

110TH CONGRESS
1ST SESSION

S. 294

To reauthorize Amtrak, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 16, 2007

Mr. LAUTENBERG (for himself, Mr. LOTT, Mr. INOUE, Mr. STEVENS, Mr. SPECTER, Mr. CARPER, Mrs. HUTCHISON, Mrs. BOXER, Ms. SNOWE, Mr. DORGAN, Mr. BURR, Mrs. CLINTON, Mr. DURBIN, Mr. BIDEN, Mr. MENENDEZ, Mr. KERRY, Mr. KENNEDY, Mr. SCHUMER, Mr. PRYOR, and Mr. CARDIN) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To reauthorize Amtrak, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Passenger Rail Invest-
5 ment and Improvement Act of 2007”.

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

7 Except as otherwise specifically provided, whenever in
8 this Act an amendment is expressed in terms of an amend-
9 ment to a section or other provision of law, the reference

1 shall be considered to be made to a section or other provi-
 2 sion of title 49, United States Code.

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

4 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. Authorization for the Federal Railroad Administration.
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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.
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- Sec. 207. Independent auditor to establish methodologies for Amtrak route and service planning decisions.
- Sec. 208. Metrics and standards.
- Sec. 209. Passenger train performance.
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- Sec. 211. Alternate passenger rail service program.
- Sec. 212. Employee transition assistance.
- Sec. 213. Northeast Corridor state-of-good-repair plan.
- Sec. 214. Northeast Corridor infrastructure and operations improvements.
- Sec. 215. Restructuring long-term debt and capital leases.
- Sec. 216. Study of compliance requirements at existing intercity rail stations.
- Sec. 217. Incentive pay.
- Sec. 218. Access to Amtrak equipment and services.
- Sec. 219. General Amtrak provisions.
- Sec. 220. Private sector funding of passenger trains.
- Sec. 221. On-board service improvements.
- Sec. 222. Management accountability.

TITLE III—INTERCITY PASSENGER RAIL POLICY

- Sec. 301. Capital assistance for intercity passenger rail service.
- Sec. 302. State rail plans.
- Sec. 303. Next generation corridor train equipment pool.
- Sec. 304. Federal rail policy.
- Sec. 305. Rail cooperative research program.

TITLE IV—PASSENGER RAIL SECURITY AND SAFETY

- Sec. 400. Short title.
- Sec. 401. Rail transportation security risk assessment.
- Sec. 402. Systemwide Amtrak security upgrades.
- Sec. 403. Fire and life-safety improvements.
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- Sec. 405. Rail security research and development.
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- Sec. 407. Amtrak plan to assist families of passengers involved in rail passenger accidents.
- Sec. 408. Northern border rail passenger report.
- Sec. 409. Rail worker security training program.
- Sec. 410. Whistleblower protection program.
- Sec. 411. High hazard material security threat mitigation plans.
- Sec. 412. Memorandum of agreement.
- Sec. 413. Rail security enhancements.
- Sec. 414. Public awareness.
- Sec. 415. Railroad high hazard material tracking.
- Sec. 416. Authorization of appropriations.

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
 6 be appropriated to the Secretary of Transportation for the
 7 use of Amtrak for operating costs the following amounts:

- 8 (1) For fiscal year 2007, \$580,000,000.
- 9 (2) For fiscal year 2008, \$590,000,000.
- 10 (3) For fiscal year 2009, \$600,000,000.
- 11 (4) For fiscal year 2010, \$575,000,000.
- 12 (5) For fiscal year 2011, \$535,000,000.
- 13 (6) For fiscal year 2012, \$455,000,000.

14 (b) CAPITAL GRANTS.—There are authorized to be
 15 appropriated to the Secretary of Transportation for the
 16 use of Amtrak for capital projects (as defined in subpara-
 17 graphs (A) and (B) of section 24401(2) of title 49, United

1 States Code) to bring the Northeast Corridor (as defined
2 in section 24102(a)) to a state-of-good-repair, for capital
3 expenses of the national railroad passenger transportation
4 system, and for purposes of making capital grants under
5 section 24402 of that title to States, the following
6 amounts:

- 7 (1) For fiscal year 2007, \$813,000,000.
- 8 (2) For fiscal year 2008, \$910,000,000.
- 9 (3) For fiscal year 2009, \$1,071,000,000.
- 10 (4) For fiscal year 2010, \$1,096,000,000.
- 11 (5) For fiscal year 2011, \$1,191,000,000.
- 12 (6) For fiscal year 2012, \$1,231,000,000.

13 (c) AMOUNTS FOR STATE GRANTS.—Out of the
14 amounts authorized under subsection (b), the following
15 percentage shall be available each fiscal year for capital
16 grants to States under section 24402 of title 49, United
17 States Code, to be administered by the Secretary of Trans-
18 portation:

- 19 (1) 3 percent for fiscal year 2007.
- 20 (2) 11 percent for fiscal year 2008.
- 21 (3) 23 percent for fiscal year 2009.
- 22 (4) 25 percent for fiscal year 2010.
- 23 (5) 31 percent for fiscal year 2011.
- 24 (6) 33 percent for fiscal year 2012.

1 (d) PROJECT MANAGEMENT OVERSIGHT.—The Sec-
2 retary may withhold up to 1/2 of 1 percent of amounts
3 appropriated pursuant to subsection (b) for the costs of
4 project management oversight of capital projects carried
5 out by Amtrak.

6 **SEC. 102. AUTHORIZATION FOR THE FEDERAL RAILROAD**
7 **ADMINISTRATION.**

8 There are authorized to be appropriated to the Sec-
9 retary of Transportation for the use of the Federal Rail-
10 road Administration such sums as necessary to implement
11 the provisions required under this Act for fiscal years
12 2007 through 2012.

13 **SEC. 103. REPAYMENT OF LONG-TERM DEBT AND CAPITAL**
14 **LEASES.**

15 (a) AMTRAK PRINCIPAL AND INTEREST PAY-
16 MENTS.—

17 (1) PRINCIPAL ON DEBT SERVICE.—There are
18 authorized to be appropriated to the Secretary of
19 Transportation for the use of Amtrak for retirement
20 of principal on loans for capital equipment, or cap-
21 ital leases, not more than the following amounts:

22 (A) For fiscal year 2007, \$153,900,000.

23 (B) For fiscal year 2008, \$153,400,000.

24 (C) For fiscal year 2009, \$180,600,000.

25 (D) For fiscal year 2010, \$182,800,000.

1 (E) For fiscal year 2011, \$189,400,000.

2 (F) For fiscal year 2012, \$202,600,000.

3 (2) INTEREST ON DEBT.—There are authorized
4 to be appropriated to the Secretary of Transpor-
5 tation for the use of Amtrak for the payment of in-
6 terest on loans for capital equipment, or capital
7 leases, the following amounts:

8 (A) For fiscal year 2007, \$139,600,000.

9 (B) For fiscal year 2008, \$131,300,000.

10 (C) For fiscal year 2009, \$121,700,000.

11 (D) For fiscal year 2010, \$111,900,000.

12 (E) For fiscal year 2011, \$101,900,000.

13 (F) For fiscal year 2012, \$90,200,000.

14 (3) EARLY BUYOUT OPTION.—There are au-
15 thorized to be appropriated to the Secretary of
16 Transportation such sums as may be necessary for
17 the use of Amtrak for the payment of costs associ-
18 ated with early buyout options if the exercise of
19 those options is determined to be advantageous to
20 Amtrak.

21 (4) LEGAL EFFECT OF PAYMENTS UNDER THIS
22 SECTION.—The payment of principal and interest on
23 secured debt, with the proceeds of grants authorized
24 by this section shall not—

1 (A) modify the extent or nature of any in-
2 debtedness of the National Railroad Passenger
3 Corporation to the United States in existence of
4 the date of enactment of this Act;

5 (B) change the private nature of Amtrak's
6 or its successors' liabilities; or

7 (C) imply any Federal guarantee or com-
8 mitment to amortize Amtrak's outstanding in-
9 debtedness.

10 **SEC. 104. EXCESS RAILROAD RETIREMENT.**

11 There are authorized to be appropriated to the Sec-
12 retary of Transportation, beginning with fiscal year 2007,
13 such sums as may be necessary to pay to the Railroad
14 Retirement Account an amount equal to the amount Am-
15 trak must pay under section 3221 of the Internal Revenue
16 Code of 1986 in such fiscal years that is more than the
17 amount needed for benefits for individuals who retire from
18 Amtrak and for their beneficiaries. For each fiscal year
19 in which the Secretary makes such a payment, the
20 amounts authorized by section 101(a) shall be reduced by
21 an amount equal to such payment.

22 **SEC. 105. OTHER AUTHORIZATIONS.**

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

1 (1) \$5,000,000 for each of fiscal years 2007
2 through 2012 to carry out the rail cooperative re-
3 search program under section 24910 of title 49,
4 United States Code;

5 (2) \$5,000,000 for fiscal year 2008, to remain
6 available until expended, for grants to Amtrak and
7 States participating in the Next Generation Corridor
8 Train Equipment Pool Committee established under
9 section 303 of this Act for the purpose of designing,
10 developing specifications for, and initiating the pro-
11 curement of an initial order of 1 or more types of
12 standardized next-generation corridor train equip-
13 ment and establishing a jointly-owned corporation to
14 manage that equipment; and

15 (3) \$2,000,000 for fiscal year 2008, for the use
16 of Amtrak in conducting the evaluation required by
17 section 216 of this Act.

18 **TITLE II—AMTRAK REFORM AND** 19 **OPERATIONAL IMPROVEMENTS**

20 **SEC. 201. NATIONAL RAILROAD PASSENGER TRANSPOR-** 21 **TATION SYSTEM DEFINED.**

22 (a) IN GENERAL.—Section 24102 is amended—

23 (1) by striking paragraph (2);

24 (2) by redesignating paragraphs (3), (4), and

25 (5) as paragraphs (2), (3), and (4), respectively; and

1 (3) by inserting after paragraph (4) as so re-
2 designated the following:

3 “(5) ‘national rail passenger transportation sys-
4 tem’ means—

5 “(A) the segment of the Northeast Cor-
6 ridor between Boston, Massachusetts and
7 Washington, DC;

8 “(B) rail corridors that have been des-
9 ignated by the Secretary of Transportation as
10 high-speed corridors (other than corridors de-
11 scribed in subparagraph (A)), but only after
12 they have been improved to permit operation of
13 high-speed service;

14 “(C) long distance routes of more than
15 750 miles between endpoints operated by Am-
16 trak as of the date of enactment of the Pas-
17 senger Rail Investment and Improvement Act of
18 2007; and

19 “(D) short-distance corridors, or routes of
20 not more than 750 miles between endpoints, op-
21 erated by—

22 “(i) Amtrak; or

23 “(ii) another rail carrier that receives
24 funds under chapter 244.”.

25 (b) AMTRAK ROUTES WITH STATE FUNDING.—

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

3 **“24702. Transportation requested by States, authori-**
4 **ties, and other persons**

5 “(a) CONTRACTS FOR TRANSPORTATION.—Amtrak
6 may enter into a contract with a State, a regional or local
7 authority, or another person for Amtrak to operate an
8 intercity rail service or route not included in the national
9 rail passenger transportation system upon such terms as
10 the parties thereto may agree.

11 “(b) DISCONTINUANCE.—Upon termination of a con-
12 tract entered into under this section, or the cessation of
13 financial support under such a contract by either party,
14 Amtrak may discontinue such service or route, notwith-
15 standing any other provision of law.”.

16 (2) CONFORMING AMENDMENT.—The chapter
17 analysis for chapter 247 is amended by inserting
18 after the item relating to section 24701 the fol-
19 lowing:

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

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

24 (d) APPLICABILITY OF SECTION 24706.—Section
25 24706 is amended by adding at the end the following:

1 “(c) APPLICABILITY.—This section applies to all
2 service over routes provided by Amtrak, notwithstanding
3 any provision of section 24701 of this title or any other
4 provision of this title except section 24702(b).”.

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

6 (a) IN GENERAL.—Section 24302 is amended to read
7 as follows:

8 **“§ 24302. Board of directors**

9 “(a) COMPOSITION AND TERMS.—

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

13 “(A) The Secretary of Transportation.

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

16 “(C) 8 individuals appointed by the Presi-
17 dent of the United States, by and with the ad-
18 vice and consent of the Senate, with general
19 business and financial experience, experience or
20 qualifications in transportation, freight and
21 passenger rail transportation, travel, hospi-
22 tality, cruise line, and passenger air transpor-
23 tation businesses, or representatives of employ-
24 ees or users of passenger rail transportation or
25 a State government.

1 “(2) In selecting individuals described in para-
2 graph (1) for nominations for appointments to the
3 Board, the President shall consult with the Speaker
4 of the House of Representatives, the minority leader
5 of the House of Representatives, the majority leader
6 of the Senate, and the minority leader of the Senate
7 and try to provide adequate and balanced represen-
8 tation of the major geographic regions of the United
9 States served by Amtrak.

10 “(3) An individual appointed under paragraph
11 (1)(C) of this subsection serves for 5 years or until
12 the individual’s successor is appointed and qualified.
13 Not more than 5 individuals appointed under para-
14 graph (1)(C) may be members of the same political
15 party.

16 “(4) The Board shall elect a chairman and a
17 vice chairman from among its membership. The vice
18 chairman shall serve as chairman in the absence of
19 the chairman.

20 “(5) The Secretary may be represented at
21 board meetings by the Secretary’s designee.

22 “(6) The voting privileges of the President can
23 be changed by a unanimous decision of the Board.

24 “(b) PAY AND EXPENSES.—Each director not em-
25 ployed by the United States Government is entitled to

1 \$300 a day when performing Board duties. Each Director
2 is entitled to reimbursement for necessary travel, reason-
3 able secretarial and professional staff support, and sub-
4 sistence expenses incurred in attending Board meetings.

5 “(c) VACANCIES.—A vacancy on the Board is filled
6 in the same way as the original selection, except that an
7 individual appointed by the President of the United States
8 under subsection (a)(1)(C) of this section to fill a vacancy
9 occurring before the end of the term for which the prede-
10 cessor of that individual was appointed is appointed for
11 the remainder of that term. A vacancy required to be filled
12 by appointment under subsection (a)(1)(C) must be filled
13 not later than 120 days after the vacancy occurs.

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

16 “(e) BYLAWS.—The Board may adopt and amend by-
17 laws governing the operation of Amtrak. The bylaws shall
18 be consistent with this part and the articles of incorpora-
19 tion.”.

20 (b) EFFECTIVE DATE FOR DIRECTORS’ PROVI-
21 SION.—The amendment made by subsection (a) shall take
22 effect on October 1, 2007. The members of the Amtrak
23 Board serving on the date of enactment of this Act may
24 continue to serve for the remainder of the term to which
25 they were appointed.

1 **SEC. 203. ESTABLISHMENT OF IMPROVED FINANCIAL AC-**
2 **COUNTING SYSTEM.**

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

4 (1) may employ an independent financial con-
5 sultant with experience in railroad accounting to as-
6 sist Amtrak in improving Amtrak’s financial ac-
7 counting and reporting system and practices; and

8 (2) shall implement a modern financial account-
9 ing and reporting system that will produce accurate
10 and timely financial information in sufficient de-
11 tail—

12 (A) to enable Amtrak to assign revenues
13 and expenses appropriately to each of its lines
14 of business and to each major activity within
15 each line of business activity, including train
16 operations, equipment maintenance, ticketing,
17 and reservations;

18 (B) to aggregate expenses and revenues re-
19 lated to infrastructure and distinguish them
20 from expenses and revenues related to rail oper-
21 ations;

22 (C) to allow the analysis of ticketing and
23 reservation information on a real-time basis;

24 (D) to provide Amtrak cost accounting
25 data; and

1 (E) to allow financial analysis by route and
2 service.

3 (b) VERIFICATION OF SYSTEM; REPORT.—The In-
4 spector General of the Department of Transportation shall
5 review the accounting system designed and implemented
6 under subsection (a) to ensure that it accomplishes the
7 purposes for which it is intended. The Inspector General
8 shall report his findings and conclusions, together with
9 any recommendations, to the Senate Committee on Com-
10 merce, Science, and Transportation and the House of Rep-
11 resentatives Committee on Transportation and Infrastruc-
12 ture.

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

14 (a) DEVELOPMENT OF 5-YEAR FINANCIAL PLAN.—
15 The Amtrak Board of Directors shall submit an annual
16 budget and business plan for Amtrak, and a 5-year finan-
17 cial plan for the fiscal year to which that budget and busi-
18 ness plan relate and the subsequent 4 years, prepared in
19 accordance with this section, to the Secretary of Transpor-
20 tation and the Inspector General of the Department of
21 Transportation no later than—

22 (1) the first day of each fiscal year beginning
23 after the date of enactment of this Act; or

1 (2) the date that is 60 days after the date of
2 enactment of an appropriation Act for the fiscal
3 year, if later.

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

7 (1) all projected revenues and expenditures for
8 Amtrak, including governmental funding sources;

9 (2) projected ridership levels for all Amtrak
10 passenger operations;

11 (3) revenue and expenditure forecasts for non-
12 passenger operations;

13 (4) capital funding requirements and expendi-
14 tures necessary to maintain passenger service which
15 will accommodate predicted ridership levels and pre-
16 dicted sources of capital funding;

17 (5) operational funding needs, if any, to main-
18 tain current and projected levels of passenger serv-
19 ice, including state-supported routes and predicted
20 funding sources;

21 (6) projected capital and operating require-
22 ments, ridership, and revenue for any new passenger
23 service operations or service expansions;

24 (7) an assessment of the continuing financial
25 stability of Amtrak, as indicated by factors such as

1 the ability of the Federal government to fund capital
2 and operating requirements adequately, Amtrak's
3 ability to efficiently manage its workforce, and Am-
4 trak's ability to effectively provide passenger train
5 service;

6 (8) estimates of long-term and short-term debt
7 and associated principal and interest payments (both
8 current and anticipated);

9 (9) annual cash flow forecasts;

10 (10) a statement describing methods of esti-
11 mation and significant assumptions;

12 (11) specific measures that demonstrate meas-
13 urable improvement year over year in Amtrak's abil-
14 ity to operate with reduced Federal operating assist-
15 ance; and

16 (12) capital and operating expenditures for an-
17 ticipated security needs.

18 (c) STANDARDS TO PROMOTE FINANCIAL STA-
19 BILITY.—In meeting the requirements of subsection (b),
20 Amtrak shall—

21 (1) apply sound budgetary practices, including
22 reducing costs and other expenditures, improving
23 productivity, increasing revenues, or combinations of
24 such practices;

1 (2) use the categories specified in the financial
2 accounting and reporting system developed under
3 section 203 when preparing its 5-year financial plan;
4 and

5 (3) ensure that the plan is consistent with the
6 authorizations of appropriations under title I of this
7 Act.

8 (d) ASSESSMENT BY DOT INSPECTOR GENERAL.—

9 (1) IN GENERAL.—The Inspector General of
10 the Department of Transportation shall assess the
11 5-year financial plans prepared by Amtrak under
12 this section to determine whether they meet the re-
13 quirements of subsection (b), and may suggest revi-
14 sions to any components thereof that do not meet
15 those requirements.

16 (2) ASSESSMENT TO BE FURNISHED TO THE
17 CONGRESS.—The Inspector General shall furnish to
18 the House of Representatives Committee on Appro-
19 priations, the Senate Committee on Appropriations,
20 the House of Representatives Committee on Trans-
21 portation and Infrastructure, and the Senate Com-
22 mittee on Commerce, Science, and Transportation—

23 (A) an assessment of the annual budget
24 within 90 days after receiving it from Amtrak;
25 and

1 (B) an assessment of the remaining 4
2 years of the 5-year financial plan within 180
3 days after receiving it from Amtrak.

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

5 (a) GRANT REQUESTS.—Amtrak shall submit grant
6 requests (including a schedule for the disbursement of
7 funds), consistent with the requirements of this Act, to
8 the Secretary of Transportation for funds authorized to
9 be appropriated to the Secretary for the use of Amtrak
10 under sections 101(a) and (b), 103, and 105.

11 (b) PROCEDURES FOR GRANT REQUESTS.—The Sec-
12 retary shall establish substantive and procedural require-
13 ments, including schedules, for grant requests under this
14 section not later than 30 days after the date of enactment
15 of this Act and shall transmit copies to the Senate Com-
16 mittee on Commerce, Science, and Transportation and the
17 House of Representatives Committee on Transportation
18 and Infrastructure. As part of those requirements, the
19 Secretary shall require, at a minimum, that Amtrak de-
20 posit grant funds, consistent with the appropriated
21 amounts for each area of expenditure in a given fiscal
22 year, in the following 3 accounts:

23 (1) The Amtrak Operating account.

24 (2) The Amtrak General Capital account.

1 (3) The Northeast Corridor Improvement funds
2 account.

3 Amtrak may not transfer such funds to another account
4 or expend such funds for any purpose other than the pur-
5 poses covered by the account in which the funds are depos-
6 ited without approval by the Secretary.

7 (c) REVIEW AND APPROVAL.—

8 (1) 30-DAY APPROVAL PROCESS.—The Sec-
9 retary shall complete the review of a complete grant
10 request (including the disbursement schedule) and
11 approve or disapprove the request within 30 days
12 after the date on which Amtrak submits the grant
13 request. If the Secretary disapproves the request or
14 determines that the request is incomplete or defi-
15 cient, the Secretary shall include the reason for dis-
16 approval or the incomplete items or deficiencies in
17 the notice to Amtrak.

18 (2) 15-DAY MODIFICATION PERIOD.—Within 15
19 days after receiving notification from the Secretary
20 under the preceding sentence, Amtrak shall submit
21 a modified request for the Secretary's review.

22 (3) REVISED REQUESTS.—Within 15 days after
23 receiving a modified request from Amtrak, the Sec-
24 retary shall either approve the modified request, or,
25 if the Secretary finds that the request is still incom-

1 plete or deficient, the Secretary shall identify in writ-
2 ing to the Senate Committee on Commerce, Science,
3 and Transportation and the House of Representatives
4 Committee on Transportation and Infrastructure the
5 remaining deficiencies and recommend a process for
6 resolving the outstanding portions of the request.

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

8 (a) IN GENERAL.—Within 2 years after the date of
9 enactment of this Act, the Board of Directors of Amtrak,
10 in consultation with the Secretary of Transportation and
11 the governors of each State and the Mayor of the District
12 of Columbia or groups representing those officials, shall
13 develop and implement a standardized methodology for es-
14 tablishing and allocating the operating and capital costs
15 among the States and Amtrak associated with trains oper-
16 ated on routes described in section 24102(5)(B) or (D)
17 or section 24702 that—

18 (1) ensures, within 5 years after the date of en-
19 actment of this Act, equal treatment in the provision
20 of like services of all States and groups of States
21 (including the District of Columbia); and

22 (2) allocates to each route the costs incurred
23 only for the benefit of that route and a propor-
24 tionate share, based upon factors that reasonably re-

1 flect relative use, of costs incurred for the common
 2 benefit of more than 1 route.

3 (b) REVIEW.—If Amtrak and the States (including
 4 the District of Columbia) in which Amtrak operates such
 5 routes do not voluntarily adopt and implement the meth-
 6 odology developed under subsection (a) in allocating costs
 7 and determining compensation for the provision of service
 8 in accordance with the date established therein, the Sur-
 9 face Transportation Board shall determine the appro-
 10 priate methodology required under subsection (a) for such
 11 services in accordance with the procedures and procedural
 12 schedule applicable to a proceeding under section 24904(c)
 13 of title 49, United States Code, and require the full imple-
 14 mentation of this methodology with regards to the provi-
 15 sion of such service within 1 year after the Board’s deter-
 16 mination of the appropriate methodology.

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

21 **SEC. 207. INDEPENDENT AUDITOR TO ESTABLISH METH-**
 22 **ODOLOGIES FOR AMTRAK ROUTE AND SERV-**
 23 **ICE PLANNING DECISIONS.**

24 (a) METHODOLOGY DEVELOPMENT.—The Federal
 25 Railroad Administration shall obtain the services of an

1 independent auditor or consultant to develop and rec-
2 ommend objective methodologies for determining intercity
3 passenger routes and services, including the establishment
4 of new routes, the elimination of existing routes, and the
5 contraction or expansion of services or frequencies over
6 such routes. In developing such methodologies, the auditor
7 or consultant shall consider—

8 (1) the current or expected performance and
9 service quality of intercity passenger train oper-
10 ations, including cost recovery, on-time performance
11 and minutes of delay, ridership, on-board services,
12 stations, facilities, equipment, and other services;

13 (2) connectivity of a route with other routes;

14 (3) the transportation needs of communities
15 and populations that are not well served by other
16 forms of public transportation;

17 (4) Amtrak's and other major intercity pas-
18 senger rail service providers in other countries'
19 methodologies for determining intercity passenger
20 rail routes and services; and

21 (5) the views of the States and other interested
22 parties.

23 (b) SUBMITTAL TO CONGRESS.—The auditor or con-
24 sultant shall submit recommendations developed under
25 subsection (a) to Amtrak, the House of Representatives

1 Committee on Transportation and Infrastructure, and the
2 Senate Committee on Commerce, Science, and Transpor-
3 tation.

4 (c) CONSIDERATION OF RECOMMENDATIONS.—With-
5 in 90 days after receiving the recommendations developed
6 under subsection (a) by the independent auditor or con-
7 sultant, the Amtrak Board shall consider the adoption of
8 those recommendations. The Board shall transmit a report
9 to the Senate Committee on Commerce, Science, and
10 Transportation and the House of Representatives Com-
11 mittee on Transportation and Infrastructure explaining its
12 action in adopting or failing to adopt any of the rec-
13 ommendations.

14 (d) AUTHORIZATION OF APPROPRIATIONS.—There
15 are authorized to be made available to the Secretary of
16 Transportation, out of any amounts authorized by this Act
17 to be appropriated for the benefit of Amtrak and not oth-
18 erwise obligated or expended, such sums as may be nec-
19 essary to carry out this section.

20 (e) PIONEER ROUTE.—Within 2 years after the date
21 of enactment of this Act, Amtrak shall conduct a 1-time
22 evaluation of the Pioneer Route formerly operated by Am-
23 trak to determine, using methodologies adopted under
24 subsection (c), whether a level of passenger demand exists

1 that would warrant consideration of reinstating the entire
2 Pioneer Route service or segments of that service.

3 **SEC. 208. METRICS AND STANDARDS.**

4 (a) IN GENERAL.—Within 180 days after the date
5 of enactment of this Act, the Administrator of the Federal
6 Railroad Administration and Amtrak shall jointly, in con-
7 sultation with the Surface Transportation Board, rail car-
8 riers over whose rail lines Amtrak trains operate, States,
9 Amtrak employees, and groups representing Amtrak pas-
10 sengers, as appropriate, develop new or improve existing
11 metrics and minimum standards for measuring the per-
12 formance and service quality of intercity passenger train
13 operations, including cost recovery, on-time performance
14 and minutes of delay, ridership, on-board services, sta-
15 tions, facilities, equipment, and other services. Such
16 metrics, at a minimum, shall include the percentage of
17 avoidable and fully allocated operating costs covered by
18 passenger revenues on each route, ridership per train mile
19 operated, measures of on-time performance and delays in-
20 curred by intercity passenger trains on the rail lines of
21 each rail carrier and, for long distance routes, measures
22 of connectivity with other routes in all regions currently
23 receiving Amtrak service and the transportation needs of
24 communities and populations that are not well-served by
25 other forms of public transportation. Amtrak shall provide

1 reasonable access to the Federal Railroad Administration
2 in order to enable the Administration to carry out its duty
3 under this section.

4 (b) QUARTERLY REPORTS.—The Administrator of
5 the Federal Railroad Administration shall collect the nec-
6 essary data and publish a quarterly report on the perform-
7 ance and service quality of intercity passenger train oper-
8 ations, including Amtrak’s cost recovery, ridership, on-
9 time performance and minutes of delay, causes of delay,
10 on-board services, stations, facilities, equipment, and other
11 services.

12 (c) CONTRACT WITH HOST RAIL CARRIERS.—To the
13 extent practicable, Amtrak and its host rail carriers shall
14 incorporate the metrics and standards developed under
15 subsection (a) into their access and service agreements.

16 (d) ARBITRATION.—If the development of the metrics
17 and standards is not completed within the 180-day period
18 required by subsection (a), any party involved in the devel-
19 opment of those standards may petition the Surface
20 Transportation Board to appoint an arbitrator to assist
21 the parties in resolving their disputes through binding ar-
22 bitration.

23 **SEC. 209. PASSENGER TRAIN PERFORMANCE.**

24 (a) IN GENERAL.—Section 24308 is amended by
25 adding at the end the following:

1 “(f) PASSENGER TRAIN PERFORMANCE AND OTHER
2 STANDARDS.—

3 “(1) INVESTIGATION OF SUBSTANDARD PER-
4 FORMANCE.—If the on-time performance of any
5 intercity passenger train averages less than 80 per-
6 cent for any 2 consecutive calendar quarters, or the
7 service quality of intercity passenger train operations
8 for which minimum standards are established under
9 section 208 of the Passenger Rail Investment and
10 Improvement Act of 2007 fails to meet those stand-
11 ards for 2 consecutive calendar quarters, the Surface
12 Transportation Board may initiate an investigation,
13 or upon the filing of a complaint by Amtrak, an
14 intercity passenger rail operator, or an entity for
15 which Amtrak operates intercity passenger rail serv-
16 ice, the Board shall initiate an investigation to de-
17 termine whether, and to what extent, delays or fail-
18 ure to achieve minimum standards are due to causes
19 that could reasonably be addressed by a rail carrier
20 over tracks of which the intercity passenger train op-
21 erates or reasonably addressed by Amtrak or other
22 intercity passenger rail operator. In making its de-
23 termination or carrying out such an investigation,
24 the Board shall obtain information from all parties
25 involved and identify reasonable measures and make

1 recommendations to improve the service, quality,
2 and on-time performance of the train.

3 “(2) PROBLEMS CAUSED BY HOST RAIL CAR-
4 RIER.—If the Board determines that delays or fail-
5 ures to achieve minimum standards investigated
6 under paragraph (1) are attributable to a rail car-
7 rier’s failure to provide preference to Amtrak over
8 freight transportation as required under subsection
9 (c), the Board may award damages against the host
10 rail carrier, including prescribing such other relief to
11 Amtrak as it determines to be reasonable and appro-
12 priate pursuant to paragraph (3) of this subsection.

13 “(3) DAMAGES AND RELIEF.—In awarding
14 damages and prescribing other relief under this sub-
15 section the Board shall consider such factors as—

16 “(A) the extent to which Amtrak suffers fi-
17 nancial loss as a result of host rail carrier
18 delays or failure to achieve minimum standards;
19 and

20 “(B) what reasonable measures would ade-
21 quately deter future actions which may reason-
22 ably be expected to be likely to result in delays
23 to Amtrak on the route involved.

24 “(4) USE OF DAMAGES.—The Board shall, as it
25 deems appropriate, remit the damages awarded

1 under this subsection to Amtrak or to an entity for
2 which Amtrak operates intercity passenger rail serv-
3 ice. Such damages shall be used for capital or oper-
4 ating expenditures on the routes over which delays
5 or failures to achieve minimum standards were the
6 result of a rail carrier's failure to provide preference
7 to Amtrak over freight transportation as determined
8 in accordance with paragraph (2).”.

9 (b) CHANGE OF REFERENCE.—Section 24308 is
10 amended—

11 (1) by striking “Interstate Commerce Commis-
12 sion” in subsection (a)(2)(A) and inserting “Surface
13 Transportation Board”;

14 (2) by striking “Commission” each place it ap-
15 pears and inserting “Board”;

16 (3) by striking “Secretary of Transportation”
17 in subsection (c) and inserting “Board”; and

18 (4) by striking “Secretary” the last 3 places it
19 appears in subsection (c) and each place it appears
20 in subsections (d) and (e) and inserting “Board”.

21 **SEC. 210. LONG DISTANCE ROUTES.**

22 (a) IN GENERAL.—Chapter 247 is amended by add-
23 ing at the end thereof the following:

1 **“§ 24710. Long distance routes**

2 “(a) ANNUAL EVALUATION.—Using the financial and
3 performance metrics developed under section 208 of the
4 Passenger Rail Investment and Improvement Act of 2007,
5 Amtrak shall—

6 “(1) evaluate annually the financial and oper-
7 ating performance of each long distance passenger
8 rail route operated by Amtrak; and

9 “(2) rank the overall performance of such
10 routes for 2006 and identify each long distance pas-
11 senger rail route operated by Amtrak in 2006 ac-
12 cording to its overall performance as belonging to
13 the best performing third of such routes, the second
14 best performing third of such routes, or the worst
15 performing third of such routes.

16 “(b) PERFORMANCE IMPROVEMENT PLAN.—Amtrak
17 shall develop and publish a performance improvement plan
18 for its long distance passenger rail routes to achieve finan-
19 cial and operating improvements based on the data col-
20 lected through the application of the financial and per-
21 formance metrics developed under section 208 of that Act.
22 The plan shall address—

23 “(1) on-time performance;

24 “(2) scheduling, frequency, routes, and stops;

25 “(3) the feasibility of restructuring service into
26 connected corridor service;

1 “(4) performance-related equipment changes
2 and capital improvements;

3 “(5) on-board amenities and service, including
4 food, first class, and sleeping car service;

5 “(6) State or other non-Federal financial con-
6 tributions;

7 “(7) improving financial performance; and

8 “(8) other aspects of Amtrak’s long distance
9 passenger rail routes that affect the financial, com-
10 petitive, and functional performance of service on
11 Amtrak’s long distance passenger rail routes.

12 “(c) IMPLEMENTATION.—Amtrak shall implement
13 the performance improvement plan developed under sub-
14 section (b)—

15 “(1) beginning in fiscal year 2008 for those
16 routes identified as being in the worst performing
17 third under subsection (a)(2);

18 “(2) beginning in fiscal year 2009 for those
19 routes identified as being in the second best per-
20 forming third under subsection (a)(2); and

21 “(3) beginning in fiscal year 2010 for those
22 routes identified as being in the best performing
23 third under subsection (a)(2).

24 “(d) ENFORCEMENT.—The Federal Railroad Admin-
25 istration shall monitor the development, implementation,

1 and outcome of improvement plans under this section. If,
 2 for any year, it determines that Amtrak is not making
 3 reasonable progress in implementing its performance im-
 4 provement plan or in achieving the expected outcome of
 5 the plan for any calendar year, the Federal Railroad Ad-
 6 ministration—

7 “(1) shall notify Amtrak, the Inspector General
 8 of the Department of Transportation, and appro-
 9 priate Congressional committees of its determination
 10 under this subsection;

11 “(2) shall provide an opportunity for a hearing
 12 with respect to that determination; and

13 “(3) may withhold any appropriated funds oth-
 14 erwise available to Amtrak for the operation of a
 15 route or routes on which it is not making progress,
 16 other than funds made available for passenger safety
 17 or security measures.”.

18 (b) CONFORMING AMENDMENT.—The chapter anal-
 19 ysis for chapter 247 is amended by inserting after the item
 20 relating to section 24709 the following:

“24710. Long distance routes.”.

21 **SEC. 211. ALTERNATE PASSENGER RAIL SERVICE PRO-**
 22 **GRAM.**

23 (a) IN GENERAL.—Chapter 247, as amended by sec-
 24 tion 209, is amended by adding at the end thereof the
 25 following:

1 **“§ 24711. Alternate passenger rail service program**

2 “(a) IN GENERAL.—Within 1 year after the date of
3 enactment of the Passenger Rail Investment and Improve-
4 ment Act of 2007, the Federal Railroad Administration
5 shall initiate a rulemaking proceeding to develop a pro-
6 gram under which—

7 “(1) a rail carrier or rail carriers that own in-
8 frastructure over which Amtrak operates a pas-
9 senger rail service route described in subparagraph
10 (B), (C), or (D) of section 24102(5) or in section
11 24702 of title 49, United States Code may petition
12 the Federal Railroad Administration to be consid-
13 ered as a passenger rail service provider over that
14 route in lieu of Amtrak;

15 “(2) the Administration would notify Amtrak
16 within 30 days after receiving a petition under para-
17 graph (1) and establish a deadline by which both the
18 petitioner and Amtrak would be required to submit
19 a bid to provide passenger rail service over the route
20 to which the petition relates;

21 “(3) each bid would describe how the bidder
22 would operate the route, what Amtrak passenger
23 equipment would be needed, if any, what sources of
24 non-Federal funding the bidder would use, including
25 any State subsidy, among other things;

1 “(4) the Administration would make a decision
2 and execute a contract within a specified, limited
3 time after that deadline awarding to the winning
4 bidder—

5 “(A) the right and obligation to provide
6 passenger rail service over that route subject to
7 such performance standards as the Administra-
8 tion may require, consistent with the standards
9 developed under section 208 of this Act; and

10 “(B) an operating subsidy—

11 “(i) for the first year at a level not in
12 excess of the level in effect during the fis-
13 cal year preceding the fiscal year in which
14 the petition was received, adjusted for in-
15 flation;

16 “(ii) for any subsequent years at such
17 level, adjusted for inflation; and

18 “(5) each bid would contain a staffing plan de-
19 scribing the number of employees needed to operate
20 the service, the job assignments and requirements,
21 and the terms of work for prospective and current
22 employees of the bidder for the service outlined in
23 the bid, and such staffing plan would be made avail-
24 able by the winning bidder to the public after the bid
25 award.

1 “(b) IMPLEMENTATION.—

2 “(1) INITIAL PETITIONS.—Pursuant to any
3 rules or regulations promulgated under subsection
4 (A), the Administration shall establish a deadline for
5 the submission of a petition under subsection (a)—

6 “(A) during fiscal year 2008 for operations
7 commencing in fiscal year 2009; and

8 “(B) during the immediately preceding fis-
9 cal year for operations commencing in subse-
10 quent fiscal years.

11 “(2) ROUTE LIMITATIONS.—The Administra-
12 tion may not make the program available with re-
13 spect to more than 1 Amtrak passenger rail route
14 for operations beginning in fiscal year 2009 nor to
15 more than 2 such routes for operations beginning in
16 fiscal year 2011 and subsequent fiscal years.

17 “(c) PERFORMANCE STANDARDS; ACCESS TO FACILI-
18 TIES; EMPLOYEES.—If the Administration awards the
19 right and obligation to provide passenger rail service over
20 a route under the program to a rail carrier or rail car-
21 riers—

22 “(1) it shall execute a contract with the rail
23 carrier or rail carriers for rail passenger operations
24 on that route that conditions the operating and sub-
25 sidy rights upon—

1 “(A) the service provider continuing to
2 provide passenger rail service on the route that
3 is no less frequent, nor over a shorter distance,
4 than Amtrak provided on that route before the
5 award; and

6 “(B) the service provider’s compliance with
7 the minimum standards established under sec-
8 tion 208 of the Passenger Rail Investment and
9 Improvement Act of 2007 and such additional
10 performance standards as the Administration
11 may establish;

12 “(2) it shall, if the award is made to a rail car-
13 rier other than Amtrak, require Amtrak to provide
14 access to its reservation system, stations, and facili-
15 ties to any rail carrier or rail carriers awarded a
16 contract under this section, in accordance with sec-
17 tion 218 of that Act, necessary to carry out the pur-
18 poses of this section;

19 “(3) the employees of any person used by a rail
20 carrier or rail carriers (as defined in section
21 10102(5) of this title) in the operation of a route
22 under this section shall be considered an employee of
23 that carrier or carriers and subject to the applicable
24 Federal laws and regulations governing similar
25 crafts or classes of employees of Amtrak, including

1 provisions under section 121 of the Amtrak Reform
2 and Accountability Act of 1997 relating to employ-
3 ees that provide food and beverage service; and

4 “(4) the winning bidder shall provide preference
5 in hiring to qualified Amtrak employees displaced by
6 the award of the bid, consistent with the staffing
7 plan submitted by the bidder.

8 “(d) CESSATION OF SERVICE.—If a rail carrier or
9 rail carriers awarded a route under this section cease to
10 operate the service or fail to fulfill their obligations under
11 the contract required under subsection (c), the Adminis-
12 trator, in collaboration with the Surface Transportation
13 Board shall take any necessary action consistent with this
14 title to enforce the contract and ensure the continued pro-
15 vision of service, including the installment of an interim
16 service provider and re-bidding the contract to operate the
17 service. The entity providing service shall either be Am-
18 trak or a rail carrier defined in section 24711(a)(1).

19 “(e) ADEQUATE RESOURCES.—Before taking any ac-
20 tion allowed under this section, the Secretary shall certify
21 that the Administrator has sufficient resources that are
22 adequate to undertake the program established under this
23 section.”.

24 (b) CONFORMING AMENDMENT.—The chapter anal-
25 ysis for chapter 247, as amended by section 209, is

1 amended by inserting after the item relating to section
2 24710 the following:

“24711. Alternate passenger rail service program.”.

3 **SEC. 212. EMPLOYEE TRANSITION ASSISTANCE.**

4 (a) PROVISION OF FINANCIAL INCENTIVES.—For
5 Amtrak employees who are adversely affected by the ces-
6 sation of the operation of a long distance route or any
7 other route under section 24711 of title 49, United States
8 Code, previously operated by Amtrak, the Secretary shall
9 develop a program under which the Secretary may, in the
10 Secretary’s discretion, provide grants for financial incen-
11 tives to be provided to employees of the National Railroad
12 Passenger Corporation who voluntarily terminate their
13 employment with the Corporation and relinquish any legal
14 rights to receive termination-related payments under any
15 contractual agreement with the Corporation.

16 (b) CONDITIONS FOR FINANCIAL INCENTIVES.—As a
17 condition for receiving financial assistance grants under
18 this section, the Corporation must certify that—

19 (1) a reasonable attempt was made to reassign
20 an employee adversely affected under section 24711
21 of title 49, United States Code, or by the elimination
22 of any route, to other positions within the Corpora-
23 tion in accordance with any contractual agreements;

1 (2) the financial assistance results in a net re-
2 duction in the total number of employees equal to
3 the number receiving financial incentives;

4 (3) the financial assistance results in a net re-
5 duction in total employment expense equivalent to
6 the total employment expenses associated with the
7 employees receiving financial incentives; and

8 (4) the total number of employees eligible for
9 termination-related payments will not be increased
10 without the express written consent of the Secretary.

11 (c) AMOUNT OF FINANCIAL INCENTIVES.—The fi-
12 nancial incentives authorized under this section may be
13 no greater than \$50,000 per employee.

14 (d) AUTHORIZATION OF APPROPRIATIONS.—There
15 are hereby authorized to be appropriated to the Secretary
16 such sums as may be necessary to make grants to the Na-
17 tional Railroad Passenger Corporation to provide financial
18 incentives under subsection (a).

19 (e) TERMINATION-RELATED PAYMENTS.—If Amtrak
20 employees adversely affected by the cessation of Amtrak
21 service resulting from the awarding of a grant to an oper-
22 ator other than Amtrak for the operation of a route under
23 section 24711 of title 49, United States Code, or any other
24 route, previously operated by Amtrak do not receive finan-
25 cial incentives under subsection (a), then the Secretary

1 shall make grants to the National Railroad Passenger Cor-
2 poration from funds authorized by section 102 of this Act
3 for termination-related payments to employees under ex-
4 isting contractual agreements.

5 **SEC. 213. NORTHEAST CORRIDOR STATE-OF-GOOD-REPAIR**
6 **PLAN.**

7 (a) IN GENERAL.—Within 6 months after the date
8 of enactment of this Act, the National Railroad Passenger
9 Corporation, in consultation with the Secretary and the
10 States (including the District of Columbia) that make up
11 the Northeast Corridor (as defined in section 24102 of
12 title 49, United States Code), shall prepare a capital
13 spending plan for capital projects required to return the
14 Northeast Corridor to a state of good repair by the end
15 of fiscal year 2012, consistent with the funding levels au-
16 thorized in this Act and shall submit the plan to the Sec-
17 retary.

18 (b) APPROVAL BY THE SECRETARY.—

19 (1) The Corporation shall submit the capital
20 spending plan prepared under this section to the
21 Secretary of Transportation for review and approval
22 pursuant to the procedures developed under section
23 205 of this Act.

24 (2) The Secretary of Transportation shall re-
25 quire that the plan be updated at least annually and

1 shall review and approve such updates. During re-
2 view, the Secretary shall seek comments and review
3 from the commission established under section
4 24905 of title 49, United States Code, and other
5 Northeast Corridor users regarding the plan.

6 (3) The Secretary shall make grants to the Cor-
7 poration with funds authorized by section 101(b) for
8 Northeast Corridor capital investments contained
9 within the capital spending plan prepared by the
10 Corporation and approved by the Secretary.

11 (4) Using the funds authorized by section
12 101(d), the Secretary shall review Amtrak's capital
13 expenditures funded by this section to ensure that
14 such expenditures are consistent with the capital
15 spending plan and that Amtrak is providing ade-
16 quate project management oversight and fiscal con-
17 trols.

18 (c) ELIGIBILITY OF EXPENDITURES.—The Federal
19 share of expenditures for capital improvements under this
20 section may not exceed 100 percent.

21 **SEC. 214. NORTHEAST CORRIDOR INFRASTRUCTURE AND**
22 **OPERATIONS IMPROVEMENTS.**

23 (a) IN GENERAL.—Section 24905 is amended to read
24 as follows:

1 **“§ 24905. Northeast Corridor Infrastructure and Op-**
2 **erations Advisory Commission; Safety**
3 **and Security Committee**

4 “(a) NORTHEAST CORRIDOR INFRASTRUCTURE AND
5 OPERATIONS ADVISORY COMMISSION.—

6 “(1) Within 180 days after the date of enact-
7 ment of the Passenger Rail Investment and Im-
8 provement Act of 2007, the Secretary of Transpor-
9 tation shall establish a Northeast Corridor Infra-
10 structure and Operations Advisory Commission
11 (hereinafter referred to in this section as the ‘Com-
12 mission’) to promote mutual cooperation and plan-
13 ning pertaining to the rail operations and related ac-
14 tivities of the Northeast Corridor. The Commission
15 shall be made up of—

16 “(A) members representing the National
17 Railroad Passenger Corporation;

18 “(B) members representing the Secretary
19 of Transportation and the Federal Railroad Ad-
20 ministration;

21 “(C) 1 member from each of the States
22 (including the District of Columbia) that con-
23 stitute the Northeast Corridor as defined in sec-
24 tion 24102, designated by, and serving at the
25 pleasure of, the chief executive officer thereof;
26 and

1 “(D) non-voting representatives of freight
2 railroad carriers using the Northeast Corridor
3 selected by the Secretary.

4 “(2) The Secretary shall ensure that the mem-
5 bership belonging to any of the groups enumerated
6 under subparagraph (1) shall not constitute a major-
7 ity of the commission’s memberships.

8 “(3) The commission shall establish a schedule
9 and location for convening meetings, but shall meet
10 no less than four times per fiscal year, and the com-
11 mission shall develop rules and procedures to govern
12 the commission’s proceedings.

13 “(4) A vacancy in the Commission shall be
14 filled in the manner in which the original appoint-
15 ment was made.

16 “(5) Members shall serve without pay but shall
17 receive travel expenses, including per diem in lieu of
18 subsistence, in accordance with sections 5702 and
19 5703 of title 5, United States Code.

20 “(6) The Chairman of the Commission shall be
21 elected by the members.

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

24 “(8) Upon request of the Commission, the head
25 of any department or agency of the United States

1 may detail, on a reimbursable basis, any of the per-
2 sonnel of that department or agency to the Commis-
3 sion to assist it in carrying out its duties under this
4 section.

5 “(9) Upon the request of the Commission, the
6 Administrator of General Services shall provide to
7 the Commission, on a reimbursable basis, the admin-
8 istrative support services necessary for the Commis-
9 sion to carry out its responsibilities under this sec-
10 tion.

11 “(10) The commission shall consult with other
12 entities as appropriate.

13 “(b) GENERAL RECOMMENDATIONS.—The Commis-
14 sion shall develop recommendations concerning Northeast
15 Corridor rail infrastructure and operations including pro-
16 posals addressing, as appropriate—

17 “(1) short-term and long term capital invest-
18 ment needs beyond the state-of-good-repair under
19 section 213;

20 “(2) future funding requirements for capital
21 improvements and maintenance;

22 “(3) operational improvements of intercity pas-
23 senger rail, commuter rail, and freight rail services;

24 “(4) opportunities for additional non-rail uses
25 of the Northeast Corridor;

- 1 “(5) scheduling and dispatching;
2 “(6) safety and security enhancements;
3 “(7) equipment design;
4 “(8) marketing of rail services; and
5 “(9) future capacity requirements.

6 “(c) ACCESS COSTS.—

7 “(1) DEVELOPMENT OF FORMULA.—Within 1
8 year after verification of Amtrak’s new financial ac-
9 counting system pursuant to section 203(b) of the
10 Passenger Rail Investment and Improvement Act of
11 2007, the Commission shall—

12 “(A) develop a standardized formula for
13 determining and allocating costs, revenues, and
14 compensation for Northeast Corridor commuter
15 rail passenger transportation, as defined in sec-
16 tion 24102 of this title, that use National Rail-
17 road Passenger Corporation facilities or services
18 or that provide such facilities or services to the
19 National Railroad Passenger Corporation that
20 ensure that—

21 “(i) there is no cross-subsidization of
22 commuter rail passenger, intercity rail pas-
23 senger, or freight rail transportation; and

24 “(ii) each service is assigned the costs
25 incurred only for the benefit of that serv-

1 ice, and a proportionate share, based upon
2 factors that reasonably reflect relative use,
3 of costs incurred for the common benefit of
4 more than 1 service;

5 “(B) develop a proposed timetable for im-
6 plementing the formula before the end of the
7 6th year following the date of enactment of that
8 Act;

9 “(C) transmit the proposed timetable to
10 the Surface Transportation Board; and

11 “(D) at the request of a Commission mem-
12 ber, petition the Surface Transportation Board
13 to appoint a mediator to assist the Commission
14 members through non-binding mediation to
15 reach an agreement under this section.

16 “(2) IMPLEMENTATION.—The National Rail-
17 road Passenger Corporation and the commuter au-
18 thorities providing commuter rail passenger trans-
19 portation on the Northeast Corridor shall implement
20 new agreements for usage of facilities or services
21 based on the formula proposed in paragraph (1) in
22 accordance with the timetable established therein. If
23 the entities fail to implement such new agreements
24 in accordance with the timetable, the Commission
25 shall petition the Surface Transportation Board to

1 determine the appropriate compensation amounts for
2 such services in accordance with section 24904(e) of
3 this title. The Surface Transportation Board shall
4 enforce its determination on the party or parties in-
5 volved.

6 “(d) TRANSMISSION OF RECOMMENDATIONS.—The
7 commission shall annually transmit the recommendations
8 developed under subsection (b) and the formula and time-
9 table developed under subsection (c)(1) to the Senate
10 Committee on Commerce, Science, and Transportation
11 and the House of Representatives Committee on Trans-
12 portation and Infrastructure.

13 “(e) NORTHEAST CORRIDOR SAFETY AND SECURITY
14 COMMITTEE.—

15 “(1) IN GENERAL.—The Secretary shall estab-
16 lish a Northeast Corridor Safety and Security Com-
17 mittee composed of members appointed by the Sec-
18 retary. The members shall be representatives of—

19 “(A) the Secretary;

20 “(B) Amtrak;

21 “(C) freight carriers operating more than
22 150,000 train miles a year on the main line of
23 the Northeast Corridor;

24 “(D) commuter agencies;

25 “(E) rail passengers;

1 “(F) rail labor;

2 “(G) the Transportation Security Adminis-
3 tration; and

4 “(H) other individuals and organizations
5 the Secretary decides have a significant interest
6 in rail safety or security.

7 “(2) FUNCTION; MEETINGS.—The Secretary
8 shall consult with the Committee about safety and
9 security improvements on the Northeast Corridor
10 main line. The Committee shall meet at least once
11 every 2 years to consider safety matters on the main
12 line.

13 “(3) REPORT.—At the beginning of the first
14 session of each Congress, the Secretary shall submit
15 a report to the Commission and to Congress on the
16 status of efforts to improve safety and security on
17 the Northeast Corridor main line. The report shall
18 include the safety recommendations of the Com-
19 mittee and the comments of the Secretary on those
20 recommendations.”.

21 (b) CONFORMING AMENDMENTS.—Section
22 24904(c)(2) is amended by—

23 (1) inserting “commuter rail passenger” after
24 “between”; and

25 (2) striking “freight” in the second sentence.

1 (c) RIDOT ACCESS AGREEMENT.—

2 (1) IN GENERAL.—Not later than December 15,
3 2007, Amtrak and the Rhode Island Department of
4 Transportation shall enter into an agreement gov-
5 erning access fees and other costs or charges related
6 to the operation of the South County commuter rail
7 service on the Northeast Corridor between Provi-
8 dence and Wickford Junction, Rhode Island.

9 (2) FAILURE TO REACH AGREEMENT.—If Am-
10 trak and the Rhode Island Department of Transpor-
11 tation fail to reach the agreement specified under
12 paragraph (1), the Administrator of the Federal
13 Railroad Administration shall, after consultation
14 with both parties, resolve any outstanding disagree-
15 ments between the parties, including setting access
16 fees and other costs or charges related to the oper-
17 ation of the South County commuter rail service
18 that do not allow for the cross-subsidization of inter-
19 city rail passenger and commuter rail passenger
20 service, not later than January 30, 2008.

21 (3) INTERIM AGREEMENT.—Any agreement be-
22 tween Amtrak and the Rhode Island Department of
23 Transportation relating to access costs made under
24 this subsection shall be superseded by any access
25 cost formula developed by the Northeast Corridor

1 Infrastructure and Operations Advisory Commission
2 under section 24905(c)(1) of title 49, United States
3 Code, as amended by section 214(a) of this Act.

4 **SEC. 215. RESTRUCTURING LONG-TERM DEBT AND CAP-**
5 **ITAL LEASES.**

6 (a) IN GENERAL.—The Secretary of the Treasury, in
7 consultation with the Secretary of Transportation and
8 Amtrak, may make agreements to restructure Amtrak’s
9 indebtedness as of the date of enactment of this Act. This
10 authorization expires on October 1, 2008.

11 (b) DEBT RESTRUCTURING.—The Secretary of
12 Treasury, in consultation with the Secretary of the Trans-
13 portation and Amtrak, shall enter into negotiations with
14 the holders of Amtrak debt, including leases, outstanding
15 on the date of enactment of this Act for the purpose of
16 restructuring (including repayment) and repaying that
17 debt. The Secretary of the Treasury may secure agree-
18 ments for restructuring or repayment on such terms as
19 the Secretary of the Treasury deems favorable to the in-
20 terests of the Government.

21 (c) CRITERIA.—In restructuring Amtrak’s indebted-
22 ness, the Secretary and Amtrak—

23 (1) shall take into consideration repayment
24 costs, the term of any loan or loans, and market
25 conditions; and

1 (2) shall ensure that the restructuring results
2 in significant savings to Amtrak and the United
3 States Government.

4 (d) PAYMENT OF RENEGOTIATED DEBT.—If the cri-
5 teria under subsection (c) are met, the Secretary of Treas-
6 ury may assume or repay the restructured debt, as appro-
7 priate.

8 (e) AMTRAK PRINCIPAL AND INTEREST PAY-
9 MENTS.—

10 (1) PRINCIPAL ON DEBT SERVICE.—Unless the
11 Secretary of Treasury makes sufficient payments to
12 creditors under subsection (d) so that Amtrak is re-
13 quired to make no payments to creditors in a fiscal
14 year, the Secretary of Transportation shall use
15 funds authorized by section 103(a)(1) for the use of
16 Amtrak for retirement of principal on loans for cap-
17 ital equipment, or capital leases.

18 (2) INTEREST ON DEBT.—Unless the Secretary
19 of Treasury makes sufficient payments to creditors
20 under subsection (d) so that Amtrak is required to
21 make no payments to creditors in a fiscal year, the
22 Secretary of Transportation shall use funds author-
23 ized by section 103(a)(2) for the use of Amtrak for
24 the payment of interest on loans for capital equip-
25 ment, or capital leases.

1 (3) REDUCTIONS IN AUTHORIZATION LEVELS.—

2 Whenever action taken by the Secretary of the
3 Treasury under subsection (a) results in reductions
4 in amounts of principal or interest that Amtrak
5 must service on existing debt, the corresponding
6 amounts authorized by section 103(a)(1) or (2) shall
7 be reduced accordingly.

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

12 (1) modify the extent or nature of any indebt-
13 edness of the National Railroad Passenger Corpora-
14 tion to the United States in existence of the date of
15 enactment of this Act;

16 (2) change the private nature of Amtrak's or its
17 successors' liabilities; or

18 (3) imply any Federal guarantee or commit-
19 ment to amortize Amtrak's outstanding indebted-
20 ness.

21 (g) SECRETARY APPROVAL.—Amtrak may not incur
22 more debt after the date of enactment of this Act without
23 the express advance approval of the Secretary of Trans-
24 portation.

1 (h) REPORT.—The Secretary of the Treasury shall
2 transmit a report to the Senate Committee on Commerce,
3 Science, and Transportation, the Senate Committee on
4 Appropriations, the House of Representatives Committee
5 on Transportation and Infrastructure, and the House of
6 Representatives Committee on Appropriations by Novem-
7 ber 1, 2008—

8 (1) describing in detail any agreements to re-
9 structure the Amtrak debt; and

10 (2) providing an estimate of the savings to Am-
11 trak and the United States Government.

12 **SEC. 216. STUDY OF COMPLIANCE REQUIREMENTS AT EX-**
13 **ISTING INTERCITY RAIL STATIONS.**

14 Amtrak, in consultation with station owners, shall
15 evaluate the improvements necessary to make all existing
16 stations it serves readily accessible to and usable by indi-
17 viduals with disabilities, as required by section 242(e)(2)
18 of the Americans with Disabilities Act of 1990 (42 U.S.C.
19 12162(e)(2)). The evaluation shall include the estimated
20 cost of the improvements necessary, the identification of
21 the responsible person (as defined in section 241(5) of
22 that Act (42 U.S.C. 12161(5))), and the earliest prac-
23 ticable date when such improvements can be made. Am-
24 trak shall submit the evaluation to the Senate Committee
25 on Commerce, Science, and Transportation, the House of

1 Representatives Committee on Transportation and Infra-
2 structure, and the National Council on Disability by Sep-
3 tember 30, 2008, along with recommendations for funding
4 the necessary improvements.

5 **SEC. 217. INCENTIVE PAY.**

6 The Amtrak Board of Directors is encouraged to de-
7 velop an incentive pay program for Amtrak management
8 employees.

9 **SEC. 218. ACCESS TO AMTRAK EQUIPMENT AND SERVICES.**

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

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

8 **SEC. 219. GENERAL AMTRAK PROVISIONS.**

9 (a) **REPEAL OF SELF-SUFFICIENCY REQUIREMENTS.**

10 (1) **TITLE 49 AMENDMENTS.**—Chapter 241 is
11 amended—

12 (A) by striking the last sentence of section
13 24101(d); and

14 (B) by striking the last sentence of section
15 24104(a).

16 (2) **AMTRAK REFORM AND ACCOUNTABILITY**
17 **ACT AMENDMENTS.**—Title II of the Amtrak Reform
18 and Accountability Act of 1997 (49 U.S.C. 24101
19 nt) is amended by striking sections 204 and 205.

20 (b) **LEASE ARRANGEMENTS.**—Amtrak may obtain
21 services from the Administrator of General Services, and
22 the Administrator may provide services to Amtrak, under
23 section 201(b) and 211(b) of the Federal Property and
24 Administrative Service Act of 1949 (40 U.S.C. 481(b) and
25 491(b)) for each of fiscal years 2007 through 2012.

1 **SEC. 220. PRIVATE SECTOR FUNDING OF PASSENGER**
2 **TRAINS.**

3 Amtrak is encouraged to increase its operation of
4 trains funded by the private sector in order to minimize
5 its need for Federal subsidies. Amtrak shall utilize the
6 provisions of section 24308 of title 49, United States
7 Code, when necessary to obtain access to facilities, train
8 and engine crews, or services of a rail carrier or regional
9 transportation authority that are required to operate such
10 trains.

11 **SEC. 221. ON-BOARD SERVICE IMPROVEMENTS.**

12 (a) IN GENERAL.—Within 1 year after metrics and
13 standards are established under section 208 of this Act,
14 Amtrak shall develop and implement a plan to improve
15 on-board service pursuant to the metrics and standards
16 for such service developed under that section.

17 (b) REPORT.—Amtrak shall provide a report to the
18 Senate Committee on Commerce, Science, and Transpor-
19 tation and the House of Representatives Committee on
20 Transportation and Infrastructure on the on-board service
21 improvements proscribed in the plan and the timeline for
22 implementing such improvements.

23 **SEC. 222. AMTRAK MANAGEMENT ACCOUNTABILITY.**

24 (a) IN GENERAL.—Chapter 243 is amended by in-
25 serting after section 24309 the following:

1 **“§ 24310. Management accountability**

2 “(a) IN GENERAL.—Three years after the date of en-
3 actment of the Passenger Rail Investment and Improve-
4 ment Act of 2007, and two years thereafter, the Inspector
5 General of the Department of Transportation shall com-
6 plete an overall assessment of the progress made by Am-
7 trak management and the Department of Transportation
8 in implementing the provisions of that Act.

9 “(b) ASSESSMENT.—The management assessment
10 undertaken by the Inspector General may include a review
11 of—

12 “(1) effectiveness improving annual financial
13 planning;

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

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

18 “(4) progress maximizing revenues and mini-
19 mizing Federal subsidies; and

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

22 (b) CONFORMING AMENDMENT.—The chapter anal-
23 ysis for chapter 243 is amended by inserting after the item
24 relating to section 24309 the following:

“24310. Management accountability.”.

1 **TITLE III—INTERCITY**
 2 **PASSENGER RAIL POLICY**

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

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

“CHAPTER 244. INTERCITY PASSENGER RAIL SERVICE CORRIDOR
 CAPITAL ASSISTANCE

“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.

7 **“§ 24401. Definitions**

8 “In this subchapter:

9 “(1) APPLICANT.—The term ‘applicant’ means
 10 a State (including the District of Columbia), a group
 11 of States, an Interstate Compact, or a public agency
 12 established by one or more States and having re-
 13 sponsibility for providing intercity passenger rail
 14 service.

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

18 “(A) acquiring, constructing, improving, or
 19 inspecting equipment, track and track struc-
 20 tures, or a facility for use in or for the primary
 21 benefit of intercity passenger rail service, ex-

1 penses incidental to the acquisition or construc-
2 tion (including designing, engineering, location
3 surveying, mapping, environmental studies, and
4 acquiring rights-of-way), payments for the cap-
5 ital portions of rail trackage rights agreements,
6 highway-rail grade crossing improvements re-
7 lated to intercity passenger rail service, secu-
8 rity, mitigating environmental impacts, commu-
9 nication and signalization improvements, reloca-
10 tion assistance, acquiring replacement housing
11 sites, and acquiring, constructing, relocating,
12 and rehabilitating replacement housing;

13 “(B) rehabilitating, remanufacturing or
14 overhauling rail rolling stock and facilities used
15 primarily in intercity passenger rail service;

16 “(C) costs associated with developing State
17 rail plans; and

18 “(D) the first-dollar liability costs for in-
19 surance related to the provision of intercity pas-
20 senger rail service under section 24404.

21 “(3) INTERCITY PASSENGER RAIL SERVICE.—

22 The term ‘intercity passenger rail service’ means
23 transportation services with the primary purpose of
24 passenger transportation between towns, cities and
25 metropolitan areas by rail, including high-speed rail,

1 as defined in section 24102 of title 49, United
2 States Code.

3 **“§ 24402. Capital investment grants to support inter-**
4 **city passenger rail service**

5 “(a) GENERAL AUTHORITY.—

6 “(1) The Secretary of Transportation may
7 make grants under this section to an applicant to
8 assist in financing the capital costs of facilities and
9 equipment necessary to provide or improve intercity
10 passenger rail transportation.

11 “(2) The Secretary shall require that a grant
12 under this section be subject to the terms, condi-
13 tions, requirements, and provisions the Secretary de-
14 cides are necessary or appropriate for the purposes
15 of this section, including requirements for the dis-
16 position of net increases in value of real property re-
17 sulting from the project assisted under this section
18 and shall prescribe procedures and schedules for the
19 awarding of grants under this title, including appli-
20 cation and qualification procedures and a record of
21 decision on applicant eligibility. The Secretary shall
22 issue a final rule establishing such procedures not
23 later than 90 days after the date of enactment of
24 the Passenger Rail Investment and Improvement
25 Act of 2007.

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

2 “(1) The Secretary may not approve a grant for
3 a project under this section unless the Secretary
4 finds that the project is part of a State rail plan de-
5 veloped under chapter 225 of this title, or under the
6 plan required by section 203 of the Passenger Rail
7 Investment and Improvement Act of 2007, and that
8 the applicant or recipient has or will have the legal,
9 financial, and technical capacity to carry out the
10 project, satisfactory continuing control over the use
11 of the equipment or facilities, and the capability and
12 willingness to maintain the equipment or facilities.

13 “(2) An applicant shall provide sufficient infor-
14 mation upon which the Secretary can make the find-
15 ings required by this subsection.

16 “(3) If an applicant has not selected the pro-
17 posed operator of its service competitively, the appli-
18 cant shall provide written justification to the Sec-
19 retary showing why the proposed operator is the
20 best, taking into account price and other factors,
21 and that use of the proposed operator will not un-
22 necessarily increase the cost of the project.

23 “(c) PROJECT SELECTION CRITERIA.—The Sec-
24 retary, in selecting the recipients of financial assistance
25 to be provided under subsection (a), shall—

1 “(1) require that each proposed project meet all
2 safety and security requirements that are applicable
3 to the project under law;

4 “(2) give preference to projects with high levels
5 of estimated ridership, increased on-time perform-
6 ance, reduced trip time, additional service frequency
7 to meet anticipated or existing demand, or other sig-
8 nificant service enhancements as measured against
9 minimum standards developed under section 208 of
10 the Passenger Rail Investment and Improvement
11 Act of 2007;

12 “(3) encourage intermodal connectivity through
13 projects that provide direct connections between
14 train stations, airports, bus terminals, subway sta-
15 tions, ferry ports, and other modes of transpor-
16 tation;

17 “(4) ensure that each project is compatible
18 with, and is operated in conformance with—

19 “(A) plans developed pursuant to the re-
20 quirements of section 135 of title 23, United
21 States Code; and

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

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

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

4 “(B) Projects that also improve freight or
5 commuter rail operations.

6 “(C) Projects that have significant envi-
7 ronmental benefits.

8 “(D) Projects that are—

9 “(i) at a stage of preparation that all
10 pre-commencement compliance with envi-
11 ronmental protection requirements has al-
12 ready been completed; and

13 “(ii) ready to be commenced.

14 “(E) Projects with positive economic and
15 employment impacts.

16 “(F) Projects that encourage the use of
17 positive train control technologies.

18 “(G) Projects that have commitments of
19 funding from non-Federal Government sources
20 in a total amount that exceeds the minimum
21 amount of the non-Federal contribution re-
22 quired for the project.

23 “(H) Projects that involve donated prop-
24 erty interests or services.

1 “(I) Projects that are identified by the
2 Surface Transportation Board as necessary to
3 improve the on time performance and reliability
4 of intercity passenger rail under section
5 24308(f).

6 “(d) AMTRAK ELIGIBILITY.—To receive a grant
7 under this section, the National Railroad Passenger Cor-
8 poration may enter into a cooperative agreement with 1
9 or more States to carry out 1 or more projects on a State
10 rail plan’s ranked list of rail capital projects developed
11 under section 22504(a)(5) of this title.

12 “(e) LETTERS OF INTENT, FULL FUNDING GRANT
13 AGREEMENTS, AND EARLY SYSTEMS WORK AGREE-
14 MENTS.—

15 “(1)(A) The Secretary may issue a letter of in-
16 tent to an applicant announcing an intention to obli-
17 gate, for a major capital project under this section,
18 an amount from future available budget authority
19 specified in law that is not more than the amount
20 stipulated as the financial participation of the Sec-
21 retary in the project.

22 “(B) At least 30 days before issuing a letter
23 under subparagraph (A) of this paragraph or enter-
24 ing into a full funding grant agreement, the Sec-
25 retary shall notify in writing the Committee on

1 Transportation and Infrastructure of the House of
2 Representatives and the Committee on Commerce,
3 Science, and Transportation of the Senate and the
4 House and Senate Committees on Appropriations of
5 the proposed letter or agreement. The Secretary
6 shall include with the notification a copy of the pro-
7 posed letter or agreement as well as the evaluations
8 and ratings for the project.

9 “(C) An obligation or administrative commit-
10 ment may be made only when amounts are appro-
11 priated.

12 “(2)(A) The Secretary may make a full funding
13 grant agreement with an applicant. The agreement
14 shall—

15 “(i) establish the terms of participation by
16 the United States Government in a project
17 under this section;

18 “(ii) establish the maximum amount of
19 Government financial assistance for the project;

20 “(iii) cover the period of time for com-
21 pleting the project, including a period extending
22 beyond the period of an authorization; and

23 “(iv) make timely and efficient manage-
24 ment of the project easier according to the law
25 of the United States.

1 “(B) An agreement under this paragraph obli-
2 gates an amount of available budget authority speci-
3 fied in law and may include a commitment, contin-
4 gent on amounts to be specified in law in advance
5 for commitments under this paragraph, to obligate
6 an additional amount from future available budget
7 authority specified in law. The agreement shall state
8 that the contingent commitment is not an obligation
9 of the Government and is subject to the availability
10 of appropriations made by Federal law and to Fed-
11 eral laws in force on or enacted after the date of the
12 contingent commitment. Interest and other financing
13 costs of efficiently carrying out a part of the project
14 within a reasonable time are a cost of carrying out
15 the project under a full funding grant agreement,
16 except that eligible costs may not be more than the
17 cost of the most favorable financing terms reason-
18 ably available for the project at the time of bor-
19 rowing. The applicant shall certify, in a way satis-
20 factory to the Secretary, that the applicant has
21 shown reasonable diligence in seeking the most fa-
22 vorable financing terms.

23 “(3)(A) The Secretary may make an early sys-
24 tems work agreement with an applicant if a record
25 of decision under the National Environmental Policy

1 Act of 1969 (42 U.S.C. 4321 et seq.) has been
2 issued on the project and the Secretary finds there
3 is reason to believe—

4 “(i) a full funding grant agreement for the
5 project will be made; and

6 “(ii) the terms of the work agreement will
7 promote ultimate completion of the project
8 more rapidly and at less cost.

9 “(B) A work agreement under this paragraph
10 obligates an amount of available budget authority
11 specified in law and shall provide for reimbursement
12 of preliminary costs of carrying out the project, in-
13 cluding land acquisition, timely procurement of sys-
14 tem elements for which specifications are decided,
15 and other activities the Secretary decides are appro-
16 priate to make efficient, long-term project manage-
17 ment easier. A work agreement shall cover the pe-
18 riod of time the Secretary considers appropriate.
19 The period may extend beyond the period of current
20 authorization. Interest and other financing costs of
21 efficiently carrying out the work agreement within a
22 reasonable time are a cost of carrying out the agree-
23 ment, except that eligible costs may not be more
24 than the cost of the most favorable financing terms
25 reasonably available for the project at the time of

1 borrowing. The applicant shall certify, in a way sat-
2 isfactory to the Secretary, that the applicant has
3 shown reasonable diligence in seeking the most fa-
4 vorable financing terms. If an applicant does not
5 carry out the project for reasons within the control
6 of the applicant, the applicant shall repay all Gov-
7 ernment payments made under the work agreement
8 plus reasonable interest and penalty charges the
9 Secretary establishes in the agreement.

10 “(4) The total estimated amount of future obli-
11 gations of the Government and contingent commit-
12 ments to incur obligations covered by all outstanding
13 letters of intent, full funding grant agreements, and
14 early systems work agreements may be not more
15 than the amount authorized under section 101(c) of
16 Passenger Rail Investment and Improvement Act of
17 2007, less an amount the Secretary reasonably esti-
18 mates is necessary for grants under this section not
19 covered by a letter. The total amount covered by
20 new letters and contingent commitments included in
21 full funding grant agreements and early systems
22 work agreements may be not more than a limitation
23 specified in law.

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

1 “(1)(A) Based on engineering studies, studies
2 of economic feasibility, and information on the ex-
3 pected use of equipment or facilities, the Secretary
4 shall estimate the net project cost.

5 “(B) A grant for the project shall not exceed 80
6 percent of the project net capital cost.

7 “(C) The Secretary shall give priority in allo-
8 cating future obligations and contingent commit-
9 ments to incur obligations to grant requests seeking
10 a lower Federal share of the project net capital cost.

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

16 “(3) 50 percent of the average amounts ex-
17 pended by a State or group of States (including the
18 District of Columbia) for capital projects to benefit
19 intercity passenger rail service in fiscal years 2004,
20 2005, and 2006 shall be credited towards the match-
21 ing requirements for grants awarded under this sec-
22 tion. The Secretary may require such information as
23 necessary to verify such expenditures.

24 “(4) 50 percent of the average amounts ex-
25 pended by a State or group of States (including the

1 District of Columbia) in a fiscal year beginning in
2 2007 for capital projects to benefit intercity pas-
3 senger rail service or for the operating costs of such
4 service above the average of expenditures made for
5 such service in fiscal years 2004, 2005, and 2006
6 shall be credited towards the matching requirements
7 for grants awarded under this section. The Secretary
8 may require such information as necessary to verify
9 such expenditures.

10 “(g) UNDERTAKING PROJECTS IN ADVANCE.—

11 “(1) The Secretary may pay the Federal share
12 of the net capital project cost to an applicant that
13 carries out any part of a project described in this
14 section according to all applicable procedures and re-
15 quirements if—

16 “(A) the applicant applies for the payment;

17 “(B) the Secretary approves the payment;

18 and

19 “(C) before carrying out the part of the
20 project, the Secretary approves the plans and
21 specifications for the part in the same way as
22 other projects under this section.

23 “(2) The cost of carrying out part of a project
24 includes the amount of interest earned and payable
25 on bonds issued by the applicant to the extent pro-

1 ceeds of the bonds are expended in carrying out the
2 part. However, the amount of interest under this
3 paragraph may not be more than the most favorable
4 interest terms reasonably available for the project at
5 the time of borrowing. The applicant shall certify, in
6 a manner satisfactory to the Secretary, that the ap-
7 plicant has shown reasonable diligence in seeking the
8 most favorable financial terms.

9 “(3) The Secretary shall consider changes in
10 capital project cost indices when determining the es-
11 timated cost under paragraph (2) of this subsection.

12 “(h) 2-YEAR AVAILABILITY.—Funds appropriated
13 under this section shall remain available until expended.
14 If any amount provided as a grant under this section is
15 not obligated or expended for the purposes described in
16 subsection (a) within 2 years after the date on which the
17 State received the grant, such sums shall be returned to
18 the Secretary for other intercity passenger rail develop-
19 ment projects under this section at the discretion of the
20 Secretary.

21 “(i) PUBLIC-PRIVATE PARTNERSHIPS.—

22 “(1) IN GENERAL.—A metropolitan planning
23 organization, State transportation department, or
24 other project sponsor may enter into an agreement
25 with any public, private, or nonprofit entity to coop-

1 eratively implement any project funded with a grant
2 under this title.

3 “(2) FORMS OF PARTICIPATION.—Participation
4 by an entity under paragraph (1) may consist of—

5 “(A) ownership or operation of any land,
6 facility, locomotive, rail car, vehicle, or other
7 physical asset associated with the project;

8 “(B) cost-sharing of any project expense;

9 “(C) carrying out administration, construc-
10 tion management, project management, project
11 operation, or any other management or oper-
12 ational duty associated with the project; and

13 “(D) any other form of participation ap-
14 proved by the Secretary.

15 “(3) SUB-ALLOCATION.—A State may allocate
16 funds under this section to any entity described in
17 paragraph (1).

18 “(j) SPECIAL TRANSPORTATION CIRCUMSTANCES.—
19 In carrying out this section, the Secretary shall allocate
20 an appropriate portion of the amounts available under this
21 section to provide grants to States—

22 “(1) in which there is no intercity passenger
23 rail service for the purpose of funding freight rail
24 capital projects that are on a State rail plan devel-
25 oped under chapter 225 of this title that provide

1 public benefits (as defined in chapter 225) as deter-
2 mined by the Secretary; or

3 “(2) in which the rail transportation system is
4 not physically connected to rail systems in the conti-
5 nental United States or may not otherwise qualify
6 for a grant under this section due to the unique
7 characteristics of the geography of that State or
8 other relevant considerations, for the purpose of
9 funding transportation-related capital projects.

10 “(k) SMALL CAPITAL PROJECTS.—The Secretary
11 shall make available \$10,000,000 annually from the
12 amounts authorized under section 101(c) of the Passenger
13 Rail Investment and Improvement Act of 2007 beginning
14 in fiscal year 2008 for grants for capital projects eligible
15 under this section not exceeding \$2,000,000, including
16 costs eligible under section 206(c) of that Act. The Sec-
17 retary may wave requirements of this section, including
18 state rail plan requirements, as appropriate.

19 **“§ 24403. Project management oversight**

20 “(a) PROJECT MANAGEMENT PLAN REQUIRE-
21 MENTS.—To receive Federal financial assistance for a
22 major capital project under this subchapter, an applicant
23 must prepare and carry out a project management plan
24 approved by the Secretary of Transportation. The plan
25 shall provide for—

1 “(1) adequate recipient staff organization with
2 well-defined reporting relationships, statements of
3 functional responsibilities, job descriptions, and job
4 qualifications;

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

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

11 “(4) a document control procedure and record-
12 keeping system;

13 “(5) a change order procedure that includes a
14 documented, systematic approach to handling the
15 construction change orders;

16 “(6) organizational structures, management
17 skills, and staffing levels required throughout the
18 construction phase;

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

23 “(8) material testing policies and procedures;

24 “(9) internal plan implementation and reporting
25 requirements;

1 “(10) criteria and procedures to be used for
2 testing the operational system or its major compo-
3 nents;

4 “(11) periodic updates of the plan, especially
5 related to project budget and project schedule, fi-
6 nancing, and ridership estimates; and

7 “(12) the recipient’s commitment to submit a
8 project budget and project schedule to the Secretary
9 each month.

10 “(b) SECRETARIAL OVERSIGHT.—

11 “(1) The Secretary may use no more than 0.5
12 percent of amounts made available in a fiscal year
13 for capital projects under this subchapter to enter
14 into contracts to oversee the construction of such
15 projects.

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

21 “(3) The Federal Government shall pay the en-
22 tire cost of carrying out a contract under this sub-
23 section.

24 “(c) ACCESS TO SITES AND RECORDS.—Each recipi-
25 ent of assistance under this subchapter shall provide the

1 Secretary and a contractor the Secretary chooses under
2 subsection (c) of this section with access to the construc-
3 tion sites and records of the recipient when reasonably
4 necessary.

5 **“§ 24404. Use of capital grants to finance first-dollar**
6 **liability of grant project**

7 “Notwithstanding the requirements of section 24402
8 of this subchapter, the Secretary of Transportation may
9 approve the use of capital assistance under this sub-
10 chapter to fund self-insured retention of risk for the first
11 tier of liability insurance coverage for rail passenger serv-
12 ice associated with the capital assistance grant, but the
13 coverage may not exceed \$20,000,000 per occurrence or
14 \$20,000,000 in aggregate per year.

15 **“§ 24405. Grant conditions**

16 “(a) DOMESTIC BUYING PREFERENCE.—

17 “(1) REQUIREMENT.—

18 “(A) IN GENERAL.—In carrying out a
19 project funded in whole or in part with a grant
20 under this title, the grant recipient shall pur-
21 chase only—

22 “(i) unmanufactured articles, mate-
23 rial, and supplies mined or produced in the
24 United States; or

1 “(ii) manufactured articles, material,
2 and supplies manufactured in the United
3 States substantially from articles, material,
4 and supplies mined, produced, or manufac-
5 tured in the United States.

6 “(B) DE MINIMIS AMOUNT.—Subpara-
7 graph (1) applies only to a purchase in an total
8 amount that is not less than \$1,000,000.

9 “(2) EXEMPTIONS.—On application of a recipi-
10 ent, the Secretary may exempt a recipient from the
11 requirements of this subsection if the Secretary de-
12 cides that, for particular articles, material, or sup-
13 plies—

14 “(A) such requirements are inconsistent
15 with the public interest;

16 “(B) the cost of imposing the requirements
17 is unreasonable; or

18 “(C) the articles, material, or supplies, or
19 the articles, material, or supplies from which
20 they are manufactured, are not mined, pro-
21 duced, or manufactured in the United States in
22 sufficient and reasonably available commercial
23 quantities and are not of a satisfactory quality.

24 “(3) UNITED STATES DEFINED.—In this sub-
25 section, the term ‘the United States’ means the

1 States, territories, and possessions of the United
2 States and the District of Columbia.

3 “(b) OPERATORS DEEMED RAIL CARRIERS AND EM-
4 PLOYERS FOR CERTAIN PURPOSES.—A person that con-
5 ducts rail operations over rail infrastructure constructed
6 or improved with funding provided in whole or in part in
7 a grant made under this title shall be considered a rail
8 carrier as defined in section 10102(5) of this title for pur-
9 poses of this title and any other statute that adopts the
10 that definition or in which that definition applies, includ-
11 ing—

12 “(1) the Railroad Retirement Act of 1974 (45
13 U.S.C. 231 et seq.); and

14 “(2) the Railway Labor Act (43 U.S.C. 151 et
15 seq.).

16 “(c) GRANT CONDITIONS.—The Secretary shall re-
17 quire as a condition of making any grant under this title
18 for a project that uses rights-of-way owned by a railroad
19 that—

20 “(1) a written agreement exist between the ap-
21 plicant and the railroad regarding such use and
22 ownership, including—

23 “(A) any compensation for such use;

24 “(B) assurances regarding the adequacy of
25 infrastructure capacity to accommodate both

1 existing and future freight and passenger oper-
2 ations; and

3 “(C) an assurance by the railroad that col-
4 lective bargaining agreements with the rail-
5 road’s employees (including terms regulating
6 the contracting of work) will remain in full
7 force and effect according to their terms for
8 work performed by the railroad on the railroad
9 transportation corridor;

10 “(D) an assurance that an applicant com-
11 plies with liability requirements consistent with
12 section 28103 of this title; and

13 “(2) the applicant agrees to comply with—

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

22 “(B) the protective arrangements estab-
23 lished under section 504 of the Railroad Revi-
24 talization and Regulatory Reform Act of 1976
25 (45 U.S.C. 836) with respect to employees af-

1 fected by actions taken in connection with the
2 project to be financed in whole or in part by
3 grants under this subchapter.

4 “(d) REPLACEMENT OF EXISTING INTERCITY PAS-
5 SENDER RAIL SERVICE.—

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

18 “(A) gives each such qualified employee of
19 the predecessor provider priority in hiring ac-
20 cording to the employee’s seniority on the pred-
21 ecessor provider for each position with the re-
22 placing entity that is in the employee’s craft or
23 class and is available within 3 years after the
24 termination 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
4 employee 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
9 of preexisting intercity rail passenger service oc-
10 curs concurrent with or within a reasonable
11 time before the commencement of the replacing
12 entity’s rail passenger service, the replacing en-
13 tity shall give written notice of its plan to re-
14 place existing rail passenger service to the au-
15 thorized collective bargaining agent or agents
16 for the potentially adversely affected employees
17 of the predecessor provider at least 90 days be-
18 fore the date on which it plans to commence
19 service. Within 5 days after the date of receipt
20 of such written notice, negotiations between the
21 replacing entity and the collective bargaining
22 agent or agents for the employees of the prede-
23 cessor provider shall commence for the purpose
24 of reaching agreement with respect to all mat-
25 ters set forth in subparagraphs (A) through (D)

1 of paragraph (1). The negotiations shall con-
2 tinue for 30 days or until an agreement is
3 reached, whichever is sooner. If at the end of
4 30 days the parties have not entered into an
5 agreement with respect to all such matters, the
6 unresolved issues shall be submitted for arbitra-
7 tion in accordance with the procedure set forth
8 in subparagraph (B).

9 “(B) ARBITRATION.—If an agreement has
10 not been entered into with respect to all mat-
11 ters set forth in subparagraphs (A) through (D)
12 of paragraph (1) as described in subparagraph
13 (A) of this paragraph, the parties shall select
14 an arbitrator. If the parties are unable to agree
15 upon the selection of such arbitrator within 5
16 days, either or both parties shall notify the Na-
17 tional Mediation Board, which shall provide a
18 list of seven arbitrators with experience in arbi-
19 trating rail labor protection disputes. Within 5
20 days after such notification, the parties shall al-
21 ternately strike names from the list until only
22 1 name remains, and that person shall serve as
23 the neutral arbitrator. Within 45 days after se-
24 lection of the arbitrator, the arbitrator shall
25 conduct a hearing on the dispute and shall

1 render a decision with respect to the unresolved
2 issues among the matters set forth in subpara-
3 graphs (A) through (D) of paragraph (1). This
4 decision shall be final, binding, and conclusive
5 upon the parties. The salary and expenses of
6 the arbitrator shall be borne equally by the par-
7 ties; all other expenses shall be paid by the
8 party incurring them.

9 “(3) SERVICE COMMENCEMENT.—A replacing
10 entity under this subsection shall commence service
11 only after an agreement is entered into with respect
12 to the matters set forth in subparagraphs (A)
13 through (D) of paragraph (1) or the decision of the
14 arbitrator has been rendered.

15 “(4) SUBSEQUENT REPLACEMENT OF SERV-
16 ICE.—If the replacement of existing rail passenger
17 service takes place within 3 years after the replacing
18 entity commences intercity passenger rail service,
19 the replacing entity and the collective bargaining
20 agent or agents for the adversely affected employees
21 of the predecessor provider shall enter into an agree-
22 ment with respect to the matters set forth in sub-
23 paragraphs (A) through (D) of paragraph (1). If the
24 parties have not entered into an agreement with re-
25 spect to all such matters within 60 days after the

1 date on which the replacing entity replaces the pred-
 2 ecessor provider, the parties shall select an arbi-
 3 trator using the procedures set forth in paragraph
 4 (2)(B), who shall, within 20 days after the com-
 5 mencement of the arbitration, conduct a hearing and
 6 decide all unresolved issues. This decision shall be
 7 final, binding, and conclusive upon the parties.

8 “(e) INAPPLICABILITY TO CERTAIN RAIL OPER-
 9 ATIONS.— Nothing in this section applies to—

10 “(1) commuter rail passenger transportation
 11 (as defined in section 24102(4) of this title) oper-
 12 ations of a State or local government authority (as
 13 those terms are defined in section 5302(11) and (6),
 14 respectively, of this title) eligible to receive financial
 15 assistance under section 5307 of this title, or to its
 16 contractor performing services in connection with
 17 commuter rail passenger operations (as so defined);

18 “(2) the Alaska Railroad or its contractors; or

19 “(3) the National Railroad Passenger Corpora-
 20 tion’s access rights to railroad rights of way and fa-
 21 cilities under current law.”.

22 (b) CONFORMING AMENDMENTS.—

23 (1) The table of chapters for the title is amend-
 24 ed by inserting the following after the item relating
 25 to chapter 243:

“244. Intercity passenger rail service capital assistance 24401”.

1 “(2) The chapter analysis for subtitle V is
2 amended by inserting the following after the item re-
3 lating to chapter 243:

“244. Intercity passenger rail service capital assistance 24401”.

4 **SEC. 302. STATE RAIL PLANS.**

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

“CHAPTER 225. STATE RAIL PLANS AND HIGH PRIORITY
PROJECTS

“Sec.

“22501. Definitions.

“22502. Authority.

“22503. Purposes.

“22504. Transparency; coordination; review.

“22505. Content.

“22506. Review.

7 **“§ 22501. Definitions**

8 “In this subchapter:

9 “(1) PRIVATE BENEFIT.—

10 “(A) IN GENERAL.—The term ‘private
11 benefit’—

12 “(i) means a benefit accrued to a per-
13 son or private entity, other than the Na-
14 tional Railroad Passenger Corporation,
15 that directly improves the economic and
16 competitive condition of that person or en-
17 tity through improved assets, cost reduc-
18 tions, service improvements, or any other
19 means as defined by the Secretary; and

1 “(ii) shall be determined on a project-
2 by-project basis, based upon an agreement
3 between the parties.

4 “(B) CONSULTATION.—The Secretary may
5 seek the advice of the States and rail carriers
6 in further defining this term.

7 “(2) PUBLIC BENEFIT.—

8 “(A) IN GENERAL.—The term ‘public ben-
9 efit’—

10 “(i) means a benefit accrued to the
11 public in the form of enhanced mobility of
12 people or goods, environmental protection
13 or enhancement, congestion mitigation, en-
14 hanced trade and economic development,
15 improved air quality or land use, more effi-
16 cient energy use, enhanced public safety or
17 security, reduction of public expenditures
18 due to improved transportation efficiency
19 or infrastructure preservation, and any
20 other positive community effects as defined
21 by the Secretary; and

22 “(ii) shall be determined on a project-
23 by-project basis, based upon an agreement
24 between the parties.

1 “(B) CONSULTATION.—The Secretary may
2 seek the advice of the States and rail carriers
3 in further defining this term.

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

6 “(4) STATE RAIL TRANSPORTATION AUTHOR-
7 ITY.—The term ‘State rail transportation authority’
8 means the State agency or official responsible under
9 the direction of the Governor of the State or a State
10 law for preparation, maintenance, coordination, and
11 administration of the State rail plan.”.

12 **“§ 22502. Authority**

13 “(a) IN GENERAL.—Each State may prepare and
14 maintain a State rail plan in accordance with the provi-
15 sions of this subchapter.

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

18 “(1) establish or designate a State rail trans-
19 portation authority to prepare, maintain, coordinate,
20 and administer the plan;

21 “(2) establish or designate a State rail plan ap-
22 proval authority to approve the plan;

23 “(3) submit the State’s approved plan to the
24 Secretary of Transportation for review; and

1 “(4) revise and resubmit a State-approved plan
2 no less frequently than once every 5 years for re-
3 approval by the Secretary.

4 **“§ 22503. Purposes**

5 “(a) PURPOSES.—The purposes of a State rail plan
6 are as follows:

7 “(1) To set forth State policy involving freight
8 and passenger rail transportation, including com-
9 muter rail operations, in the State.

10 “(2) To establish the period covered by the
11 State rail plan.

12 “(3) To present priorities and strategies to en-
13 hance rail service in the State that benefits the pub-
14 lic.

15 “(4) To serve as the basis for Federal and
16 State rail investments within the State.

17 “(b) COORDINATION.—A State rail plan shall be co-
18 ordinated with other State transportation planning goals
19 and programs and set forth rail transportation’s role with-
20 in the State transportation system.

21 **“§ 22504. Transparency; coordination; review**

22 “(a) PREPARATION.—A State shall provide adequate
23 and reasonable notice and opportunity for comment and
24 other input to the public, rail carriers, commuter and tran-
25 sit authorities operating in, or affected by rail operations

1 within the State, units of local government, and other in-
2 terested parties in the preparation and review of its State
3 rail plan.

4 “(b) INTERGOVERNMENTAL COORDINATION.—A
5 State shall review the freight and passenger rail service
6 activities and initiatives by regional planning agencies, re-
7 gional transportation authorities, and municipalities with-
8 in the State, or in the region in which the State is located,
9 while preparing the plan, and shall include any rec-
10 ommendations made by such agencies, authorities, and
11 municipalities as deemed appropriate by the State.

12 **“§ 22505. Content**

13 “(a) IN GENERAL.—Each State rail plan shall con-
14 tain the following:

15 “(1) An inventory of the existing overall rail
16 transportation system and rail services and facilities
17 within the State and an analysis of the role of rail
18 transportation within the State’s surface transpor-
19 tation system.

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

23 “(3) A statement of the State’s passenger rail
24 service objectives, including minimum service levels,
25 for rail transportation routes in the State.

1 “(4) A general analysis of rail’s transportation,
2 economic, and environmental impacts in the State,
3 including congestion mitigation, trade and economic
4 development, air quality, land-use, energy-use, and
5 community impacts.

6 “(5) A long-range rail investment program for
7 current and future freight and passenger infrastruc-
8 ture in the State that meets the requirements of
9 subsection (b).

10 “(6) A statement of public financing issues for
11 rail projects and service in the State, including a list
12 of current and prospective public capital and oper-
13 ating funding resources, public subsidies, State tax-
14 ation, and other financial policies relating to rail in-
15 frastructure development.

16 “(7) An identification of rail infrastructure
17 issues within the State that reflects consultation
18 with all relevant stake holders.

19 “(8) A review of major passenger and freight
20 intermodal rail connections and facilities within the
21 State, including seaports, and prioritized options to
22 maximize service integration and efficiency between
23 rail and other modes of transportation within the
24 State.

1 “(9) A review of publicly funded projects within
2 the State to improve rail transportation safety and
3 security, including all major projects funded under
4 section 130 of title 23.

5 “(10) A performance evaluation of passenger
6 rail services operating in the State, including pos-
7 sible improvements in those services, and a descrip-
8 tion of strategies to achieve those improvements.

9 “(11) A compilation of studies and reports on
10 high-speed rail corridor development within the
11 State not included in a previous plan under this sub-
12 chapter, and a plan for funding any recommended
13 development of such corridors in the State.

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

16 “(b) LONG-RANGE SERVICE AND INVESTMENT PRO-
17 GRAM.—

18 “(1) PROGRAM CONTENT.—A long-range rail
19 investment program included in a State rail plan
20 under subsection (a)(5) shall include the following
21 matters:

22 “(A) A list of any rail capital projects ex-
23 pected to be undertaken or supported in whole
24 or in part by the State.

1 “(B) A detailed funding plan for those
2 projects.

3 “(2) PROJECT LIST CONTENT.—The list of rail
4 capital projects shall contain—

5 “(A) a description of the anticipated public
6 and private benefits of each such project; and

7 “(B) a statement of the correlation be-
8 tween—

9 “(i) public funding contributions for
10 the projects; and

11 “(ii) the public benefits.

12 “(3) CONSIDERATIONS FOR PROJECT LIST.—In
13 preparing the list of freight and intercity passenger
14 rail capital projects, a State rail transportation au-
15 thority should take into consideration the following
16 matters:

17 “(A) Contributions made by non-Federal
18 and non-State sources through user fees,
19 matching funds, or other private capital involve-
20 ment.

21 “(B) Rail capacity and congestion effects.

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

24 “(D) Regional balance.

25 “(E) Environmental impact.

1 “(F) Economic and employment impacts.

2 “(G) Projected ridership and other service
3 measures for passenger rail projects.

4 **“§ 22506. Review**

5 The Secretary shall prescribe procedures for States
6 to submit State rail plans for review under this title, in-
7 cluding standardized format and data requirements. State
8 rail plans completed before the date of enactment of the
9 Passenger Rail Investment and Improvement Act of 2007
10 that substantially meet the requirements of this chapter,
11 as determined by the Secretary, shall be deemed by the
12 Secretary to have met the requirements of this chapter”.

13 (b) CONFORMING AMENDMENTS.—

14 (1) The table of chapters for the title is amend-
15 ed by inserting the following after the item relating
16 to chapter 223:

“225. State rail plans 22501”.

17 “(2) The chapter analysis for subtitle V is
18 amended by inserting the following after the item re-
19 lating to chapter 223:

“225. State rail plans 24401”.

20 **SEC. 303. NEXT GENERATION CORRIDOR TRAIN EQUIP-**
21 **MENT POOL.**

22 (a) IN GENERAL.—Within 180 days after the date
23 of enactment of this Act, Amtrak shall establish a Next
24 Generation Corridor Equipment Pool Committee, com-

1 prised of representatives of Amtrak, the Federal Railroad
2 Administration, and interested States. The purpose of the
3 Committee shall be to design, develop specifications for,
4 and procure standardized next-generation corridor equip-
5 ment.

6 (b) FUNCTIONS.—The Committee may—

7 (1) determine the number of different types of
8 equipment required, taking into account variations
9 in operational needs and corridor infrastructure;

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

12 (3) subject to agreements between Amtrak and
13 States, utilize services provided by Amtrak to design,
14 maintain and remanufacture equipment.

15 (c) COOPERATIVE AGREEMENTS.—Amtrak and
16 States participating in the Committee may enter into
17 agreements for the funding, procurement, remanufacture,
18 ownership and management of corridor equipment, includ-
19 ing equipment currently owned or leased by Amtrak and
20 next-generation corridor equipment acquired as a result
21 of the Committee's actions, and may establish a corpora-
22 tion, which may be owned or jointly-owned by Amtrak,
23 participating States or other entities, to perform these
24 functions.

1 (d) FUNDING.—In addition to the authorization pro-
2 vided in section 105 of this Act, capital projects to carry
3 out the purposes of this section shall be eligible for grants
4 made pursuant to chapter 244 of title 49, United States
5 Code.

6 **SEC. 304. FEDERAL RAIL POLICY.**

7 Section 103 is amended—

8 (1) by inserting “IN GENERAL.—” before “The
9 Federal” in subsection (a);

10 (2) by striking the second and third sentences
11 of subsection (a);

12 (3) by inserting “ADMINISTRATOR.—” before
13 “The head” in subsection (b);

14 (4) by redesignating subsections (c), (d), and
15 (e) as subsections (d), (e), and (f), respectively and
16 by inserting after subsection (b) the following:

17 “(c) SAFETY.—To carry out all railroad safety laws
18 of the United States, the Administration is divided on a
19 geographical basis into at least 8 safety offices. The Sec-
20 retary of Transportation is responsible for all acts taken
21 under those laws and for ensuring that the laws are uni-
22 formly administered and enforced among the safety of-
23 fices.”;

24 (5) by inserting “POWERS AND DUTIES.—” be-
25 fore “The” in subsection (d), as redesignated;

1 (6) by striking “and” after the semicolon in
2 paragraph (1) of subsection (d), as redesignated;

3 (7) by redesignating paragraph (2) of sub-
4 section (d), as redesignated, as paragraph (3) and
5 inserting after paragraph (1) the following:

6 “(2) the duties and powers related to railroad
7 policy and development under subsection (e); and”;

8 (8) by inserting “TRANSFERS OF DUTY.—” be-
9 fore “A duty” in subsection (e), as redesignated;

10 (9) by inserting “CONTRACTS, GRANTS, LEASES,
11 COOPERATIVE AGREEMENTS, AND SIMILAR TRANS-
12 ACTIONS.—” before “Subject” in subsection (f), as
13 redesignated;

14 (10) by striking the last sentence in subsection
15 (f), as redesignated; and

16 (11) by adding at the end the following:

17 “(g) ADDITIONAL DUTIES OF THE ADMINIS-
18 TRATOR.—The Administrator shall—

19 “(1) provide assistance to States in developing
20 State rail plans prepared under chapter 225 and re-
21 view all State rail plans submitted under that sec-
22 tion;

23 “(2) develop a long range national rail plan
24 that is consistent with approved State rail plans and
25 the rail needs of the Nation, as determined by the

1 Secretary in order to promote an integrated, cohe-
2 sive, efficient, and optimized national rail system for
3 the movement of goods and people;

4 “(3) develop a preliminary national rail plan
5 within a year after the date of enactment of the Pas-
6 senger Rail Investment and Improvement Act of
7 2007;

8 “(4) develop and enhance partnerships with the
9 freight and passenger railroad industry, States, and
10 the public concerning rail development;

11 “(5) support rail intermodal development and
12 high-speed rail development, including high speed
13 rail planning;

14 “(6) ensure that programs and initiatives devel-
15 oped under this section benefit the public and work
16 toward achieving regional and national transpor-
17 tation goals; and

18 “(7) facilitate and coordinate efforts to assist
19 freight and passenger rail carriers, transit agencies
20 and authorities, municipalities, and States in pas-
21 senger-freight service integration on shared rights of
22 way by providing neutral assistance at the joint re-
23 quest of affected rail service providers and infra-
24 structure owners relating to operations and capacity
25 analysis, capital requirements, operating costs, and

1 other research and planning related to corridors
 2 shared by passenger or commuter rail service and
 3 freight rail operations.

4 “(h) PERFORMANCE GOALS AND REPORTS.—

5 “(1) PERFORMANCE GOALS.—In conjunction
 6 with the objectives established and activities under-
 7 taken under section 103(e) of this title, the Adminis-
 8 trator shall develop a schedule for achieving specific,
 9 measurable performance goals.

10 “(2) RESOURCE NEEDS.—The strategy and an-
 11 nual plans shall include estimates of the funds and
 12 staff resources needed to accomplish each goal and
 13 the additional duties required under section 103(e).

14 “(3) SUBMISSION WITH PRESIDENT’S BUDG-
 15 ET.—Beginning with fiscal year 2009 and each fis-
 16 cal year thereafter, the Secretary shall submit to
 17 Congress, at the same time as the President’s budg-
 18 et submission, the Administration’s performance
 19 goals and schedule developed under paragraph (1),
 20 including an assessment of the progress of the Ad-
 21 ministration toward achieving its performance
 22 goals.”.

23 **SEC. 305. RAIL COOPERATIVE RESEARCH PROGRAM.**

24 (a) ESTABLISHMENT AND CONTENT.—Chapter 249
 25 is amended by adding at the end the following:

1 **“§ 24910. Rail cooperative research program**

2 “(a) IN GENERAL.—The Secretary shall establish
3 and carry out a rail cooperative research program. The
4 program shall—

5 “(1) address, among other matters, intercity
6 rail passenger and freight rail services, including ex-
7 isting rail passenger and freight technologies and
8 speeds, incrementally enhanced rail systems and in-
9 frastructure, and new high-speed wheel-on-rail sys-
10 tems and rail security;

11 “(2) address ways to expand the transportation
12 of international trade traffic by rail, enhance the ef-
13 ficiency of intermodal interchange at ports and other
14 intermodal terminals, and increase capacity and
15 availability of rail service for seasonal freight needs;

16 “(3) consider research on the interconnected-
17 ness of commuter rail, passenger rail, freight rail,
18 and other rail networks; and

19 “(4) give consideration to regional concerns re-
20 garding rail passenger and freight transportation,
21 including meeting research needs common to des-
22 ignated high-speed corridors, long-distance rail serv-
23 ices, and regional intercity rail corridors, projects,
24 and entities.

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

1 “(1) to identify the unique aspects and at-
2 tributes of rail passenger and freight service;

3 “(2) to develop more accurate models for evalu-
4 ating the impact of rail passenger and freight serv-
5 ice, including the effects on highway and airport and
6 airway congestion, environmental quality, and energy
7 consumption;

8 “(3) to develop a better understanding of modal
9 choice as it affects rail passenger and freight trans-
10 portation, including development of better models to
11 predict utilization;

12 “(4) to recommend priorities for technology
13 demonstration and development;

14 “(5) to meet additional priorities as determined
15 by the advisory board established under subsection
16 (c), including any recommendations made by the Na-
17 tional Research Council;

18 “(6) to explore improvements in management,
19 financing, and institutional structures;

20 “(7) to address rail capacity constraints that
21 affect passenger and freight rail service through a
22 wide variety of options, ranging from operating im-
23 provements to dedicated new infrastructure, taking
24 into account the impact of such options on oper-
25 ations;

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

4 “(9) to recommend objective methodologies for
5 determining intercity passenger rail routes and serv-
6 ices, including the establishment of new routes, the
7 elimination of existing routes, and the contraction or
8 expansion of services or frequencies over such
9 routes;

10 “(10) to review the impact of equipment and
11 operational safety standards on the further develop-
12 ment of high speed passenger rail operations con-
13 nected to or integrated with non-high speed freight
14 or passenger rail operations; and

15 “(11) to recommend any legislative or regu-
16 latory changes necessary to foster further develop-
17 ment and implementation of high speed passenger
18 rail operations while ensuring the safety of such op-
19 erations that are connected to or integrated with
20 non-high speed freight or passenger rail operations.

21 “(c) ADVISORY BOARD.—

22 “(1) ESTABLISHMENT.—In consultation with
23 the heads of appropriate Federal departments and
24 agencies, the Secretary shall establish an advisory
25 board to recommend research, technology, and tech-

1 nology transfer activities related to rail passenger
2 and freight transportation.

3 “(2) MEMBERSHIP.—The advisory board shall
4 include—

5 “(A) representatives of State transpor-
6 tation agencies;

7 “(B) transportation and environmental
8 economists, scientists, and engineers; and

9 “(C) representatives of Amtrak, the Alaska
10 Railroad, freight railroads, transit operating
11 agencies, intercity rail passenger agencies, rail-
12 way labor organizations, and environmental or-
13 ganizations.

14 “(d) NATIONAL ACADEMY OF SCIENCES.— The Sec-
15 retary may make grants to, and enter into cooperative
16 agreements with, the National Academy of Sciences to
17 carry out such activities relating to the research, tech-
18 nology, and technology transfer activities described in sub-
19 section (b) as the Secretary deems appropriate.”.

20 (b) CLERICAL AMENDMENT.—The chapter analysis
21 for chapter 249 is amended by adding at the end the fol-
22 lowing:

“24910. Rail cooperative research program.”.

1 **TITLE IV—PASSENGER RAIL**
2 **SECURITY AND SAFETY**

3 **SEC. 400. SHORT TITLE.**

4 This title may be cited as the “Surface Transpor-
5 tation and Rail Security Act of 2007”.

6 **SEC. 401. RAIL TRANSPORTATION SECURITY RISK ASSESS-**
7 **MENT.**

8 (a) IN GENERAL.—

9 (1) VULNERABILITY AND RISK ASSESSMENT.—

10 The Secretary of Homeland Security shall establish
11 a task force, including the Transportation Security
12 Administration, the Department of Transportation,
13 and other appropriate agencies, to complete a vul-
14 nerability and risk assessment of freight and pas-
15 senger rail transportation (encompassing railroads,
16 as that term is defined in section 20102(1) of title
17 49, United States Code). The assessment shall in-
18 clude—

19 (A) a methodology for conducting the risk
20 assessment, including timelines, that addresses
21 how the Department of Homeland Security will
22 work with the entities describe in subsection (b)
23 and make use of existing Federal expertise
24 within the Department of Homeland Security,

1 the Department of Transportation, and other
2 appropriate agencies;

3 (B) identification and evaluation of critical
4 assets and infrastructures;

5 (C) identification of vulnerabilities and
6 risks to those assets and infrastructures;

7 (D) identification of vulnerabilities and
8 risks that are specific to the transportation of
9 hazardous materials via railroad;

10 (E) identification of security weaknesses in
11 passenger and cargo security, transportation in-
12 frastructure, protection systems, procedural
13 policies, communications systems, employee
14 training, emergency response planning, and any
15 other area identified by the assessment; and

16 (F) an account of actions taken or planned by
17 both public and private entities to address identified
18 rail security issues and assess the effective integra-
19 tion of such actions.

20 (2) RECOMMENDATIONS.—Based on the assess-
21 ment conducted under paragraph (1), the Secretary,
22 in consultation with the Secretary of Transportation,
23 shall develop prioritized recommendations for im-
24 proving rail security, including any recommendations
25 the Secretary has for—

1 (A) improving the security of rail tunnels,
2 rail bridges, rail switching and car storage
3 areas, other rail infrastructure and facilities, in-
4 formation systems, and other areas identified
5 by the Secretary as posing significant rail-re-
6 lated risks to public safety and the movement
7 of interstate commerce, taking into account the
8 impact that any proposed security measure
9 might have on the provision of rail service;

10 (B) deploying equipment to detect explo-
11 sives and hazardous chemical, biological, and
12 radioactive substances, and any appropriate
13 countermeasures;

14 (C) training appropriate railroad or rail-
15 road shipper employees in terrorism prevention,
16 passenger evacuation, and response activities;

17 (D) conducting public outreach campaigns
18 on passenger railroads;

19 (E) deploying surveillance equipment; and

20 (F) identifying the immediate and long-
21 term costs of measures that may be required to
22 address those risks.

23 (3) PLANS.—The report required by subsection
24 (c) shall include—

1 (A) a plan, developed in consultation with
2 the freight and intercity passenger railroads,
3 and State and local governments, for the Fed-
4 eral government to provide increased security
5 support at high or severe threat levels of alert;

6 (B) a plan for coordinating existing and
7 planned rail security initiatives undertaken by
8 the public and private sectors; and

9 (C) a contingency plan, developed in con-
10 junction with freight and intercity and com-
11 muter passenger railroads, to ensure the contin-
12 ued movement of freight and passengers in the
13 event of an attack affecting the railroad system,
14 which shall contemplate—

15 (i) the possibility of rerouting traffic
16 due to the loss of critical infrastructure,
17 such as a bridge, tunnel, yard, or station;
18 and

19 (ii) methods of continuing railroad
20 service in the Northeast Corridor in the
21 event of a commercial power loss, or catas-
22 trophe affecting a critical bridge, tunnel,
23 yard, or station.

24 (b) CONSULTATION; USE OF EXISTING RE-
25 SOURCES.—In carrying out the assessment and developing

1 the recommendations and plans required by subsection
2 (a), the Secretary of Homeland Security shall consult with
3 rail management, rail labor, owners or lessors of rail cars
4 used to transport hazardous materials, first responders,
5 shippers of hazardous materials, public safety officials,
6 and other relevant parties.

7 (c) REPORT.—

8 (1) CONTENTS.—Within 180 days after the
9 date of enactment of this Act, the Secretary shall
10 transmit to the Senate Committee on Commerce,
11 Science, and Transportation, the House of Rep-
12 resentatives Committee on Transportation and In-
13 frastructure, and the House of Representatives Com-
14 mittee on Homeland Security a report containing the
15 assessment, prioritized recommendations, and plans
16 required by subsection (a) and an estimate of the
17 cost to implement such recommendations.

18 (2) FORMAT.—The Secretary may submit the
19 report in both classified and redacted formats if the
20 Secretary determines that such action is appropriate
21 or necessary.

22 (d) ANNUAL UPDATES.—The Secretary, in consulta-
23 tion with the Secretary of Transportation, shall update the
24 assessment and recommendations each year and transmit
25 a report, which may be submitted in both classified and

1 redacted formats, to the Committees named in subsection
2 (c)(1), containing the updated assessment and rec-
3 ommendations.

4 (e) FUNDING.—Out of funds appropriated pursuant
5 to section 114(u) of title 49, United States Code, as
6 amended by section 416 of this title, there shall be made
7 available to the Secretary of Homeland Security to carry
8 out this section \$5,000,000 for fiscal year 2008.

9 **SEC. 402. SYSTEMWIDE AMTRAK SECURITY UPGRADES.**

10 (a) IN GENERAL.—Subject to subsection (c) the Sec-
11 retary of Homeland Security, in consultation with the As-
12 sistant Secretary of Homeland Security (Transportation
13 Security Administration), is authorized to make grants to
14 Amtrak—

15 (1) to secure major tunnel access points and en-
16 sure tunnel integrity in New York, Baltimore, and
17 Washington, DC;

18 (2) to secure Amtrak trains;

19 (3) to secure Amtrak stations;

20 (4) to obtain a watch list identification system
21 approved by the Secretary;

22 (5) to obtain train tracking and interoperable
23 communications systems that are coordinated to the
24 maximum extent possible;

1 (6) to hire additional police and security offi-
2 cers, including canine units;

3 (7) to expand emergency preparedness efforts;
4 and

5 (8) for employee security training.

6 (b) CONDITIONS.—The Secretary of Transportation
7 shall disburse funds to Amtrak provided under subsection
8 (a) for projects contained in a systemwide security plan
9 approved by the Secretary of Homeland Security. The
10 plan shall include appropriate measures to address secu-
11 rity awareness, emergency response, and passenger evacu-
12 ation training.

13 (c) EQUITABLE GEOGRAPHIC ALLOCATION.—The
14 Secretary shall ensure that, subject to meeting the highest
15 security needs on Amtrak’s entire system and consistent
16 with the risk assessment required under section 401, sta-
17 tions and facilities located outside of the Northeast Cor-
18 ridor receive an equitable share of the security funds au-
19 thorized by this section.

20 (d) AVAILABILITY OF FUNDS.—Out of funds appro-
21 priated pursuant to section 114(u) of title 49, United
22 States Code, as amended by section 416 of this title, there
23 shall be made available to the Secretary of Homeland Se-
24 curity and the Assistant Secretary of Homeland Security

1 (Transportation Security Administration) to carry out this
2 section—

3 (1) \$63,500,000 for fiscal year 2008;

4 (2) \$30,000,000 for fiscal year 2009; and

5 (3) \$30,000,000 for fiscal year 2010.

6 Amounts appropriated pursuant to this subsection shall
7 remain available until expended.

8 **SEC. 403. FIRE AND LIFE-SAFETY IMPROVEMENTS.**

9 (a) LIFE-SAFETY NEEDS.—The Secretary of Trans-
10 portation, in consultation with the Secretary of Homeland
11 Security, is authorized to make grants to Amtrak for the
12 purpose of making fire and life-safety improvements to
13 Amtrak tunnels on the Northeast Corridor in New York,
14 NY, Baltimore, MD, and Washington, DC.

15 (b) AUTHORIZATION OF APPROPRIATIONS.—Out of
16 funds appropriated pursuant to section 416(b) of this title,
17 there shall be made available to the Secretary of Transpor-
18 tation for the purposes of carrying out subsection (a) the
19 following amounts:

20 (1) For the 6 New York tunnels to provide ven-
21 tilation, electrical, and fire safety technology up-
22 grades, emergency communication and lighting sys-
23 tems, and emergency access and egress for pas-
24 sengers—

25 (A) \$100,000,000 for fiscal year 2008;

1 (B) \$100,000,000 for fiscal year 2009;

2 (C) \$100,000,000 for fiscal year 2010; and

3 (D) \$100,000,000 for fiscal year 2011.

4 (2) For the Baltimore & Potomac tunnel and
5 the Union tunnel, together, to provide adequate
6 drainage, ventilation, communication, lighting, and
7 passenger egress upgrades—

8 (A) \$10,000,000 for fiscal year 2008;

9 (B) \$10,000,000 for fiscal year 2009;

10 (C) \$10,000,000 for fiscal year 2010; and

11 (D) \$10,000,000 for fiscal year 2011.

12 (3) For the Washington, DC, Union Station
13 tunnels to improve ventilation, communication, light-
14 ing, and passenger egress upgrades—

15 (A) \$8,000,000 for fiscal year 2008;

16 (B) \$8,000,000 for fiscal year 2009;

17 (C) \$8,000,000 for fiscal year 2010; and

18 (D) \$8,000,000 for fiscal year 2011.

19 (c) INFRASTRUCTURE UPGRADES.—Out of funds ap-
20 propriated pursuant to section 416(b) of this title, there
21 shall be made available to the Secretary of Transportation
22 for fiscal year 2008 \$3,000,000 for the preliminary design
23 of options for a new tunnel on a different alignment to
24 augment the capacity of the existing Baltimore tunnels.

1 (d) AVAILABILITY OF APPROPRIATED FUNDS.—
2 Amounts made available pursuant to this section shall re-
3 main available until expended.

4 (e) PLANS REQUIRED.—The Secretary of Transpor-
5 tation may not make amounts available to Amtrak for ob-
6 ligation or expenditure under subsection (a)—

7 (1) until Amtrak has submitted to the Sec-
8 retary, and the Secretary has approved, an engineer-
9 ing and financial plan for such projects; and

10 (2) unless, for each project funded pursuant to
11 this section, the Secretary has approved a project
12 management plan prepared by Amtrak addressing
13 appropriate project budget, construction schedule,
14 recipient staff organization, document control and
15 record keeping, change order procedure, quality con-
16 trol and assurance, periodic plan updates, and peri-
17 odic status reports.

18 (f) REVIEW OF PLANS.—The Secretary of Transpor-
19 tation shall complete the review of the plans required by
20 paragraphs (1) and (2) of subsection (e) and approve or
21 disapprove the plans within 45 days after the date on
22 which each such plan is submitted by Amtrak. If the Sec-
23 retary determines that a plan is incomplete or deficient,
24 the Secretary shall notify Amtrak of the incomplete items
25 or deficiencies and Amtrak shall, within 30 days after re-

1 ceiving the Secretary's notification, submit a modified
2 plan for the Secretary's review. Within 15 days after re-
3 ceiving additional information on items previously included
4 in the plan, and within 45 days after receiving items newly
5 included in a modified plan, the Secretary shall either ap-
6 prove the modified plan, or, if the Secretary finds the plan
7 is still incomplete or deficient, the Secretary shall identify
8 in writing to the Senate Committee on Commerce, Science,
9 and Transportation, the House of Representatives Com-
10 mittee on Transportation and Infrastructure, and the
11 House of Representatives Committee on Homeland Secu-
12 rity the portions of the plan the Secretary finds incomplete
13 or deficient, approve all other portions of the plan, obligate
14 the funds associated with those other portions, and exe-
15 cute an agreement with Amtrak within 15 days thereafter
16 on a process for resolving the remaining portions of the
17 plan.

18 (g) FINANCIAL CONTRIBUTION FROM OTHER TUN-
19 NEL USERS.—The Secretary shall, taking into account the
20 need for the timely completion of all portions of the tunnel
21 projects described in subsection (a)—

22 (1) consider the extent to which rail carriers
23 other than Amtrak use or plan to use the tunnels;

- 1 (1) security and redundancy for critical commu-
2 nications, computer, and train control systems essen-
3 tial for secure rail operations;
- 4 (2) accommodation of rail cargo or passenger
5 screening equipment at the United States-Mexico
6 border, the United States-Canada border, or other
7 ports of entry;
- 8 (3) the security of hazardous material transpor-
9 tation by rail;
- 10 (4) secure intercity passenger rail stations,
11 trains, and infrastructure;
- 12 (5) structural modification or replacement of
13 rail cars transporting high hazard materials to im-
14 prove their resistance to acts of terrorism;
- 15 (6) employee security awareness, preparedness,
16 passenger evacuation, and emergency response train-
17 ing;
- 18 (7) public security awareness campaigns for
19 passenger train operations;
- 20 (8) the sharing of intelligence and information
21 about security threats;
- 22 (9) to obtain train tracking and interoperable
23 communications systems that are coordinated to the
24 maximum extent possible;

1 (10) to hire additional police and security offi-
2 cers, including canine units; and

3 (11) other improvements recommended by the
4 report required by section 401, including infrastruc-
5 ture, facilities, and equipment upgrades.

6 (b) ACCOUNTABILITY.—The Secretary shall adopt
7 necessary procedures, including audits, to ensure that
8 grants made under this section are expended in accord-
9 ance with the purposes of this title and the priorities and
10 other criteria developed by the Secretary.

11 (c) ALLOCATION.—The Secretary shall distribute the
12 funds authorized by this section based on risk and vulner-
13 ability as determined under section 401, and shall encour-
14 age non-Federal financial participation in awarding
15 grants. With respect to grants for intercity passenger rail
16 security, the Secretary shall also take into account pas-
17 senger volume and whether a station is used by commuter
18 rail passengers as well as intercity rail passengers.

19 (d) CONDITIONS.—The Secretary of Transportation
20 may not disburse funds to Amtrak under subsection (a)
21 unless Amtrak meets the conditions set forth in section
22 402(b) of this title.

23 (e) ALLOCATION BETWEEN RAILROADS AND OTH-
24 ERS.—Unless as a result of the assessment required by
25 section 401 the Secretary of Homeland Security deter-

1 mines that critical rail transportation security needs re-
2 quire reimbursement in greater amounts to any eligible
3 entity, no grants under this section may be made—

4 (1) in excess of \$45,000,000 to Amtrak; or

5 (2) in excess of \$80,000,000 for the purposes
6 described in paragraphs (3) and (5) of subsection
7 (a).

8 (f) AUTHORIZATION OF APPROPRIATIONS.—Out of
9 funds appropriated pursuant to section 114(u) of title 49,
10 United States Code, as amended by section 416 of this
11 title,, there shall be made available to the Secretary of
12 Homeland Security to carry out this section—

13 (1) \$100,000,000 for fiscal year 2008;

14 (2) \$100,000,000 for fiscal year 2009; and

15 (3) \$100,000,000 for fiscal year 2010.

16 Amounts made available pursuant to this subsection shall
17 remain available until expended.

18 (g) HIGH HAZARD MATERIALS DEFINED.—In this
19 section, the term “high hazard materials” means quan-
20 tities of poison inhalation hazard materials, Class 2.3
21 gases, Class 6.1 materials, and anhydrous ammonia that
22 the Secretary, in consultation with the Secretary of Trans-
23 portation, determines pose a security risk.

1 **SEC. 405. RAIL SECURITY RESEARCH AND DEVELOPMENT.**

2 (a) ESTABLISHMENT OF RESEARCH AND DEVELOP-
3 MENT PROGRAM.—The Secretary of Homeland Security,
4 through the Under Secretary for Science and Technology
5 and the Assistant Secretary of Homeland Security (Trans-
6 portation Security Administration), in consultation with
7 the Secretary of Transportation shall carry out a research
8 and development program for the purpose of improving
9 freight and intercity passenger rail security that may in-
10 clude research and development projects to—

11 (1) reduce the vulnerability of passenger trains,
12 stations, and equipment to explosives and hazardous
13 chemical, biological, and radioactive substances;

14 (2) test new emergency response techniques and
15 technologies;

16 (3) develop improved freight technologies, in-
17 cluding—

18 (A) technologies for sealing rail cars;

19 (B) automatic inspection of rail cars;

20 (C) communication-based train controls;

21 and

22 (D) emergency response training;

23 (4) test wayside detectors that can detect tam-
24 pering with railroad equipment;

25 (5) support enhanced security for the transpor-
26 tation of hazardous materials by rail, including—

1 (A) technologies to detect a breach in a
2 tank car or other rail car used to transport haz-
3 arduous materials and transmit information
4 about the integrity of cars to the train crew or
5 dispatcher;

6 (B) research to improve tank car integrity,
7 with a focus on tank cars that carry high haz-
8 ard materials (as defined in section 404(g) of
9 this title); and

10 (C) techniques to transfer hazardous mate-
11 rials from rail cars that are damaged or other-
12 wise represent an unreasonable risk to human
13 life or public safety; and

14 (6) other projects that address vulnerabilities
15 and risks identified under section 401.

16 (b) COORDINATION WITH OTHER RESEARCH INITIA-
17 TIVES.—The Secretary of Homeland Security shall ensure
18 that the research and development program authorized by
19 this section is coordinated with other research and devel-
20 opment initiatives at the Department of Homeland Secu-
21 rity and the Department of Transportation. The Secretary
22 shall carry out any research and development project au-
23 thorized by this section through a reimbursable agreement
24 with the Secretary of Transportation, if the Secretary of
25 Transportation—

1 (1) is already sponsoring a research and devel-
2 opment project in a similar area; or

3 (2) has a unique facility or capability that
4 would be useful in carrying out the project.

5 (c) GRANTS AND ACCOUNTABILITY.—To carry out
6 the research and development program, the Secretary may
7 award grants to the entities described in section 404(a)
8 and shall adopt necessary procedures, including audits, to
9 ensure that grants made under this section are expended
10 in accordance with the purposes of this title and the prior-
11 ities and other criteria developed by the Secretary.

12 (d) AUTHORIZATION OF APPROPRIATIONS.—Out of
13 funds appropriated pursuant to section 114(u) of title 49,
14 United States Code, as amended by section 416 of this
15 title,, there shall be made available to the Secretary of
16 Homeland Security to carry out this section—

17 (1) \$33,000,000 for fiscal year 2008;

18 (2) \$33,000,000 for fiscal year 2009; and

19 (3) \$33,000,000 for fiscal year 2010.

20 Amounts made available pursuant to this subsection shall
21 remain available until expended.

22 **SEC. 406. OVERSIGHT AND GRANT PROCEDURES.**

23 (a) SECRETARIAL OVERSIGHT.—The Secretary of
24 Homeland Security may use up to 0.5 percent of amounts
25 made available for capital projects under this title to enter

1 into contracts for the review of proposed capital projects
2 and related program management plans and to oversee
3 construction of such projects.

4 (b) USE OF FUNDS.—The Secretary may use
5 amounts available under subsection (a) of this subsection
6 to make contracts to audit and review the safety, procure-
7 ment, management, and financial compliance of a recipi-
8 ent of amounts under this title.

9 (c) PROCEDURES FOR GRANT AWARD.—The Sec-
10 retary shall, within 90 days after the date of enactment
11 of this Act, prescribe procedures and schedules for the
12 awarding of grants under this title, including application
13 and qualification procedures (including a requirement that
14 the applicant have a security plan), and a record of deci-
15 sion on applicant eligibility. The procedures shall include
16 the execution of a grant agreement between the grant re-
17 cipient and the Secretary and shall be consistent, to the
18 extent practicable, with the grant procedures established
19 under section 70107 of title 46, United States Code.

20 **SEC. 407. AMTRAK PLAN TO ASSIST FAMILIES OF PAS-**
21 **SENGERS INVOLVED IN RAIL PASSENGER AC-**
22 **CIDENTS.**

23 (a) IN GENERAL.—Chapter 243 of title 49, United
24 States Code, is amended by adding at the end the fol-
25 lowing:

1 **“§ 24316. Plans to address needs of families of pas-**
2 **sengers involved in rail passenger acci-**
3 **dents**

4 “(a) SUBMISSION OF PLAN.—Not later than 6
5 months after the date of the enactment of the Surface
6 Transportation and Rail Security Act of 2007 Amtrak
7 shall submit to the Chairman of the National Transpor-
8 tation Safety Board, the Secretary of Transportation, and
9 the Secretary of Homeland Security a plan for addressing
10 the needs of the families of passengers involved in any rail
11 passenger accident involving an Amtrak intercity train
12 and resulting in a loss of life.

13 “(b) CONTENTS OF PLANS.—The plan to be sub-
14 mitted by Amtrak under subsection (a) shall include, at
15 a minimum, the following:

16 “(1) A process by which Amtrak will maintain
17 and provide to the National Transportation Safety
18 Board and the Secretary of Transportation, imme-
19 diately upon request, a list (which is based on the
20 best available information at the time of the request)
21 of the names of the passengers aboard the train
22 (whether or not such names have been verified), and
23 will periodically update the list. The plan shall in-
24 clude a procedure, with respect to unreserved trains
25 and passengers not holding reservations on other
26 trains, for Amtrak to use reasonable efforts to ascer-

1 tain the number and names of passengers aboard a
2 train involved in an accident.

3 “(2) A plan for creating and publicizing a reli-
4 able, toll-free telephone number within 4 hours after
5 such an accident occurs, and for providing staff, to
6 handle calls from the families of the passengers.

7 “(3) A process for notifying the families of the
8 passengers, before providing any public notice of the
9 names of the passengers, by suitably trained individ-
10 uals.

11 “(4) A process for providing the notice de-
12 scribed in paragraph (2) to the family of a pas-
13 senger as soon as Amtrak has verified that the pas-
14 senger was aboard the train (whether or not the
15 names of all of the passengers have been verified).

16 “(5) A process by which the family of each pas-
17 senger will be consulted about the disposition of all
18 remains and personal effects of the passenger within
19 Amtrak’s control; that any possession of the pas-
20 senger within Amtrak’s control will be returned to
21 the family unless the possession is needed for the ac-
22 cident investigation or any criminal investigation;
23 and that any unclaimed possession of a passenger
24 within Amtrak’s control will be retained by the rail
25 passenger carrier for at least 18 months.

1 “(6) A process by which the treatment of the
2 families of nonrevenue passengers will be the same
3 as the treatment of the families of revenue pas-
4 sengers.

5 “(7) An assurance that Amtrak will provide
6 adequate training to its employees and agents to
7 meet the needs of survivors and family members fol-
8 lowing an accident.

9 “(c) USE OF INFORMATION.—The National Trans-
10 portation Safety Board, the Secretary of Transportation,
11 and Amtrak may not release any personal information on
12 a list obtained under subsection (b)(1) but may provide
13 information on the list about a passenger to the family
14 of the passenger to the extent that the Board or Amtrak
15 considers appropriate.

16 “(d) LIMITATION ON LIABILITY.—Amtrak shall not
17 be liable for damages in any action brought in a Federal
18 or State court arising out of the performance of Amtrak
19 in preparing or providing a passenger list, or in providing
20 information concerning a train reservation, pursuant to a
21 plan submitted by Amtrak under subsection (b), unless
22 such liability was caused by Amtrak’s conduct.

23 “(e) LIMITATION ON STATUTORY CONSTRUCTION.—
24 Nothing in this section may be construed as limiting the
25 actions that Amtrak may take, or the obligations that Am-

1 trak may have, in providing assistance to the families of
2 passengers involved in a rail passenger accident.

3 “(f) FUNDING.—Out of funds appropriated pursuant
4 to section 416(b) of the Surface Transportation and Rail
5 Security Act of 2007, there shall be made available to the
6 Secretary of Transportation for the use of Amtrak
7 \$500,000 for fiscal year 2007 to carry out this section.
8 Amounts made available pursuant to this subsection shall
9 remain available until expended.”.

10 (b) CONFORMING AMENDMENT.—The chapter anal-
11 ysis for chapter 243 of title 49, United States Code, is
12 amended by adding at the end the following:

“24316. Plan to assist families of passengers involved in rail passenger acci-
dents.”.

13 **SEC. 408. NORTHERN BORDER RAIL PASSENGER REPORT.**

14 Within 180 days after the date of enactment of this
15 Act, the Secretary of Homeland Security, in consultation
16 with the Assistant Secretary of Homeland Security
17 (Transportation Security Administration), the Secretary
18 of Transportation, heads of other appropriate Federal de-
19 partments, and agencies and the National Railroad Pas-
20 senger Corporation, shall transmit a report to the Senate
21 Committee on Commerce, Science, and Transportation,
22 the House of Representatives Committee on Transpor-
23 tation and Infrastructure, and the House of Representa-
24 tives Committee on Homeland Security that contains—

1 (1) a description of the current system for
2 screening passengers and baggage on passenger rail
3 service between the United States and Canada;

4 (2) an assessment of the current program to
5 provide preclearance of airline passengers between
6 the United States and Canada as outlined in “The
7 Agreement on Air Transport Preclearance between
8 the Government of Canada and the Government of
9 the United States of America”, dated January 18,
10 2001;

11 (3) an assessment of the current program to
12 provide preclearance of freight railroad traffic be-
13 tween the United States and Canada as outlined in
14 the “Declaration of Principle for the Improved Secu-
15 rity of Rail Shipments by Canadian National Rail-
16 way and Canadian Pacific Railway from Canada to
17 the United States”, dated April 2, 2003;

18 (4) information on progress by the Department
19 of Homeland Security and other Federal agencies to-
20 wards finalizing a bilateral protocol with Canada
21 that would provide for preclearance of passengers on
22 trains operating between the United States and Can-
23 ada;

24 (5) a description of legislative, regulatory,
25 budgetary, or policy barriers within the United

1 States Government to providing pre-screened pas-
2 senger lists for rail passengers traveling between the
3 United States and Canada to the Department of
4 Homeland Security;

5 (6) a description of the position of the Govern-
6 ment of Canada and relevant Canadian agencies
7 with respect to preclearance of such passengers;

8 (7) a draft of any changes in existing Federal
9 law necessary to provide for pre-screening of such
10 passengers and providing pre-screened passenger
11 lists to the Department of Homeland Security; and

12 (8) an analysis of the feasibility of reinstating
13 in-transit inspections onboard international Amtrak
14 trains.

15 **SEC. 409. RAIL WORKER SECURITY TRAINING PROGRAM.**

16 (a) IN GENERAL.—Not later than 180 days after the
17 date of enactment of this Act, the Secretary of Homeland
18 Security and the Secretary of Transportation, in consulta-
19 tion with appropriate law enforcement, security, and ter-
20 rorism experts, representatives of railroad carriers, and
21 nonprofit employee organizations that represent rail work-
22 ers, shall develop and issue detailed guidance for a rail
23 worker security training program to prepare front-line
24 workers for potential threat conditions. The guidance shall

1 take into consideration any current security training re-
2 quirements or best practices.

3 (b) PROGRAM ELEMENTS.—The guidance developed
4 under subsection (a) shall include elements, as appropriate
5 to passenger and freight rail service, that address the fol-
6 lowing:

7 (1) Determination of the seriousness of any oc-
8 currence.

9 (2) Crew communication and coordination.

10 (3) Appropriate responses to defend or protect
11 oneself.

12 (4) Use of protective devices.

13 (5) Evacuation procedures.

14 (6) Psychology of terrorists to cope with hi-
15 jacker behavior and passenger responses.

16 (7) Situational training exercises regarding var-
17 ious threat conditions.

18 (8) Any other subject the Secretary considers
19 appropriate.

20 (c) RAILROAD CARRIER PROGRAMS.—Not later than
21 90 days after the Secretary of Homeland Security issues
22 guidance under subsection (a) in final form, each railroad
23 carrier shall develop a rail worker security training pro-
24 gram in accordance with that guidance and submit it to
25 the Secretary for review. Not later than 30 days after re-

1 ceiving a railroad carrier's program under this subsection,
2 the Secretary shall review the program and transmit com-
3 ments to the railroad carrier concerning any revisions the
4 Secretary considers necessary for the program to meet the
5 guidance requirements. A railroad carrier shall respond to
6 the Secretary's comments within 30 days after receiving
7 them.

8 (d) TRAINING.—Not later than 1 year after the Sec-
9 retary reviews the training program developed by a rail-
10 road carrier under this section, the railroad carrier shall
11 complete the training of all front-line workers in accord-
12 ance with that program. The Secretary shall review imple-
13 mentation of the training program of a representative
14 sample of railroad carriers and report to the Senate Com-
15 mittee on Commerce, Science, and Transportation, the
16 House of Representatives Committee on Transportation
17 and Infrastructure, and the House of Representatives
18 Committee on Homeland Security on the number of re-
19 views conducted and the results. The Secretary may sub-
20 mit the report in both classified and redacted formats as
21 necessary.

22 (e) UPDATES.—The Secretary shall update the train-
23 ing guidance issued under subsection (a) as appropriate
24 to reflect new or different security threats. Railroad car-
25 riers shall revise their programs accordingly and provide

1 additional training to their front-line workers within a rea-
 2 sonable time after the guidance is updated.

3 (f) FRONT-LINE WORKERS DEFINED.—In this sec-
 4 tion, the term “front-line workers” means security per-
 5 sonnel, dispatchers, train operators, other onboard em-
 6 ployees, maintenance and maintenance support personnel,
 7 bridge tenders, as well as other appropriate employees of
 8 railroad carriers, as defined by the Secretary.

9 (g) OTHER EMPLOYEES.—The Secretary of Home-
 10 land Security shall issue guidance and best practices for
 11 a rail shipper employee security program containing the
 12 elements listed under subsection (b) as appropriate.

13 **SEC. 410. WHISTLEBLOWER PROTECTION PROGRAM.**

14 (a) IN GENERAL.—Subchapter A of chapter 201 of
 15 title 49, United States Code, is amended by inserting after
 16 section 20117 the following:

17 **“§ 20118. Whistleblower protection for rail security**
 18 **matters**

19 “(a) DISCRIMINATION AGAINST EMPLOYEE.—No rail
 20 carrier engaged in interstate or foreign commerce may dis-
 21 charge a railroad employee or otherwise discriminate
 22 against a railroad employee because the employee (or any
 23 person acting pursuant to a request of the employee)—

24 “(1) provided, caused to be provided, or is
 25 about to provide or cause to be provided, to the em-

1 ployer or the Federal Government information relat-
2 ing to a reasonably perceived threat, in good faith,
3 to security; or

4 “(2) provided, caused to be provided, or is
5 about to provide or cause to be provided, testimony
6 before Congress or at any Federal or State pro-
7 ceeding regarding a reasonably perceived threat, in
8 good faith, to security; or

9 “(3) refused to violate or assist in the violation
10 of any law, rule or regulation related to rail security.

11 “(b) DISPUTE RESOLUTION.—A dispute, grievance,
12 or claim arising under this section is subject to resolution
13 under section 3 of the Railway Labor Act (45 U.S.C. 153).
14 In a proceeding by the National Railroad Adjustment
15 Board, a division or delegate of the Board, or another
16 board of adjustment established under section 3 to resolve
17 the dispute, grievance, or claim the proceeding shall be
18 expedited and the dispute, grievance, or claim shall be re-
19 solved not later than 180 days after it is filed. If the viola-
20 tion is a form of discrimination that does not involve dis-
21 charge, suspension, or another action affecting pay, and
22 no other remedy is available under this subsection, the
23 Board, division, delegate, or other board of adjustment
24 may award the employee reasonable damages, including
25 punitive damages, of not more than \$20,000.

1 “(c) PROCEDURAL REQUIREMENTS.—Except as pro-
2 vided in subsection (b), the procedure set forth in section
3 42121(b)(2)(B) of this subtitle, including the burdens of
4 proof, applies to any complaint brought under this section.

5 “(d) ELECTION OF REMEDIES.—An employee of a
6 railroad carrier may not seek protection under both this
7 section and another provision of law for the same allegedly
8 unlawful act of the carrier.

9 “(e) DISCLOSURE OF IDENTITY.—

10 “(1) Except as provided in paragraph (2) of
11 this subsection, or with the written consent of the
12 employee, the Secretary of Transportation may not
13 disclose the name of an employee of a railroad car-
14 rier who has provided information about an alleged
15 violation of this section.

16 “(2) The Secretary shall disclose to the Attor-
17 ney General the name of an employee described in
18 paragraph (1) of this subsection if the matter is re-
19 ferred to the Attorney General for enforcement.”.

20 “(b) CONFORMING AMENDMENT.—The chapter anal-
21 ysis for chapter 201 of title 49, United States Code, is
22 amended by inserting after the item relating to section
23 20117 the following:

“20118. Whistleblower protection for rail security matters.”.

1 **SEC. 411. HIGH HAZARD MATERIAL SECURITY THREAT**
2 **MITIGATION PLANS.**

3 (a) IN GENERAL.—The Secretary of Homeland Secu-
4 rity, in consultation with the Assistant Secretary of Home-
5 land Security (Transportation Security Administration)
6 and the Secretary of Transportation, shall require rail car-
7 riers transporting a high hazard material, as defined in
8 section 404(g) of this title to develop a high hazard mate-
9 rial security threat mitigation plan containing appropriate
10 measures, including alternative routing and temporary
11 shipment suspension options, to address assessed risks to
12 high consequence targets. The plan, and any information
13 submitted to the Secretary under this section shall be pro-
14 tected as sensitive security information under the regula-
15 tions prescribed under section 114(s) of title 49, United
16 States Code.

17 (b) IMPLEMENTATION.—A high hazard material se-
18 curity threat mitigation plan shall be put into effect by
19 a rail carrier for the shipment of high hazardous materials
20 by rail on the rail carrier's right-of-way when the threat
21 levels of the Homeland Security Advisory System are high
22 or severe and specific intelligence of probable or imminent
23 threat exists towards—

24 (1) a high-consequence target that is within the
25 catastrophic impact zone of a railroad right-of-way
26 used to transport high hazardous material; or

1 (2) rail infrastructure or operations within the
2 immediate vicinity of a high-consequence target.

3 (c) COMPLETION AND REVIEW OF PLANS.—

4 (1) PLANS REQUIRED.—Each rail carrier
5 shall—

6 (A) submit a list of routes used to trans-
7 port high hazard materials to the Secretary of
8 Homeland Security within 60 days after the
9 date of enactment of this Act;

10 (B) develop and submit a high hazard ma-
11 terial security threat mitigation plan to the Sec-
12 retary within 180 days after it receives the no-
13 tice of high consequence targets on such routes
14 by the Secretary; and

15 (C) submit any subsequent revisions to the
16 plan to the Secretary within 30 days after mak-
17 ing the revisions.

18 (2) REVIEW AND UPDATES.—The Secretary,
19 with assistance of the Secretary of Transportation,
20 shall review the plans and transmit comments to the
21 railroad carrier concerning any revisions the Sec-
22 retary considers necessary. A railroad carrier shall
23 respond to the Secretary's comments within 30 days
24 after receiving them. Each rail carrier shall update

1 and resubmit its plan for review not less than every
2 2 years.

3 (d) DEFINITIONS.—In this section:

4 (1) The term “high-consequence target” means
5 a building, buildings, infrastructure, public space, or
6 natural resource designated by the Secretary of
7 Homeland Security that is viable terrorist target of
8 national significance, the attack of which could re-
9 sult in—

10 (A) catastrophic loss of life; and

11 (B) significantly damaged national security
12 and defense capabilities; or

13 (C) national economic harm.

14 (2) The term “catastrophic impact zone” means
15 the area immediately adjacent to, under, or above an
16 active railroad right-of-way used to ship high hazard
17 materials in which the potential release or explosion
18 of the high hazard material being transported would
19 likely cause—

20 (A) loss of life; or

21 (B) significant damage to property or
22 structures.

23 (3) The term “rail carrier” has the meaning
24 given that term by section 10102(5) of title 49,
25 United States Code.

1 **SEC. 412. MEMORANDUM OF AGREEMENT.**

2 (a) MEMORANDUM OF AGREEMENT.—Similar to the
3 public transportation security annex between the two de-
4 partments signed on September 8, 2005, within 1 year
5 after the date of enactment of this Act, the Secretary of
6 Transportation and the Secretary of Homeland Security
7 shall execute and develop an annex to the memorandum
8 of agreement between the two departments signed on Sep-
9 tember 28, 2004, governing the specific roles, delineations
10 of responsibilities, resources and commitments of the De-
11 partment of Transportation and the Department of Home-
12 land Security, respectively, in addressing railroad trans-
13 portation security matters, including the processes the de-
14 partments will follow to promote communications, effi-
15 ciency, and nonduplication of effort.

16 (b) RAIL SAFETY REGULATIONS.—Section 20103(a)
17 of title 49, United States Code, is amended by striking
18 “safety” the first place it appears, and inserting “safety,
19 including security,”.

20 **SEC. 413. RAIL SECURITY ENHANCEMENTS.**

21 (a) RAIL POLICE OFFICERS.—Section 28101 of title
22 49, United States Code, is amended—

23 (1) by inserting “(a) IN GENERAL.—” before
24 “Under”; and

25 (2) by striking “the rail carrier” each place it
26 appears and inserting “any rail carrier”.

1 (b) REVIEW OF RAIL REGULATIONS.—Within 1 year
2 after the date of enactment of this Act, the Secretary of
3 Transportation, in consultation with the Secretary of
4 Homeland Security and the Assistant Secretary of Home-
5 land Security (Transportation Security Administration),
6 shall review existing rail regulations of the Department
7 of Transportation for the purpose of identifying areas in
8 which those regulations need to be revised to improve rail
9 security.

10 **SEC. 414. PUBLIC AWARENESS.**

11 Not later than 90 days after the date of enactment
12 of this Act, the Secretary of Homeland Security, in con-
13 sultation with the Secretary of Transportation, shall de-
14 velop a national plan for public outreach and awareness.
15 Such plan shall be designed to increase awareness of
16 measures that the general public, railroad passengers, and
17 railroad employees can take to increase railroad system
18 security. Such plan shall also provide outreach to railroad
19 carriers and their employees to improve their awareness
20 of available technologies, ongoing research and develop-
21 ment efforts, and available Federal funding sources to im-
22 prove railroad security. Not later than 9 months after the
23 date of enactment of this Act, the Secretary of Homeland
24 Security shall implement the plan developed under this
25 section.

1 **SEC. 415. RAILROAD HIGH HAZARD MATERIAL TRACKING.**

2 (a) WIRELESS COMMUNICATIONS.—

3 (1) IN GENERAL.—In conjunction with the re-
4 search and development program established under
5 section 405 and consistent with the results of re-
6 search relating to wireless tracking technologies, the
7 Secretary of Homeland Security, in consultation
8 with the Assistant Secretary of Homeland Security
9 (Transportation Security Administration), shall de-
10 velop a program that will encourage the equipping of
11 rail cars transporting high hazard materials (as de-
12 fined in section 404(g) of this title) with wireless
13 terrestrial or satellite communications technology
14 that provides—

15 (A) car position location and tracking ca-
16 pabilities;

17 (B) notification of rail car depressuriza-
18 tion, breach, or unsafe temperature; and

19 (C) notification of hazardous material re-
20 lease.

21 (2) COORDINATION.—In developing the pro-
22 gram required by paragraph (1), the Secretary
23 shall—

24 (A) consult with the Secretary of Trans-
25 portation to coordinate the program with any

1 ongoing or planned efforts for rail car tracking
2 at the Department of Transportation; and

3 (B) ensure that the program is consistent
4 with recommendations and findings of the De-
5 partment of Homeland Security’s hazardous
6 material tank rail car tracking pilot programs.

7 (b) FUNDING.—Out of funds appropriated pursuant
8 to section 114(u) of title 49, United States Code, as
9 amended by section 416 of this title, there shall be made
10 available to the Secretary of Homeland Security to carry
11 out this section \$3,000,000 for each of fiscal years 2008,
12 2009, and 2010.

13 **SEC. 416. AUTHORIZATION OF APPROPRIATIONS.**

14 (a) TRANSPORTATION SECURITY ADMINISTRATION
15 AUTHORIZATION.—Section 114 of title 49, United States
16 Code, is amended by adding at the end thereof the fol-
17 lowing:

18 “(u) AUTHORIZATION OF APPROPRIATIONS.—There
19 are authorized to be appropriated to the Secretary of
20 Homeland Security for rail security—

21 “(1) \$205,000,000 for fiscal year 2008;

22 “(2) \$166,000,000 for fiscal year 2009; and

23 “(3) \$166,000,000 for fiscal year 2010.”.

24 (b) DEPARTMENT OF TRANSPORTATION.—There are
25 authorized to be appropriated to the Secretary of Trans-

1 portation to carry out this title and sections 20118 and
2 24316 of title 49, United States Code, as added by this
3 title—

4 (1) \$121,000,000 for fiscal year 2008;

5 (2) \$118,000,000 for fiscal year 2009;

6 (3) \$118,000,000 for fiscal year 2010; and

7 (4) \$118,000,000 for fiscal year 2011.

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