110*
 6 *miles per hour.*

7 “(5) *INTERCITY PASSENGER RAIL SERVICE.*—*The*
 8 *term ‘intercity passenger rail service’ means trans-*
 9 *portation services with the primary purpose of pas-*
 10 *senger transportation between towns, cities, and met-*
 11 *ropolitan areas by rail, including high-speed rail, as*
 12 *defined in section 24102 of this title.*

13 “(6) *SECRETARY.*—*The term ‘Secretary’ means*
 14 *the Secretary of Transportation.*

15 “(7) *STATE.*—*The term ‘State’ means any of the*
 16 *50 States or the District of Columbia.*

17 “(c) *GENERAL AUTHORITY.*—*The Secretary may make*
 18 *grants under this section to an applicant to finance capital*
 19 *projects in high-speed rail corridors.*

20 “(d) *APPLICATIONS.*—*Each applicant seeking to re-*
 21 *ceive a grant under this section to develop a high-speed rail*
 22 *corridor shall submit to the Secretary an application in*
 23 *such form and in accordance with such requirements as the*
 24 *Secretary shall establish.*

1 “(e) *COMPETITIVE GRANT SELECTION AND CRITERIA*
 2 *FOR GRANTS.*—

3 “(1) *IN GENERAL.*—*The Secretary shall—*

4 “(A) *establish criteria for selecting among*
 5 *projects that meet the criteria specified in para-*
 6 *graph (2);*

7 “(B) *conduct a national solicitation for ap-*
 8 *plications; and*

9 “(C) *award grants on a competitive basis.*

10 “(2) *GRANT CRITERIA.*—*The Secretary may ap-*
 11 *prove a grant under this section for a project only if*
 12 *the Secretary determines that the project—*

13 “(A) *is part of a State rail plan developed*
 14 *under chapter 225 of this title, or under the plan*
 15 *required by section 302 of the Passenger Rail In-*
 16 *vestment and Improvement Act of 2008;*

17 “(B) *is based on the results of preliminary*
 18 *engineering;*

19 “(C) *has the legal, financial, and technical*
 20 *capacity to carry out the project; and*

21 “(D) *is justified based on the ability of the*
 22 *project—*

23 “(i) *to generate national economic ben-*
 24 *efits, including creating jobs, expanding*

1 *business opportunities, and impacting the*
 2 *gross domestic product;*

3 “(ii) *to increase mobility of United*
 4 *States citizens and reduce congestion, in-*
 5 *cluding impacts in the State, region, and*
 6 *Nation; and*

7 “(iii) *to otherwise enhance the national*
 8 *transportation system.*

9 “(3) *PROJECT SELECTION CRITERIA.—In select-*
 10 *ing a project under this section, the Secretary shall*
 11 *consider the extent to which the project—*

12 “(A) *makes a substantial contribution to*
 13 *providing the infrastructure and equipment re-*
 14 *quired to complete a high-speed rail corridor;*

15 “(B) *leverages Federal investment by en-*
 16 *couraging non-Federal financial commitments,*
 17 *including evidence of stable and dependable fi-*
 18 *nancing sources to construct, maintain, and op-*
 19 *erate the high-speed rail corridor and service;*
 20 *and*

21 “(C) *helps protect the environment.*

22 “(f) *FEDERAL SHARE.—The Federal share of the cost*
 23 *of a project financed under this section shall not exceed 80*
 24 *percent of the project net capital cost.*

1 “(g) *ISSUANCE OF REGULATIONS.*—Not later than 1
2 year after the date of enactment of this section, the Sec-
3 retary shall issue regulations for carrying out this section.

4 “(h) *AUTHORIZATION.*—There are authorized to be ap-
5 propriated to the Secretary to carry out this section
6 \$350,000,000 for each of fiscal years 2009 through 2013.”.

7 “(b) *TABLE OF SECTIONS AMENDMENT.*—The table of
8 sections for chapter 261 is amended by adding after the
9 item relating to section 26105 the following new item:

“26106. *High-speed rail corridor program.*”.

10 **SEC. 502. ADDITIONAL HIGH-SPEED PROJECTS.**

11 “(a) *SOLICITATION OF PROPOSALS.*—

12 “(1) *IN GENERAL.*—

13 “(A) *NORTHEAST CORRIDOR.*—Not later than
14 60 days after the date of enactment of this Act,
15 the Secretary of Transportation shall issue a re-
16 quest for proposals for projects for the financing,
17 design, construction, and operation of an initial
18 high-speed rail system operating between Wash-
19 ington, DC, and New York City. Such proposals
20 shall be submitted to the Secretary not later than
21 150 days after the publication of such request for
22 proposals.

23 “(B) *OTHER PROJECTS.*—After a report is
24 transmitted under subsection (e) with respect to
25 projects described in subparagraph (A), the Sec-

1 *retary of Transportation may issue a request for*
2 *proposals for additional projects for the financ-*
3 *ing, design, construction, and operation of a*
4 *high-speed rail system operating on any other*
5 *corridor in the United States. Such proposals*
6 *shall be submitted to the Secretary not later than*
7 *150 days after the publication of such request for*
8 *proposals.*

9 (2) *CONTENTS.—A proposal submitted under*
10 *paragraph (1) shall include—*

11 (A) *the names and qualifications of the per-*
12 *sons submitting the proposal;*

13 (B) *a detailed description of the proposed*
14 *route and its engineering characteristics and of*
15 *all infrastructure improvements required to*
16 *achieve the planned operating speeds and trip*
17 *times;*

18 (C) *how the project would comply with Fed-*
19 *eral rail safety regulations which govern the*
20 *track and equipment safety requirements for*
21 *high-speed rail operations;*

22 (D) *the peak and average operating speeds*
23 *to be attained;*

24 (E) *the type of equipment to be used, in-*
25 *cluding any technologies for—*

1 (i) maintaining an operating speed the
2 Secretary determines appropriate; or

3 (ii) in the case of a proposal submitted
4 under paragraph (1)(A), achieving less than
5 2-hour express service between Washington,
6 DC, and New York City;

7 (F) the locations of proposed stations, iden-
8 tifying, in the case of a proposal submitted
9 under paragraph (1) (A), a plan allowing for
10 station stops at or in close proximity to the busi-
11 est Amtrak stations;

12 (G) a detailed description of any proposed
13 legislation needed to facilitate the project;

14 (H) a financing plan identifying—

15 (i) sources of revenue;

16 (ii) the amount of any proposed public
17 contribution toward capital costs or oper-
18 ations;

19 (iii) ridership projections;

20 (iv) the amount of private investment;

21 (v) projected revenue;

22 (vi) annual operating and capital
23 costs;

24 (vii) the amount of projected capital
25 investments required (both initially and in

1 *subsequent years to maintain a state of*
2 *good repair); and*

3 *(viii) the sources of the private invest-*
4 *ment required, including the identity of any*
5 *person or entity that has made or is ex-*
6 *pected to make a commitment to provide or*
7 *secure funding and the amount of such com-*
8 *mitment;*

9 *(I) a description of how the project would*
10 *contribute to the development of a national high-*
11 *speed rail system, and an intermodal plan de-*
12 *scribing how the system will connect with other*
13 *transportation links;*

14 *(J) labor protections that would comply*
15 *with the requirements of section 504;*

16 *(K) provisions to ensure that the proposal*
17 *will be designed to operate in harmony with ex-*
18 *isting and projected future intercity, commuter,*
19 *and freight service;*

20 *(L) provisions for full fair market com-*
21 *pensation for any asset, property right or inter-*
22 *est, or service acquired from, owned, or held by*
23 *a private person or non-Federal entity that*
24 *would be acquired, impaired, or diminished in*

1 *value as a result of a project, except as otherwise*
 2 *agreed to by the private person or entity; and*

3 *(M) a detailed description of the environ-*
 4 *mental impacts of the project, and how any ad-*
 5 *verse impacts would be mitigated.*

6 *(3) DOCUMENTS.—Documents submitted or de-*
 7 *veloped pursuant to this subsection shall not be sub-*
 8 *ject to section 552 of title 5, United States Code.*

9 *(b) DETERMINATION OF COST EFFECTIVENESS AND*
 10 *ESTABLISHMENT OF COMMISSIONS.—Not later than 60*
 11 *days after receipt of a proposal under subsection (a), the*
 12 *Secretary of Transportation shall—*

13 *(1) make a determination as to whether the pro-*
 14 *posal is cost effective; and*

15 *(2) for each corridor for which one or more cost*
 16 *effective proposals are received, establish a commis-*
 17 *sion under subsection (c).*

18 *(c) COMMISSIONS.—*

19 *(1) MEMBERS.—The commission referred to in*
 20 *subsection (b)(2) shall consist of—*

21 *(A) the governor of the affected State or*
 22 *States, or their respective designees;*

23 *(B) a rail labor representative, a represent-*
 24 *ative from a rail freight carrier using the rel-*
 25 *evant corridor, and a commuter authority using*

1 *the relevant corridor, appointed by the Secretary*
 2 *of Transportation, in consultation with the*
 3 *chairman and ranking minority member of the*
 4 *Committee on Transportation and Infrastructure*
 5 *of the House of Representatives and the Com-*
 6 *mittee on Commerce, Science, and Transpor-*
 7 *tation of the Senate;*

8 *(C) the Secretary of Transportation or his*
 9 *designee;*

10 *(D) the president of Amtrak or his designee;*
 11 *and*

12 *(E) the mayors of the three largest munici-*
 13 *palities serviced by the proposed high-speed rail*
 14 *corridor.*

15 *(2) CHAIRPERSON AND VICE-CHAIRPERSON SE-*
 16 *LECTION.—The Chairperson and Vice Chairperson*
 17 *shall be elected from among members of the Commis-*
 18 *sion.*

19 *(3) QUORUM AND VACANCY.—*

20 *(A) QUORUM.—A majority of the members*
 21 *of the Commission shall constitute a quorum.*

22 *(B) VACANCY.—Any vacancy in the Com-*
 23 *mission shall not affect its powers and shall be*
 24 *filled in the same manner in which the original*
 25 *appointment was made.*

1 (d) *COMMISSION CONSIDERATION.*—

2 (1) *IN GENERAL.*—*Each commission established*
 3 *under subsection (b)(2) shall be responsible for review-*
 4 *ing the proposal or proposals with respect to which*
 5 *the commission was established, and not later than 90*
 6 *days after the establishment of the commission, shall*
 7 *transmit to the Secretary, and to the chairman and*
 8 *ranking minority member of the Committee on Trans-*
 9 *portation and Infrastructure of the House of Rep-*
 10 *resentatives and the Committee on Commerce,*
 11 *Science, and Transportation of the Senate, a report*
 12 *which includes—*

13 (A) *a summary of each proposal received;*

14 (B) *a ranking of the order of the proposals*
 15 *according to cost effectiveness, advantages over*
 16 *existing services, projected revenue, and cost and*
 17 *benefit to the public and private parties;*

18 (C) *an indication of which proposal or pro-*
 19 *posals are recommended by the commission; and*

20 (D) *an identification of any proposed legis-*
 21 *lative provisions which would facilitate imple-*
 22 *mentation of the recommended project.*

23 (2) *VERBAL PRESENTATION.*—*Proposers shall be*
 24 *given an opportunity to make a verbal presentation*
 25 *to the commission to explain their proposals.*

1 (e) *SELECTION BY SECRETARY.*—Not later than 60
 2 days after receiving a report from a commission under sub-
 3 section (d)(1), the Secretary of Transportation shall trans-
 4 mit to the Congress a report that ranks all of the rec-
 5 ommended proposals according to cost effectiveness, advan-
 6 tages over existing services, projected revenue, and cost and
 7 benefit to the public and private parties.

8 (f) *NORTHEAST CORRIDOR ECONOMIC DEVELOPMENT*
 9 *STUDY.*—Not later than 9 months after the date of enact-
 10 ment of this Act, the Secretary of Transportation shall
 11 transmit to the Committee on Transportation and Infra-
 12 structure of the House of Representatives and the Committee
 13 on Commerce, Science, and Transportation of the Senate
 14 the results of an economic development study of Amtrak's
 15 Northeast Corridor service between Washington, DC, and
 16 New York City. Such study shall examine how to achieve
 17 maximum utilization of the Northeast Corridor as a trans-
 18 portation asset, including—

19 (1) *maximizing the assets of the Northeast Cor-*
 20 *ridor for potential economic development purposes;*

21 (2) *real estate improvement and financial re-*
 22 *turn;*

23 (3) *improved intercity, commuter, and freight*
 24 *services;*

1 (4) optimum utility utilization in conjunction
 2 with potential separated high-speed rail passenger
 3 services; and

4 (5) any other means of maximizing the economic
 5 potential of the Northeast Corridor.

6 **SEC. 503. HIGH-SPEED RAIL STUDY.**

7 Not later than 1 year after the date of enactment of
 8 this Act, the Secretary of Transportation shall conduct—

9 (1) an alternatives analysis of the Secretary's
 10 December 1, 1998, extension of the designation of the
 11 Southeast High-Speed Rail Corridor as authorized
 12 under section 104(d)(2) of title 23, United States
 13 Code;

14 (2) a feasibility analysis regarding the expan-
 15 sion of the South Central High-Speed Rail Corridor
 16 to the Port of Houston, Texas;

17 (3) a feasibility analysis regarding the expan-
 18 sion of the South Central High-Speed Rail Corridor
 19 to Memphis, Tennessee; and

20 (4) a feasibility analysis regarding the expan-
 21 sion of the South Central High-Speed Rail Corridor
 22 south of San Antonio to a location in far south Texas
 23 to be chosen at the discretion of the Secretary.

24 These analyses shall consider changes that have occurred in
 25 the region's population, anticipated patterns of population

1 *growth, connectivity with other modes of transportation,*
 2 *ability of the designation to reduce regional traffic conges-*
 3 *tion, and the ability of current and proposed routings to*
 4 *meet the needs of tourists. The Secretary shall submit rec-*
 5 *ommendations to the Committee on Transportation and In-*
 6 *frastructure of the House of Representatives and the Com-*
 7 *mittee on Commerce, Science, and Transportation of the*
 8 *Senate and conduct a redesignation of one or both corridors*
 9 *if necessary.*

10 **SEC. 504. GRANT CONDITIONS.**

11 *(a) DOMESTIC BUYING PREFERENCE.—*

12 *(1) REQUIREMENT.—*

13 *(A) IN GENERAL.—In carrying out a*
 14 *project funded in whole or in part with a grant*
 15 *under this title, or the amendments made by this*
 16 *title, the grant recipient shall purchase only—*

17 *(i) unmanufactured articles, material,*
 18 *and supplies mined or produced in the*
 19 *United States; or*

20 *(ii) manufactured articles, material,*
 21 *and supplies manufactured in the United*
 22 *States substantially from articles, material,*
 23 *and supplies mined, produced, or manufac-*
 24 *tured in the United States.*

1 (B) *DE MINIMIS AMOUNT.*—Subparagraph

2 (A) *applies only to a purchase in an total*
3 *amount that is not less than \$1,000,000.*

4 (2) *EXEMPTIONS.*—On application of a recipi-
5 *ent, the Secretary may exempt a recipient from the*
6 *requirements of this subsection if the Secretary de-*
7 *cides that, for particular articles, material, or sup-*
8 *plies—*

9 (A) *such requirements are inconsistent with*
10 *the public interest;*

11 (B) *the cost of imposing the requirements is*
12 *unreasonable; or*

13 (C) *the articles, material, or supplies, or the*
14 *articles, material, or supplies from which they*
15 *are manufactured, are not mined, produced, or*
16 *manufactured in the United States in sufficient*
17 *and reasonably available commercial quantities*
18 *and are not of a satisfactory quality.*

19 (3) *UNITED STATES DEFINED.*—In this sub-
20 *section, the term “the United States” means the*
21 *States, territories, and possessions of the United*
22 *States and the District of Columbia.*

23 (b) *OPERATORS DEEMED RAIL CARRIERS AND EM-*
24 *PLOYERS FOR CERTAIN PURPOSES.*—A person that con-
25 *ducts rail operations over rail infrastructure constructed or*

1 *improved with funding provided in whole or in part in a*
 2 *grant made under this title, or the amendments made by*
 3 *this title, shall be considered a rail carrier as defined in*
 4 *section 10102(5) of title 49, United States Code, for pur-*
 5 *poses of this title and any other statute that adopts that*
 6 *definition or in which that definition applies, including—*

7 (1) *the Railroad Retirement Act of 1974 (45*
 8 *U.S.C. 231 et seq.);*

9 (2) *the Railway Labor Act (43 U.S.C. 151 et*
 10 *seq.); and*

11 (3) *the Railroad Unemployment Insurance Act*
 12 *(45 U.S.C. 351 et seq.).*

13 (c) *GRANT CONDITIONS.—The Secretary shall require*
 14 *as a condition of making any grant under this title, or the*
 15 *amendments made by this title, for a project that uses*
 16 *rights-of-way owned by a railroad that—*

17 (1) *a written agreement exist between the appli-*
 18 *cant and the railroad regarding such use and owner-*
 19 *ship, including—*

20 (A) *any compensation for such use;*

21 (B) *assurances regarding the adequacy of*
 22 *infrastructure capacity to accommodate both ex-*
 23 *isting and future freight and passenger oper-*
 24 *ations;*

1 (C) an assurance by the railroad that collec-
2 tive bargaining agreements with the railroad's
3 employees (including terms regulating the con-
4 tracting of work) will remain in full force and
5 effect according to their terms for work per-
6 formed by the railroad on the railroad transpor-
7 tation corridor; and

8 (D) an assurance that an applicant com-
9 plies with liability requirements consistent with
10 section 28103 of title 49, United States Code;
11 and

12 (2) the applicant agrees to comply with—

13 (A) the standards of section 24312 of title
14 49, United States Code, as such section was in
15 effect on September 1, 2003, with respect to the
16 project in the same manner that the National
17 Railroad Passenger Corporation is required to
18 comply with those standards for construction
19 work financed under an agreement made under
20 section 24308(a) of title 49, United States Code;
21 and

22 (B) the protective arrangements established
23 under section 504 of the Railroad Revitalization
24 and Regulatory Reform Act of 1976 (45 U.S.C.
25 836) with respect to employees affected by ac-

1 *tions taken in connection with the project to be*
 2 *financed in whole or in part by grants under*
 3 *this chapter.*

4 (d) *REPLACEMENT OF EXISTING INTERCITY PAS-*
 5 *SENGER RAIL SERVICE.—*

6 (1) *COLLECTIVE BARGAINING AGREEMENT FOR*
 7 *INTERCITY PASSENGER RAIL PROJECTS.—Any entity*
 8 *providing intercity passenger railroad transportation*
 9 *that begins operations after the date of enactment of*
 10 *this Act on a project funded in whole or in part by*
 11 *grants made under this title, or the amendments*
 12 *made by this title, and replaces intercity rail pas-*
 13 *senger service that was provided by Amtrak, unless*
 14 *such service was provided solely by Amtrak to another*
 15 *entity, as of such date shall enter into an agreement*
 16 *with the authorized bargaining agent or agents for*
 17 *adversely affected employees of the predecessor pro-*
 18 *vider that—*

19 (A) *gives each such qualified employee of*
 20 *the predecessor provider priority in hiring ac-*
 21 *cording to the employee's seniority on the prede-*
 22 *cessor provider for each position with the replac-*
 23 *ing entity that is in the employee's craft or class*
 24 *and is available within 3 years after the termi-*
 25 *nation of the service being replaced;*

1 (B) establishes a procedure for notifying
2 such an employee of such positions;

3 (C) establishes a procedure for such an em-
4 ployee to apply for such positions; and

5 (D) establishes rates of pay, rules, and
6 working conditions.

7 (2) *IMMEDIATE REPLACEMENT SERVICE.*—

8 (A) *NEGOTIATIONS.*—If the replacement of
9 preexisting intercity rail passenger service occurs
10 concurrent with or within a reasonable time be-
11 fore the commencement of the replacing entity's
12 rail passenger service, the replacing entity shall
13 give written notice of its plan to replace existing
14 rail passenger service to the authorized collective
15 bargaining agent or agents for the potentially
16 adversely affected employees of the predecessor
17 provider at least 90 days before the date on
18 which it plans to commence service. Within 5
19 days after the date of receipt of such written no-
20 tice, negotiations between the replacing entity
21 and the collective bargaining agent or agents for
22 the employees of the predecessor provider shall
23 commence for the purpose of reaching agreement
24 with respect to all matters set forth in subpara-
25 graphs (A) through (D) of paragraph (1). The

1 *negotiations shall continue for 30 days or until*
2 *an agreement is reached, whichever is sooner. If*
3 *at the end of 30 days the parties have not en-*
4 *tered into an agreement with respect to all such*
5 *matters, the unresolved issues shall be submitted*
6 *for arbitration in accordance with the procedure*
7 *set forth in subparagraph (B).*

8 *(B) ARBITRATION.—If an agreement has*
9 *not been entered into with respect to all matters*
10 *set forth in subparagraphs (A) through (D) of*
11 *paragraph (1) as described in subparagraph (A)*
12 *of this paragraph, the parties shall select an ar-*
13 *bitrator. If the parties are unable to agree upon*
14 *the selection of such arbitrator within 5 days, ei-*
15 *ther or both parties shall notify the National Me-*
16 *diation Board, which shall provide a list of seven*
17 *arbitrators with experience in arbitrating rail*
18 *labor protection disputes. Within 5 days after*
19 *such notification, the parties shall alternately*
20 *strike names from the list until only 1 name re-*
21 *mains, and that person shall serve as the neutral*
22 *arbitrator. Within 45 days after selection of the*
23 *arbitrator, the arbitrator shall conduct a hearing*
24 *on the dispute and shall render a decision with*
25 *respect to the unresolved issues among the mat-*

1 *ters set forth in subparagraphs (A) through (D)*
 2 *of paragraph (1). This decision shall be final,*
 3 *binding, and conclusive upon the parties. The*
 4 *salary and expenses of the arbitrator shall be*
 5 *borne equally by the parties; all other expenses*
 6 *shall be paid by the party incurring them.*

7 *(3) SERVICE COMMENCEMENT.—A replacing en-*
 8 *tity under this subsection shall commence service only*
 9 *after an agreement is entered into with respect to the*
 10 *matters set forth in subparagraphs (A) through (D) of*
 11 *paragraph (1) or the decision of the arbitrator has*
 12 *been rendered.*

13 *(4) SUBSEQUENT REPLACEMENT OF SERVICE.—*
 14 *If the replacement of existing rail passenger service*
 15 *takes place within 3 years after the replacing entity*
 16 *commences intercity passenger rail service, the replac-*
 17 *ing entity and the collective bargaining agent or*
 18 *agents for the adversely affected employees of the pred-*
 19 *ecessor provider shall enter into an agreement with*
 20 *respect to the matters set forth in subparagraphs (A)*
 21 *through (D) of paragraph (1). If the parties have not*
 22 *entered into an agreement with respect to all such*
 23 *matters within 60 days after the date on which the*
 24 *replacing entity replaces the predecessor provider, the*
 25 *parties shall select an arbitrator using the procedures*

1 *set forth in paragraph (2)(B), who shall, within 20*
 2 *days after the commencement of the arbitration, con-*
 3 *duct a hearing and decide all unresolved issues. This*
 4 *decision shall be final, binding, and conclusive upon*
 5 *the parties.*

6 *(e) INAPPLICABILITY TO CERTAIN RAIL OPER-*
 7 *ATIONS.—Nothing in this section applies to—*

8 *(1) the Alaska Railroad or its contractors; or*

9 *(2) the National Railroad Passenger Corpora-*
 10 *tion's access rights to railroad rights of way and fa-*
 11 *cilities under current law.*

Attest:

Clerk.

110TH CONGRESS
2D SESSION

S. 294

AMENDMENT