

114TH CONGRESS
1ST SESSION

H. R. 749

To reauthorize Federal support for passenger rail programs, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 5, 2015

Mr. SHUSTER (for himself, Mr. DEFAZIO, Mr. DENHAM, and Mr. CAPUANO) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To reauthorize Federal support for passenger rail programs, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Passenger Rail Reform and Investment Act of 2015”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—AUTHORIZATION OF APPROPRIATIONS

Sec. 101. Authorization for Amtrak.

Sec. 102. Authorization for Amtrak Office of the Inspector General.

- Sec. 103. National infrastructure investments.
- Sec. 104. Northeast Corridor.

TITLE II—AMTRAK REFORM

- Sec. 201. Amtrak planning and grant process.
- Sec. 202. 5-Year capital and operating plan.
- Sec. 203. State-supported routes.
- Sec. 204. Route and service planning decisions.
- Sec. 205. Competition.
- Sec. 206. Food and beverage reform.
- Sec. 207. Right of way leveraging.
- Sec. 208. Station development.
- Sec. 209. Amtrak debt.
- Sec. 210. Amtrak pilot program for passengers transporting domesticated cats and dogs.
- Sec. 211. Amtrak boarding procedures.

TITLE III—INTERCITY PASSENGER RAIL POLICY

- Sec. 301. Federal-State partnership for Northeast Corridor development and improvement.
- Sec. 302. RRIF improvements.
- Sec. 303. NEC fast forward.
- Sec. 304. Large capital project requirements.
- Sec. 305. Small business participation study.
- Sec. 306. Gulf Coast rail service working group.
- Sec. 307. Miscellaneous.

TITLE IV—PROJECT DELIVERY

- Sec. 401. Project delivery rulemaking.
- Sec. 402. Historic preservation of railroads.

TITLE V—MISCELLANEOUS

- Sec. 501. Definition.
- Sec. 502. Title 49 definitions.

1 **TITLE I—AUTHORIZATION OF** 2 **APPROPRIATIONS**

3 **SEC. 101. AUTHORIZATION FOR AMTRAK.**

4 (a) NORTHEAST CORRIDOR IMPROVEMENT FUND.—

5 There are authorized to be appropriated to the Secretary
6 for the use of Amtrak for deposit into the Northeast Cor-
7 ridor Improvement Fund account established under sec-

tion 24319(a)(1) of title 49, United States Code (as added by section 201 of this Act), the following amounts:

(1) For fiscal year 2016, \$439,000,000.

(2) For fiscal year 2017, \$464,000,000.

(3) For fiscal year 2018, \$480,000,000.

(4) For fiscal year 2019, \$498,000,000.

(b) NATIONAL NETWORK.—There are authorized to be appropriated to the Secretary for the use of Amtrak for deposit into the National Network account established under section 24319(a)(2) of title 49, United States Code (as added by section 201 of this Act), the following amounts:

(1) For fiscal year 2016, \$973,000,000.

(2) For fiscal year 2017, \$974,000,000.

(3) For fiscal year 2018, \$985,000,000.

(4) For fiscal year 2019, \$997,000,000.

(c) PROJECT MANAGEMENT OVERSIGHT.—The Secretary may withhold up to \$2,000,000 of the amount appropriated pursuant to subsection (a), and up to \$2,000,000 of the amount appropriated pursuant to subsection (b), for the costs of management oversight of Amtrak.

1 **SEC. 102. AUTHORIZATION FOR AMTRAK OFFICE OF THE**
 2 **INSPECTOR GENERAL.**

3 There are authorized to be appropriated to the Sec-
 4 retary for the Office of the Inspector General of Amtrak
 5 the following amounts:

6 (1) For fiscal year 2016, \$23,000,000.

7 (2) For fiscal year 2017, \$24,000,000.

8 (3) For fiscal year 2018, \$24,000,000.

9 (4) For fiscal year 2019, \$25,000,000.

10 **SEC. 103. NATIONAL INFRASTRUCTURE INVESTMENTS.**

11 (a) IN GENERAL.—There are authorized to be appro-
 12 priated to the Secretary for capital grants under chapter
 13 244 of title 49, United States Code, and section 20154
 14 of title 49, United States Code, the following amounts:

15 (1) For fiscal year 2016, \$300,000,000.

16 (2) For fiscal year 2017, \$300,000,000.

17 (3) For fiscal year 2018, \$300,000,000.

18 (4) For fiscal year 2019, \$300,000,000.

19 (b) FEDERAL-STATE PARTNERSHIP FOR NORTHEAST
 20 CORRIDOR DEVELOPMENT AND IMPROVEMENT.—Of the
 21 amounts authorized to be appropriated under subsection
 22 (a), 50 percent for each fiscal year shall be available for
 23 carrying out section 24407 of title 49, United States Code,
 24 as added by section 301 of this Act.

25 (c) PROJECT MANAGEMENT OVERSIGHT.—The Sec-
 26 retary may withhold up to ½ of 1 percent of amounts

1 appropriated pursuant to chapter 244 of title 49, United
 2 States Code, for the costs of project management over-
 3 sight of capital projects carried out pursuant to such chap-
 4 ter.

5 **SEC. 104. NORTHEAST CORRIDOR.**

6 For purposes of this title, the term “Northeast Cor-
 7 ridor” means the Northeast Corridor main line between
 8 Boston, Massachusetts, and the District of Columbia, and
 9 facilities and services used to operate and maintain that
 10 line.

11 **TITLE II—AMTRAK REFORM**

12 **SEC. 201. AMTRAK PLANNING AND GRANT PROCESS.**

13 (a) REQUIREMENTS AND PROCEDURES.—

14 (1) AMENDMENT.—Chapter 243 of title 49,
 15 United States Code, is amended by adding at the
 16 end the following new sections:

17 **“§ 24317. Costs and revenues**

18 “(a) IN GENERAL.—Not later than 60 days after the
 19 date of enactment of the Passenger Rail Reform and In-
 20 vestment Act of 2015, Amtrak shall establish and main-
 21 tain internal controls to ensure Amtrak’s costs and reve-
 22 nues are allocated to either the Northeast Corridor or the
 23 National Network, including proportional shares of com-
 24 mon and fixed costs.

1 “(b) DEFINITION.—For purposes of this chapter, the
 2 term ‘Northeast Corridor’ means the Northeast Corridor
 3 main line between Boston, Massachusetts, and the District
 4 of Columbia, and facilities and services used to operate
 5 and maintain that line.

6 **“§ 24318. Grant process**

7 “(a) PROCEDURES FOR GRANT REQUESTS.—Not
 8 later than 30 days after the date of enactment of the Pas-
 9 senger Rail Reform and Investment Act of 2015, the Sec-
 10 retary of Transportation shall establish and transmit to
 11 the Committee on Transportation and Infrastructure and
 12 the Committee on Appropriations of the House of Rep-
 13 resentatives and the Committee on Commerce, Science,
 14 and Transportation and the Committee on Appropriations
 15 of the Senate substantive and procedural requirements, in-
 16 cluding schedules, for grant requests under this section.

17 “(b) GRANT REQUESTS.—Amtrak shall transmit
 18 grant requests for Federal funds to be appropriated to the
 19 Secretary for the use of Amtrak to—

20 “(1) the Secretary; and

21 “(2) the Committee on Transportation and In-
 22 frastructure and the Committee on Appropriations
 23 of the House of Representatives and the Committee
 24 on Commerce, Science, and Transportation and the
 25 Committee on Appropriations of the Senate.

1 “(c) CONTENTS.—A grant request under subsection
2 (b) shall—

3 “(1) provide a detailed financial analysis for the
4 upcoming fiscal year for the Northeast Corridor,
5 State-supported routes, and long-distance routes, in-
6 cluding projections for the items listed in
7 24320(c)(1), as applicable, in comparison to prior
8 fiscal year projections;

9 “(2) include a description of the work to be
10 funded, along with cost estimates and an estimated
11 timetable for completion of the projects covered by
12 the request;

13 “(3) include an assessment of the continuing fi-
14 nancial stability of Amtrak;

15 “(4) be displayed on Amtrak’s website within a
16 reasonable timeframe following its submission to the
17 entities described in subsection (b); and

18 “(5) be in similar format and substance to
19 those submitted by executive agencies of the Federal
20 Government.

21 “(d) REVIEW AND APPROVAL.—

22 “(1) 30-DAY APPROVAL PROCESS.—The Sec-
23 retary shall complete the review of a grant request
24 and approve or disapprove the request not later than
25 30 days after the date on which Amtrak submits the

1 grant request. If the Secretary disapproves the re-
2 quest or determines that the request is incomplete or
3 deficient, the Secretary shall include the reason for
4 disapproval or the incomplete items or deficiencies in
5 a notice to Amtrak.

6 “(2) 15-DAY MODIFICATION PERIOD.—Not later
7 than 15 days after receiving notification from the
8 Secretary under paragraph (1), Amtrak shall submit
9 a modified request for the Secretary’s review.

10 “(3) REVISED REQUESTS.—Not later than 15
11 days after receiving a modified request from Am-
12 trak, the Secretary shall either approve the modified
13 request, or, if the Secretary finds that the request
14 is still incomplete or deficient, the Secretary shall
15 identify in writing to the Committee on Transpor-
16 tation and Infrastructure and the Committee on Ap-
17 propriations of the House of Representatives and the
18 Committee on Commerce, Science, and Transpor-
19 tation and the Committee on Appropriations of the
20 Senate the remaining deficiencies and recommend a
21 process for resolving the outstanding portions of the
22 request.

23 “(e) PAYMENT TO AMTRAK.—

24 “(1) IN GENERAL.—Except as provided in para-
25 graph (2), in each fiscal year for which amounts are

1 authorized to be appropriated, amounts appropriated
2 shall be paid to Amtrak as follows:

3 “(A) 50 percent on October 1.

4 “(B) 25 percent on January 1.

5 “(C) 25 percent on April 1.

6 “(2) EXCEPTION.—The Secretary may make a
7 payment to Amtrak of appropriated funds more fre-
8 quently than once every 90 days if Amtrak, for good
9 cause, requests more frequent payment before a 90-
10 day period ends.

11 “(f) AVAILABILITY OF AMOUNTS AND EARLY APPRO-
12 PRIATIONS.—Amounts appropriated to the Secretary for
13 the use of Amtrak shall remain available until expended.
14 Amounts for capital acquisitions and improvements may
15 be appropriated for a fiscal year before the fiscal year in
16 which the amounts will be obligated.

17 “(g) LIMITATIONS ON USE.—Amounts appropriated
18 to the Secretary for the use of Amtrak may not be used
19 to subsidize operating losses of commuter rail passenger
20 or rail freight transportation.

21 **“§ 24319. Accounts**

22 “(a) ESTABLISHMENT OF ACCOUNTS.—Amtrak shall
23 establish—

24 “(1) a Northeast Corridor Improvement Fund
25 account; and

1 “(2) a National Network account.

2 “(b) NORTHEAST CORRIDOR IMPROVEMENT FUND
3 ACCOUNT.—

4 “(1) DEPOSITS.—Amtrak shall deposit in the
5 Northeast Corridor Improvement Fund account es-
6 tablished under subsection (a)(1)—

7 “(A) grant funds appropriated for the
8 Northeast Corridor Improvement Fund pursu-
9 ant to section 101(a) of the Passenger Rail Re-
10 form and Investment Act of 2015 or any subse-
11 quent Act;

12 “(B) compensation received from com-
13 muter rail passenger transportation on the
14 Northeast Corridor provided to Amtrak pursu-
15 ant to section 24905(c); and

16 “(C) any operating surplus of the North-
17 east Corridor, as allocated pursuant to section
18 24317.

19 “(2) USE OF NORTHEAST CORRIDOR IMPROVE-
20 MENT FUND ACCOUNT.—Except as provided in sub-
21 section (d), amounts deposited in the Northeast Cor-
22 ridor Improvement Fund account shall be made
23 available for the use of Amtrak for—

24 “(A) capital projects described in section
25 24401(2) (A) or (B) to bring the Northeast

1 Corridor to a state-of-good-repair, including
2 projects described in section
3 24911(a)(2)(E)(i)(I);

4 “(B) capital projects intended to increase
5 corridor capacity, improve service reliability,
6 and reduce travel time for rail users on the
7 Northeast Corridor, including projects described
8 in subclauses (II) and (III) of section
9 24911(a)(2)(E)(i), consistent with the planning
10 process established under section 24911; and

11 “(C) retirement of principal and payment
12 of interest on loans for capital equipment, or
13 capital leases, attributable to the Northeast
14 Corridor.

15 “(c) NATIONAL NETWORK ACCOUNT.—

16 “(1) DEPOSITS.—Amtrak shall deposit in the
17 account established under subsection (a)(2)—

18 “(A) grant funds appropriated for the Na-
19 tional Network pursuant to section 101(b) of
20 the Passenger Rail Reform and Investment Act
21 of 2015, or any subsequent Act;

22 “(B) compensation received from States
23 provided to Amtrak pursuant to section 209 of
24 the Passenger Rail Investment and Improve-
25 ment Act of 2008 (42 U.S.C. 24101 note); and

1 “(C) any operating surplus from the Na-
2 tional Network, as allocated pursuant to section
3 24317.

4 “(2) USE OF NATIONAL NETWORK ACCOUNT.—
5 Except as provided in subsection (d), amounts de-
6 posited in the National Network account shall be
7 made available for the use of Amtrak for capital ex-
8 penses and operating costs of the National Network
9 and retirement of principal and payment of interest
10 on loans for capital equipment, or capital leases, at-
11 tributable to the National Network.

12 “(d) TRANSFER AUTHORITY.—

13 “(1) AUTHORITY.—Amtrak may transfer any
14 funds appropriated pursuant to the Passenger Rail
15 Reform and Investment Act of 2015 or any other
16 Act, or any surplus generated by operations, between
17 the Northeast Corridor Improvement Fund and Na-
18 tional Network accounts upon the expiration of 60
19 days after Amtrak has notified the Amtrak Board of
20 Directors of such transfer.

21 “(2) REPORT.—Not later than 30 days after
22 the Amtrak Board of Directors receives notification
23 from Amtrak under paragraph (1), the Board shall
24 transmit a report to the Secretary, the Committee
25 on Transportation and Infrastructure and the Com-

1 mittee on Appropriations of the House of Represent-
2 atives, and the Committee on Commerce, Science,
3 and Transportation and the Committee on Appro-
4 priations of the Senate, that includes—

5 “(A) the amount of the transfer; and

6 “(B) a detailed explanation of the reason
7 for the transfer, including effects on Amtrak
8 services if no transfer were made.

9 “(e) LETTERS OF INTENT.—

10 “(1) REQUIREMENT.—The Secretary shall issue
11 a letter of intent to Amtrak announcing an intention
12 to obligate, for a major capital project described in
13 subclauses (II) and (III) of section
14 24911(a)(2)(E)(i), an amount from future available
15 budget authority specified in law that is not more
16 than the amount stipulated as the financial partici-
17 pation of the Secretary in the project.

18 “(2) NOTICE TO CONGRESS.—At least 30 days
19 before issuing a letter under paragraph (1), the Sec-
20 retary shall notify in writing the Committee on
21 Transportation and Infrastructure and the Com-
22 mittee on Appropriations of the House of Represent-
23 atives, and the Committee on Commerce, Science,
24 and Transportation and the Committee on Appro-
25 priations of the Senate, of the proposed letter. The

1 Secretary shall include with the notification a copy
2 of the proposed letter, the criteria used for selecting
3 the project for a grant award, and a description of
4 how the project meets criteria of this section.

5 “(3) CONTINGENT NATURE OF OBLIGATION OR
6 COMMITMENT.—An obligation or administrative
7 commitment may be made only when amounts are
8 appropriated. The letter of intent shall state that the
9 contingent commitment is not an obligation of the
10 Federal Government, and is subject to the avail-
11 ability of appropriations under Federal law and to
12 Federal laws in force or enacted after the date of
13 the contingent commitment.

14 “(f) ROLLING STOCK PURCHASES.—Prior to entering
15 into contracts in excess of \$100,000,000 for rolling stock
16 procurements, Amtrak shall submit a business case anal-
17 ysis to the Secretary, the Committee on Transportation
18 and Infrastructure and the Committee on Appropriations
19 of the House of Representatives, and the Committee on
20 Commerce, Science, and Transportation and the Com-
21 mittee on Appropriations of the Senate, on the utility of
22 such purchase. This analysis shall—

23 “(1) include a cost and benefit comparison that
24 describes the total lifecycle costs and the anticipated

1 benefits related to revenue, operational efficiency, re-
 2 liability, and other factors;

3 “(2) set forth the total payments by fiscal year;

4 “(3) identify the specific source and amounts of
 5 funding for each payment, including Federal funds,
 6 State funds, Amtrak profits, Federal, State, or pri-
 7 vate loans or loan guarantees, and other funding;

8 “(4) include whether any payment under the
 9 contract will increase Amtrak’s grant request, as re-
 10 quired under section 24318, in that particular fiscal
 11 year; and

12 “(5) describe how Amtrak will adjust the pro-
 13 curement if future funding is not available.”.

14 (2) TABLE OF SECTIONS AMENDMENT.—The
 15 table of sections for chapter 243 of title 49, United
 16 States Code, is amended by adding at the end the
 17 following new items:

“24317. Costs and revenues.

“24318. Grant process.

“24319. Accounts.”.

18 (b) NORTHEAST CORRIDOR PLANNING.—

19 (1) AMENDMENT.—Chapter 249 of title 49,
 20 United States Code, is amended by adding at the
 21 end the following new section:

22 **“§ 24911. Northeast Corridor planning**

23 “(a) NORTHEAST CORRIDOR CAPITAL INVESTMENT
 24 PLAN.—

1 “(1) REQUIREMENT.—Not later than 12
2 months after the date of enactment of the Passenger
3 Rail Reform and Investment Act of 2015, and annu-
4 ally thereafter, the Northeast Corridor Infrastruc-
5 ture and Operations Advisory Commission estab-
6 lished under section 24905 (referred to in this sec-
7 tion as the ‘Commission’) shall develop a capital in-
8 vestment plan for the Northeast Corridor main line
9 between Boston, Massachusetts, and the District of
10 Columbia, and the Northeast Corridor branch lines
11 connecting to Harrisburg, Pennsylvania, Springfield,
12 Massachusetts, and Spuyten Duyvil, New York, and
13 facilities and services used to operate and maintain
14 those lines.

15 “(2) CONTENTS.—Each such plan shall—

16 “(A) be developed to establish a coordi-
17 nated approach to capital spending on the
18 Northeast Corridor;

19 “(B) cover a period of 5 fiscal years, be-
20 ginning with the first fiscal year after the date
21 of the plan;

22 “(C) notwithstanding section 24902(b),
23 prioritize projects and investments along the
24 Northeast Corridor based on—

1 “(i) the anticipated benefits and costs
2 of projects;

3 “(ii) the anticipated Federal and non-
4 Federal funding available; and

5 “(iii) the information contained in the
6 Northeast Corridor asset management
7 plans required under subsection (b), once
8 available;

9 “(D) ensure coordination and optimization
10 across the entire Northeast Corridor and among
11 the various owners and users;

12 “(E) include a financial plan for the in-
13 vestment period that—

14 “(i) categorizes each capital project as
15 being primarily associated with—

16 “(I) normalized capital replace-
17 ment;

18 “(II) replacement, rehabilitation,
19 or repair of Northeast Corridor infra-
20 structure assets, including tunnels,
21 bridges, stations, and other assets; or

22 “(III) improvement of train per-
23 formance on the Northeast Corridor,
24 including reduced trip times, in-

1 creased train frequencies, higher oper-
2 ating speeds, and other improvements;

3 “(ii) identifies the anticipated funding
4 source and financing method for each cap-
5 ital project described in subclauses (II)
6 and (III) of clause (i);

7 “(iii) describes the anticipated out-
8 comes of each project, including—

9 “(I) an assessment of the poten-
10 tial effect on passenger accessibility,
11 operations, safety, reliability, and re-
12 siliency, and on the ability of infra-
13 structure owners and operators to
14 meet regulatory requirements should
15 the project not be funded; and

16 “(II) an assessment of the bene-
17 fits and costs;

18 “(iv) identifies the extent to which the
19 capital assets are or will be jointly used by
20 intercity passenger rail service and other
21 users, and the proportionate share of that
22 joint usage; and

23 “(v) for projects that are expected to
24 be fully or partially funded through Fed-
25 eral financial assistance, identifies the

1 most appropriate public agency or entity to
2 receive those funds and implement each
3 capital project.

4 “(3) ADDITIONAL CONTENTS.—Any plan devel-
5 oped under paragraph (1) after the publication by
6 the Secretary of Transportation of the Northeast
7 Corridor service development plan shall also—

8 “(A) be developed to identify, prioritize,
9 and phase the implementation of projects nec-
10 essary to achieve the goals and findings con-
11 tained in such Northeast Corridor service devel-
12 opment plan;

13 “(B) allow for flexibility to change
14 prioritization and programs based upon the
15 availability of Federal and non-Federal funding;

16 “(C) inform the Secretary in developing
17 recommendations for Congress on Federal fund-
18 ing needs for the Northeast Corridor and any
19 corresponding Federal investments in the re-
20 spective capital programs for Northeast Cor-
21 ridor infrastructure owners and users; and

22 “(D) capture the network-level anticipated
23 outcomes associated with plan implementation,
24 including the anticipated effect on passenger

1 accessibility, operations, safety, reliability, and
2 resiliency.

3 “(b) NORTHEAST CORRIDOR ASSET MANAGEMENT
4 PLANS.—

5 “(1) CONTENTS.—Amtrak, and States and pub-
6 lic transportation entities that own infrastructure
7 that supports or provides for intercity rail passenger
8 transportation on the Northeast Corridor, shall de-
9 velop and update as necessary Northeast Corridor
10 asset management plans for the Northeast Corridor
11 main line between Boston, Massachusetts, and the
12 District of Columbia, and the Northeast Corridor
13 branch lines connecting to Harrisburg, Pennsyl-
14 vania, Springfield, Massachusetts, and Spuyten
15 Duyvil, New York, and facilities and services used to
16 operate and maintain those lines, that—

17 “(A) are consistent with the Federal Tran-
18 sit Administration process, as authorized under
19 section 5326, when implemented; and

20 “(B) include, at a minimum—

21 “(i) an inventory of all capital assets
22 owned by the developer of the plan;

23 “(ii) an assessment of the condition of
24 each of those assets;

1 “(iii) a description of how the condi-
 2 tion of each asset has changed since the
 3 previous iteration of the plan; and

4 “(iv) a description of the necessary re-
 5 sources and processes for bringing or
 6 maintaining those assets in a state-of-good
 7 repair, including decision support tools and
 8 investment prioritization methodologies.

9 “(2) TRANSMITTAL TO COMMISSION.—Not later
 10 than 12 months after the date of enactment of the
 11 Passenger Rail Reform and Investment Act of 2015,
 12 each entity described in paragraph (1) shall transmit
 13 to the Commission a plan developed under para-
 14 graph (1). Any updates to such plan shall also be
 15 transmitted to the Commission.

16 “(c) NORTHEAST CORRIDOR SERVICE DEVELOP-
 17 MENT PLAN UPDATES.—The Commission shall, at least
 18 once every 10 years, update the Northeast Corridor service
 19 development plan.”.

20 (2) TABLE OF SECTIONS AMENDMENT.—The
 21 table of sections for chapter 249 of title 49, United
 22 States Code, is amended by adding at the end the
 23 following new item:

“24911. Northeast Corridor planning.”.

24 (c) REPEALS.—The following provisions are repealed:

1 (1) Sections 206 and 211 of the Passenger Rail
2 Investment and Improvement Act of 2008, and the
3 items relating thereto in the table of contents of
4 such Act.

5 (2) Section 24104 of title 49, United States
6 Code, and the item relating thereto in the table of
7 sections for chapter 241 of such title.

8 **SEC. 202. 5-YEAR CAPITAL AND OPERATING PLAN.**

9 (a) AMENDMENT.—Chapter 243 of title 49, United
10 States Code, is further amended by adding at the end the
11 following new section:

12 **“§ 24320. 5-Year capital and operating plan**

13 “(a) PLAN.—Not later than 60 days after the date
14 of enactment of an Act appropriating funds pursuant to
15 section 101 of the Passenger Rail Reform and Investment
16 Act of 2015, or any subsequent authorization of appro-
17 priations for the same purposes, the Amtrak Board of Di-
18 rectors shall prepare and transmit to the Committee on
19 Transportation and Infrastructure and the Committee on
20 Appropriations of the House of Representatives and the
21 Committee on Commerce, Science, and Transportation
22 and the Committee on Appropriations of the Senate a 5-
23 year capital and operating plan for the Northeast Corridor
24 and National Network.

1 “(b) CONSULTATION.—Each such plan shall be pre-
2 pared in consultation with—

3 “(1) the Federal Railroad Administration;

4 “(2) the Northeast Corridor Infrastructure and
5 Operations Advisory Commission, with respect to the
6 Northeast Corridor; and

7 “(3) the requisite States, with respect to the
8 National Network.

9 “(c) CONTENTS.—A plan prepared under this section
10 shall—

11 “(1) for each of the Northeast Corridor and the
12 National Network, include—

13 “(A) projected revenues and expenditures
14 for the Northeast Corridor, State-supported
15 routes, long-distance routes, and corporate de-
16 velopment, including Federal and non-Federal
17 funding sources;

18 “(B) projected ridership levels for the
19 Northeast Corridor, State-supported routes,
20 and long-distance routes;

21 “(C) projected capital and operational
22 funding requirements necessary to maintain
23 passenger service in order to accommodate pre-
24 dicted ridership levels and predicted sources of
25 Federal and non-Federal funding;

1 “(D) projected capital and operating re-
2 quirements, ridership, revenue, and expendi-
3 tures for new passenger service operations or
4 service expansions;

5 “(E) an assessment of the continuing fi-
6 nancial stability of Amtrak, as indicated by fac-
7 tors including anticipated Federal funding of
8 capital and operating costs, Amtrak’s ability to
9 efficiently recruit, retain, and manage its work-
10 force, and Amtrak’s ability to effectively provide
11 passenger rail service;

12 “(F) estimates of long-term and short-term
13 debt and associated principal and interest pay-
14 ments (both current and anticipated);

15 “(G) annual cash flow forecasts;

16 “(H) a statement describing methods of
17 estimation and significant assumptions;

18 “(I) specific measures that demonstrate
19 measurable improvement year over year in the
20 financial results of Amtrak’s operations;

21 “(J) prior fiscal year and projected—

22 “(i) operating ratio, cash operating
23 loss, and cash operating loss per passenger
24 on a route, business line, and corporate
25 basis;

1 “(ii) specific costs and savings esti-
2 mates resulting from reform initiatives;

3 “(iii) productivity statistics on a
4 route, business line, and corporate basis;
5 and

6 “(iv) equipment reliability statistics;

7 “(K) capital and operating expenditures
8 for anticipated security needs; and

9 “(L) a prioritization of capital expendi-
10 tures by business line; and

11 “(2) reflect the Northeast Corridor planning, as
12 applicable, and grant processes established under
13 sections 24911 and 24318.

14 “(d) CONFORMANCE TO AUTHORIZED FUNDING LEV-
15 ELS.—

16 “(1) IN GENERAL.—Except as provided in para-
17 graph (2), any financial projection for a fiscal year
18 that is included in a plan prepared under this sec-
19 tion shall be based on the amount of dedicated fund-
20 ing for such fiscal year.

21 “(2) ABSENCE OF APPROPRIATION.—In the ab-
22 sence of an appropriation of funds for such fiscal
23 year, the projection shall be based on the amount of
24 funds authorized by law to be appropriated for that
25 fiscal year, plus other dedicated funding.

1 “(3) DEDICATED FUNDING DEFINED.—In this
 2 subsection, the term ‘dedicated funding’ means any
 3 amounts appropriated for a fiscal year and any
 4 other funding sources, including revenues and other
 5 ancillary funding streams, for the Northeast Cor-
 6 ridor or the National Network.

7 “(e) STANDARDS TO PROMOTE FINANCIAL STA-
 8 BILITY.—In preparing a plan under this section, the
 9 Board shall apply sound budgetary practices, including re-
 10 ducing costs and other expenditures, improving produc-
 11 tivity, increasing revenues, or combinations of such prac-
 12 tices.

13 “(f) UPDATES.—Amtrak shall provide monthly re-
 14 ports for the current fiscal year in electronic format to
 15 the Secretary and the Committee on Transportation and
 16 Infrastructure and the Committee on Appropriations of
 17 the House of Representatives and the Committee on Com-
 18 merce, Science, and Transportation and the Committee on
 19 Appropriations of the Senate regarding the items de-
 20 scribed in subsection (c)(1), which shall include a descrip-
 21 tion of the work completed to date, any differences from
 22 projections, and the reasons for such differences.”.

23 (b) TABLE OF SECTIONS AMENDMENT.—The table of
 24 sections for such chapter 243 is amended by adding at
 25 the end the following new item:

“24320. 5-Year capital and operating plan.”.

1 (c) REPEAL.—Section 204 of the Passenger Rail In-
 2 vestment and Improvement Act of 2008 (49 U.S.C. 24101
 3 note), and the item relating thereto in the table of con-
 4 tents of such Act, are repealed.

5 **SEC. 203. STATE-SUPPORTED ROUTES.**

6 (a) AMENDMENT.—Chapter 247 of title 49, United
 7 States Code, is amended by adding at the end the fol-
 8 lowing new section:

9 **“§ 24712. State-supported routes**

10 “(a) STATE-SUPPORTED ROUTE ADVISORY COM-
 11 MITTEE.—

12 “(1) ESTABLISHMENT.—Not later than 90 days
 13 after the date of enactment of the Passenger Rail
 14 Reform and Investment Act of 2015, the Secretary
 15 of Transportation shall establish a State-Supported
 16 Route Advisory Committee to promote mutual co-
 17 operation and planning pertaining to the rail oper-
 18 ations and related activities of trains operated on
 19 State-supported routes and to further implement
 20 section 209 of the Passenger Rail Investment and
 21 Improvement Act of 2008 (49 U.S.C. 24101 note).

22 “(2) MEMBERSHIP.—The Committee shall con-
 23 sist of representatives of—

24 “(A) Amtrak;

1 “(B) the Department of Transportation,
2 including the Federal Railroad Administration;
3 and

4 “(C) 7 States that sponsor State-supported
5 routes, selected by the Administrator of the
6 Federal Railroad Administration on the basis of
7 appropriate expertise and geographic balance,
8 and in a manner that ensures that all appro-
9 priate States are represented periodically on the
10 Committee.

11 “(3) DISTRIBUTION OF MEMBERSHIP.—The
12 membership belonging to any of the groups de-
13 scribed in each individual subparagraph of para-
14 graph (2) shall not constitute a majority of the
15 Committee’s memberships.

16 “(4) MEETINGS; RULES AND PROCEDURES.—
17 The Committee shall establish a schedule and loca-
18 tion for convening meetings, but shall meet no less
19 than 2 times every fiscal year. The Committee shall
20 develop rules and procedures to govern the Commit-
21 tee’s proceedings.

22 “(b) COST, SERVICE, AND RIDERSHIP FORECASTS.—

23 “(1) IN GENERAL.—Not later than January 31,
24 2016, and annually thereafter, Amtrak shall trans-
25 mit to each State that sponsors a State-supported

1 route, and to the Committee on Transportation and
2 Infrastructure and the Committee on Appropriations
3 of the House of Representatives and the Committee
4 on Commerce, Science, and Transportation and the
5 Committee on Appropriations of the Senate—

6 “(A) a final statement of costs, revenues,
7 ridership, and other information determined ap-
8 propriate by the Committee established under
9 subsection (a), pertaining to each such route for
10 the prior fiscal year; and

11 “(B) a cost, service, and ridership forecast
12 for each such route for the upcoming fiscal
13 year, developed pursuant to the methodology es-
14 tablished under section 209 of the Passenger
15 Rail Investment and Improvement Act of 2008
16 (49 U.S.C. 24101 note).

17 “(2) EXCEPTION.—The Committee may estab-
18 lish a different deadline than is required under para-
19 graph (1) for submission of final financial state-
20 ments and cost, service, and ridership forecasts.

21 “(3) QUARTERLY UPDATES.—Beginning in
22 2016, and each year thereafter, Amtrak shall trans-
23 mit to each State that sponsors a State-supported
24 route quarterly updates of the cost, service, and rid-
25 ership forecast described in paragraph (1)(B) to en-

1 able States to pace costs against State budgets, plan
 2 effectively, and address unexpected changes in costs
 3 in a timely manner, on the following dates:

4 “(A) April 30, for the period encompassing
 5 January through March of such year.

6 “(B) July 31, for the period encompassing
 7 April through June of such year.

8 “(C) October 31, for the period encom-
 9 passing July through September of such year.

10 “(c) INVOICES.—Not later than February 15, 2016,
 11 and monthly thereafter, Amtrak shall provide to each
 12 State that sponsors a State-supported route a monthly in-
 13 voice of the cost of operating such route, including fixed
 14 costs and third-party costs.

15 “(d) DISPUTE RESOLUTION.—

16 “(1) REQUEST FOR EXPEDITED RESOLUTION.—

17 If a dispute arises with respect to a forecast devel-
 18 oped under subsection (b), an invoice developed
 19 under subsection (c), or the terms of a contract for
 20 operation of a State-supported route negotiated be-
 21 tween Amtrak and a State that sponsors the route,
 22 either Amtrak or the State may request that the
 23 Surface Transportation Board conduct expedited
 24 dispute resolution under this subsection.

1 “(2) PROCEDURES.—The Surface Transpor-
2 tation Board shall establish procedures for expedited
3 resolution of disputes brought before it under this
4 subsection.

5 “(3) BINDING EFFECT.—The decision of the
6 Surface Transportation Board under this subsection
7 shall be binding on the parties to the dispute.

8 “(e) FRA ASSISTANCE.—The Federal Railroad Ad-
9 ministration may provide assistance to the parties in the
10 course of negotiations for a contract for operation of a
11 State-supported route.

12 “(f) PERFORMANCE METRICS.—In negotiating a con-
13 tract for operation of a State-supported route, Amtrak
14 and the State or States that sponsor the route shall con-
15 sider including provisions that provide penalties and incen-
16 tives for performance based on metrics that take into ac-
17 count only those factors within the control of Amtrak or
18 the State or States.

19 “(g) DEFINITION OF STATE.—In this section, the
20 term ‘State’ means each of the 50 States and the District
21 of Columbia.”.

22 (b) TABLE OF SECTIONS AMENDMENT.—The table of
23 sections for such chapter 247 is amended by adding at
24 the end the following new item:

“24712. State-supported routes.”.

1 **SEC. 204. ROUTE AND SERVICE PLANNING DECISIONS.**

2 Section 208 of the Passenger Rail Investment and
3 Improvement Act of 2008 (49 U.S.C. 24101 note) is
4 amended to read as follows:

5 **“SEC. 208. METHODOLOGIES FOR AMTRAK ROUTE AND**
6 **SERVICE PLANNING DECISIONS.**

7 “(a) **METHODOLOGY DEVELOPMENT.**—Not later
8 than 180 days after the date of enactment of the Pas-
9 senger Rail Reform and Investment Act of 2015, as a con-
10 dition of receiving a grant under section 101 of such Act,
11 Amtrak shall obtain the services of an independent entity
12 to develop and recommend objective methodologies for
13 Amtrak to use in determining what intercity rail passenger
14 transportation routes and services it should provide, in-
15 cluding the establishment of new routes, the elimination
16 of existing routes, and the contraction or expansion of
17 services or frequencies over such routes.

18 “(b) **CONSIDERATIONS.**—Amtrak shall require the
19 entity, in developing the methodologies described in sub-
20 section (a), to consider—

21 “(1) the current and expected performance and
22 service quality of intercity rail passenger transpor-
23 tation operations, including cost recovery, on-time
24 performance, ridership, on-board services, stations,
25 facilities, equipment, and other services;

26 “(2) connectivity of a route with other routes;

1 “(3) the transportation needs of communities
2 and populations that are not well served by intercity
3 rail passenger transportation service or by other
4 forms of intercity transportation;

5 “(4) the methodologies of Amtrak and major
6 intercity rail passenger transportation service pro-
7 viders in other countries for determining intercity
8 passenger rail routes and services;

9 “(5) the views of States, rail carriers that own
10 infrastructure over which Amtrak operates, Amtrak
11 employee representatives, and other interested par-
12 ties; and

13 “(6) the funding levels that will be available
14 under authorization levels that have been enacted
15 into law.

16 “(c) RECOMMENDATIONS.—Not later than 1 year
17 after the date of enactment of the Passenger Rail Reform
18 and Investment Act of 2015, Amtrak shall transmit to the
19 Committee on Transportation and Infrastructure of the
20 House of Representatives, and the Committee on Com-
21 merce, Science, and Transportation of the Senate the rec-
22 ommendations developed by the entity pursuant to sub-
23 section (a).

24 “(d) CONSIDERATION OF RECOMMENDATIONS.—Not
25 later than 90 days after transmitting the recommenda-

1 tions pursuant to subsection (c), the Amtrak Board of Di-
 2 rectors shall consider the adoption of the recommenda-
 3 tions and transmit to the Committee on Transportation
 4 and Infrastructure of the House of Representatives and
 5 the Committee on Commerce, Science, and Transportation
 6 of the Senate a report containing an explanation of any
 7 reasons for adopting or not adopting the recommenda-
 8 tions.”.

9 **SEC. 205. COMPETITION.**

10 (a) AMENDMENT.—Section 24711 of title 49, United
 11 States Code, is amended to read as follows:

12 **“§ 24711. Alternate passenger rail service pilot pro-**
 13 **gram**

14 “(a) IN GENERAL.—Not later than 1 year after the
 15 date of enactment of the Passenger Rail Reform and In-
 16 vestment Act of 2015, the Federal Railroad Administra-
 17 tion shall complete a rulemaking proceeding to develop a
 18 pilot program that—

19 “(1) permits a rail carrier or rail carriers that
 20 own infrastructure over which Amtrak operates a
 21 passenger rail service route described in subpara-
 22 graph (B), (C), or (D) of section 24102(7) or in sec-
 23 tion 24702(a) to petition the Federal Railroad Ad-
 24 ministration to be considered as a passenger rail

1 service provider over that route in lieu of Amtrak for
2 an operations period of 5 years;

3 “(2) requires the Federal Railroad Administra-
4 tion to notify Amtrak within 30 days after receiving
5 a petition under paragraph (1) and establish a dead-
6 line by which both the petitioner and Amtrak would
7 be required to submit a bid to provide passenger rail
8 service over the route to which the petition relates;

9 “(3) requires that each bid describe how the
10 bidder would operate the route, what Amtrak pas-
11 senger equipment would be needed, if any, and what
12 sources of non-Federal funding the bidder would
13 use, including any State subsidy, among other
14 things;

15 “(4) requires the Federal Railroad Administra-
16 tion to execute a contract within a specified, limited
17 time after the deadline established under paragraph
18 (2) and award to the winning bidder—

19 “(A) the right and obligation to provide
20 passenger rail service over that route subject to
21 such performance standards as the Federal
22 Railroad Administration may require; and

23 “(B) an operating subsidy—

24 “(i) for the first year at a level not in
25 excess of 90 percent of the level in effect

1 for that specific route during the fiscal
2 year preceding the fiscal year in which the
3 petition was received, adjusted for infla-
4 tion; and

5 “(ii) for any subsequent years at the
6 level calculated under clause (i), adjusted
7 for inflation; and

8 “(5) requires that each bid contain a staffing
9 plan describing the number of employees needed to
10 operate the service, the job assignments and require-
11 ments, and the terms of work for prospective and
12 current employees of the bidder for the service out-
13 lined in the bid, and that such staffing plan be made
14 available by the winning bidder to the public after
15 the bid award.

16 “(b) ROUTE LIMITATIONS.—The Federal Railroad
17 Administration may not make the program available with
18 respect to more than 2 Amtrak intercity passenger rail
19 routes.

20 “(c) PERFORMANCE STANDARDS; ACCESS TO FACILI-
21 TIES; EMPLOYEES.—If the Federal Railroad Administra-
22 tion awards the right and obligation to provide passenger
23 rail service over a route under this section to a rail carrier
24 or rail carriers—

1 “(1) it shall execute a contract with the rail
2 carrier or rail carriers for rail passenger operations
3 on that route that conditions the operating and sub-
4 sidy rights on—

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

10 “(B) the service provider’s compliance with
11 the standards established under subsection
12 (a)(4)(A), and such additional performance
13 standards as the Administration may establish;

14 “(2) it shall, if the award is made to a rail car-
15 rier other than Amtrak, require Amtrak to provide
16 access to its reservation system, stations, and facili-
17 ties directly related to operations to any rail carrier
18 or rail carriers awarded a contract under this sec-
19 tion, in accordance with subsection (d), necessary to
20 carry out the purposes of this section;

21 “(3) an employee of any person used by such
22 rail carrier or rail carriers in the operation of a
23 route under this section shall be considered an em-
24 ployee of that carrier or carriers and subject to the
25 applicable Federal laws and regulations governing

1 similar crafts or classes of employees of Amtrak, in-
2 cluding provisions under section 121 of the Amtrak
3 Reform and Accountability Act of 1997 (49 U.S.C.
4 4312 note) relating to employees that provide food
5 and beverage service; and

6 “(4) the winning bidder shall provide hiring
7 preference to qualified Amtrak employees displaced
8 by the award of the bid, consistent with the staffing
9 plan submitted by the bidder, and shall be subject
10 to the grant conditions under section 24405 of this
11 title.

12 “(d) DISPUTES.—If Amtrak and the rail carrier or
13 rail carriers awarded a route under this section cannot
14 agree upon terms to carry out subsection (c)(2), and the
15 Surface Transportation Board finds that access to Am-
16 trak’s facilities or equipment, or the provision of services
17 by Amtrak, is necessary to carry out subsection (c)(2) and
18 that the operation of Amtrak’s other services will not be
19 impaired thereby, the Surface Transportation Board shall,
20 within 120 days after submission of the dispute, issue an
21 order that the facilities and equipment be made available,
22 and that services be provided, by Amtrak, and shall deter-
23 mine reasonable compensation, liability, and other terms
24 for use of the facilities and equipment and provision of
25 the services.

1 “(e) CESSATION OF SERVICE.—If a rail carrier or rail
2 carriers awarded a route under this section cease to oper-
3 ate the service or fail to fulfill their obligations under the
4 contract required under subsection (c), the Federal Rail-
5 road Administration, in collaboration with the Surface
6 Transportation Board, shall take any necessary action
7 consistent with this title to enforce the contract and en-
8 sure the continued provision of service, including the in-
9 stallment of an interim service provider and rebidding the
10 contract to operate the service. The entity providing serv-
11 ice shall either be Amtrak or a rail carrier defined in sub-
12 section (a)(1).

13 “(f) ADEQUATE RESOURCES.—Before taking any ac-
14 tion allowed under this section, the Secretary shall certify
15 that the Federal Railroad Administration has sufficient
16 resources appropriated under section 101(b) of Passenger
17 Rail Reform and Investment Act of 2015, or any subse-
18 quent appropriation, for that purpose that are adequate
19 to undertake the program established under this section.

20 “(g) BUDGET AUTHORITY.—The Secretary of Trans-
21 portation may provide to a winning bidder selected under
22 this section appropriations authorized under sections
23 101(b) of the Passenger Rail Reform and Investment Act
24 of 2015, or any subsequent appropriation for the same

1 purposes, necessary to cover the operating subsidy de-
 2 scribed in subsection (a)(4)(B).”.

3 (b) REPORT.—Not later than 1 year after the conclu-
 4 sion of the pilot program established under the amend-
 5 ment made by subsection (a), the Federal Railroad Ad-
 6 ministration shall submit to the Committee on Transpor-
 7 tation and Infrastructure of the House of Representatives
 8 and the Committee on Commerce, Science, and Transpor-
 9 tation of the Senate a report on the results on the pilot
 10 program established under section 24711 of title 49
 11 United States Code, and any recommendations for further
 12 action.

13 **SEC. 206. FOOD AND BEVERAGE REFORM.**

14 (a) AMENDMENT.—Chapter 243 of title 49, United
 15 States Code, is further amended by adding at the end the
 16 following new section:

17 **“§ 24321. Food and beverage reform**

18 “(a) PLAN.—Not later than 90 days after the date
 19 of enactment of the Passenger Rail Reform and Invest-
 20 ment Act of 2015, Amtrak shall develop and begin imple-
 21 menting a plan to eliminate, within 5 years of such date
 22 of enactment, the operating loss associated with providing
 23 food and beverage service on board Amtrak trains.

24 “(b) CONSIDERATIONS.—In developing and imple-
 25 menting the plan, Amtrak shall consider a combination of

1 cost management and revenue generation initiatives, in-
2 cluding—

3 “(1) scheduling optimization;

4 “(2) on-board logistics;

5 “(3) product development and supply chain effi-
6 ciency;

7 “(4) training, awards, and accountability;

8 “(5) technology enhancements and process im-
9 provements; and

10 “(6) ticket revenue allocation.

11 “(c) SAVINGS CLAUSE.—Amtrak shall ensure that no
12 Amtrak employee holding a position as of the date of en-
13 actment of the Passenger Rail Reform and Investment Act
14 of 2015 is involuntarily separated because of—

15 “(1) the development and implementation of the
16 plan required under subsection (a); or

17 “(2) any other action taken by Amtrak to im-
18 plement this section.

19 “(d) NO FEDERAL FUNDING FOR OPERATING
20 LOSSES.—Beginning on the date that is 5 years after the
21 date of enactment of the Passenger Rail Reform and In-
22 vestment Act of 2015, no Federal funds may be used to
23 cover any operating loss associated with providing food
24 and beverage service on a route operated by Amtrak or

1 an alternative passenger rail service provider that operates
 2 a route in lieu of Amtrak pursuant to section 24711.

3 “(e) REPORT.—Not later than 120 days after the
 4 date of enactment of the Passenger Rail Reform and In-
 5 vestment Act of 2015, and annually thereafter for 5 years,
 6 Amtrak shall transmit to the Committee on Transpor-
 7 tation and Infrastructure of the House of Representatives
 8 and the Committee on Commerce, Science, and Transpor-
 9 tation of the Senate a report containing the plan developed
 10 pursuant to subsection (a) and a description of progress
 11 in the implementation of the plan.”.

12 (b) CONFORMING AMENDMENT.—The table of sec-
 13 tions for chapter 243 of title 49, United States Code, is
 14 amended by adding at the end the following new item:

“24321. Food and beverage reform.”.

15 **SEC. 207. RIGHT OF WAY LEVERAGING.**

16 (a) REQUEST FOR PROPOSALS.—Not later than 180
 17 days after the date of enactment of this Act, Amtrak shall
 18 issue a Request for Proposals seeking private sector per-
 19 sons or entities to utilize Amtrak-owned right-of-way for
 20 telecommunications systems, energy distribution systems,
 21 and other activities considered appropriate by Amtrak.
 22 The Request for Proposals shall provide sufficient infor-
 23 mation on Amtrak’s right-of-way real estate assets to en-
 24 able respondents to propose an arrangement that will

1 monetize such assets through revenue sharing agreements
2 with Amtrak.

3 (b) CONSIDERATION OF PROPOSALS.—Not later than
4 1 year after the date of enactment of this Act, the Amtrak
5 Board of Directors shall review and consider each proposal
6 submitted pursuant to subsection (a). Amtrak may enter
7 into such agreements as are necessary to implement any
8 such proposal or proposals.

9 (c) REPORT TO CONGRESS.—Not later than 18
10 months after the date of enactment of this Act, Amtrak
11 shall transmit to the Committee on Transportation and
12 Infrastructure of the House of Representatives and the
13 Committee on Commerce, Science, and Transportation of
14 the Senate a report on the Request for Proposals required
15 by this section, including summary information of any pro-
16 posals submitted to Amtrak and any proposals accepted
17 by the Amtrak Board of Directors.

18 **SEC. 208. STATION DEVELOPMENT.**

19 (a) REPORT ON DEVELOPMENT OPTIONS.—Not later
20 than 1 year after the date of enactment of this Act, Am-
21 trak shall transmit to the Committee on Transportation
22 and Infrastructure of the House of Representatives and
23 the Committee on Commerce, Science, and Transportation
24 of the Senate a report on options to enhance development
25 around Amtrak stations, including—

1 (1) strengthening multimodal connections, in-
2 cluding intercity buses;

3 (2) options for capturing development-related
4 revenue streams; and

5 (3) other opportunities to better leverage sta-
6 tion assets.

7 (b) PROPOSALS.—

8 (1) REQUEST FOR PROPOSALS.—Not later than
9 18 months after the date of enactment of this Act,
10 Amtrak shall issue a Request for Proposals seeking
11 persons or entities, where appropriate, to carry out
12 the options identified under subsection (a).

13 (2) CONSIDERATION OF PROPOSALS.—Not later
14 than 24 months after the date of enactment of this
15 Act, the Amtrak Board of Directors shall review and
16 consider each proposal submitted pursuant to para-
17 graph (1). Amtrak may enter into such agreements
18 as are necessary to implement any such proposal or
19 proposals.

20 (c) REPORT TO CONGRESS.—Not later than 30
21 months after the date of enactment of this Act, Amtrak
22 shall transmit to the Committee on Transportation and
23 Infrastructure of the House of Representatives and the
24 Committee on Commerce, Science, and Transportation of
25 the Senate a report on the Request for Proposals required

1 by this section, including summary information of any pro-
2 posals submitted to Amtrak and any proposals accepted
3 by the Amtrak Board of Directors.

4 **SEC. 209. AMTRAK DEBT.**

5 Section 205 of the Passenger Rail Investment and
6 Improvement Act of 2008 (49 U.S.C. 24101 note) is
7 amended—

8 (1) in subsection (a), by inserting “, to the ex-
9 tent provided in advance in appropriations Acts”
10 after “Amtrak’s indebtedness”;

11 (2) by striking “as of the date of enactment of
12 this Act” each place it appears;

13 (3) in subsection (a), by striking the second
14 sentence;

15 (4) in subsection (b), by striking “The Sec-
16 retary of the Treasury, in consultation” and insert-
17 ing “To the extent amounts are provided in advance
18 in appropriations Acts, the Secretary of the Treas-
19 ury, in consultation”;

20 (5) in subsection (d), by inserting “, to the ex-
21 tent provided in advance in appropriations Acts”
22 after “as appropriate”;

23 (6) in subsection (e)(1), by striking “by section
24 102 of this division”; and

1 (7) in subsection (e)(2), by striking “by section
2 102” and inserting “for Amtrak”.

3 **SEC. 210. AMTRAK PILOT PROGRAM FOR PASSENGERS**
4 **TRANSPORTING DOMESTICATED CATS AND**
5 **DOGS.**

6 (a) IN GENERAL.—Not later than 1 year after the
7 date of enactment of this Act, Amtrak shall develop a pilot
8 program that allows passengers to transport domesticated
9 cats or dogs on certain trains operated by Amtrak.

10 (b) PET POLICY.—In developing the pilot program
11 required under subsection (a), Amtrak shall—

12 (1) in the case of a passenger train that is com-
13 prised of more than 1 car, designate, where feasible,
14 at least 1 car in which a ticketed passenger may
15 transport a domesticated cat or dog in the same
16 manner as carry-on baggage if—

17 (A) the cat or dog is contained in a pet
18 kennel;

19 (B) the pet kennel is stowed in accordance
20 with Amtrak size requirements for carriage of
21 carry-on baggage;

22 (C) the passenger is traveling on a train
23 operating on a route described in subparagraph
24 (A), (B), or (D) of section 24102(7) of title 49,
25 United States Code; and

1 (D) the passenger pays a fee described in
2 paragraph (3);

3 (2) allow a ticketed passenger to transport a
4 domesticated cat or dog on a train in the same man-
5 ner as cargo if—

6 (A) the cat or dog is contained in a pet
7 kennel;

8 (B) the pet kennel is stowed in accordance
9 with Amtrak requirements for cargo stowage;

10 (C) the passenger is traveling on a train
11 operating on a route described in subparagraph
12 (A), (B), or (D) of section 24102(7) of title 49,
13 United States Code;

14 (D) the cargo area is temperature con-
15 trolled in a manner protective of cat and dog
16 safety and health; and

17 (E) the passenger pays a fee described in
18 paragraph (3); and

19 (3) collect fees for each cat or dog transported
20 by a ticketed passenger in an amount that, in the
21 aggregate and at a minimum, covers the full costs
22 of the pilot program.

23 (c) REPORT.—Not later than 1 year after the pilot
24 program required under subsection (a) is first imple-
25 mented, Amtrak shall transmit to the Committee on

1 Transportation and Infrastructure of the House of Rep-
2 resentatives and the Committee on Commerce, Science,
3 and Transportation of the Senate a report containing an
4 evaluation of the pilot program.

5 (d) LIMITATION ON STATUTORY CONSTRUCTION.—

6 (1) SERVICE ANIMALS.—The pilot program re-
7 quired under subsection (a) shall be separate from
8 and in addition to the policy governing Amtrak pas-
9 sengers traveling with service animals. Nothing in
10 this section may be interpreted to limit or waive the
11 rights of passengers to transport service animals.

12 (2) ADDITIONAL TRAIN CARS.—Nothing in this
13 section may be interpreted to require Amtrak to add
14 additional train cars or modify existing train cars.

15 (3) FEDERAL FUNDS.—No Federal funds may
16 be used to implement the pilot program required
17 under this section.

18 **SEC. 211. AMTRAK BOARDING PROCEDURES.**

19 (a) REPORT.—Not later than 6 months after the date
20 of enactment of this Act, the Amtrak Office of Inspector
21 General shall transmit to the Committee on Transpor-
22 tation and Infrastructure of the House of Representatives
23 and the Committee on Commerce, Science, and Transpor-
24 tation of the Senate a report that—

1 (1) evaluates Amtrak’s boarding procedures at
2 its 10 stations through which the most people pass;

3 (2) compares Amtrak’s boarding procedures
4 to—

5 (A) commuter railroad boarding proce-
6 dures at stations shared with Amtrak;

7 (B) international intercity passenger rail
8 boarding procedures; and

9 (C) fixed guideway transit boarding proce-
10 dures; and

11 (3) makes recommendations, as appropriate, to
12 improve Amtrak’s boarding procedures, including
13 recommendations regarding the queuing of pas-
14 sengers and free-flow of all station-users.

15 (b) CONSIDERATION OF RECOMMENDATIONS.—Not
16 later than 6 months after the release of the report re-
17 quired under subsection (a), the Amtrak Board of Direc-
18 tors shall consider each recommendation provided under
19 subsection (a)(3) for implementation across the Amtrak
20 system.

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

3 **SEC. 301. FEDERAL-STATE PARTNERSHIP FOR NORTHEAST**
4 **CORRIDOR DEVELOPMENT AND IMPROVE-**
5 **MENT.**

6 (a) AMENDMENT.—Chapter 244 of title 49, United
7 States Code, is amended by adding at the end the fol-
8 lowing new section:

9 **“§ 24407. Federal-State partnership for Northeast**
10 **Corridor rehabilitation and improvement**

11 “(a) IN GENERAL.—The Secretary of Transportation
12 shall develop and implement a program for issuing grants
13 to applicants, on a competitive basis, for the purpose of
14 financing the capital projects included in the Northeast
15 Corridor Priority Project List developed under subsection
16 (c).

17 “(b) DEFINITIONS.—In this section, the following
18 definitions apply:

19 “(1) APPLICANT.—The term ‘applicant’ means
20 a State (including the District of Columbia), a group
21 of States, an Interstate Compact, or a public agency
22 established by one or more States and having re-
23 sponsibility for providing intercity passenger or com-
24 muter rail service.

1 “(2) MAJOR STATE-OF-GOOD-REPAIR
2 PROJECT.—The term ‘major state-of-good-repair
3 project’ means a capital project primarily intended
4 to replace, rehabilitate or repair major Northeast
5 Corridor infrastructure assets utilized for providing
6 intercity rail passenger transportation, including
7 tunnels, bridges, stations, and other assets as deter-
8 mined by the Secretary.

9 “(3) IMPROVEMENT PROJECT.—The term ‘im-
10 provement project’ means a capital project primarily
11 intended to improve intercity passenger rail perform-
12 ance on the Northeast Corridor, including reduced
13 trip times, increased train frequencies, higher oper-
14 ating speeds, and other improvements as determined
15 by the Secretary.

16 “(c) NORTHEAST CORRIDOR PRIORITY PROJECT
17 LIST.—The Northeast Corridor Infrastructure and Oper-
18 ations Advisory Commission, established under section
19 24905, shall develop and approve a Northeast Corridor
20 Priority Project List that shall include—

21 “(1) a list of prioritized individual major state-
22 of-good-repair projects and improvement projects
23 along the Northeast Corridor that—

24 “(A) can be completed based on—

1 “(i) the funding authorized under sec-
2 tion 103(b) of the Passenger Rail Reform
3 and Investment Act of 2015;

4 “(ii) any subsequent applicable au-
5 thorization in effect;

6 “(iii) in the absence of such an au-
7 thorization, a 5-year funding amount based
8 on the most recent appropriation; or

9 “(iv) the requirements of subsection
10 (d); and

11 “(B) are consistent with the Northeast
12 Corridor capital investment plan required under
13 section 24911(a);

14 “(2) an identification of the applicant for each
15 individual project;

16 “(3) an identification of the sources of non-
17 Federal matching funds for each project; and

18 “(4) a description of the benefits each project
19 will bring to intercity rail passenger services.

20 “(d) USE OF FUNDS.—The Federal grants author-
21 ized under this section shall be for no more than 50 per-
22 cent of the net project cost of the project involved.

23 “(e) APPLICABILITY OF CAPITAL GRANT REQUIRE-
24 MENTS.—Except as specifically provided in this section,
25 the use of any amounts appropriated for grants under this

1 section shall be subject to the requirements of this chap-
2 ter.

3 “(f) MATCH REQUIREMENTS.—No grants may be ob-
4 ligated to an applicant under this section unless the appli-
5 cant has transmitted to the Secretary of Transportation
6 a binding written commitment to provide all amounts nec-
7 essary for the purpose of matching Federal contributions
8 as required by this section.

9 “(g) UPDATES TO LIST.—The Northeast Corridor
10 Infrastructure and Operations Advisory Commission shall
11 revise the NEC Priority Project List as necessary to re-
12 flect—

13 “(1) any differences in the availability of Fed-
14 eral funding from the levels assumed for purposes of
15 subsection (c)(1)(A) (i) and (ii);

16 “(2) any elimination or addition of projects;
17 and

18 “(3) any reduction or increase in benefits to be
19 derived from a project.

20 “(h) AVAILABILITY.—Amounts appropriated for car-
21 rying out this section shall remain available until ex-
22 pended.

23 “(i) SAVINGS CLAUSE.—Nothing in this section shall
24 supplant the requirement of applicants to compensate Am-

1 trak for the use of Amtrak facilities or services pursuant
2 to section 24905(c).

3 “(j) DEFINITION.—For purposes of this section, the
4 term ‘Northeast Corridor’ means the Northeast Corridor
5 main line between Boston, Massachusetts, and the District
6 of Columbia, and the Northeast Corridor branch lines con-
7 necting to Harrisburg, Pennsylvania, Springfield, Massa-
8 chusetts, and Spuyten Duyvil, New York, and facilities
9 and services used to operate and maintain those lines.”.

10 (b) CONFORMING AMENDMENT.—The table of sec-
11 tions for chapter 244 of title 49, United States Code, is
12 amended by adding at the end the following new item:

“24407. Federal-State partnership for Northeast Corridor rehabilitation and im-
provement.”.

13 **SEC. 302. RRIF IMPROVEMENTS.**

14 (a) REGULATIONS.—Not later than 1 year after the
15 date of enactment of this Act, the Secretary of Transpor-
16 tation shall issue regulations implementing the amend-
17 ments made by this section.

18 (b) COLLATERAL.—Section 502(h)(2) of the Railroad
19 Revitalization and Regulatory Reform Act of 1976 (45
20 U.S.C. 822(h)(2)) is amended—

21 (1) by striking “(2) The Secretary” and insert-
22 ing “(2)(A) The Secretary”;

23 (2) by inserting “The Secretary may subordi-
24 nate rights of the Secretary under any provision of

1 title 49 or title 23 of the United States Code, to the
2 rights of the Secretary under this section and sec-
3 tion 503.” after “from another source.”; and

4 (3) by adding at the end the following new sub-
5 paragraph:

6 “(B) The Secretary shall, for purposes of making a
7 finding under subsection (g)(4), accept the net present
8 value on a future stream of State or local subsidy income
9 or dedicated revenue as collateral offered to secure the
10 loan.”.

11 (c) OFFICE OF MANAGEMENT AND BUDGET RE-
12 VIEW.—Section 502(i) of such Act (45 U.S.C. 822(i)) is
13 amended by inserting “In order to enable compliance with
14 such time limit, the Office of Management and Budget
15 shall take any actions required with respect to the applica-
16 tion within such 90-day period.” after “disapprove the ap-
17 plication.”.

18 (d) RRIF APPLICATION.—Section 502(i) of such Act
19 (45 U.S.C. 822(i)) is further amended—

20 (1) by striking “DISAPPROVAL.—Not later than
21 90 days after receiving” and inserting “DIS-
22 APPROVAL.—

23 “(1) IN GENERAL.—Not later than 90 days
24 after an application is determined pursuant to para-
25 graph (2) to be”; and

1 (2) by adding at the end the following new
2 paragraphs:

3 “(2) COMPLETION OF APPLICATION.—The Sec-
4 retary shall establish procedures for making a deter-
5 mination, not later than 45 days after submission of
6 an application under this section, whether the appli-
7 cation is complete. Such procedures shall—

8 “(A) provide for a checklist of the required
9 components of a complete application;

10 “(B) require the Secretary to provide to
11 the applicant a description of the specific com-
12 ponents of the application that remain incom-
13 plete if an application is determined to be in-
14 complete; and

15 “(C) permit reapplication without preju-
16 dice for applications determined to be incom-
17 plete.

18 “(3) INDEPENDENT FINANCIAL ANALYST.—The
19 Secretary shall assign an independent financial ana-
20 lyst within 45 days of submittal of a complete appli-
21 cation.”.

22 (e) POSITIVE TRAIN CONTROL.—Section 502(c)(1) of
23 such Act (45 U.S.C. 822(c)(1)) is amended by inserting
24 “, including projects for the installation of a positive train

1 control (as defined in section 20157(i) of title 49, United
2 States Code) system” after “public safety”.

3 (f) REPORT TO CONGRESS.—Section 502 of such Act
4 (45 U.S.C. 822) is further amended by adding at the end
5 the following new subsection:

6 “(k) REPORT TO CONGRESS.—Not later than 1 year
7 after the date of enactment of the Passenger Rail Reform
8 and Investment Act of 2015, and annually thereafter, the
9 Secretary shall transmit to Congress a report on the pro-
10 gram under this section that provides information on loans
11 approved and disapproved by the Secretary during the pre-
12 vious year. Such report shall not disclose the identity of
13 direct loan or loan guarantee recipients. The report shall
14 describe—

15 “(1) the number of pre-application meetings
16 with potential applicants;

17 “(2) the number of applications received and
18 determined complete under subsection (i)(2), includ-
19 ing the requested loan amounts;

20 “(3) the dates of receipt of applications;

21 “(4) the dates applications were determined
22 complete under subsection (i)(2);

23 “(5) the number of applications determined in-
24 complete under subsection (i)(2);

1 “(6) the final decision dates for both approvals
2 and disapprovals of applications;

3 “(7) the number of applications withdrawn
4 from consideration; and

5 “(8) the annual loan portfolio asset quality.”.

6 **SEC. 303. NEC FAST FORWARD.**

7 (a) NORTHEAST CORRIDOR AUTHORITY.—Section
8 502(d) of the Railroad Revitalization and Regulatory Re-
9 form Act of 1976 (45 U.S.C. 822(d)) is amended by in-
10 serting “40 percent shall be available solely for projects
11 described in subsection (l)(1), and” after “Of this
12 amount,”.

13 (b) NORTHEAST CORRIDOR FAST FORWARD PRO-
14 GRAM.—Section 502 of such Act is further amended by
15 adding at the end the following new subsection:

16 “(l) NORTHEAST CORRIDOR FAST FORWARD.—

17 “(1) PURPOSE.—The Secretary, as part of the
18 Railroad Rehabilitation and Improvement Financing
19 program, shall provide direct loans and loan guaran-
20 tees to eligible entities described in subsection (a)
21 for capital projects to improve the Northeast Cor-
22 ridor (as used in section 24911 of title 49, United
23 States Code).

1 “(2) COLLATERAL.—Loans made or guaranteed
2 under this subsection shall require collateral equal to
3 the loan amount requested.

4 “(3) INVESTMENT GRADE RATING.—A direct
5 loan or loan guarantee shall be made under this sub-
6 section only if a rating agency has assigned an in-
7 vestment grade rating of BBB minus, Baa3, bbb
8 minus, BBB (low), (or equivalent) or higher to the
9 project obligation. For purposes of this paragraph,
10 the term ‘rating agency’ means a credit rating agen-
11 cy registered with the Securities and Exchange Com-
12 mission as a nationally recognized statistical rating
13 organization (as that term is defined in section 3(a)
14 of the Securities Exchange Act of 1934 (15 U.S.C.
15 78c(a))).

16 “(4) INCLUSION IN NEC PLANNING.—Loans
17 and loan guarantees made under this subsection
18 shall be for projects that are included in the most
19 recent 5-year budget and business plan prepared
20 pursuant to section 24911(a) of title 49, United
21 States Code.

22 “(5) REFINANCING.—Loans made or guaran-
23 teed under this subsection shall not be used for the
24 refinancing of outstanding debt incurred.

1 “(6) COHORT OF LOANS.—Subsection (f)(4)
 2 shall not apply to loans made or guaranteed under
 3 this subsection.”.

4 (c) REPORT ON LEVERAGING RRIF.—Not later than
 5 180 days after the date of enactment of this Act, the
 6 Comptroller General shall transmit to the Committee on
 7 Transportation and Infrastructure of the House of Rep-
 8 resentatives and the Committee on Commerce, Science,
 9 and Transportation of the Senate a report identifying po-
 10 tential revenue sources, projects, and service improve-
 11 ments that could be achieved by the amendments made
 12 by subsections (a) and (b).

13 (d) CONDITIONS OF FUNDING.—

14 (1) GRANTS.—Section 24405 of title 49, United
 15 States Code, is amended—

16 (A) by striking “15 days” and inserting
 17 “30 days” in subsection (a)(4)(B); and

18 (B) in subsection (a), by adding at the end
 19 the following:

20 “(12) Not later than 1 year after the date of enact-
 21 ment of the Passenger Rail Reform and Investment Act
 22 of 2015, and annually thereafter, the Secretary shall
 23 transmit to the Committee on Commerce, Science, and
 24 Transportation of the Senate and the Committee on
 25 Transportation and Infrastructure of the House of Rep-

1 representatives a report listing any waiver issued under this
 2 section during the preceding year.”.

3 (2) RRIF.—Section 502(h)(3) of the Railroad
 4 Revitalization and Regulatory Reform Act of 1976
 5 (45 U.S.C. 822(h)(3)) is amended—

6 (A) by striking “and” at the end of sub-
 7 paragraph (A);

8 (B) by striking the period at the end of
 9 subparagraph (B) and inserting “; and”; and

10 (C) by adding at the end the following:

11 “(C) the requirements of section 24405(a) of
 12 title 49, United States Code.”.

13 **SEC. 304. LARGE CAPITAL PROJECT REQUIREMENTS.**

14 Section 24402 of title 49, United States Code, is
 15 amended by adding at the end the following subsection:

16 “(m) LARGE CAPITAL PROJECT REQUIREMENTS.—

17 “(1) IN GENERAL.—For a grant awarded under
 18 this chapter for an amount in excess of
 19 \$1,000,000,000, the following conditions shall apply:

20 “(A) The Secretary of Transportation shall
 21 not obligate any funding unless the applicant
 22 demonstrates to the satisfaction of the Sec-
 23 retary that it has committed and will be able to
 24 fulfill the non-Federal share required for the

1 grant within the applicant’s proposed project
2 completion timetable.

3 “(B) The Secretary shall not obligate any
4 funding for work activities that occur after the
5 completion of final design unless—

6 “(i) the applicant transmits to the
7 Secretary a financial plan that generally
8 identifies the sources of the non-Federal
9 funding required for any subsequent seg-
10 ments or phases of the corridor service de-
11 velopment program covering the project for
12 which the grant is made;

13 “(ii) the grant will result in a useable
14 segment, a transportation facility, or
15 equipment, that has operational independ-
16 ence; and

17 “(iii) the intercity passenger rail bene-
18 fits anticipated to result from the grant,
19 such as increased speed, improved on-time
20 performance, reduced trip time, increased
21 frequencies, new service, safety improve-
22 ments, improved accessibility, or other sig-
23 nificant enhancements are detailed by the
24 grantee and approved by the Secretary.

1 “(C) The Secretary shall ensure that the
2 project is maintained to the level of utility that
3 is necessary to support the benefits approved
4 under subparagraph (B)(iii) for a period of 20
5 years from the date the useable segment, trans-
6 portation facility, or equipment described in
7 subparagraph (B)(ii) is placed in service. If the
8 project property is not maintained as required
9 by this subparagraph for a period of time in ex-
10 cess of 12 months, then a pro-rata share of the
11 Federal contribution, based upon the percent-
12 age remaining of the 20-year period that com-
13 menced when the project property was placed in
14 service, shall be refunded.

15 “(2) EARLY WORK.—The Secretary may allow a
16 grantee subject to this subsection to engage in at-
17 risk work activities subsequent to the conclusion of
18 final design where the Secretary determines that
19 such work activities are reasonable and necessary.”.

20 **SEC. 305. SMALL BUSINESS PARTICIPATION STUDY.**

21 (a) STUDY.—The Secretary of Transportation shall
22 conduct a nationwide disparity and availability study on
23 the availability and use of small business concerns owned
24 and controlled by socially and economically disadvantaged
25 individuals in publically funded intercity rail passenger

1 transportation (as defined in section 24102 of title 49,
2 United States Code) projects administered by the Federal
3 Railroad Administration.

4 (b) REPORT.—Not later than 2 years after the date
5 of enactment of this Act, the Secretary shall transmit to
6 the Committee on Transportation and Infrastructure of
7 the House of Representatives and the Committee on Com-
8 merce, Science, and Transportation of the Senate a report
9 containing the results of the study conducted under sub-
10 section (a).

11 (c) DEFINITIONS.—In this section:

12 (1) SMALL BUSINESS CONCERN.—

13 (A) IN GENERAL.—The term “small busi-
14 ness concern” means a small business concern
15 as the term is used in section 3 of the Small
16 Business Act (15 U.S.C. 632).

17 (B) EXCLUSIONS.—The term “small busi-
18 ness concern” does not include any concern or
19 group of concerns controlled by the same so-
20 cially and economically disadvantaged individual
21 or individuals that have average annual gross
22 receipts during the preceding 3 fiscal years in
23 excess of \$22,410,000, as adjusted annually by
24 the Secretary for inflation.

1 (2) SOCIALLY AND ECONOMICALLY DISADVAN-
2 TAGED INDIVIDUAL.—The term “socially and eco-
3 nomically disadvantaged individual” has the mean-
4 ing given the term in section 8(d) of the Small Busi-
5 ness Act (15 U.S.C. 637(d)) and relevant subcon-
6 tracting regulations issued pursuant to that Act, ex-
7 cept that women shall be presumed to be socially
8 and economically disadvantaged individuals for pur-
9 poses of this section.

10 (d) FUNDING.—Of the total amount made available
11 to the Office of the Secretary of the Department of Trans-
12 portation and the Federal Railroad Administration, for
13 each of fiscal years 2016 and 2017, \$3,000,000 shall be
14 used to implement the requirements of this section.

15 **SEC. 306. GULF COAST RAIL SERVICE WORKING GROUP.**

16 (a) IN GENERAL.—Not later than 90 days after the
17 date of enactment of this Act, the Federal Railroad Ad-
18 ministration shall convene a working group to evaluate the
19 restoration of intercity rail passenger service in the Gulf
20 Coast region between New Orleans, Louisiana, and Or-
21 lando, Florida.

22 (b) MEMBERSHIP.—The working group shall consist
23 of representatives of—

24 (1) Amtrak;

1 (2) the States along the proposed route or
2 routes;

3 (3) regional transportation planning organiza-
4 tions and metropolitan planning organizations, mu-
5 nicipalities, and communities along the proposed
6 route or routes, selected by the Administrator of the
7 Federal Railroad Administration;

8 (4) the Southern Rail Commission;

9 (5) freight railroad carriers whose tracks may
10 be used for such service; and

11 (6) other entities determined appropriate by the
12 Administrator.

13 (c) RESPONSIBILITIES.—The working group shall—

14 (1) evaluate all options for restoring intercity
15 rail passenger service in the Gulf Coast region, in-
16 cluding options outlined in the report transmitted to
17 Congress pursuant to section 226 of the Passenger
18 Rail Investment and Improvement Act of 2008
19 (Public Law 110–432);

20 (2) select a preferred option for restoring such
21 service;

22 (3) develop a prioritized inventory of capital
23 projects and other actions required to restore such
24 service and cost estimates for such projects or ac-
25 tions; and

1 (4) identify Federal and non-Federal funding
2 sources required to restore such service, including
3 options for entering into public-private partnerships
4 to restore such service.

5 (d) REPORT.—Not later than 9 months after the date
6 of enactment of this Act, the working group shall transmit
7 to the Committee on Transportation and Infrastructure
8 in the House of Representatives and the Committee on
9 Commerce, Science, and Transportation in the Senate a
10 report that includes—

11 (1) the preferred option selected under sub-
12 section (c)(2) and the reasons for selecting such op-
13 tion;

14 (2) the information described in subsection
15 (c)(3);

16 (3) the funding sources identified under sub-
17 section (c)(4);

18 (4) the costs and benefits of restoring intercity
19 rail passenger transportation in the region; and

20 (5) any other information the working group
21 determines appropriate.

22 **SEC. 307. MISCELLANEOUS.**

23 (a) TITLE 49 AMENDMENTS.—Title 49, United
24 States Code, is amended—

1 (1) in section 22106(b), by striking “interest
2 thereof” and inserting “interest thereon”;

3 (2) in section 24101(b), by striking “subsection
4 (d)” and inserting “subsection (c)”; and

5 (3) in section 24706—

6 (A) in subsection (a)(1), by striking “a dis-
7 continuance under section 24704 or or”;

8 (B) in subsection (a)(2), by striking “sec-
9 tion 24704 or”; and

10 (C) in subsection (b), by striking “section
11 24704 or”.

12 (b) TABLE OF SECTIONS AMENDMENT.—The item
13 relating to section 24316 in the table of sections for chap-
14 ter 243 of such title is amended by striking “Plan to as-
15 sist” and inserting “Plans to address needs of”.

16 (c) PASSENGER RAIL INVESTMENT AND IMPROVE-
17 MENT ACT AMENDMENTS.—Section 305 of the Passenger
18 Rail Investment and Improvement Act of 2008 (49 U.S.C.
19 24101 note) is amended—

20 (1) in subsection (a), by inserting after “equip-
21 ment manufacturers,” the following: “nonprofit or-
22 ganizations representing employees who perform
23 overhaul and maintenance of passenger railroad
24 equipment,”;

1 (2) in subsection (c), by striking “, and may es-
 2 tablish a corporation, which may be owned or joint-
 3 ly-owned by Amtrak, participating States, or other
 4 entities, to perform these functions”; and

5 (3) in subsection (e), by striking “and estab-
 6 lishing a jointly-owned corporation to manage that
 7 equipment”.

8 **TITLE IV—PROJECT DELIVERY**

9 **SEC. 401. PROJECT DELIVERY RULEMAKING.**

10 (a) RULEMAKING.—Not later than 1 year after the
 11 date of enactment of this Act, the Secretary shall begin
 12 a rulemaking to govern the Federal review, permitting,
 13 and approval or disapproval of—

14 (1) freight railroad and intercity rail passenger
 15 transportation infrastructure projects, including
 16 those that are carried out or planned to be carried
 17 out with the use of Federal funds administered by
 18 the Department of Transportation through a grant,
 19 contract, loan, or other financing instrument; and

20 (2) commuter rail passenger transportation (as
 21 defined in section 24102(3) of title 49, United
 22 States Code) infrastructure projects that are funded
 23 in whole or in part through a direct loan or loan
 24 guarantee under title V of the Railroad Revitaliza-

1 tion and Regulatory Reform Act of 1976 (45 U.S.C.
2 801 et seq.).

3 (b) DEADLINE.—The Secretary shall complete the
4 rulemaking required under subsection (a) not later than
5 2 years after the date of enactment of this Act.

6 (c) REQUIREMENTS AND CONSIDERATIONS.—The
7 rulemaking under subsection (a) shall include procedures
8 that—

9 (1) reduce the aggregate time for review and
10 permitting of infrastructure projects described under
11 subsection (a) while preserving existing statutory re-
12 quirements for public comment or assessing the im-
13 pact of a proposed project;

14 (2) institutionalize or expand best practices or
15 process improvements that agencies are already im-
16 plementing to improve the efficiency of reviews;

17 (3) identify high-performance attributes of in-
18 frastructure projects described under subsection (a)
19 that demonstrate how projects seek to advance exist-
20 ing statutory and policy objectives, thereby facili-
21 tating a more efficient review and permitting proc-
22 ess;

23 (4) create a process to invite Federal agencies
24 and State, local, and tribal governments to partici-
25 pate in the review process, expand coordination with

1 such agencies and governments, and require the
2 identification as early as practicable in the process
3 of any—

4 (A) Federal agency or State, local, or trib-
5 al government with jurisdiction over the project
6 or required by law to conduct or issue a review
7 or make a determination with regard to the
8 project; and

9 (B) review, analysis, opinion, and permit,
10 license, or approval required for the project;

11 (5) create process efficiencies, including—

12 (A) designating Federal agencies and
13 State, local, and tribal governments as cooper-
14 ating and participating agencies;

15 (B) conducting concurrent and integrated
16 reviews, analyses, opinions, and permits, li-
17 censes, or approvals to the maximum extent
18 practicable;

19 (C) establishing timelines, in coordination
20 with affected Federal agencies, for completion
21 of those reviews, analyses, opinions, and per-
22 mits, licenses, or approvals;

23 (D) developing a coordination plan and
24 schedule, in coordination with affected Federal
25 agencies, for participation in the review by Fed-

1 eral agencies, State, local, and tribal govern-
2 ments, and the public; and

3 (E) implementing a process to effectively
4 identify and resolve issues that may affect com-
5 pletion of reviews in a timely manner;

6 (6) effectively engage the public and interested
7 stakeholders as early in the review process as pos-
8 sible;

9 (7) include opportunities to use existing share-
10 in-cost authorities and other nonappropriated fund-
11 ing sources to support early coordination and project
12 review;

13 (8) expand the use of information technology
14 tools and identify priority areas for information
15 technology investment to replace paperwork proc-
16 esses, enhance effective project siting decisions, en-
17 hance interagency collaboration, and improve the
18 monitoring of project impacts and mitigation com-
19 mitments;

20 (9) ensure that documents developed under the
21 procedures are adopted and used by other Federal
22 agencies, and State, local, and tribal governments, to
23 the maximum extent practicable, to eliminate redun-
24 dancy and duplicative reviews;

1 (10) include improvements to mitigation policies
 2 to provide added predictability, facilitate landscape-
 3 scale mitigation based on conservation plans and re-
 4 gional environmental assessments, facilitate inter-
 5 agency mitigation plans where appropriate, ensure
 6 accountability and long-term effectiveness of mitiga-
 7 tion activities, and utilize innovative mechanisms
 8 where appropriate; and

9 (11) develop a process for periodically consid-
 10 ering expansion of categorical exclusions for infra-
 11 structure projects described under subsection (a)
 12 that conform to those of other modal administra-
 13 tions.

14 **SEC. 402. HISTORIC PRESERVATION OF RAILROADS.**

15 (a) IN GENERAL.—Not later than 12 months after
 16 the date of enactment of this Act, the Secretary, in con-
 17 sultation with appropriate Federal agencies, including the
 18 Advisory Council on Historic Preservation, the National
 19 Conference of State Historic Preservation Officers, the
 20 National Association of Tribal Historic Preservation Offi-
 21 cers, and nongovernmental stakeholders representing the
 22 railroad industry and historic preservation concerns,
 23 shall—

24 (1) administratively pursue program alter-
 25 natives (as that term is used in 36 C.F.R. 800.14)

1 to promote a consistent approach in the treatment
2 of railroad and rail-related properties for historic
3 preservation review under section 106 of the Na-
4 tional Historic Preservation Act (16 U.S.C. 470f);
5 and

6 (2) develop mechanisms for streamlining com-
7 pliance with the requirements of section 303 of title
8 49, United States Code, for railroad and rail-related
9 properties.

10 (b) CONSIDERATIONS.—In carrying out subsection
11 (a), the Secretary shall—

12 (1) consider, among other options, the develop-
13 ment of—

14 (A) programmatic agreements, program
15 comments, exempted categories of under-
16 takings, and guidance for historic reviews under
17 section 106 of the National Historic Preserva-
18 tion Act (as those terms are used in 36 C.F.R.
19 800.14); and

20 (B) programmatic evaluations, de minimis
21 impact determinations, and regulatory guidance
22 for reviews under section 303 of title 49,
23 United States Code (as those terms are used in
24 23 C.F.R. 774); and

25 (2) take into account, at a minimum—

1 (A) maintenance and repair of railroad and
 2 rail-related property;

3 (B) repair and replacement of bridges,
 4 structures, or facilities in a like-for-like manner,
 5 or when the bridge, structure, or facility is not
 6 a contributing element of a historic district;

7 (C) safety-related projects, including in-
 8 stallation, maintenance, and repair of positive
 9 train control systems;

10 (D) management of railroad and rail-re-
 11 lated properties that include both historic and
 12 non-historic components;

13 (E) integration of reviews under section
 14 106 of the National Historic Preservation Act,
 15 reviews under section 303 of title 49, United
 16 States Code, and environmental reviews; and

17 (F) consistency in treatment of railroads
 18 nationwide for historic preservation purposes.

19 **TITLE V—MISCELLANEOUS**

20 **SEC. 501. DEFINITION.**

21 For purposes of this Act, the term “Secretary”
 22 means the Secretary of Transportation.

23 **SEC. 502. TITLE 49 DEFINITIONS.**

24 (a) TITLE 49 AMENDMENTS.—Section 24102 of title
 25 49, United States Code, is amended—

1 (1) by redesignating paragraphs (5) through
2 (9) as paragraphs (7) through (11), respectively;

3 (2) by inserting after paragraph (4) the fol-
4 lowing new paragraphs:

5 “(5) ‘long-distance route’ means a route de-
6 scribed in subparagraph (C) of paragraph (7).

7 “(6) ‘National Network’ includes long-distance
8 routes and State-supported routes.”; and

9 (3) by adding at the end the following new
10 paragraphs:

11 “(12) ‘state-of-good-repair’ means a condition
12 in which physical assets, both individually and as a
13 system, are—

14 “(A) performing at a level at least equal to
15 that called for in their as-built or as-modified
16 design specification during any period when the
17 life cycle cost of maintaining the assets is lower
18 than the cost of replacing them; and

19 “(B) sustained through regular mainte-
20 nance and replacement programs.

21 “(13) ‘State-supported route’ means a route de-
22 scribed in subparagraph (B) or (D) of paragraph
23 (7), or in section 24702, that is operated by Amtrak,
24 excluding those trains operated by Amtrak on the
25 routes described in paragraph (7)(A).”.

1 (b) CONFORMING AMENDMENTS.—Section 217 of the
2 Passenger Rail Investment and Improvement Act of 2008
3 (49 U.S.C. 24702 note) is amended by striking
4 “24102(5)(D)” and inserting “24102(7)(D)”.

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