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114TH CONGRESS
1ST SESSION

H. R. 749

[Report No. 114-30]

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

FEBRUARY 26, 2015

Additional sponsors: Mr. HANNA, Ms. NORTON, Mr. BARLETTA, Ms. BROWN of Florida, Mrs. NAPOLITANO, Ms. FRANKEL of Florida, Mrs. MIMI WALTERS of California, Mr. COSTELLO of Pennsylvania, and Mr. CURBELO of Florida

FEBRUARY 26, 2015

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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

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

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

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

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

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

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

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

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

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

1 (c) **PROJECT MANAGEMENT OVERSIGHT.**—The Sec-
2 retary may withhold up to \$2,000,000 of the amount ap-
3 propriated pursuant to subsection (a), and up to
4 \$2,000,000 of the amount appropriated pursuant to sub-
5 section (b), for the costs of management oversight of Am-
6 trak.

7 **SEC. 102. AUTHORIZATION FOR AMTRAK OFFICE OF THE**
8 **INSPECTOR GENERAL.**

9 There are authorized to be appropriated to the Sec-
10 retary for the Office of the Inspector General of Amtrak
11 the following amounts:

- 12 (1) For fiscal year 2016, \$23,000,000.
13 (2) For fiscal year 2017, \$24,000,000.
14 (3) For fiscal year 2018, \$24,000,000.
15 (4) For fiscal year 2019, \$25,000,000.

16 **SEC. 103. NATIONAL INFRASTRUCTURE INVESTMENTS.**

17 (a) **IN GENERAL.**—There are authorized to be appro-
18 priated to the Secretary for capital grants under chapter
19 244 of title 49, United States Code, and section 20154
20 of title 49, United States Code, the following amounts:

- 21 (1) For fiscal year 2016, \$300,000,000.
22 (2) For fiscal year 2017, \$300,000,000.
23 (3) For fiscal year 2018, \$300,000,000.
24 (4) For fiscal year 2019, \$300,000,000.

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

7 (c) PROJECT MANAGEMENT OVERSIGHT.—The Sec-
8 retary may withhold up to $\frac{1}{2}$ of 1 percent of amounts
9 appropriated pursuant to chapter 244 of title 49, United
10 States Code, for the costs of project management over-
11 sight of capital projects carried out pursuant to such chap-
12 ter.

13 **SEC. 104. NORTHEAST CORRIDOR.**

14 For purposes of this title, the term “Northeast Cor-
15 ridor” means the Northeast Corridor main line between
16 Boston, Massachusetts, and the District of Columbia, and
17 facilities and services used to operate and maintain that
18 line.

19 **TITLE II—AMTRAK REFORM**

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

21 (a) REQUIREMENTS AND PROCEDURES.—

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

1 **“§ 24317. Costs and revenues**

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

9 “(b) DEFINITION.—For purposes of this chapter, the
10 term ‘Northeast Corridor’ means the Northeast Corridor
11 main line between Boston, Massachusetts, and the District
12 of Columbia, and facilities and services used to operate
13 and maintain that line.

14 **“§ 24318. Grant process**

15 “(a) PROCEDURES FOR GRANT REQUESTS.—Not
16 later than 30 days after the date of enactment of the Pas-
17 senger Rail Reform and Investment Act of 2015, the Sec-
18 retary of Transportation shall establish and transmit to
19 the Committee on Transportation and Infrastructure and
20 the Committee on Appropriations of the House of Rep-
21 resentatives and the Committee on Commerce, Science,
22 and Transportation and the Committee on Appropriations
23 of the Senate substantive and procedural requirements, in-
24 cluding schedules, for grant requests under this section.

1 “(b) GRANT REQUESTS.—Amtrak shall transmit
2 grant requests for Federal funds to be appropriated to the
3 Secretary for the use of Amtrak to—

4 “(1) the Secretary; and

5 “(2) the Committee on Transportation and In-
6 frastructure and the Committee on Appropriations
7 of the House of Representatives and the Committee
8 on Commerce, Science, and Transportation and the
9 Committee on Appropriations of the Senate.

10 “(c) CONTENTS.—A grant request under subsection
11 (b) shall—

12 “(1) provide a detailed financial analysis for the
13 upcoming fiscal year for the Northeast Corridor,
14 State-supported routes, and long-distance routes, in-
15 cluding projections for the items listed in
16 24320(c)(1), as applicable, in comparison to prior
17 fiscal year projections;

18 “(2) include a description of the work to be
19 funded, along with cost estimates and an estimated
20 timetable for completion of the projects covered by
21 the request;

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

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

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

7 “(d) REVIEW AND APPROVAL.—

8 “(1) 30-DAY APPROVAL PROCESS.—The Sec-
9 retary shall complete the review of a grant request
10 and approve or disapprove the request not later than
11 30 days after the date on which Amtrak submits the
12 grant request. If the Secretary disapproves the re-
13 quest or determines that the request is incomplete or
14 deficient, the Secretary shall include the reason for
15 disapproval or the incomplete items or deficiencies in
16 a notice to Amtrak.

17 “(2) 15-DAY MODIFICATION PERIOD.—Not later
18 than 15 days after receiving notification from the
19 Secretary under paragraph (1), Amtrak shall submit
20 a modified request for the Secretary’s review.

21 “(3) REVISED REQUESTS.—Not later than 15
22 days after receiving a modified request from Am-
23 trak, the Secretary shall either approve the modified
24 request, or, if the Secretary finds that the request
25 is still incomplete or deficient, the Secretary shall

1 identify in writing to the Committee on Transpor-
2 tation and Infrastructure and the Committee on Ap-
3 propriations of the House of Representatives and the
4 Committee on Commerce, Science, and Transpor-
5 tation and the Committee on Appropriations of the
6 Senate the remaining deficiencies and recommend a
7 process for resolving the outstanding portions of the
8 request.

9 “(e) PAYMENT TO AMTRAK.—

10 “(1) IN GENERAL.—Except as provided in para-
11 graph (2), in each fiscal year for which amounts are
12 authorized to be appropriated, amounts appropriated
13 shall be paid to Amtrak as follows:

14 “(A) 50 percent on October 1.

15 “(B) 25 percent on January 1.

16 “(C) 25 percent on April 1.

17 “(2) EXCEPTION.—The Secretary may make a
18 payment to Amtrak of appropriated funds more fre-
19 quently than once every 90 days if Amtrak, for good
20 cause, requests more frequent payment before a 90-
21 day period ends.

22 “(f) AVAILABILITY OF AMOUNTS AND EARLY APPRO-
23 PRIATIONS.—Amounts appropriated to the Secretary for
24 the use of Amtrak shall remain available until expended.
25 Amounts for capital acquisitions and improvements may

1 be appropriated for a fiscal year before the fiscal year in
2 which the amounts will be obligated.

3 “(g) LIMITATIONS ON USE.—Amounts appropriated
4 to the Secretary for the use of Amtrak may not be used
5 to subsidize operating losses of commuter rail passenger
6 or rail freight transportation.

7 **“§ 24319. Accounts**

8 “(a) ESTABLISHMENT OF ACCOUNTS.—Amtrak shall
9 establish—

10 “(1) a Northeast Corridor Improvement Fund
11 account; and

12 “(2) a National Network account.

13 “(b) NORTHEAST CORRIDOR IMPROVEMENT FUND
14 ACCOUNT.—

15 “(1) DEPOSITS.—Amtrak shall deposit in the
16 Northeast Corridor Improvement Fund account es-
17 tablished under subsection (a)(1)—

18 “(A) grant funds appropriated for the
19 Northeast Corridor Improvement Fund pursu-
20 ant to section 101(a) of the Passenger Rail Re-
21 form and Investment Act of 2015 or any subse-
22 quent Act;

23 “(B) compensation received from com-
24 muter rail passenger transportation on the

1 Northeast Corridor provided to Amtrak pursu-
2 ant to section 24905(c); and

3 “(C) any operating surplus of the North-
4 east Corridor, as allocated pursuant to section
5 24317.

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

11 “(A) capital projects described in section
12 24401(2) (A) or (B) to bring the Northeast
13 Corridor to a state-of-good-repair, including
14 projects described in section
15 24911(a)(2)(E)(i)(I);

16 “(B) capital projects intended to increase
17 corridor capacity, improve service reliability,
18 and reduce travel time for rail users on the
19 Northeast Corridor, including projects described
20 in subclauses (II) and (III) of section
21 24911(a)(2)(E)(i), consistent with the planning
22 process established under section 24911; and

23 “(C) retirement of principal and payment
24 of interest on loans for capital equipment, or

1 capital leases, attributable to the Northeast
2 Corridor.

3 “(c) NATIONAL NETWORK ACCOUNT.—

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

6 “(A) grant funds appropriated for the Na-
7 tional Network pursuant to section 101(b) of
8 the Passenger Rail Reform and Investment Act
9 of 2015, or any subsequent Act;

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

14 “(C) any operating surplus from the Na-
15 tional Network, as allocated pursuant to section
16 24317.

17 “(2) USE OF NATIONAL NETWORK ACCOUNT.—

18 Except as provided in subsection (d), amounts de-
19 posited in the National Network account shall be
20 made available for the use of Amtrak for capital ex-
21 penses and operating costs of the National Network
22 and retirement of principal and payment of interest
23 on loans for capital equipment, or capital leases, at-
24 tributable to the National Network.

25 “(d) TRANSFER AUTHORITY.—

1 “(1) AUTHORITY.—Amtrak may transfer any
2 funds appropriated pursuant to the Passenger Rail
3 Reform and Investment Act of 2015 or any other
4 Act, or any surplus generated by operations, between
5 the Northeast Corridor Improvement Fund and Na-
6 tional Network accounts upon the expiration of 60
7 days after Amtrak has notified the Amtrak Board of
8 Directors of such transfer.

9 “(2) REPORT.—Not later than 30 days after
10 the Amtrak Board of Directors receives notification
11 from Amtrak under paragraph (1), the Board shall
12 transmit a report to the Secretary, the Committee
13 on Transportation and Infrastructure and the Com-
14 mittee on Appropriations of the House of Represent-
15 atives, and the Committee on Commerce, Science,
16 and Transportation and the Committee on Appro-
17 priations of the Senate, that includes—

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

19 “(B) a detailed explanation of the reason
20 for the transfer, including effects on Amtrak
21 services if no transfer were made.

22 “(e) LETTERS OF INTENT.—

23 “(1) REQUIREMENT.—The Secretary shall issue
24 a letter of intent to Amtrak announcing an intention
25 to obligate, for a major capital project described in

1 subclauses (II) and (III) of section
2 24911(a)(2)(E)(i), an amount from future available
3 budget authority specified in law that is not more
4 than the amount stipulated as the financial partici-
5 pation of the Secretary in the project.

6 “(2) NOTICE TO CONGRESS.—At least 30 days
7 before issuing a letter under paragraph (1), the Sec-
8 retary shall notify in writing the Committee on
9 Transportation and Infrastructure and the Com-
10 mittee on Appropriations of the House of Represent-
11 atives, and the Committee on Commerce, Science,
12 and Transportation and the Committee on Appro-
13 priations of the Senate, of the proposed letter. The
14 Secretary shall include with the notification a copy
15 of the proposed letter, the criteria used for selecting
16 the project for a grant award, and a description of
17 how the project meets criteria of this section.

18 “(3) CONTINGENT NATURE OF OBLIGATION OR
19 COMMITMENT.—An obligation or administrative
20 commitment may be made only when amounts are
21 appropriated. The letter of intent shall state that the
22 contingent commitment is not an obligation of the
23 Federal Government, and is subject to the avail-
24 ability of appropriations under Federal law and to

1 Federal laws in force or enacted after the date of
2 the contingent commitment.

3 “(f) ROLLING STOCK PURCHASES.—Prior to entering
4 into contracts in excess of \$100,000,000 for rolling stock
5 procurements, Amtrak shall submit a business case anal-
6 ysis to the Secretary, the Committee on Transportation
7 and Infrastructure and the Committee on Appropriations
8 of the House of Representatives, and the Committee on
9 Commerce, Science, and Transportation and the Com-
10 mittee on Appropriations of the Senate, on the utility of
11 such purchase. This analysis shall—

12 “(1) include a cost and benefit comparison that
13 describes the total lifecycle costs and the anticipated
14 benefits related to revenue, operational efficiency, re-
15 liability, and other factors;

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

17 “(3) identify the specific source and amounts of
18 funding for each payment, including Federal funds,
19 State funds, Amtrak profits, Federal, State, or pri-
20 vate loans or loan guarantees, and other funding;

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

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

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

“24317. Costs and revenues.

“24318. Grant process.

“24319. Accounts.”.

7 (b) NORTHEAST CORRIDOR PLANNING.—

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

11 **“§ 24911. Northeast Corridor planning**

12 “(a) NORTHEAST CORRIDOR CAPITAL INVESTMENT
13 PLAN.—

14 “(1) REQUIREMENT.—Not later than 12
15 months after the date of enactment of the Passenger
16 Rail Reform and Investment Act of 2015, and annu-
17 ally thereafter, the Northeast Corridor Infrastruc-
18 ture and Operations Advisory Commission estab-
19 lished under section 24905 (referred to in this sec-
20 tion as the ‘Commission’) shall develop a capital in-
21 vestment plan for the Northeast Corridor main line
22 between Boston, Massachusetts, and the District of
23 Columbia, and the Northeast Corridor branch lines
24 connecting to Harrisburg, Pennsylvania, Springfield,

1 Massachusetts, and Spuyten Duyvil, New York, and
2 facilities and services used to operate and maintain
3 those lines.

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

5 “(A) be developed to establish a coordi-
6 nated approach to capital spending on the
7 Northeast Corridor;

8 “(B) cover a period of 5 fiscal years, be-
9 ginning with the first fiscal year after the date
10 of the plan;

11 “(C) notwithstanding section 24902(b),
12 prioritize projects and investments along the
13 Northeast Corridor based on—

14 “(i) the anticipated benefits and costs
15 of projects;

16 “(ii) the anticipated Federal and non-
17 Federal funding available; and

18 “(iii) the information contained in the
19 Northeast Corridor asset management
20 plans required under subsection (b), once
21 available;

22 “(D) ensure coordination and optimization
23 across the entire Northeast Corridor and among
24 the various owners and users;

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

3 “(i) categorizes each capital project as
4 being primarily associated with—

5 “(I) normalized capital replace-
6 ment;

7 “(II) replacement, rehabilitation,
8 or repair of Northeast Corridor infra-
9 structure assets, including tunnels,
10 bridges, stations, and other assets; or

11 “(III) improvement of train per-
12 formance on the Northeast Corridor,
13 including reduced trip times, in-
14 creased train frequencies, higher oper-
15 ating speeds, and other improvements;

16 “(ii) identifies the anticipated funding
17 source and financing method for each cap-
18 ital project described in subclauses (II)
19 and (III) of clause (i);

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

22 “(I) an assessment of the poten-
23 tial effect on passenger accessibility,
24 operations, safety, reliability, and re-
25 siliency, and on the ability of infra-

1 structure owners and operators to
2 meet regulatory requirements should
3 the project not be funded; and

4 “(II) an assessment of the bene-
5 fits and costs;

6 “(iv) identifies the extent to which the
7 capital assets are or will be jointly used by
8 intercity passenger rail service and other
9 users, and the proportionate share of that
10 joint usage; and

11 “(v) for projects that are expected to
12 be fully or partially funded through Fed-
13 eral financial assistance, identifies the
14 most appropriate public agency or entity to
15 receive those funds and implement each
16 capital project.

17 “(3) ADDITIONAL CONTENTS.—Any plan devel-
18 oped under paragraph (1) after the publication by
19 the Secretary of Transportation of the Northeast
20 Corridor service development plan shall also—

21 “(A) be developed to identify, prioritize,
22 and phase the implementation of projects nec-
23 essary to achieve the goals and findings con-
24 tained in such Northeast Corridor service devel-
25 opment plan;

1 “(B) allow for flexibility to change
2 prioritization and programs based upon the
3 availability of Federal and non-Federal funding;

4 “(C) inform the Secretary in developing
5 recommendations for Congress on Federal fund-
6 ing needs for the Northeast Corridor and any
7 corresponding Federal investments in the re-
8 spective capital programs for Northeast Cor-
9 ridor infrastructure owners and users; and

10 “(D) capture the network-level anticipated
11 outcomes associated with plan implementation,
12 including the anticipated effect on passenger
13 accessibility, operations, safety, reliability, and
14 resiliency.

15 “(b) NORTHEAST CORRIDOR ASSET MANAGEMENT
16 PLANS.—

17 “(1) CONTENTS.—Amtrak, and States and pub-
18 lic transportation entities that own infrastructure
19 that supports or provides for intercity rail passenger
20 transportation on the Northeast Corridor, shall de-
21 velop and update as necessary Northeast Corridor
22 asset management plans for the Northeast Corridor
23 main line between Boston, Massachusetts, and the
24 District of Columbia, and the Northeast Corridor
25 branch lines connecting to Harrisburg, Pennsyl-

1 vania, Springfield, Massachusetts, and Spuyten
2 Duyvil, New York, and facilities and services used to
3 operate and maintain those lines, that—

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

7 “(B) include, at a minimum—

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

10 “(ii) an assessment of the condition of
11 each of those assets;

12 “(iii) a description of how the condi-
13 tion of each asset has changed since the
14 previous iteration of the plan; and

15 “(iv) a description of the necessary re-
16 sources and processes for bringing or
17 maintaining those assets in a state-of-good
18 repair, including decision support tools and
19 investment prioritization methodologies.

20 “(2) TRANSMITTAL TO COMMISSION.—Not later
21 than 12 months after the date of enactment of the
22 Passenger Rail Reform and Investment Act of 2015,
23 each entity described in paragraph (1) shall transmit
24 to the Commission a plan developed under para-

1 graph (1). Any updates to such plan shall also be
2 transmitted to the Commission.

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

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

“24911. Northeast Corridor planning.”.

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

12 (1) Sections 206 and 211 of the Passenger Rail
13 Investment and Improvement Act of 2008, and the
14 items relating thereto in the table of contents of
15 such Act.

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

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

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

23 **“§ 24320. 5-Year capital and operating plan**

24 “(a) PLAN.—Not later than 60 days after the date
25 of enactment of an Act appropriating funds pursuant to

1 section 101 of the Passenger Rail Reform and Investment
2 Act of 2015, or any subsequent authorization of appro-
3 priations for the same purposes, the Amtrak Board of Di-
4 rectors shall prepare and transmit to the Committee on
5 Transportation and Infrastructure and the Committee on
6 Appropriations of the House of Representatives and the
7 Committee on Commerce, Science, and Transportation
8 and the Committee on Appropriations of the Senate a 5-
9 year capital and operating plan for the Northeast Corridor
10 and National Network.

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

13 “(1) the Federal Railroad Administration;

14 “(2) the Northeast Corridor Infrastructure and
15 Operations Advisory Commission, with respect to the
16 Northeast Corridor; and

17 “(3) the requisite States, with respect to the
18 National Network.

19 “(c) CONTENTS.—A plan prepared under this section
20 shall—

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

23 “(A) projected revenues and expenditures
24 for the Northeast Corridor, State-supported
25 routes, long-distance routes, and corporate de-

1 velopment, including Federal and non-Federal
2 funding sources;

3 “(B) projected ridership levels for the
4 Northeast Corridor, State-supported routes,
5 and long-distance routes;

6 “(C) projected capital and operational
7 funding requirements necessary to maintain
8 passenger service in order to accommodate pre-
9 dicted ridership levels and predicted sources of
10 Federal and non-Federal funding;

11 “(D) projected capital and operating re-
12 quirements, ridership, revenue, and expendi-
13 tures for new passenger service operations or
14 service expansions;

15 “(E) an assessment of the continuing fi-
16 nancial stability of Amtrak, as indicated by fac-
17 tors including anticipated Federal funding of
18 capital and operating costs, Amtrak’s ability to
19 efficiently recruit, retain, and manage its work-
20 force, and Amtrak’s ability to effectively provide
21 passenger rail service;

22 “(F) estimates of long-term and short-term
23 debt and associated principal and interest pay-
24 ments (both current and anticipated);

25 “(G) annual cash flow forecasts;

1 “(H) a statement describing methods of
2 estimation and significant assumptions;

3 “(I) specific measures that demonstrate
4 measurable improvement year over year in the
5 financial results of Amtrak’s operations;

6 “(J) prior fiscal year and projected—

7 “(i) operating ratio, cash operating
8 loss, and cash operating loss per passenger
9 on a route, business line, and corporate
10 basis;

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

13 “(iii) productivity statistics on a
14 route, business line, and corporate basis;
15 and

16 “(iv) equipment reliability statistics;

17 “(K) capital and operating expenditures
18 for anticipated security needs; and

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

21 “(2) reflect the Northeast Corridor planning, as
22 applicable, and grant processes established under
23 sections 24911 and 24318.

24 “(d) CONFORMANCE TO AUTHORIZED FUNDING LEV-
25 ELS.—

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

6 “(2) ABSENCE OF APPROPRIATION.—In the ab-
7 sence of an appropriation of funds for such fiscal
8 year, the projection shall be based on the amount of
9 funds authorized by law to be appropriated for that
10 fiscal year, plus other dedicated funding.

11 “(3) DEDICATED FUNDING DEFINED.—In this
12 subsection, the term ‘dedicated funding’ means any
13 amounts appropriated for a fiscal year and any
14 other funding sources, including revenues and other
15 ancillary funding streams, for the Northeast Cor-
16 ridor or the National Network.

17 “(e) STANDARDS TO PROMOTE FINANCIAL STA-
18 BILITY.—In preparing a plan under this section, the
19 Board shall apply sound budgetary practices, including re-
20 ducing costs and other expenditures, improving produc-
21 tivity, increasing revenues, or combinations of such prac-
22 tices.

23 “(f) UPDATES.—Amtrak shall provide monthly re-
24 ports for the current fiscal year in electronic format to
25 the Secretary and the Committee on Transportation and

1 Infrastructure and the Committee on Appropriations of
 2 the House of Representatives and the Committee on Com-
 3 merce, Science, and Transportation and the Committee on
 4 Appropriations of the Senate regarding the items de-
 5 scribed in subsection (c)(1), which shall include a descrip-
 6 tion of the work completed to date, any differences from
 7 projections, and the reasons for such differences.”.

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

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

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

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

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

19 **“§ 24712. State-supported routes**

20 “(a) STATE-SUPPORTED ROUTE ADVISORY COM-
 21 MITTEE.—

22 “(1) ESTABLISHMENT.—Not later than 90 days
 23 after the date of enactment of the Passenger Rail
 24 Reform and Investment Act of 2015, the Secretary
 25 of Transportation shall establish a State-Supported

1 Route Advisory Committee to promote mutual co-
2 operation and planning pertaining to the rail oper-
3 ations and related activities of trains operated on
4 State-supported routes and to further implement
5 section 209 of the Passenger Rail Investment and
6 Improvement Act of 2008 (49 U.S.C. 24101 note).

7 “(2) MEMBERSHIP.—The Committee shall con-
8 sist of representatives of—

9 “(A) Amtrak;

10 “(B) the Department of Transportation,
11 including the Federal Railroad Administration;
12 and

13 “(C) 7 States that sponsor State-supported
14 routes, selected by the Administrator of the
15 Federal Railroad Administration on the basis of
16 appropriate expertise and geographic balance,
17 and in a manner that ensures that all appro-
18 priate States are represented periodically on the
19 Committee.

20 “(3) DISTRIBUTION OF MEMBERSHIP.—The
21 membership belonging to any of the groups de-
22 scribed in each individual subparagraph of para-
23 graph (2) shall not constitute a majority of the
24 Committee’s memberships.

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

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

8 “(1) IN GENERAL.—Not later than January 31,
9 2016, and annually thereafter, Amtrak shall trans-
10 mit to each State that sponsors a State-supported
11 route, and to the Committee on Transportation and
12 Infrastructure and the Committee on Appropriations
13 of the House of Representatives and the Committee
14 on Commerce, Science, and Transportation and the
15 Committee on Appropriations of the Senate—

16 “(A) a final statement of costs, revenues,
17 ridership, and other information determined ap-
18 propriate by the Committee established under
19 subsection (a), pertaining to each such route for
20 the prior fiscal year; and

21 “(B) a cost, service, and ridership forecast
22 for each such route for the upcoming fiscal
23 year, developed pursuant to the methodology es-
24 tablished under section 209 of the Passenger

1 Rail Investment and Improvement Act of 2008
2 (49 U.S.C. 24101 note).

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

7 “(3) QUARTERLY UPDATES.—Beginning in
8 2016, and each year thereafter, Amtrak shall trans-
9 mit to each State that sponsors a State-supported
10 route quarterly updates of the cost, service, and rid-
11 ership forecast described in paragraph (1)(B) to en-
12 able States to pace costs against State budgets, plan
13 effectively, and address unexpected changes in costs
14 in a timely manner, on the following dates:

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

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

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

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

1 “(d) DISPUTE RESOLUTION.—

2 “(1) REQUEST FOR EXPEDITED RESOLUTION.—

3 If a dispute arises with respect to a forecast devel-
4 oped under subsection (b), an invoice developed
5 under subsection (c), or the terms of a contract for
6 operation of a State-supported route negotiated be-
7 tween Amtrak and a State that sponsors the route,
8 either Amtrak or the State may request that the
9 Surface Transportation Board conduct expedited
10 dispute resolution under this subsection.

11 “(2) PROCEDURES.—The Surface Transpor-
12 tation Board shall establish procedures for expedited
13 resolution of disputes brought before it under this
14 subsection.

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

18 “(e) FRA ASSISTANCE.—The Federal Railroad Ad-
19 ministration may provide assistance to the parties in the
20 course of negotiations for a contract for operation of a
21 State-supported route.

22 “(f) PERFORMANCE METRICS.—In negotiating a con-
23 tract for operation of a State-supported route, Amtrak
24 and the State or States that sponsor the route shall con-
25 sider including provisions that provide penalties and incen-

1 tives for performance based on metrics that take into ac-
 2 count only those factors within the control of Amtrak or
 3 the State or States.

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

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

“24712. State-supported routes.”.

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

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

14 **“SEC. 208. METHODOLOGIES FOR AMTRAK ROUTE AND**
 15 **SERVICE PLANNING DECISIONS.**

16 “(a) METHODOLOGY DEVELOPMENT.—Not later
 17 than 180 days after the date of enactment of the Pas-
 18 senger Rail Reform and Investment Act of 2015, as a con-
 19 dition of receiving a grant under section 101 of such Act,
 20 Amtrak shall obtain the services of an independent entity
 21 to develop and recommend objective methodologies for
 22 Amtrak to use in determining what intercity rail passenger
 23 transportation routes and services it should provide, in-
 24 cluding the establishment of new routes, the elimination

1 of existing routes, and the contraction or expansion of
2 services or frequencies over such routes.

3 “(b) CONSIDERATIONS.—Amtrak shall require the
4 entity, in developing the methodologies described in sub-
5 section (a), to consider—

6 “(1) the current and expected performance and
7 service quality of intercity rail passenger transpor-
8 tation operations, including cost recovery, on-time
9 performance, ridership, on-board services, stations,
10 facilities, equipment, and other services;

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

12 “(3) the transportation needs of communities
13 and populations that are not well served by intercity
14 rail passenger transportation service or by other
15 forms of intercity transportation;

16 “(4) the methodologies of Amtrak and major
17 intercity rail passenger transportation service pro-
18 viders in other countries for determining intercity
19 passenger rail routes and services;

20 “(5) the views of States, rail carriers that own
21 infrastructure over which Amtrak operates, Amtrak
22 employee representatives, and other interested par-
23 ties; and

1 “(6) the funding levels that will be available
2 under authorization levels that have been enacted
3 into law.

4 “(c) RECOMMENDATIONS.—Not later than 1 year
5 after the date of enactment of the Passenger Rail Reform
6 and Investment Act of 2015, Amtrak shall transmit to the
7 Committee on Transportation and Infrastructure of the
8 House of Representatives, and the Committee on Com-
9 merce, Science, and Transportation of the Senate the rec-
10 ommendations developed by the entity pursuant to sub-
11 section (a).

12 “(d) CONSIDERATION OF RECOMMENDATIONS.—Not
13 later than 90 days after transmitting the recommenda-
14 tions pursuant to subsection (c), the Amtrak Board of Di-
15 rectors shall consider the adoption of the recommenda-
16 tions and transmit to the Committee on Transportation
17 and Infrastructure of the House of Representatives and
18 the Committee on Commerce, Science, and Transportation
19 of the Senate a report containing an explanation of any
20 reasons for adopting or not adopting the recommenda-
21 tions.”.

22 **SEC. 205. COMPETITION.**

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

1 **“§ 24711. Alternate passenger rail service pilot pro-**
2 **gram**

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

8 “(1) permits a rail carrier or rail carriers that
9 own infrastructure over which Amtrak operates a
10 passenger rail service route described in subpara-
11 graph (B), (C), or (D) of section 24102(7) or in sec-
12 tion 24702(a) to petition the Federal Railroad Ad-
13 ministration to be considered as a passenger rail
14 service provider over that route in lieu of Amtrak for
15 an operations period of 5 years;

16 “(2) requires the Federal Railroad Administra-
17 tion to notify Amtrak within 30 days after receiving
18 a petition under paragraph (1) and establish a dead-
19 line by which both the petitioner and Amtrak would
20 be required to submit a bid to provide passenger rail
21 service over the route to which the petition relates;

22 “(3) requires that each bid describe how the
23 bidder would operate the route, what Amtrak pas-
24 senger equipment would be needed, if any, and what
25 sources of non-Federal funding the bidder would

1 use, including any State subsidy, among other
2 things;

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

7 “(A) the right and obligation to provide
8 passenger rail service over that route subject to
9 such performance standards as the Federal
10 Railroad Administration may require; and

11 “(B) an operating subsidy—

12 “(i) for the first year at a level not in
13 excess of 90 percent of the level in effect
14 for that specific route during the fiscal
15 year preceding the fiscal year in which the
16 petition was received, adjusted for infla-
17 tion; and

18 “(ii) for any subsequent years at the
19 level calculated under clause (i), adjusted
20 for inflation; and

21 “(5) requires that each bid contain a staffing
22 plan describing the number of employees needed to
23 operate the service, the job assignments and require-
24 ments, and the terms of work for prospective and
25 current employees of the bidder for the service out-

1 lined in the bid, and that such staffing plan be made
2 available by the winning bidder to the public after
3 the bid award.

4 “(b) ROUTE LIMITATIONS.—The Federal Railroad
5 Administration may not make the program available with
6 respect to more than 2 Amtrak intercity passenger rail
7 routes.

8 “(c) PERFORMANCE STANDARDS; ACCESS TO FACILI-
9 TIES; EMPLOYEES.—If the Federal Railroad Administra-
10 tion awards the right and obligation to provide passenger
11 rail service over a route under this section to a rail carrier
12 or rail carriers—

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

17 “(A) the service provider continuing to
18 provide passenger rail service on the route that
19 is no less frequent, nor over a shorter distance,
20 than Amtrak provided on that route before the
21 award; and

22 “(B) the service provider’s compliance with
23 the standards established under subsection
24 (a)(4)(A), and such additional performance
25 standards as the Administration may establish;

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

8 “(3) an employee of any person used by such
9 rail carrier or rail carriers in the operation of a
10 route under this section shall be considered an em-
11 ployee of that carrier or carriers and subject to the
12 applicable Federal laws and regulations governing
13 similar crafts or classes of employees of Amtrak, in-
14 cluding provisions under section 121 of the Amtrak
15 Reform and Accountability Act of 1997 (49 U.S.C.
16 4312 note) relating to employees that provide food
17 and beverage service; and

18 “(4) the winning bidder shall provide hiring
19 preference to qualified Amtrak employees displaced
20 by the award of the bid, consistent with the staffing
21 plan submitted by the bidder, and shall be subject
22 to the grant conditions under section 24405 of this
23 title.

24 “(d) DISPUTES.—If Amtrak and the rail carrier or
25 rail carriers awarded a route under this section cannot

1 agree upon terms to carry out subsection (c)(2), and the
2 Surface Transportation Board finds that access to Am-
3 trak’s facilities or equipment, or the provision of services
4 by Amtrak, is necessary to carry out subsection (c)(2) and
5 that the operation of Amtrak’s other services will not be
6 impaired thereby, the Surface Transportation Board shall,
7 within 120 days after submission of the dispute, issue an
8 order that the facilities and equipment be made available,
9 and that services be provided, by Amtrak, and shall deter-
10 mine reasonable compensation, liability, and other terms
11 for use of the facilities and equipment and provision of
12 the services.

13 “(e) CESSATION OF SERVICE.—If a rail carrier or rail
14 carriers awarded a route under this section cease to oper-
15 ate the service or fail to fulfill their obligations under the
16 contract required under subsection (c), the Federal Rail-
17 road Administration, in collaboration with the Surface
18 Transportation Board, shall take any necessary action
19 consistent with this title to enforce the contract and en-
20 sure the continued provision of service, including the in-
21 stallment of an interim service provider and rebidding the
22 contract to operate the service. The entity providing serv-
23 ice shall either be Amtrak or a rail carrier defined in sub-
24 section (a)(1).

1 “(f) ADEQUATE RESOURCES.—Before taking any ac-
2 tion allowed under this section, the Secretary shall certify
3 that the Federal Railroad Administration has sufficient
4 resources appropriated under section 101(b) of Passenger
5 Rail Reform and Investment Act of 2015, or any subse-
6 quent appropriation, for that purpose that are adequate
7 to undertake the program established under this section.

8 “(g) BUDGET AUTHORITY.—The Secretary of Trans-
9 portation may provide to a winning bidder selected under
10 this section appropriations authorized under sections
11 101(b) of the Passenger Rail Reform and Investment Act
12 of 2015, or any subsequent appropriation for the same
13 purposes, necessary to cover the operating subsidy de-
14 scribed in subsection (a)(4)(B).”.

15 (b) REPORT.—Not later than 1 year after the conclu-
16 sion of the pilot program established under the amend-
17 ment made by subsection (a), the Federal Railroad Ad-
18 ministration shall submit to the Committee on Transpor-
19 tation and Infrastructure of the House of Representatives
20 and the Committee on Commerce, Science, and Transpor-
21 tation of the Senate a report on the results on the pilot
22 program established under section 24711 of title 49
23 United States Code, and any recommendations for further
24 action.

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

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

5 **“§ 24321. Food and beverage reform**

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

12 “(b) CONSIDERATIONS.—In developing and imple-
13 menting the plan, Amtrak shall consider a combination of
14 cost management and revenue generation initiatives, in-
15 cluding—

16 “(1) scheduling optimization;

17 “(2) on-board logistics;

18 “(3) product development and supply chain effi-
19 ciency;

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

21 “(5) technology enhancements and process im-
22 provements; and

23 “(6) ticket revenue allocation.

24 “(c) SAVINGS CLAUSE.—Amtrak shall ensure that no
25 Amtrak employee holding a position as of the date of en-

1 actment of the Passenger Rail Reform and Investment Act
2 of 2015 is involuntarily separated because of—

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

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

7 “(d) NO FEDERAL FUNDING FOR OPERATING
8 LOSSES.—Beginning on the date that is 5 years after the
9 date of enactment of the Passenger Rail Reform and In-
10 vestment Act of 2015, no Federal funds may be used to
11 cover any operating loss associated with providing food
12 and beverage service on a route operated by Amtrak or
13 an alternative passenger rail service provider that operates
14 a route in lieu of Amtrak pursuant to section 24711.

15 “(e) REPORT.—Not later than 120 days after the
16 date of enactment of the Passenger Rail Reform and In-
17 vestment Act of 2015, and annually thereafter for 5 years,
18 Amtrak shall transmit to the Committee on Transpor-
19 tation and Infrastructure of the House of Representatives
20 and the Committee on Commerce, Science, and Transpor-
21 tation of the Senate a report containing the plan developed
22 pursuant to subsection (a) and a description of progress
23 in the implementation of the plan.”.

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

“24321. Food and beverage reform.”.

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

5 (a) REQUEST FOR PROPOSALS.—Not later than 180
6 days after the date of enactment of this Act, Amtrak shall
7 issue a Request for Proposals seeking private sector per-
8 sons or entities to utilize Amtrak-owned right-of-way for
9 telecommunications systems, energy distribution systems,
10 and other activities considered appropriate by Amtrak.
11 The Request for Proposals shall provide sufficient infor-
12 mation on Amtrak’s right-of-way real estate assets to en-
13 able respondents to propose an arrangement that will
14 monetize such assets through revenue sharing agreements
15 with Amtrak.

16 (b) CONSIDERATION OF PROPOSALS.—Not later than
17 1 year after the date of enactment of this Act, the Amtrak
18 Board of Directors shall review and consider each proposal
19 submitted pursuant to subsection (a). Amtrak may enter
20 into such agreements as are necessary to implement any
21 such proposal or proposals.

22 (c) REPORT TO CONGRESS.—Not later than 18
23 months after the date of enactment of this Act, Amtrak
24 shall transmit to the Committee on Transportation and
25 Infrastructure of the House of Representatives and the

1 Committee on Commerce, Science, and Transportation of
2 the Senate a report on the Request for Proposals required
3 by this section, including summary information of any pro-
4 posals submitted to Amtrak and any proposals accepted
5 by the Amtrak Board of Directors.

6 **SEC. 208. STATION DEVELOPMENT.**

7 (a) REPORT ON DEVELOPMENT OPTIONS.—Not later
8 than 1 year after the date of enactment of this Act, Am-
9 trak shall transmit to the Committee on Transportation
10 and Infrastructure of the House of Representatives and
11 the Committee on Commerce, Science, and Transportation
12 of the Senate a report on options to enhance development
13 around Amtrak stations, including—

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

16 (2) options for capturing development-related
17 revenue streams; and

18 (3) other opportunities to better leverage sta-
19 tion assets.

20 (b) PROPOSALS.—

21 (1) REQUEST FOR PROPOSALS.—Not later than
22 18 months after the date of enactment of this Act,
23 Amtrak shall issue a Request for Proposals seeking
24 persons or entities, where appropriate, to carry out
25 the options identified under subsection (a).

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

8 (c) REPORT TO CONGRESS.—Not later than 30
9 months after the date of enactment of this Act, Amtrak
10 shall transmit to the Committee on Transportation and
11 Infrastructure of the House of Representatives and the
12 Committee on Commerce, Science, and Transportation of
13 the Senate a report on the Request for Proposals required
14 by this section, including summary information of any pro-
15 posals submitted to Amtrak and any proposals accepted
16 by the Amtrak Board of Directors.

17 **SEC. 209. AMTRAK DEBT.**

18 Section 205 of the Passenger Rail Investment and
19 Improvement Act of 2008 (49 U.S.C. 24101 note) is
20 amended—

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

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

1 (3) in subsection (a), by striking the second
2 sentence;

3 (4) in subsection (b), by striking “The Sec-
4 retary of the Treasury, in consultation” and insert-
5 ing “To the extent amounts are provided in advance
6 in appropriations Acts, the Secretary of the Treas-
7 ury, in consultation”;

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

11 (6) in subsection (e)(1), by striking “by section
12 102 of this division”; and

13 (7) in subsection (e)(2), by striking “by section
14 102” and inserting “for Amtrak”.

15 **SEC. 210. AMTRAK PILOT PROGRAM FOR PASSENGERS**
16 **TRANSPORTING DOMESTICATED CATS AND**
17 **DOGS.**

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

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

24 (1) in the case of a passenger train that is com-
25 prised of more than 1 car, designate, where feasible,

1 at least 1 car in which a ticketed passenger may
2 transport a domesticated cat or dog in the same
3 manner as carry-on baggage if—

4 (A) the cat or dog is contained in a pet
5 kennel;

6 (B) the pet kennel is stowed in accordance
7 with Amtrak size requirements for carriage of
8 carry-on baggage;

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

13 (D) the passenger pays a fee described in
14 paragraph (3);

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

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

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

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;

1 (D) the cargo area is temperature con-
2 trolled in a manner protective of cat and dog
3 safety and health; and

4 (E) the passenger pays a fee described in
5 paragraph (3); and

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

10 (c) REPORT.—Not later than 1 year after the pilot
11 program required under subsection (a) is first imple-
12 mented, Amtrak shall transmit to the Committee on
13 Transportation and Infrastructure of the House of Rep-
14 resentatives and the Committee on Commerce, Science,
15 and Transportation of the Senate a report containing an
16 evaluation of the pilot program.

17 (d) LIMITATION ON STATUTORY CONSTRUCTION.—

18 (1) SERVICE ANIMALS.—The pilot program re-
19 quired under subsection (a) shall be separate from
20 and in addition to the policy governing Amtrak pas-
21 sengers traveling with service animals. Nothing in
22 this section may be interpreted to limit or waive the
23 rights of passengers to transport service animals.

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

4 (3) FEDERAL FUNDS.—No Federal funds may
5 be used to implement the pilot program required
6 under this section.

7 **SEC. 211. AMTRAK BOARDING PROCEDURES.**

8 (a) REPORT.—Not later than 6 months after the date
9 of enactment of this Act, the Amtrak Office of Inspector
10 General shall transmit to the Committee on Transpor-
11 tation and Infrastructure of the House of Representatives
12 and the Committee on Commerce, Science, and Transpor-
13 tation of the Senate a report that—

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

16 (2) compares Amtrak’s boarding procedures
17 to—

18 (A) commuter railroad boarding proce-
19 dures at stations shared with Amtrak;

20 (B) international intercity passenger rail
21 boarding procedures; and

22 (C) fixed guideway transit boarding proce-
23 dures; and

24 (3) makes recommendations, as appropriate, to
25 improve Amtrak’s boarding procedures, including

1 recommendations regarding the queuing of pas-
2 sengers and free-flow of all station-users.

3 (b) CONSIDERATION OF RECOMMENDATIONS.—Not
4 later than 6 months after the release of the report re-
5 quired under subsection (a), the Amtrak Board of Direc-
6 tors shall consider each recommendation provided under
7 subsection (a)(3) for implementation across the Amtrak
8 system.

9 **TITLE III—INTERCITY**
10 **PASSENGER RAIL POLICY**

11 **SEC. 301. FEDERAL-STATE PARTNERSHIP FOR NORTHEAST**
12 **CORRIDOR DEVELOPMENT AND IMPROVE-**
13 **MENT.**

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

17 **“§ 24407. Federal-State partnership for Northeast**
18 **Corridor rehabilitation and improvement**

19 “(a) IN GENERAL.—The Secretary of Transportation
20 shall develop and implement a program for issuing grants
21 to applicants, on a competitive basis, for the purpose of
22 financing the capital projects included in the Northeast
23 Corridor Priority Project List developed under subsection
24 (c).

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

3 “(1) APPLICANT.—The term ‘applicant’ means
4 a State (including the District of Columbia), a group
5 of States, an Interstate Compact, or a public agency
6 established by one or more States and having re-
7 sponsibility for providing intercity passenger or com-
8 muter rail service.

9 “(2) MAJOR STATE-OF-GOOD-REPAIR
10 PROJECT.—The term ‘major state-of-good-repair
11 project’ means a capital project primarily intended
12 to replace, rehabilitate or repair major Northeast
13 Corridor infrastructure assets utilized for providing
14 intercity rail passenger transportation, including
15 tunnels, bridges, stations, and other assets as deter-
16 mined by the Secretary.

17 “(3) IMPROVEMENT PROJECT.—The term ‘im-
18 provement project’ means a capital project primarily
19 intended to improve intercity passenger rail perform-
20 ance on the Northeast Corridor, including reduced
21 trip times, increased train frequencies, higher oper-
22 ating speeds, and other improvements as determined
23 by the Secretary.

24 “(c) NORTHEAST CORRIDOR PRIORITY PROJECT
25 LIST.—The Northeast Corridor Infrastructure and Oper-

1 ations Advisory Commission, established under section
2 24905, shall develop and approve a Northeast Corridor
3 Priority Project List that shall include—

4 “(1) a list of prioritized individual major state-
5 of-good-repair projects and improvement projects
6 along the Northeast Corridor that—

7 “(A) can be completed based on—

8 “(i) the funding authorized under sec-
9 tion 103(b) of the Passenger Rail Reform
10 and Investment Act of 2015;

11 “(ii) any subsequent applicable au-
12 thorization in effect;

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

16 “(iv) the requirements of subsection
17 (d); and

18 “(B) are consistent with the Northeast
19 Corridor capital investment plan required under
20 section 24911(a);

21 “(2) an identification of the applicant for each
22 individual project;

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

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

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

6 “(e) APPLICABILITY OF CAPITAL GRANT REQUIRE-
7 MENTS.—Except as specifically provided in this section,
8 the use of any amounts appropriated for grants under this
9 section shall be subject to the requirements of this chap-
10 ter.

11 “(f) MATCH REQUIREMENTS.—No grants may be ob-
12 ligated to an applicant under this section unless the appli-
13 cant has transmitted to the Secretary of Transportation
14 a binding written commitment to provide all amounts nec-
15 essary for the purpose of matching Federal contributions
16 as required by this section.

17 “(g) UPDATES TO LIST.—The Northeast Corridor
18 Infrastructure and Operations Advisory Commission shall
19 revise the NEC Priority Project List as necessary to re-
20 flect—

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

24 “(2) any elimination or addition of projects;
25 and

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

3 “(h) AVAILABILITY.—Amounts appropriated for car-
4 rying out this section shall remain available until ex-
5 pended.

6 “(i) SAVINGS CLAUSE.—Nothing in this section shall
7 supplant the requirement of applicants to compensate Am-
8 trak for the use of Amtrak facilities or services pursuant
9 to section 24905(e).

10 “(j) DEFINITION.—For purposes of this section, the
11 term ‘Northeast Corridor’ means the Northeast Corridor
12 main line between Boston, Massachusetts, and the District
13 of Columbia, and the Northeast Corridor branch lines con-
14 necting to Harrisburg, Pennsylvania, Springfield, Massa-
15 chusetts, and Spuyten Duyvil, New York, and facilities
16 and services used to operate and maintain those lines.”.

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

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

20 **SEC. 302. RRIF IMPROVEMENTS.**

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

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

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

6 (2) by inserting “The Secretary may subordi-
7 nate rights of the Secretary under any provision of
8 title 49 or title 23 of the United States Code, to the
9 rights of the Secretary under this section and sec-
10 tion 503.” after “from another source.”; and

11 (3) by adding at the end the following new sub-
12 paragraph:

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

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

1 (d) RRIF APPLICATION.—Section 502(i) of such Act
2 (45 U.S.C. 822(i)) is further amended—

3 (1) by striking “DISAPPROVAL.—Not later than
4 90 days after receiving” and inserting “DIS-
5 APPROVAL.—

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

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

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

16 “(A) provide for a checklist of the required
17 components of a complete application;

18 “(B) require the Secretary to provide to
19 the applicant a description of the specific com-
20 ponents of the application that remain incom-
21 plete if an application is determined to be in-
22 complete; and

23 “(C) permit reapplication without preju-
24 dice for applications determined to be incom-
25 plete.

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

5 (e) POSITIVE TRAIN CONTROL.—Section 502(c)(1) of
6 such Act (45 U.S.C. 822(c)(1)) is amended by inserting
7 “, including projects for the installation of a positive train
8 control (as defined in section 20157(i) of title 49, United
9 States Code) system” after “public safety”.

10 (f) REPORT TO CONGRESS.—Section 502 of such Act
11 (45 U.S.C. 822) is further amended by adding at the end
12 the following new subsection:

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

22 “(1) the number of pre-application meetings
23 with potential applicants;

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

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

5 “(4) the dates applications were determined
6 complete under subsection (i)(2);

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

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

11 “(7) the number of applications withdrawn
12 from consideration; and

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

14 **SEC. 303. NEC FAST FORWARD.**

15 (a) NORTHEAST CORRIDOR AUTHORITY.—Section
16 502(d) of the Railroad Revitalization and Regulatory Re-
17 form Act of 1976 (45 U.S.C. 822(d)) is amended by in-
18 serting “40 percent shall be available solely for projects
19 described in subsection (l)(1), and” after “Of this
20 amount,”.

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

24 “(l) NORTHEAST CORRIDOR FAST FORWARD.—

1 “(1) PURPOSE.—The Secretary, as part of the
2 Railroad Rehabilitation and Improvement Financing
3 program, shall provide direct loans and loan guaran-
4 tees to eligible entities described in subsection (a)
5 for capital projects to improve the Northeast Cor-
6 ridor (as used in section 24911 of title 49, United
7 States Code).

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

11 “(3) INVESTMENT GRADE RATING.—A direct
12 loan or loan guarantee shall be made under this sub-
13 section only if a rating agency has assigned an in-
14 vestment grade rating of BBB minus, Baa3, bbb
15 minus, BBB (low), (or equivalent) or higher to the
16 project obligation. For purposes of this paragraph,
17 the term ‘rating agency’ means a credit rating agen-
18 cy registered with the Securities and Exchange Com-
19 mission as a nationally recognized statistical rating
20 organization (as that term is defined in section 3(a)
21 of the Securities Exchange Act of 1934 (15 U.S.C.
22 78c(a))).

23 “(4) INCLUSION IN NEC PLANNING.—Loans
24 and loan guarantees made under this subsection
25 shall be for projects that are included in the most

1 recent 5-year budget and business plan prepared
2 pursuant to section 24911(a) of title 49, United
3 States Code.

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

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

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

19 (d) CONDITIONS OF FUNDING.—

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

22 (A) by striking “15 days” and inserting
23 “30 days” in subsection (a)(4)(B); and

24 (B) in subsection (a), by adding at the end
25 the following:

1 “(12) Not later than 1 year after the date of enact-
2 ment of the Passenger Rail Reform and Investment Act
3 of 2015, and annually thereafter, the Secretary shall
4 transmit to the Committee on Commerce, Science, and
5 Transportation of the Senate and the Committee on
6 Transportation and Infrastructure of the House of Rep-
7 resentatives a report listing any waiver issued under this
8 section during the preceding year.”.

9 (2) RRIF.—Section 502(h)(3) of the Railroad
10 Revitalization and Regulatory Reform Act of 1976
11 (45 U.S.C. 822(h)(3)) is amended—

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

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

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

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

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

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

22 “(m) LARGE CAPITAL PROJECT REQUIREMENTS.—

23 “(1) IN GENERAL.—For a grant awarded under
24 this chapter for an amount in excess of
25 \$1,000,000,000, the following conditions shall apply:

1 “(A) The Secretary of Transportation shall
2 not obligate any funding unless the applicant
3 demonstrates to the satisfaction of the Sec-
4 retary that it has committed and will be able to
5 fulfill the non-Federal share required for the
6 grant within the applicant’s proposed project
7 completion timetable.

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

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

18 “(ii) the grant will result in a useable
19 segment, a transportation facility, or
20 equipment, that has operational independ-
21 ence; and

22 “(iii) the intercity passenger rail bene-
23 fits anticipated to result from the grant,
24 such as increased speed, improved on-time
25 performance, reduced trip time, increased

1 frequencies, new service, safety improve-
2 ments, improved accessibility, or other sig-
3 nificant enhancements are detailed by the
4 grantee and approved by the Secretary.

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

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

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

2 (a) STUDY.—The Secretary of Transportation shall
3 conduct a nationwide disparity and availability study on
4 the availability and use of small business concerns owned
5 and controlled by socially and economically disadvantaged
6 individuals in publically funded intercity rail passenger
7 transportation (as defined in section 24102 of title 49,
8 United States Code) projects administered by the Federal
9 Railroad Administration.

10 (b) REPORT.—Not later than 2 years after the date
11 of enactment of this Act, the Secretary shall transmit to
12 the Committee on Transportation and Infrastructure of
13 the House of Representatives and the Committee on Com-
14 merce, Science, and Transportation of the Senate a report
15 containing the results of the study conducted under sub-
16 section (a).

17 (c) DEFINITIONS.—In this section:

18 (1) SMALL BUSINESS CONCERN.—

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

23 (B) EXCLUSIONS.—The term “small busi-
24 ness concern” does not include any concern or
25 group of concerns controlled by the same so-
26 cially and economically disadvantaged individual

1 or individuals that have average annual gross
2 receipts during the preceding 3 fiscal years in
3 excess of \$22,410,000, as adjusted annually by
4 the Secretary for inflation.

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

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

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

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

1 (b) MEMBERSHIP.—The working group shall consist
2 of representatives of—

3 (1) Amtrak;

4 (2) the States along the proposed route or
5 routes;

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

11 (4) the Southern Rail Commission;

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

14 (6) other entities determined appropriate by the
15 Administrator.

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

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

23 (2) select a preferred option for restoring such
24 service;

1 (3) develop a prioritized inventory of capital
2 projects and other actions required to restore such
3 service and cost estimates for such projects or ac-
4 tions; and

5 (4) identify Federal and non-Federal funding
6 sources required to restore such service, including
7 options for entering into public-private partnerships
8 to restore such service.

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

15 (1) the preferred option selected under sub-
16 section (c)(2) and the reasons for selecting such op-
17 tion;

18 (2) the information described in subsection
19 (c)(3);

20 (3) the funding sources identified under sub-
21 section (c)(4);

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

24 (5) any other information the working group
25 determines appropriate.

1 **SEC. 307. MISCELLANEOUS.**

2 (a) TITLE 49 AMENDMENTS.—Title 49, United
3 States Code, is amended—

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

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

8 (3) in section 24706—

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

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

13 (C) in subsection (b), by striking “section
14 24704 or”.

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

19 (c) PASSENGER RAIL INVESTMENT AND IMPROVE-
20 MENT ACT AMENDMENTS.—Section 305 of the Passenger
21 Rail Investment and Improvement Act of 2008 (49 U.S.C.
22 24101 note) is amended—

23 (1) in subsection (a), by inserting after “equip-
24 ment manufacturers,” the following: “nonprofit or-
25 ganizations representing employees who perform

1 overhaul and maintenance of passenger railroad
2 equipment,”;

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

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

10 **TITLE IV—PROJECT DELIVERY**

11 **SEC. 401. PROJECT DELIVERY RULEMAKING.**

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

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

22 (2) commuter rail passenger transportation (as
23 defined in section 24102(3) of title 49, United
24 States Code) infrastructure projects that are funded
25 in whole or in part through a direct loan or loan

1 guarantee under title V of the Railroad Revitaliza-
2 tion and Regulatory Reform Act of 1976 (45 U.S.C.
3 801 et seq.).

4 (b) DEADLINE.—The Secretary shall complete the
5 rulemaking required under subsection (a) not later than
6 2 years after the date of enactment of this Act.

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

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

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

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

24 (4) create a process to invite Federal agencies
25 and State, local, and tribal governments to partici-

1 pate in the review process, expand coordination with
2 such agencies and governments, and require the
3 identification as early as practicable in the process
4 of any—

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

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

12 (5) create process efficiencies, including—

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

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

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

24 (D) developing a coordination plan and
25 schedule, in coordination with affected Federal

1 agencies, for participation in the review by Fed-
2 eral agencies, State, local, and tribal govern-
3 ments, and the public; and

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

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

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

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

21 (9) ensure that documents developed under the
22 procedures are adopted and used by other Federal
23 agencies, and State, local, and tribal governments, to
24 the maximum extent practicable, to eliminate redun-
25 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)”.

Union Calendar No. 20

114TH CONGRESS
1ST Session

H. R. 749

[Report No. 114-30]

A BILL

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

FEBRUARY 26, 2015

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed