

114TH CONGRESS
1ST SESSION

S. 1732

To authorize elements of the Department of Transportation, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 9, 2015

Mr. THUNE (for himself, Mrs. FISCHER, and Mr. MORAN) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To authorize elements of the Department of Transportation,
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; REF-**
4 **ERENCES.**

5 (a) SHORT TITLE.—This Act may be cited as the
6 “Comprehensive Transportation and Consumer Protection
7 Act of 2015”.

8 (b) TABLE OF CONTENTS.—The table of contents of
9 this Act is as follows:

Sec. 1. Short title; table of contents; references.
Sec. 2. Definition of Secretary.

TITLE I—OFFICE OF THE SECRETARY

Subtitle A—Accelerating Project Delivery

- Sec. 1101. Delegation of authority.
- Sec. 1102. Infrastructure Permitting Improvement Center.
- Sec. 1103. Accelerated decisionmaking in environmental reviews.
- Sec. 1104. Environmental review alignment and reform.
- Sec. 1105. Multimodal categorical exclusions.
- Sec. 1106. Improving transparency in environmental reviews.

Subtitle B—Freight

- Sec. 1201. Establishment of freight chapter.
- Sec. 1202. National multimodal freight policy.
- Sec. 1203. National multimodal freight network.
- Sec. 1204. National Freight Strategic Plan.
- Sec. 1205. State freight plans.
- Sec. 1206. Freight investment grants.
- Sec. 1207. Reports.
- Sec. 1208. Repeals.
- Sec. 1209. Savings provision.

Subtitle C—Research

- Sec. 1301. Findings.
- Sec. 1302. Modal research plans.
- Sec. 1303. Consolidated research prospectus and strategic plan.
- Sec. 1304. Research Ombudsman.
- Sec. 1305. Smart cities transportation planning study.
- Sec. 1306. Bureau of Transportation Statistics independence.
- Sec. 1307. Conforming amendments.
- Sec. 1308. Repeal of obsolete office.

Subtitle D—Port Performance Act

- Sec. 1401. Short title.
- Sec. 1402. Findings.
- Sec. 1403. Port performance freight statistics program.
- Sec. 1404. Monthly reports on performance at United States ports.

TITLE II—COMMERCIAL MOTOR VEHICLE AND DRIVER PROGRAMS

Subtitle A—Compliance, Safety, and Accountability Reform

PART I—COMPLIANCE, SAFETY, AND ACCOUNTABILITY

- Sec. 2001. Correlation study.
- Sec. 2002. Safety improvement metrics.
- Sec. 2003. Data certification.
- Sec. 2004. Data improvement.
- Sec. 2005. Accident report information.
- Sec. 2006. Post-accident report review.
- Sec. 2007. Recognizing excellence in safety.
- Sec. 2008. High risk carrier reviews.

PART II—INTERIM HIRING STANDARD

- Sec. 2101. Definitions.
- Sec. 2102. National hiring standards for motor carriers.
- Sec. 2103. Applicability.

Subtitle B—Drug Free Commercial Driver Act of 2015

- Sec. 2201. Short title.
- Sec. 2202. Authorization of hair testing.
- Sec. 2203. Exemption from mandatory urinalysis.
- Sec. 2204. Guidelines for hair testing.
- Sec. 2205. Annual report to Congress.

Subtitle C—Transparency and Accountability

- Sec. 2301. Rulemaking requirements.
- Sec. 2302. Petitions for regulatory relief.
- Sec. 2303. Inspector standards.
- Sec. 2304. Technology improvements.

Subtitle D—Trucking Rules Updated by Comprehensive and Key Safety Reform

- Sec. 2401. Update on statutory requirements.
- Sec. 2402. Statutory rulemaking.
- Sec. 2403. Guidance reform.
- Sec. 2404. Petitions.
- Sec. 2405. Regulatory reform.

Subtitle E—State Authorities

- Sec. 2501. Emergency route working group.
- Sec. 2502. Additional State authority.
- Sec. 2503. Commercial driver access.

Subtitle F—Motor Carrier Safety Grant Consolidation

- Sec. 2601. Definitions.
- Sec. 2602. Grants to States.
- Sec. 2603. New entrant safety review program study.
- Sec. 2604. Performance and registration information systems management.
- Sec. 2605. Authorization of appropriations.
- Sec. 2606. Commercial driver's license program implementation.
- Sec. 2607. Extension of Federal motor carrier safety programs for fiscal year 2016.
- Sec. 2608. Motor carrier safety assistance program allocation.
- Sec. 2609. Maintenance of effort calculation.

Subtitle G—Miscellaneous Provisions

- Sec. 2701. Windshield technology.
- Sec. 2702. Electronic logging devices requirements.
- Sec. 2703. Lapse of required financial security; suspension of registration.
- Sec. 2704. Access to National Driver Register.
- Sec. 2705. Study on commercial motor vehicle driver commuting.
- Sec. 2706. Household goods consumer protection working group.

TITLE III—HAZARDOUS MATERIALS

- Sec. 3101. Endorsements.
- Sec. 3102. Enhanced reporting.
- Sec. 3103. Hazardous material information.
- Sec. 3104. Hazardous materials training requirements and grants.
- Sec. 3105. National emergency and disaster response.
- Sec. 3106. Authorization of appropriations.

TITLE IV—HIGHWAY AND MOTOR VEHICLE SAFETY

Subtitle A—Highway Traffic Safety

PART I—HIGHWAY SAFETY

- Sec. 4101. Authorization of appropriations.
- Sec. 4102. Highway safety programs.
- Sec. 4103. Grants for alcohol-ignition interlock laws and 24–7 sobriety programs.
- Sec. 4104. Study on the national roadside survey of alcohol and drug use by drivers.

PART II—STOP MOTORCYCLE CHECKPOINT FUNDING ACT

- Sec. 4121. Short title.
- Sec. 4122. Grant restriction.

PART III—IMPROVING DRIVER SAFETY ACT OF 2015

- Sec. 4131. Short title.
- Sec. 4132. Distracted driving incentive grants.
- Sec. 4133. Barriers to data collection report.

PART IV—TECHNICAL AND CONFORMING AMENDMENTS

- Sec. 4141. Technical corrections to the Motor Vehicle and Highway Safety Improvement Act of 2012.

Subtitle B—Vehicle Safety

- Sec. 4201. Authorization of appropriations.
- Sec. 4202. Inspector General recommendations.
- Sec. 4203. Improvements in availability of recall information.
- Sec. 4204. Recall process.
- Sec. 4205. Pilot grant program for State notification to consumers of motor vehicle recall status.
- Sec. 4206. Recall obligations under bankruptcy.
- Sec. 4207. Dealer requirement to check for open recall.
- Sec. 4208. Extension of time period for remedy of tire defects.
- Sec. 4209. Rental car safety.
- Sec. 4210. Motor vehicle equipment.
- Sec. 4211. Transfer to Highway Trust Fund of certain motor vehicle safety penalties.

Subtitle C—Research and Development and Vehicle Electronics

- Sec. 4301. Report on operations of the Council for Vehicle Electronics, Vehicle Software, and Emerging Technologies.
- Sec. 4302. Cooperation with foreign governments.

Subtitle D—Miscellaneous Provisions

PART I—DRIVER PRIVACY ACT OF 2015

- Sec. 4401. Short title.
- Sec. 4402. Limitations on data retrieval from vehicle event data recorders.
- Sec. 4403. Vehicle event data recorder study.

PART II—SAFETY THROUGH INFORMED CONSUMERS ACT OF 2015

- Sec. 4421. Short title.
- Sec. 4422. Passenger motor vehicle information.

TITLE V—RAILROAD REFORM, ENHANCEMENT, AND EFFICIENCY

- Sec. 5001. Passenger transportation; definitions.

Subtitle A—Authorization of Appropriations

- Sec. 5101. Authorization of grants to Amtrak.
- Sec. 5102. National infrastructure and safety investments.
- Sec. 5103. Authorization of appropriations for National Transportation Safety Board rail investigations.
- Sec. 5104. Authorization of appropriations for Amtrak Office of Inspector General.
- Sec. 5105. National cooperative rail research program.

Subtitle B—Amtrak Reform

- Sec. 5201. Amtrak grant process.
- Sec. 5202. 5-year business line and assets plans.
- Sec. 5203. State-supported route committee.
- Sec. 5204. Route and service planning decisions.
- Sec. 5205. Competition.
- Sec. 5206. Rolling stock purchases.
- Sec. 5207. Food and beverage policy.
- Sec. 5208. Local products and promotional events.
- Sec. 5209. Right-of-way leveraging.
- Sec. 5210. Station development.
- Sec. 5211. Amtrak debt.
- Sec. 5212. Amtrak pilot program for passengers transporting domesticated cats and dogs.
- Sec. 5213. Amtrak board of directors.

Subtitle C—Intercity Passenger Rail Policy

- Sec. 5301. Competitive operating grants.
- Sec. 5302. Federal-State partnership for state-of-good-repair.
- Sec. 5303. Large capital project requirements.
- Sec. 5304. Small business participation study.
- Sec. 5305. Gulf coast rail service working group.
- Sec. 5306. Integrated passenger rail working group.
- Sec. 5307. Shared-use study.
- Sec. 5308. Northeast Corridor Commission.
- Sec. 5309. Northeast Corridor through-ticketing and procurement efficiencies.
- Sec. 5310. Data and analysis.
- Sec. 5311. Disaster relief.
- Sec. 5312. Performance-based proposals.

- Sec. 5313. Amtrak Inspector General.
- Sec. 5314. Miscellaneous provisions.

Subtitle D—Rail Safety

PART I—SAFETY IMPROVEMENT

- Sec. 5401. Highway-rail grade crossing safety.
- Sec. 5402. Confidential close call reporting system.
- Sec. 5403. Speed limit action plans.
- Sec. 5404. Signage.
- Sec. 5405. Alerters.
- Sec. 5406. Signal protection.
- Sec. 5407. Technology implementation plans.
- Sec. 5408. Commuter rail track inspections.
- Sec. 5409. Emergency response.
- Sec. 5410. Private highway-rail grade crossings.
- Sec. 5411. Repair and replacement of damaged track inspection equipment.
- Sec. 5412. Rail police officers.
- Sec. 5413. Operation deep dive; report.
- Sec. 5414. Post-accident assessment.
- Sec. 5415. Technical and conforming amendments.

PART II—CONSOLIDATED RAIL INFRASTRUCTURE AND SAFETY IMPROVEMENTS

- Sec. 5421. Consolidated rail infrastructure and safety improvements.

PART III—HAZARDOUS MATERIALS BY RAIL SAFETY AND OTHER SAFETY ENHANCEMENTS

- Sec. 5431. Real-time emergency response information.
- Sec. 5432. Thermal blankets.
- Sec. 5433. Comprehensive oil spill response plans.
- Sec. 5434. Hazardous materials by rail liability study.
- Sec. 5435. Study and testing of electronically controlled pneumatic brakes.
- Sec. 5436. Recording devices.
- Sec. 5437. Rail passenger transportation liability.
- Sec. 5438. Modification reporting.

PART IV—POSITIVE TRAIN CONTROL

- Sec. 5441. Coordination of spectrum.
- Sec. 5442. Updated plans.
- Sec. 5443. Early adoption and interoperability.
- Sec. 5444. Positive train control at grade crossings effectiveness study.

Subtitle E—Project Delivery

- Sec. 5501. Short title.
- Sec. 5502. Preservation of public lands.
- Sec. 5503. Efficient environmental reviews.
- Sec. 5504. Advance acquisition.
- Sec. 5505. Railroad rights-of-way.
- Sec. 5506. Improving State and Federal agency engagement in environmental reviews.
- Sec. 5507. Savings clause.
- Sec. 5508. Transition.

Subtitle F—Financing

- Sec. 5601. Short title; references.
- Sec. 5602. Definitions.
- Sec. 5603. Eligible applicants.
- Sec. 5604. Eligible purposes.
- Sec. 5605. Program administration.
- Sec. 5606. Loan terms and repayment.
- Sec. 5607. Credit risk premiums.
- Sec. 5608. Master credit agreements.
- Sec. 5609. Priorities and conditions.
- Sec. 5610. Savings provision.

1 (c) REFERENCES TO TITLE 49, UNITED STATES
 2 CODE.—Except as otherwise expressly provided, wherever
 3 in this Act an amendment or repeal is expressed in terms
 4 of an amendment to, or repeal of, a section or other provi-
 5 sion, the reference shall be considered to be made to a
 6 section or other provision of title 49, United States Code.

7 **SEC. 2. DEFINITION OF SECRETARY.**

8 In this Act, except as otherwise expressly provided,
 9 the term “Secretary” means the Secretary of Transpor-
 10 tation.

11 **TITLE I—OFFICE OF THE**
 12 **SECRETARY**
 13 **Subtitle A—Accelerating Project**
 14 **Delivery**

15 **SEC. 1101. DELEGATION OF AUTHORITY.**

16 (a) IN GENERAL.—Chapter 1 is amended by adding
 17 at the end the following:

18 **“§ 116. Administrations; acting officers**

19 “(a) IN GENERAL.—Notwithstanding section
 20 3346(a)(2) of title 5, a person may serve as an acting offi-

cer for an administration in the Department of Transportation under section 3345 of that title for the 210-day period under section 3346(a)(1) of that title, which period may only be extended if a nomination for the office is received by the Senate. If the 210-day period under section 3346(a)(1) of title 5 expires before a nomination for the office is received by the Senate, the Secretary of Transportation, notwithstanding section 3345 or subsections (b) and (c) of section 3348 of that title, shall successively designate, until a nomination for the office is received by the Senate, another officer or employee within the administration concerned to perform the functions and duties of the office temporarily in an acting capacity for no longer than 210 days. This section is a statutory provision to which section 3347(a)(1) of title 5 applies.

“(b) TERMINATION OF AUTHORITY.—Any authority delegated to a person while serving as an acting officer under subsection (a) shall terminate effective on the date that a nomination for that office is confirmed by the Senate or the date that another acting officer for that office is designated by the Secretary, as required by subsection (a), whichever is sooner.

“(c) EXTRA PAY PROHIBITED.—An officer or employee may not receive pay in addition to the pay for his or her regular office or employment for performing the

1 functions and duties of an office temporarily under sub-
 2 section (a).”.

3 (b) CONFORMING AMENDMENT.—The table of con-
 4 tents for chapter 1 is amended by inserting after the item
 5 relating to section 115 the following:

“116. Administrations; acting officers.”.

6 (c) APPLICATION.—The amendment under subsection
 7 (a) shall apply to any applicable office with a position des-
 8 ignated for a Senate confirmed official.

9 **SEC. 1102. INFRASTRUCTURE PERMITTING IMPROVEMENT**
 10 **CENTER.**

11 (a) IN GENERAL.—Subchapter I of chapter 3, as
 12 amended by sections 1104 and 1106 of this Act, is further
 13 amended by inserting after section 311 the following:

14 **“§ 312. Interagency Infrastructure Permitting Im-**
 15 **provement Center**

16 “(a) IN GENERAL.—There is established in the Office
 17 of the Secretary an Interagency Infrastructure Permitting
 18 Improvement Center (referred to in this section as the
 19 ‘Center’).

20 “(b) ROLES AND RESPONSIBILITIES.—

21 “(1) GOVERNANCE.—The Center shall report to
 22 the chair of the Steering Committee described in
 23 paragraph (2) to ensure that the perspectives of all
 24 member agencies are represented.

1 “(2) INFRASTRUCTURE PERMITTING STEERING
2 COMMITTEE.—An Infrastructure Permitting Steer-
3 ing Committee (referred to in this section as the
4 ‘Steering Committee’) is established to oversee the
5 work of the Center. The Steering Committee shall be
6 chaired by the Federal Chief Performance Officer in
7 consultation with the Chair of the Council on Envi-
8 ronmental Quality and shall be comprised of Dep-
9 uty-level representatives from the following depart-
10 ments and agencies:

11 “(A) The Department of Defense.

12 “(B) The Department of the Interior.

13 “(C) The Department of Agriculture.

14 “(D) The Department of Commerce.

15 “(E) The Department of Transportation.

16 “(F) The Department of Energy.

17 “(G) The Department of Homeland Secu-
18 rity.

19 “(H) The Environmental Protection Agen-
20 cy.

21 “(I) The Advisory Council on Historic
22 Preservation.

23 “(J) The Department of the Army.

24 “(K) The Department of Housing and
25 Urban Development.

1 “(L) Other agencies the Chair of the
2 Steering Committee invites to participate.

3 “(3) ACTIVITIES.—The Center shall support the
4 Chair of the Steering Committee and undertake the
5 following:

6 “(A) Coordinate and support implementa-
7 tion of priority reform actions for Federal agen-
8 cy permitting and reviews for areas as defined
9 and identified by the Steering Committee.

10 “(B) Support modernization efforts at
11 Federal agencies and interagency pilots for in-
12 novative approaches to the permitting and re-
13 view of infrastructure projects.

14 “(C) Provide technical assistance and
15 training to field and headquarters staff of Fed-
16 eral agencies on policy changes, innovative ap-
17 proaches to project delivery, and other topics as
18 appropriate.

19 “(D) Identify, develop, and track metrics
20 for timeliness of permit reviews, permit deci-
21 sions, and project outcomes.

22 “(E) Administer and expand the use of on-
23 line transparency tools providing for—

24 “(i) tracking and reporting of metrics;

1 “(ii) development and posting of
 2 schedules for permit reviews and permit
 3 decisions; and

4 “(iii) sharing of best practices related
 5 to efficient project permitting and reviews.

6 “(F) Provide reporting to the President on
 7 progress toward achieving greater efficiency in
 8 permitting decisions and review of infrastruc-
 9 ture projects and progress toward achieving
 10 better outcomes for communities and the envi-
 11 ronment.

12 “(4) INFRASTRUCTURE SECTORS COVERED.—
 13 The Center shall support process improvements in
 14 the permitting and review of projects in the fol-
 15 lowing sectors:

16 “(A) Surface transportation.

17 “(B) Aviation.

18 “(C) Ports and waterways.

19 “(D) Water resource projects.

20 “(E) Renewable energy generation.

21 “(F) Electricity transmission.

22 “(G) Broadband.

23 “(H) Pipelines.

24 “(I) Other sectors, as determined by the
 25 Steering Committee.”.

1 (b) CONFORMING AMENDMENT.—The table of con-
 2 tents of chapter 3, as amended by sections 1104 and 1106
 3 of this Act, is further amended by inserting after the item
 4 relating to section 311 the following:

“312. Interagency Infrastructure Permitting Improvement Center.”.

5 **SEC. 1103. ACCELERATED DECISIONMAKING IN ENVIRON-**
 6 **MENTAL REVIEWS.**

7 (a) IN GENERAL.—Subchapter I of chapter 3 is
 8 amended by inserting after section 304 the following:

9 **“§ 304a. Accelerated decisionmaking in environ-**
 10 **mental reviews**

11 “(a) IN GENERAL.—In preparing a final environ-
 12 mental impact statement under the National Environ-
 13 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.), if
 14 the Department of Transportation, when acting as lead
 15 agency, modifies the statement in response to comments
 16 that are minor and are confined to factual corrections or
 17 explanations of why the comments do not warrant addi-
 18 tional Departmental response, the Department may write
 19 on errata sheets attached to the statement instead of re-
 20 writing the draft statement, subject to the condition that
 21 the errata sheets—

22 “(1) cite the sources, authorities, or reasons
 23 that support the position of the Department; and

1 “(2) if appropriate, indicate the circumstances
2 that would trigger Departmental reappraisal or fur-
3 ther response.

4 “(b) INCORPORATION.—To the maximum extent
5 practicable, the Department shall expeditiously develop a
6 single document that consists of a final environmental im-
7 pact statement and a record of decision, unless—

8 “(1) the final environmental impact statement
9 makes substantial changes to the proposed action
10 that are relevant to environmental or safety con-
11 cerns; or

12 “(2) there are significant new circumstances or
13 information relevant to environmental concerns and
14 that bear on the proposed action or the impacts of
15 the proposed action.”.

16 (b) CONFORMING AMENDMENT.—The table of con-
17 tents of chapter 3 is amended by inserting after the item
18 relating to section 304 the following:

“304a. Accelerated decisionmaking in environmental reviews.”.

19 **SEC. 1104. ENVIRONMENTAL REVIEW ALIGNMENT AND RE-**
20 **FORM.**

21 (a) IN GENERAL.—Subchapter I of chapter 3 is
22 amended by inserting after section 309 the following:

23 **“§ 310. Aligning Federal environmental reviews**

24 “(a) COORDINATED AND CONCURRENT ENVIRON-
25 MENTAL REVIEWS.—Not later than 1 year after the date

1 of enactment of the Comprehensive Transportation and
2 Consumer Protection Act of 2015, the Department of
3 Transportation, in coordination with the Steering Com-
4 mittee described in section 312 of this title, shall develop
5 a coordinated and concurrent environmental review and
6 permitting process for transportation projects when initi-
7 ating an environmental impact statement under the Na-
8 tional Environmental Policy Act of 1969 (42 U.S.C. 4321
9 et seq.) (referred to in this section as ‘NEPA’). The co-
10 ordinated and concurrent environmental review and per-
11 mitting process shall—

12 “(1) ensure that the Department of Transpor-
13 tation and Federal agencies of jurisdiction possess
14 sufficient information early in the review process to
15 determine a statement of a transportation project’s
16 purpose and need and range of alternatives for anal-
17 ysis that the lead agency and agencies of jurisdiction
18 will rely upon for concurrent environmental reviews
19 and permitting decisions required for the proposed
20 project;

21 “(2) achieve early concurrence or issue resolu-
22 tion during the NEPA scoping process on the De-
23 partment of Transportation’s statement of a
24 project’s purpose and need and during development
25 of the environmental impact statement on the range

1 of alternatives for analysis that the lead agency and
2 agencies of jurisdiction will rely upon for concurrent
3 environmental reviews and permitting decisions re-
4 quired for the proposed project absent circumstances
5 that require reconsideration in order to meet an
6 agency of jurisdiction’s legal obligations; and

7 “(3) achieve concurrence or issue resolution in
8 an expedited manner if circumstances arise that re-
9 quire a reconsideration of the purpose and need or
10 range of alternatives considered during any Federal
11 agency’s environmental or permitting review in order
12 to meet an agency of jurisdiction’s legal obligations.

13 “(b) ENVIRONMENTAL CHECKLIST.—The Secretary
14 of Transportation and Federal agencies of jurisdiction
15 likely to have substantive review or approval responsibil-
16 ities on transportation projects, not later than 90 days
17 after the date of enactment of the Comprehensive Trans-
18 portation and Consumer Protection Act of 2015, shall
19 jointly develop a checklist to help project sponsors identify
20 potential natural, cultural, and historic resources in the
21 area of a proposed project. The purpose of the checklist
22 is—

23 “(1) to identify agencies of jurisdiction and co-
24 operating agencies;

1 “(2) to develop the information needed for the
2 purpose and need and alternatives for analysis; and

3 “(3) to improve interagency collaboration to
4 help expedite the permitting process for the lead
5 agency and Federal agencies of jurisdiction.

6 “(c) INTERAGENCY COLLABORATION.—Consistent
7 with Federal environmental statutes and the priority re-
8 form actions for Federal agency permitting and reviews
9 defined and identified by the Steering Committee estab-
10 lished under section 312, the Secretary shall facilitate an-
11 nual interagency collaboration sessions at the appropriate
12 jurisdictional level to coordinate business plans and facili-
13 tate coordination of workload planning and workforce
14 management. This engagement shall ensure agency staff
15 is fully engaged and utilizing the flexibility of existing reg-
16 ulations, policies, and guidance and identifying additional
17 actions to facilitate high quality, efficient, and targeted
18 environmental reviews and permitting decisions. The ses-
19 sions and the interagency collaborations they generate
20 shall focus on how to work with State and local transpor-
21 tation entities to improve project planning, siting, and ap-
22 plication quality and how to consult and coordinate with
23 relevant stakeholders and Federal, tribal, State, and local
24 representatives early in permitting processes.

1 “(d) PERFORMANCE MEASUREMENT.—Not later
 2 than 1 year after the date of enactment of the Comprehen-
 3 sive Transportation and Consumer Protection Act of
 4 2015, the Secretary of Transportation, in coordination
 5 with the Steering Committee established under section
 6 312, shall establish a program to measure and report on
 7 progress towards aligning Federal reviews as outlined in
 8 this section.”.

9 (b) CONFORMING AMENDMENT.—The table of con-
 10 tents of subchapter I of chapter 3 is amended by inserting
 11 after the item relating to section 309 the following:

“310. Aligning Federal environmental reviews.”.

12 **SEC. 1105. MULTIMODAL CATEGORICAL EXCLUSIONS.**

13 Section 304 is amended—

14 (1) in subsection (a)—

15 (A) in paragraph (1)—

16 (i) by striking “operating authority”
 17 and inserting “operating administration or
 18 secretarial office”;

19 (ii) by inserting “has expertise but”
 20 before “is not the lead”; and

21 (iii) by inserting “proposed
 22 multimodal” before “project”;

23 (B) by amending paragraph (2) to read as
 24 follows:

1 “(2) LEAD AUTHORITY.—The term ‘lead au-
 2 thority’ means a Department of Transportation op-
 3 erating administration or secretarial office that has
 4 the lead responsibility for a proposed multimodal
 5 project.”; and

6 (C) in paragraph (3), by striking “has the
 7 meaning given the term in section 139(a) of
 8 title 23” and inserting “means an action by the
 9 Department of Transportation that involves ex-
 10 pertise of 1 or more Department of Transpor-
 11 tation operating administrations or secretarial
 12 offices”;

13 (2) in subsection (b), by striking “under this
 14 title” and inserting “by the Secretary of Transpor-
 15 tation”;

16 (3) in subsection (c)—

17 (A) in the matter preceding paragraph
 18 (1)—

19 (i) by striking “a categorical exclusion
 20 designated under the implementing regula-
 21 tions or” and inserting “categorical exclu-
 22 sions designated under the National Envi-
 23 ronmental Policy Act of 1969 (42 U.S.C.
 24 4321 et seq.) implementing”; and

1 (ii) by striking “other components of
 2 the” and inserting “a proposed
 3 multimodal”;

4 (B) by amending paragraphs (1) and (2)
 5 to read as follows:

6 “(1) the lead authority makes a preliminary de-
 7 termination on the applicability of a categorical ex-
 8 clusion to a proposed multimodal project and notifies
 9 the cooperating authority of its intent to apply the
 10 cooperating authority categorical exclusion;

11 “(2) the cooperating authority does not object
 12 to the lead authority’s preliminary determination of
 13 its applicability;”;

14 (C) in paragraph (3)—

15 (i) by inserting “the lead authority de-
 16 termines that” before “the component of”;
 17 and

18 (ii) by inserting “proposed
 19 multimodal” before “project to be cov-
 20 ered”; and

21 (D) by amending paragraph (4) to read as
 22 follows:

23 “(4) the lead authority, with the concurrence of
 24 the cooperating authority—

1 “(A) follows implementing regulations or
2 procedures under the National Environmental
3 Policy Act of 1969 (42 U.S.C. 4321 et seq.);

4 “(B) determines that the proposed
5 multimodal project does not individually or cu-
6 mulatively have a significant impact on the en-
7 vironment; and

8 “(C) determines that extraordinary cir-
9 cumstances do not exist that merit additional
10 analysis and documentation in an environ-
11 mental impact statement or environmental as-
12 sessment required under the National Environ-
13 mental Policy Act of 1969 (42 U.S.C. 4321 et
14 seq.).”; and

15 (4) by amending subsection (d) to read as fol-
16 lows:

17 “(d) COOPERATING AUTHORITY EXPERTISE.—A co-
18 operating authority shall provide expertise to the lead au-
19 thority on aspects of the multimodal project in which the
20 cooperating authority has expertise.”.

21 **SEC. 1106. IMPROVING TRANSPARENCY IN ENVIRON-**
22 **MENTAL REVIEWS.**

23 (a) IN GENERAL.—Subchapter I of chapter 3, as
24 amended by section 1104 of this Act, is further amended
25 by inserting after section 310 the following:

1 **“§ 311. Improving transparency in environmental re-**
2 **views**

3 “(a) IN GENERAL.—Not later than 2 years after the
4 date of enactment of the Comprehensive Transportation
5 and Consumer Protection Act of 2015, the Secretary of
6 Transportation shall establish an online platform and, in
7 coordination with Federal agencies described in subsection
8 (b), issue reporting standards to make publicly available
9 the status and progress with respect to compliance with
10 applicable requirements under the National Environ-
11 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and
12 any other Federal approval required under applicable laws
13 for projects and activities requiring an environmental as-
14 sessment or an environmental impact statement.

15 “(b) FEDERAL AGENCY PARTICIPATION.—A Federal
16 agency of jurisdiction over an approval required for a
17 project under applicable laws shall provide information re-
18 garding the status and progress of the approval to the on-
19 line platform, consistent with the standards established
20 under subsection (a).

21 “(c) ASSIGNMENT OF RESPONSIBILITIES.—An entity
22 with assigned authority for responsibilities under the Na-
23 tional Environmental Policy Act of 1969 (42 U.S.C. 4321
24 et seq.), under section 326 or section 327 of title 23 shall
25 be responsible for supplying project development and com-
26 pliance status for all applicable projects.”.

1 (b) CONFORMING AMENDMENT.—The table of con-
 2 tents of subchapter I of chapter 3, as amended by section
 3 1104 of this Act, is further amended by inserting after
 4 the item relating to section 310, the following:

“311. Improving transparency in environmental reviews.”.

5 **Subtitle B—Freight**

6 **SEC. 1201. ESTABLISHMENT OF FREIGHT CHAPTER.**

7 (a) SENSE OF CONGRESS.—It is the sense of Con-
 8 gress that—

9 (1) freight policy and planning should incor-
 10 porate the many modes of transportation that move
 11 goods;

12 (2) the Secretary of Transportation should
 13 oversee and facilitate multimodal freight planning ef-
 14 forts;

15 (3) the Under Secretary for Policy of the De-
 16 partment of Transportation should serve as the pri-
 17 mary coordinator of multimodal planning efforts;

18 (4) efficient and reliable freight infrastructure
 19 is critical to our Nation’s economy and international
 20 competitiveness;

21 (5) the Nation’s limited Federal discretionary
 22 infrastructure funding resources should be focused
 23 on freight infrastructure; and

24 (6) as such, the sole discretionary national in-
 25 frastructure investment grant program annually ap-

1 appropriated without authorization, should be reformed
 2 and refocused into the Freight Investment Grant
 3 program.

4 (b) FREIGHT.—Subtitle III is amended by inserting
 5 after chapter 53 the following:

6 **“CHAPTER 54—FREIGHT**

“Sec.

“5401. Definitions.

“5402. National multimodal freight policy.

“5403. National multimodal freight network.

“5404. National Freight Strategic Plan.

“5405. State freight plans.

“5406. Freight investment grants.

“5407. Reports.

7 **“§ 5401. Definitions**

8 “‘In this chapter:

9 “(1) ECONOMIC COMPETITIVENESS.—The term
 10 ‘economic competitiveness’ means the ability of the
 11 economy to efficiently move freight and people,
 12 produce goods, and deliver services, including—

13 “(A) reductions in the travel time of
 14 freight;

15 “(B) reductions in the congestion caused
 16 by the movement of freight;

17 “(C) improvements to freight travel time
 18 reliability; and

19 “(D) reductions in freight transportation
 20 costs due to congestion and insufficient infra-
 21 structure.

1 “(2) FREIGHT.—The term ‘freight’ means the
2 commercial transportation of cargo, including agri-
3 cultural, manufactured, retail, or other goods by ves-
4 sel, vehicle, pipeline, or rail.

5 “(3) FREIGHT TRANSPORTATION MODES.—The
6 term ‘freight transportation modes’ means—

7 “(A) the infrastructure supporting any
8 mode of transportation that moves freight, in-
9 cluding highways, ports, waterways, rail facili-
10 ties, and pipelines; and

11 “(B) any vehicles or equipment trans-
12 porting goods on such infrastructure.

13 “(4) INTELLIGENT FREIGHT TRANSPORTATION
14 SYSTEM.—The term ‘intelligent freight transpor-
15 tation system’ means—

16 “(A) an innovative or intelligent techno-
17 logical transportation system, infrastructure, or
18 facilities, including electronic roads, driverless
19 trucks, elevated freight transportation facilities,
20 automated port technologies, and other similar
21 freight transportation systems; and

22 “(B) communications or information proc-
23 essing systems used singly or in combination
24 for intelligent freight lanes and conveyances
25 that improve the efficiency, security, or safety

1 of the freight system or that operate to convey
 2 freight or improve existing freight movements.

3 “(5) NATIONAL MULTIMODAL FREIGHT NET-
 4 WORK.—The term ‘national multimodal freight net-
 5 work’ means the network established under section
 6 5403.

7 “(6) NATIONAL MULTIMODAL FREIGHT STRA-
 8 TEGIC PLAN.—The term ‘national multimodal
 9 freight strategic plan’ means the strategic plan de-
 10 veloped under section 5404.

11 “(7) SECRETARY.—The term ‘Secretary’ means
 12 the Secretary of Transportation.

13 “(8) STATE.—The term ‘State’ means a State
 14 of the United States, the District of Columbia, the
 15 Commonwealth of Puerto Rico, the Commonwealth
 16 of the Northern Mariana Islands, Guam, American
 17 Samoa, and the United States Virgin Islands.”.

18 **SEC. 1202. NATIONAL MULTIMODAL FREIGHT POLICY.**

19 Subtitle III, as amended by section 1201 of this Act,
 20 is further amended by adding after section 5401 the fol-
 21 lowing:

22 **“§ 5402. National multimodal freight policy**

23 “(a) POLICY.—It is the policy of the United States—

1 “(1) to support investment to maintain and im-
2 prove the condition and performance of the national
3 multimodal freight network;

4 “(2) to ensure that the United States maxi-
5 mizes its competitiveness in the global economy by
6 increasing the overall productivity and connectivity
7 of the national freight system; and

8 “(3) to pursue the goals described in subsection
9 (b).

10 “(b) GOALS.—The national multimodal freight policy
11 has the following goals:

12 “(1) To enhance the economic competitiveness
13 of the United States by investing in infrastructure
14 improvements and implementing operational im-
15 provements on the freight network of the United
16 States that achieve 1 or more of the following:

17 “(A) Strengthen the contribution of the
18 national freight network to the economic com-
19 petitiveness of the United States.

20 “(B) Reduce congestion and relieve bottle-
21 necks in the freight transportation system.

22 “(C) Reduce the cost of freight transpor-
23 tation.

24 “(D) Improve the reliability of freight
25 transportation.

1 “(E) Increase productivity, particularly for
 2 domestic industries and businesses that create
 3 jobs.

4 “(2) To improve the safety, security, efficiency,
 5 and resiliency of freight transportation in rural and
 6 urban areas.

7 “(3) To improve the condition of the national
 8 freight network.

9 “(4) To use advanced technology to improve the
 10 safety and efficiency of the national freight network.

11 “(5) To incorporate concepts of performance,
 12 innovation, competition, and accountability into the
 13 operation and maintenance of the national freight
 14 network.

15 “(6) To improve the efficiency and productivity
 16 of the national freight network.

17 “(7) To pursue these goals in a manner that is
 18 not burdensome to State and local governments.

19 “(c) STRATEGIES.—The United States may achieve
 20 the goals set forth in subsection (b) by—

21 “(1) providing funding to maintain and improve
 22 freight infrastructure facilities;

23 “(2) implementing appropriate safety, environ-
 24 mental, energy and other transportation policies;

1 “(3) utilizing advanced technology and innova-
2 tion;

3 “(4) promoting workforce development; and

4 “(5) using performance management activities.

5 “(d) IMPLEMENTATION.—The Under Secretary for
6 Policy, who shall be responsible for the oversight and im-
7 plementation of the national multimodal freight policy,
8 shall—

9 “(1) assist with the coordination of modal
10 freight planning;

11 “(2) ensure consistent, expedited review of
12 multimodal freight projects;

13 “(3) review the project planning and approval
14 processes at each modal administration to identify
15 modeling and metric inconsistencies, approvals, and
16 terminology differences that could hamper
17 multimodal project approval;

18 “(4) identify interagency data sharing opportu-
19 nities to promote freight planning and coordination;

20 “(5) identify multimodal efforts and connec-
21 tions;

22 “(6) designate the lead agency for multimodal
23 freight projects;

1 “(7) develop recommendations for State incen-
 2 tives for multi-modal planning efforts, which may in-
 3 clude—

4 “(A) reducing the State cost share; or

5 “(B) expediting the review of agreements
 6 for multimodal or freight specific projects;

7 “(8) consider opportunities to reduce project
 8 delays by issuing categorical exclusions or allowing
 9 self-certifications of right-of-way acquisitions for
 10 freight projects; and

11 “(9) submit a report to the Committee on Com-
 12 merce, Science, and Transportation of the Senate
 13 and the Committee on Transportation and Infra-
 14 structure of the House of Representatives that iden-
 15 tifies required reports, statutory requirements, and
 16 other limitations on efficient freight project delivery
 17 that could be streamlined or consolidated.”.

18 **SEC. 1203. NATIONAL MULTIMODAL FREIGHT NETWORK.**

19 Subtitle III as amended by section 1202 of this Act,
 20 is further amended by adding after section 5402 the fol-
 21 lowing:

22 **“§ 5403. National multimodal freight network**

23 “(a) IN GENERAL.—The Secretary shall establish a
 24 national freight network, in accordance with this section—

1 “(1) to assist States in strategically directing
 2 resources toward improved system performance for
 3 the efficient movement of freight on transportation
 4 networks;

5 “(2) to inform freight transportation planning;

6 “(3) to assist in the prioritization of Federal in-
 7 vestment; and

8 “(4) to assess and support Federal investments
 9 to achieve the national multimodal freight policy
 10 goals described in section 5402(b).

11 “(b) NETWORK COMPONENTS.—The national
 12 multimodal freight network established under this section
 13 shall consist of all connectors, corridors, and facilities in
 14 all freight transportation modes that are the most critical
 15 to the current and future movement of freight to achieve
 16 the national multimodal freight policy goals described in
 17 section 5402(b).

18 “(c) INITIAL DESIGNATION OF PRIMARY FREIGHT
 19 SYSTEM.—

20 “(1) IN GENERAL.—Not later than 1 year after
 21 the date of enactment of the Comprehensive Trans-
 22 portation and Consumer Protection Act of 2015, the
 23 Secretary, after soliciting input from stakeholders,
 24 including multimodal freight system users, transport
 25 providers, metropolitan planning organizations, local

1 governments, ports, airports, railroads, and States,
2 through a public process to identify critical freight
3 facilities and corridors that are vital to achieve the
4 national multimodal freight policy goals described in
5 section 5402(b), and after providing notice and op-
6 portunity for comment on a draft system, shall des-
7 ignate a primary freight system with the goal of—

8 “(A) improving network and intermodal
9 connectivity; and

10 “(B) using measurable data as part of the
11 assessment of the significance of freight move-
12 ment, including the consideration of points of
13 origin, destination, and linking components of
14 domestic and international supply chains.

15 “(2) FACTORS.—In designating or redesign-
16 ating a primary freight system, the Secretary shall
17 consider—

18 “(A) origins and destinations of freight
19 movement within, to, and from the United
20 States;

21 “(B) volume, value, tonnage, and the stra-
22 tegic importance of freight;

23 “(C) access to border crossings, airports,
24 seaports, and pipelines;

1 “(D) economic factors, including balance of
2 trade;

3 “(E) access to major areas for manufac-
4 turing, agriculture, or natural resources;

5 “(F) access to energy exploration, develop-
6 ment, installation, and production areas;

7 “(G) intermodal links and intersections
8 that promote connectivity;

9 “(H) freight choke points and other im-
10 pediments contributing to significant measur-
11 able congestion, delay in freight movement, or
12 inefficient modal connections;

13 “(I) impacts on all freight transportation
14 modes and modes that share significant freight
15 infrastructure;

16 “(J) elements and transportation corridors
17 identified by a multi-State coalition, a State, a
18 State advisory committee, or a metropolitan
19 planning organization, using national or local
20 data, as having critical freight importance to
21 the region;

22 “(K) intermodal connectors, major dis-
23 tribution centers, inland intermodal facilities,
24 and first- and last-mile facilities;

1 “(L) the annual average daily truck traffic
2 on principal arterials; and

3 “(M) the significance of goods movement,
4 including consideration of global and domestic
5 supply chains.

6 “(3) REQUIREMENTS FOR DESIGNATION.—A
7 designation may be made under this subsection if
8 the freight transportation facility or infrastructure
9 being considered—

10 “(A) is in an urbanized area, regardless of
11 population;

12 “(B) has been designated under subsection
13 (e) as a critical rural freight corridor;

14 “(C) connects an intermodal facility to—

15 “(i) the primary freight network; or

16 “(ii) an intermodal freight facility;

17 “(D)(i) is located within a corridor of a
18 route on the primary freight network; and

19 “(ii) provides an alternative option impor-
20 tant to goods movement;

21 “(E) serves a major freight generator, lo-
22 gistic center, agricultural region, or manufac-
23 turing or warehouse industrial land; or

24 “(F) is important to the movement of
25 freight within a State or metropolitan region, as

1 determined by the State or the metropolitan
2 planning organization.

3 “(d) REDESIGNATION OF PRIMARY FREIGHT SYS-
4 TEM.—

5 “(1) IN GENERAL.—Beginning on the date that
6 is 5 years after the initial designation under sub-
7 section (c), and every 5 years thereafter, the Sec-
8 retary, using the designation factors described in
9 subsection (c)(3), shall redesignate the primary
10 freight system.

11 “(2) CONSIDERATIONS.—In redesignating the
12 primary freight system under paragraph (1), the
13 Secretary shall—

14 “(A) use, to the extent practicable, meas-
15 urable data to assess the significance of goods
16 movement, including the consideration of points
17 of origin, destination, and linking components
18 of the United States global and domestic supply
19 chains;

20 “(B) consider—

21 “(i) the factors described in sub-
22 section (c)(2); and

23 “(ii) any changes in the economy or
24 freight transportation network demand;
25 and

1 “(C) provide the States with an oppor-
 2 tunity to submit proposed designations in ac-
 3 cordance with paragraph (3).

4 “(3) STATE INPUT.—

5 “(A) IN GENERAL.—Each State that pro-
 6 poses increased designations on the primary
 7 freight system shall—

8 “(i) consider nominations for addi-
 9 tional designations from metropolitan plan-
 10 ning organizations within the State;

11 “(ii) consider nominations for the ad-
 12 ditional designations from owners and op-
 13 erators of port, rail, pipeline, and airport
 14 facilities; and

15 “(iii) ensure that additional designa-
 16 tions are consistent with the State Trans-
 17 portation Improvement Program or freight
 18 plan.

19 “(B) REVISIONS.—States may revise
 20 routes certified under section 4006 of the Inter-
 21 modal Surface Transportation Efficiency Act of
 22 1991 (Public Law 102–240; 105 Stat. 2148) to
 23 conform with the designated freight system
 24 under this section.

1 “(C) SUBMISSION AND CERTIFICATION.—

2 Each State shall submit to the Secretary—

3 “(i) a list of the additional designa-
4 tions added under this subsection; and

5 “(ii) certification that—

6 “(I) the State has satisfied the
7 requirements under subparagraph (A);
8 and

9 “(II) the designations referred to
10 in clause (i) address the factors for
11 redesignation described in subsection
12 (c)(3).

13 “(e) CRITICAL RURAL FREIGHT CORRIDORS.—A
14 State may designate freight transportation infrastructure
15 or facilities within the borders of the State as a critical
16 rural freight corridor if the public road or facility—

17 “(1) is a rural principal arterial roadway or fa-
18 cility;

19 “(2) provides access or service to energy explo-
20 ration, development, installation, or production
21 areas;

22 “(3) provides access or service to—

23 “(A) a grain elevator;

24 “(B) an agricultural facility;

25 “(C) a mining facility;

1 “(D) a forestry facility; or

2 “(E) an intermodal facility;

3 “(4) connects to an international port of entry;

4 “(5) provides access to significant air, rail,
5 water, or other freight facilities in the State; or

6 “(6) has been determined by the State to be
7 vital to improving the efficient movement of freight
8 of importance to the economy of the State.”.

9 **SEC. 1204. NATIONAL FREIGHT STRATEGIC PLAN.**

10 Subtitle III as amended by section 1203 of this Act,
11 is further amended by adding after section 5403 the fol-
12 lowing:

13 **“§ 5404. National Freight Strategic Plan**

14 “(a) INITIAL DEVELOPMENT OF NATIONAL FREIGHT
15 STRATEGIC PLAN.—Not later than 3 years after the date
16 of enactment of the Comprehensive Transportation and
17 Consumer Protection Act of 2015, the Secretary, in con-
18 sultation with State departments of transportation, metro-
19 politan planning organizations, and other appropriate pub-
20 lic and private transportation stakeholders, shall develop,
21 and after providing notice and an opportunity for com-
22 ment on a draft national freight strategic plan, post on
23 the public website of the Department of Transportation,
24 a national freight strategic plan that—

1 “(1) provides an assessment of the condition
2 and performance of the national freight network;

3 “(2) identifies any bottlenecks on the national
4 freight network that create significant freight con-
5 gestion based on a quantitative methodology devel-
6 oped by the Secretary, which shall include—

7 “(A) information from the Freight Anal-
8 ysis Framework of the Federal Highway Ad-
9 ministration; and

10 “(B) to the maximum extent practicable—

11 “(i) an estimate of the cost of ad-
12 dressing each bottleneck; and

13 “(ii) any operational improvements
14 that could be implemented to address each
15 bottleneck;

16 “(3) includes forecasts of freight volumes, based
17 on the most recent data available, for the 5-year pe-
18 riod beginning in the year during which the plan is
19 issued;

20 “(4) identifies major trade gateways and na-
21 tional freight corridors that connect major economic
22 corridors, population centers, trade gateways, and
23 other major freight generators for current and fore-
24 casted traffic and freight volumes;

1 “(5) provides an assessment of statutory, regu-
2 latory, technological, institutional, financial, and
3 other barriers to improved freight transportation
4 performance, including opportunities for overcoming
5 such barriers;

6 “(6) identifies—

7 “(A) routes for providing access to energy
8 exploration, development, installation, or pro-
9 duction areas; and

10 “(B) routes for providing access to major
11 areas for manufacturing, agriculture, or natural
12 resources;

13 “(7) includes best practices for—

14 “(A) improving the performance of the na-
15 tional freight network; and

16 “(B) improving urban and rural access to
17 critical freight corridors;

18 “(8) includes a process for—

19 “(A) addressing multistate projects; and

20 “(B) encouraging jurisdictions to collabo-
21 rate on multistate projects;

22 “(9) identifies—

23 “(A) locations or areas with high crash
24 rates or congestion involving freight traffic; and

25 “(B) strategies to address such issues; and

1 “(10) includes strategies to improve freight
2 intermodal connectivity.

3 “(b) UPDATES TO NATIONAL FREIGHT STRATEGIC
4 PLAN.—Not later than 5 years after the date of comple-
5 tion of the first national freight strategic plan under para-
6 graph (1) and every 5 years thereafter, the Secretary shall
7 update and repost on the public website of the Department
8 of Transportation a revised national freight strategic plan,
9 which shall include a revision of the major trade gateways
10 and national freight corridors identified under subsection
11 (a)(4).

12 “(c) TRANSPORTATION INVESTMENT DATA AND
13 PLANNING TOOLS.—

14 “(1) IN GENERAL.—Not later than 1 year after
15 the date of enactment of the Comprehensive Trans-
16 portation and Consumer Protection Act of 2015, the
17 Secretary shall—

18 “(A) begin developing new tools and im-
19 proving existing tools to support State-based
20 outcome-oriented, performance-based ap-
21 proaches to evaluate proposed freight-related
22 and other transportation projects, including—

23 “(i) methodologies for systematic
24 analysis of benefits and costs on a national
25 and regional basis;

1 “(ii) tools for ensuring that the eval-
 2 uation of freight-related and other trans-
 3 portation projects could consider safety,
 4 economic competitiveness, urban and rural
 5 access, and system condition in the project
 6 selection process;

7 “(iii) improved methods for data col-
 8 lection and trend analysis;

9 “(iv) encouragement of public-private
 10 partnerships to carry out data sharing ac-
 11 tivities and maintaining the confidentiality
 12 of all proprietary data; and

13 “(v) other tools to assist in effective
 14 transportation planning;

15 “(B) identify transportation-related model
 16 data elements to support a broad range of eval-
 17 uation methods and techniques to assist in
 18 making transportation investment decisions;
 19 and

20 “(C) consider, in consultation with other
 21 relevant Federal agencies, any improvements to
 22 existing freight flow data collection efforts that
 23 could—

24 “(i) reduce identified freight data
 25 gaps and deficiencies; and

1 “(ii) help to improve forecasts of
2 freight transportation demand.

3 “(2) CONSULTATION.—The Secretary shall con-
4 sult with other Federal agencies, State governments,
5 and other stakeholders to develop, improve, and im-
6 plement the tools and collect the data described in
7 paragraph (1).”.

8 **SEC. 1205. STATE FREIGHT PLANS.**

9 Subtitle III as amended by section 1204 of this Act,
10 is further amended by adding after section 5404 the fol-
11 lowing:

12 **“§ 5405. State freight plans**

13 “(a) STATE FREIGHT ADVISORY COMMITTEES.—

14 “(1) IN GENERAL.—Each State may establish a
15 freight advisory committee, which should consist of
16 a representative cross-section of public and private
17 sector freight stakeholders, including representatives
18 of ports, shippers, carriers, freight-related associa-
19 tions, the freight industry workforce, the State
20 transportation department, and local governments.

21 “(2) ROLE OF COMMITTEE.—A freight advisory
22 committee described in paragraph (1) may—

23 “(A) advise the State on freight-related
24 priorities, issues, projects, and funding needs;

1 “(B) serve as a forum for discussion for
2 State transportation decisions affecting freight
3 mobility;

4 “(C) communicate and coordinate with
5 other organizations regarding regional prior-
6 ities; and

7 “(D) promote the sharing of information
8 between the private and public sectors on
9 freight issues.

10 “(b) STATE FREIGHT PLANS.—

11 “(1) IN GENERAL.—Each State may develop a
12 freight plan, or integrate such planning into other
13 transportation planning documents, that provides a
14 comprehensive plan for the immediate and long-
15 range planning activities and investments of the
16 State with respect to freight.

17 “(2) PLAN CONTENTS.—A freight plan de-
18 scribed in paragraph (1) should—

19 “(A) identify significant freight system
20 trends, needs, and issues with respect to the
21 State;

22 “(B) describe the freight policies, strate-
23 gies, and performance measures that will guide
24 the freight-related transportation investment
25 decisions of the State;

1 “(C) include, if applicable, a listing of crit-
 2 ical rural and urban freight corridors des-
 3 ignated within the State under this chapter;

4 “(D) describe how the plan will improve
 5 the ability of the State to meet the national
 6 freight goals established under section 5402(b);

7 “(E) include evidence of consideration of
 8 innovative technologies and operational strate-
 9 gies, including intelligent transportation sys-
 10 tems, that improve the safety and efficiency of
 11 freight movement;

12 “(F) include—

13 “(i) an inventory of facilities within
 14 the State with freight mobility issues, such
 15 as freight bottlenecks; and

16 “(ii) a description of the strategies the
 17 State is employing to address such freight
 18 mobility issues;

19 “(G) consider—

20 “(i) any significant congestion or
 21 delay caused by freight movements; and

22 “(ii) any strategies to mitigate such
 23 congestion or delay; and

24 “(H) include, subject to paragraph (3), a
 25 freight investment plan that—

1 “(i) includes a list of priority projects;

2 and

3 “(ii) describes how funds made avail-
4 able to carry out this chapter would be in-
5 vested and matched.

6 “(3) RELATIONSHIP TO LONG-RANGE PLAN.—

7 The freight investment plan component described in
8 paragraph (2)(H) shall include a project, or an iden-
9 tified phase of a project, only if funding for comple-
10 tion of the project can reasonably be anticipated to
11 be available for the project within the time period
12 identified in the freight investment plan. Unfunded
13 project plans should be included in a separate sec-
14 tion.

15 “(4) PLANNING PERIOD.—The freight plan
16 shall address a 5-year forecast period.

17 “(5) UPDATES.—

18 “(A) IN GENERAL.—A State may update
19 the freight plan under this subsection not less
20 frequently than once every 5 years.

21 “(B) FREIGHT INVESTMENT PLAN.—A
22 State may update the freight investment plan
23 more frequently than is required under sub-
24 paragraph (A).

1 “(c) INTELLIGENT FREIGHT TRANSPORTATION SYS-
2 TEM.—

3 “(1) LOCATION.—An intelligent freight trans-
4 portation system shall be located—

5 “(A)(i) along freight corridors; or

6 “(ii) in a manner that connects ports-of-
7 entry to the freight network; and

8 “(B) in proximity to, or within, an existing
9 right-of-way or existing freight right-of-way.

10 “(2) OPERATING STANDARDS.—The Secretary
11 shall determine the need for establishing operating
12 standards for intelligent freight transportation sys-
13 tems.”.

14 **SEC. 1206. FREIGHT INVESTMENT GRANTS.**

15 Subtitle III as amended by section 1205 of this Act,
16 is further amended by adding after section 5405 the fol-
17 lowing:

18 **“§ 5406. Freight investment grants**

19 “(a) ESTABLISHMENT.—The Secretary shall estab-
20 lish and implement a freight investment grant program
21 for capital investments in major freight transportation in-
22 frastructure projects to improve the movement of goods
23 through the transportation network of the United States.

24 “(b) APPLICATIONS.—

1 “(1) IN GENERAL.—An eligible applicant seek-
 2 ing a grant under this section shall submit an appli-
 3 cation to the Secretary in such form as the Sec-
 4 retary prescribes and containing the data described
 5 in paragraph (2) and the total amount of the grant
 6 requested.

7 “(2) CONTENTS.—Each application submitted
 8 under this subsection shall include, to the extent
 9 practicable, available data on the most recent system
 10 performance and estimated system improvements
 11 that will result from completion of the eligible
 12 project, including projections for improvements 5
 13 and 10 years after completion of the project.

14 “(3) ACCOUNTABILITY MEASURES.—The Sec-
 15 retary shall establish accountability measures for the
 16 management of the Freight Investment Grant Pro-
 17 gram—

18 “(A) to establish clear procedures for ad-
 19 dressing late-arriving applications;

20 “(B) to publicly communicate its decisions
 21 to accept or reject applications described in sub-
 22 paragraph (A); and

23 “(C) to document and approve major deci-
 24 sions in the application evaluation and project
 25 selection process through a decision memo-

1 random or similar mechanism that provides a
 2 clear rationale for decisions—

3 “(i) to advance for senior review ap-
 4 plications other than those rated as highly
 5 recommended;

6 “(ii) to not advance applications rated
 7 as highly recommended; and

8 “(iii) to change the technical evalua-
 9 tion rating of an application.

10 “(4) RESUBMISSION OF APPLICATIONS.—An eli-
 11 gible applicant whose project is not selected under
 12 this section may resubmit an application with an ad-
 13 dendum identifying any project updates in a subse-
 14 quent solicitation.

15 “(c) CRITERIA FOR PROJECT EVALUATION AND SE-
 16 LECTION.—

17 “(1) IN GENERAL.—The Administrator may se-
 18 lect a project for funding under this section only if
 19 the Administrator determines that the project—

20 “(A) is consistent with the goals described
 21 in section 5402(b);

22 “(B) will significantly improve the national
 23 or regional performance of the freight transpor-
 24 tation network;

1 “(C) is based on the results of preliminary
2 engineering;

3 “(D) is consistent with the long-range
4 statewide transportation plan;

5 “(E) cannot be readily and efficiently com-
6 pleted without Federal financial assistance;

7 “(F) is justified based on the ability of the
8 project—

9 “(i) to generate national economic
10 benefits that reasonably exceed the costs of
11 the project;

12 “(ii) to reduce long-term congestion,
13 including impacts on a regional and state-
14 wide basis; or

15 “(iii) to increase the speed, reliability,
16 and accessibility of the movement of
17 freight; and

18 “(G) is supported by a sufficient amount
19 of non-Federal funding, including evidence of
20 stable and dependable financing to construct,
21 maintain, and operate the infrastructure facil-
22 ity.

23 “(2) ADDITIONAL CONSIDERATIONS.—In evalu-
24 ating a project under this section, in addition to the

1 criteria described in paragraph (1), the Secretary
2 shall consider the extent to which the project—

3 “(A) leverages Federal investment by en-
4 couraging non-Federal contributions to the
5 project, including contributions from public-pri-
6 vate partnerships;

7 “(B) is able to begin construction by the
8 date that is not later than 12 months after the
9 date on which the project is selected;

10 “(C) incorporates innovative project deliv-
11 ery and financing to the maximum extent prac-
12 ticable;

13 “(D) improves freight facilities vital to ag-
14 ricultural or national energy security;

15 “(E) improves or upgrades current or des-
16 ignated future Interstate System routes;

17 “(F) uses innovative technologies, includ-
18 ing intelligent transportation systems, that en-
19 hance the efficiency of the project;

20 “(G) helps to improve mobility and accessi-
21 bility; and

22 “(H) improves transportation safety, in-
23 cluding reducing transportation accident and
24 serious injuries and fatalities.

1 “(d) GEOGRAPHIC DISTRIBUTION.—In awarding
2 grants under this section, the Secretary shall take meas-
3 ures to ensure, to the maximum extent practicable—

4 “(1) an equitable geographic distribution of
5 amounts; and

6 “(2) an appropriate balance in addressing the
7 needs of rural and urban communities.

8 “(e) ELIGIBLE PROJECTS.—

9 “(1) IN GENERAL.—A project is eligible for a
10 grant under this section if the project—

11 “(A) is difficult to complete with existing
12 Federal, State, local, and private funds;

13 “(B)(i) enhances the economic competitive-
14 ness of the United States; or

15 “(ii) improves the flow of freight or re-
16 duces bottlenecks in our Nation’s freight infra-
17 structure; and

18 “(C) will advance 1 or more of the fol-
19 lowing objectives:

20 “(i) Generate regional or national eco-
21 nomic benefits and an increase in the glob-
22 al economic competitiveness of the United
23 States.

1 “(ii) Improve transportation resources
2 vital to agriculture or national energy secu-
3 rity.

4 “(iii) Improve the efficiency, reli-
5 ability, and affordability of the movement
6 of freight.

7 “(iv) Improve existing freight infra-
8 structure projects.

9 “(v) Improve the movement of people
10 by improving rural and metropolitan
11 freight routes.

12 “(2) EXAMPLES.—Eligible projects for grant
13 funding under this section shall include—

14 “(A) a freight intermodal facility, includ-
15 ing—

16 “(i) an intermodal facility serving a
17 seaport;

18 “(ii) an intermodal or cargo access fa-
19 cility serving an airport;

20 “(iii) an intermodal facility serving a
21 port on the inland waterways;

22 “(iv) a bulk intermodal/transload fa-
23 cility; or

24 “(v) a highway/rail intermodal facility;

1 “(B) highway or bridge projects eligible
2 under title 23;

3 “(C) public transportation projects that re-
4 duce congestion on freight corridors and are eli-
5 gible under chapter 53;

6 “(D) freight rail transportation projects
7 (including rail-grade separations); and

8 “(E) port infrastructure investments (in-
9 cluding inland port infrastructure).

10 “(f) ELIGIBLE APPLICANTS.—An applicant is eligible
11 to receive a grant under this section if the applicant is—

12 “(1) a State or a group of States;

13 “(2) a local government or a group of local gov-
14 ernments;

15 “(3) a tribal government or a group of tribal
16 governments;

17 “(4) a transit agency or a group of transit
18 agencies;

19 “(5) a special purpose district or a public au-
20 thority with a transportation function;

21 “(6) a port authority;

22 “(7) a political subdivision of a State or local
23 government;

24 “(8) a Federal land management agency, which
25 is applying jointly with a State; or

1 “(9) a multistate or multijurisdictional group of
 2 entities described in any of paragraphs (1) through
 3 (8).

4 “(g) REQUIREMENTS.—

5 “(1) COMPETITIVE GRANTS.—The Secretary
 6 shall distribute amounts appropriated for grants
 7 under this section to States, local governments, tran-
 8 sit agencies, or a collaboration among such entities
 9 on a competitive basis for projects that will have a
 10 significant impact on freight movement.

11 “(2) CONSIDERATIONS.—In selecting projects
 12 to receive grant funding under this section, the Sec-
 13 retary shall—

14 “(A) consider—

15 “(i) projected freight volumes; and

16 “(ii) how projects will enhance eco-
 17 nomic efficiency, productivity, and competi-
 18 tiveness; and

19 “(B) give priority to projects dedicated
 20 to—

21 “(i) improving freight infrastructure
 22 facilities;

23 “(ii) reducing travel time for freight
 24 projects; and

1 “(iii) reducing freight transportation
2 costs.

3 “(3) EQUITABLE DISTRIBUTION OF FUNDS.—In
4 distributing funding for grants under this section,
5 the Secretary shall take such measures to ensure—

6 “(A) an equitable geographic distribution
7 of funds;

8 “(B) an appropriate balance in addressing
9 the needs of urban and rural areas; and

10 “(C) the investment in a variety of trans-
11 portation modes.

12 “(4) AMOUNT.—

13 “(A) IN GENERAL.—Except as provided
14 under subparagraph (B)(i), a grant under this
15 heading shall be not less than \$10,000,000 and
16 not greater than \$100,000,000.

17 “(B) PROJECTS IN RURAL AREAS.—If a
18 grant awarded under this section is for a
19 project located in a rural area—

20 “(i) the amount of the grant shall be
21 at least \$1,000,000; and

22 “(ii) the Secretary may increase the
23 Federal share of costs to greater than 80
24 percent.

1 “(5) FEDERAL SHARE.—Except as provided
2 under paragraph (4)(B)(ii), the Federal share of the
3 costs for a project receiving a grant under this sec-
4 tion shall be up to 80 percent.

5 “(6) PRIORITY.—The Secretary shall give pri-
6 ority to projects that require a contribution of Fed-
7 eral funds in order to complete an overall financing
8 package.

9 “(7) RURAL AREAS.—Not less than 25 percent
10 of the funding provided under this section shall be
11 for projects located in rural areas.

12 “(8) NEW COMPETITION.—The Secretary shall
13 conduct a new competition to select the grants and
14 credit assistance awarded under this section.

15 “(9) CONGRESSIONAL NOTIFICATION.—Not
16 later than 72 hours before public notification of a
17 grant awarded under this section, the Secretary shall
18 notify the Committee on Commerce, Science, and
19 Transportation of the Senate, the Committee on En-
20 vironment and Public Works of the Senate, the
21 Committee on Banking, Housing, and Urban Affairs
22 of the Senate, the Committee on Appropriations of
23 the Senate, the Committee on Transportation and
24 Infrastructure of the House of Representatives, and

1 the Committee on Appropriations of the House of
2 Representatives of such award.

3 “(h) TIFLA AND RRIF PROGRAMS.—On the request
4 of an eligible entity under this section, the Secretary may
5 use amounts awarded to the entity to pay subsidy and ad-
6 ministrative costs necessary to provide the entity Federal
7 credit assistance under section 6 of title 23 or section 822
8 of title 45 with respect to the project for which the grant
9 was awarded.

10 “(i) AUTHORIZATION OF APPROPRIATIONS.—

11 “(1) IN GENERAL.—There is authorized to be
12 appropriated from the general fund of the Treasury,
13 \$500,000,000 for each of the fiscal years 2016
14 through 2021 to carry out this section.

15 “(2) ADMINISTRATIVE AND OVERSIGHT
16 COSTS.—The Secretary may retain up to 0.5 percent
17 of the amounts appropriated pursuant to paragraph
18 (1)—

19 “(A) to administer the freight investment
20 grant program; and

21 “(B) to oversee eligible projects funded
22 under this section.

23 “(3) ADMINISTRATION OF FUNDS.—Amounts
24 appropriated pursuant to this subsection shall be
25 available for obligation until expended.”.

1 **SEC. 1207. REPORTS.**

2 Subtitle III, as amended by section 1206 of this Act,
3 is further amended by adding after section 5406 the fol-
4 lowing:

5 **“§ 5407. Reports**

6 “(a) FREIGHT TRANSPORTATION CONDITIONS AND
7 PERFORMANCE REPORTS.—Not later than 3 years after
8 the date of enactment of the Comprehensive Transpor-
9 tation and Consumer Protection Act of 2015, and every
10 5 years thereafter, the Secretary shall submit a report to
11 Congress that describes the conditions and performance
12 of the national freight network in the United States.

13 “(b) ANNUAL REPORT.—At the end of each fiscal
14 year, the Secretary shall post, on a public website, an an-
15 nual report that lists each project for which assistance has
16 been provided under this chapter during that fiscal year.

17 “(c) GAO ASSESSMENT AND REPORT.—

18 “(1) ASSESSMENT.—The Comptroller General
19 of the United States shall conduct an assessment of
20 the administrative establishment, solicitation, selec-
21 tion, and justification process for funding of projects
22 under this chapter.

23 “(2) REPORT.—Not later than 1 year after the
24 first funding is awarded under this chapter, and not
25 later than 6 months after each funding solicitation,
26 the Comptroller General of the United States shall

1 submit a report to the Committee on Commerce,
 2 Science, and Transportation of the Senate, the Com-
 3 mittee on Environment and Public Works of the
 4 Senate, the Committee on Banking, Housing and
 5 Urban Affairs of the Senate, the Committee on Ap-
 6 propriations of the Senate, the Committee on Trans-
 7 portation and Infrastructure of the House of Rep-
 8 resentatives, and the Committee on Appropriations
 9 of the House of Representatives that describes—

10 “(A) the adequacy and fairness of the
 11 process by which each project was selected;

12 “(B) the justification provided by the De-
 13 partment for the selection of each project;

14 “(C) whether the project met the criteria
 15 described in subsection (e); and

16 “(D) whether the Secretary provided ade-
 17 quate feedback to applicants who were not se-
 18 lected for an award.”.

19 **SEC. 1208. REPEALS.**

20 The Moving Ahead for Progress in the 21st Century
 21 Act (Public Law 112–141) is amended by striking sections
 22 1117 and 1118 (23 U.S.C. 167 note).

23 **SEC. 1209. SAVINGS PROVISION.**

24 No provision in this subtitle may be construed to pro-
 25 vide additional authority to regulate or direct private ac-

1 tivity on freight networks designated by the amendments
 2 made under this subtitle.

3 **Subtitle C—Research**

4 **SEC. 1301. FINDINGS.**

5 Congress makes the followings findings:

6 (1) Federal transportation research planning
 7 and coordination—

8 (A) should occur within the Office of the
 9 Secretary; and

10 (B) should be, to the extent practicable,
 11 multimodal and not occur solely within the sub-
 12 agencies of the Department of Transportation.

13 (2) Managing a multi-modal research portfolio
 14 within the Office of the Secretary will—

15 (A) help identify opportunities where re-
 16 search could be applied across modes; and

17 (B) prevent duplication of efforts and
 18 waste of limited Federal resources.

19 (3) An ombudsman for research at the Depart-
 20 ment of Transportation will—

21 (A) give stakeholders a formal opportunity
 22 to address concerns;

23 (B) ensure unbiased research; and

24 (C) improve the overall research products
 25 of the Department.

1 (4) Increasing transparency of transportation
2 research efforts will—

3 (A) build stakeholder confidence in the
4 final product; and

5 (B) lead to the improved implementation
6 of research findings.

7 **SEC. 1302. MODAL RESEARCH PLANS.**

8 (a) IN GENERAL.—Not later than June 15 of the
9 year preceding the research fiscal year, the head of each
10 modal administration and joint program office of the De-
11 partment of Transportation shall submit a comprehensive
12 annual research plan to the Assistant Secretary for Re-
13 search and Technology of the Department of Transpor-
14 tation (referred to in this subtitle as the “Assistant Sec-
15 retary”).

16 (b) REVIEW.—

17 (1) IN GENERAL.—Not later than October 1,
18 the Assistant Secretary, for each plan submitted
19 pursuant to subsection (a), shall—

20 (A) review the scope of the research; and

21 (B)(i) approve the plan; or

22 (ii) request that the plan be revised.

23 (2) PUBLICATIONS.—Not later than January
24 30 of each year, the Secretary shall publish each

1 plan that has been approved under paragraph
2 (1)(B)(i) on a public website.

3 (3) REJECTION OF DUPLICATIVE RESEARCH EF-
4 FORTS.—The Assistant Secretary may not approve
5 any plan submitted by the head of a modal adminis-
6 tration pursuant to subsection (a) if such plan dupli-
7 cates the research efforts of any other modal admin-
8 istration.

9 (c) FUNDING LIMITATIONS.—No funds may be ex-
10 pended by the Department of Transportation on research
11 that has not previously been approved as part of a modal
12 research plan approved by the Assistant Secretary un-
13 less—

14 (1) such research is required by an Act of Con-
15 gress;

16 (2) such research was part of a contract that
17 was funded before the date of enactment of this Act;
18 or

19 (3) the Secretary of Transportation certifies to
20 Congress that such research is necessary before the
21 approval of a modal research plan.

22 (d) DUPLICATIVE RESEARCH.—

23 (1) IN GENERAL.—Except as provided in para-
24 graph (2), no funds may be expended by the Depart-
25 ment of Transportation on research projects that the

1 Secretary identifies as duplicative under subsection
2 (b)(3).

3 (2) EXCEPTIONS.—Paragraph (1) shall not
4 apply to—

5 (A) updates to previously commissioned re-
6 search;

7 (B) research commissioned to carry out an
8 Act of Congress; or

9 (C) research commissioned before the date
10 of enactment of this Act.

11 (e) CERTIFICATION.—

12 (1) IN GENERAL.—The Secretary shall annually
13 certify to Congress that—

14 (A) each modal research plan has been re-
15 viewed; and

16 (B) there is no duplication of study for re-
17 search directed, commissioned, or conducted by
18 the Department of Transportation.

19 (2) CORRECTIVE ACTION PLAN.—If the Sec-
20 retary, after submitting a certification under para-
21 graph (1), identifies duplication of research within
22 the Department of Transportation, the Secretary
23 shall—

24 (A) notify Congress of the duplicative re-
25 search; and

1 (B) submit a corrective action plan to Con-
 2 gress that will eliminate such duplicative re-
 3 search.

4 **SEC. 1303. CONSOLIDATED RESEARCH PROSPECTUS AND**
 5 **STRATEGIC PLAN.**

6 (a) PROSPECTUS.—

7 (1) IN GENERAL.—The Secretary shall annually
 8 publish, on a public website, a comprehensive pro-
 9 spectus on all research projects conducted by the
 10 Department of Transportation, including, to the ex-
 11 tent practicable, research funded through University
 12 Transportation Centers.

13 (2) CONTENTS.—The prospectus published
 14 under paragraph (1) shall—

15 (A) include the consolidated modal re-
 16 search plans approved under section 1302;

17 (B) describe the research objectives,
 18 progress, and allocated funds for each research
 19 project;

20 (C) identify research projects with
 21 multimodal applications;

22 (D) specify how relevant modal administra-
 23 tions have assisted, will contribute to, or plan
 24 to use the findings from the research projects
 25 identified under paragraph (1);

1 (E) identify areas in which multiple modal
 2 administrations are conducting research
 3 projects on similar subjects or subjects which
 4 have bearing on multiple modes;

5 (F) describe the interagency and cross
 6 modal communication and coordination that has
 7 occurred to prevent duplication of research ef-
 8 forts within the Department of Transportation;

9 (G) indicate how research is being dissemi-
 10 nated to improve the efficiency and safety of
 11 transportation systems;

12 (H) describe how agencies developed their
 13 research plans; and

14 (I) describe the opportunities for public
 15 and stakeholder input.

16 (b) FUNDING REPORT.—In conjunction with each of
 17 the President’s annual budget requests under section 1105
 18 of title 31, United States Code, the Secretary shall submit
 19 a report to appropriate committees of Congress that de-
 20 scribes—

21 (1) the amount spent in the last completed fis-
 22 cal year on transportation research and develop-
 23 ment; and

24 (2) the amount proposed in the current budget
 25 for transportation research and development.

1 (c) PERFORMANCE PLANS AND REPORTS.—In the
 2 plans and reports submitted under sections 1115 and
 3 1116 of title 31, United States Code, the Secretary shall
 4 include—

5 (1) a summary of the Federal transportation
 6 research and development activities for the previous
 7 fiscal year in each topic area;

8 (2) the amount spent in each topic area;

9 (3) a description of the extent to which the re-
 10 search and development is meeting the expectations
 11 set forth in subsection (d)(3)(A); and

12 (4) any amendments to the strategic plan devel-
 13 oped under subsection (d).

14 (d) TRANSPORTATION RESEARCH AND DEVELOP-
 15 MENT STRATEGIC PLAN.—

16 (1) IN GENERAL.—The Secretary shall develop
 17 a 5-year transportation research and development
 18 strategic plan to guide future Federal transportation
 19 research and development activities.

20 (2) CONSISTENCY.—The strategic plan devel-
 21 oped under paragraph (1) shall be consistent with—

22 (A) section 306 of title 5, United States
 23 Code;

24 (B) sections 1115 and 1116 of title 31,
 25 United States Code; and

1 (C) any other research and development
2 plan within the Department of Transportation.

3 (3) CONTENTS.—The strategic plan developed
4 under paragraph (1) shall—

5 (A) describe the primary purposes of the
6 transportation research and development pro-
7 gram, which shall include—

8 (i) promoting safety;

9 (ii) reducing congestion;

10 (iii) improving mobility;

11 (iv) preserving the existing transpor-
12 tation system;

13 (v) improving the durability and ex-
14 tending the life of transportation infra-
15 structure; and

16 (vi) improving goods movement;

17 (B) for each of the purposes referred to in
18 subparagraph (A), list the primary research and
19 development topics that the Department of
20 Transportation intends to pursue to accomplish
21 that purpose, which may include—

22 (i) fundamental research in the phys-
23 ical and natural sciences;

24 (ii) applied research;

25 (iii) technology research; and

1 (iv) social science research intended
2 for each topic; and

3 (C) for each research and development
4 topic—

5 (i) identify the anticipated annual
6 funding levels for the period covered by the
7 strategic plan; and

8 (ii) include any additional information
9 the Department of Transportation expects
10 to discover at the end of the period covered
11 by the strategic plan as a result of the re-
12 search and development in that topic area.

13 (4) CONSIDERATIONS.—The Secretary shall en-
14 sure that the strategic plan developed under this sec-
15 tion—

16 (A) reflects input from a wide range of
17 stakeholders;

18 (B) includes and integrates the research
19 and development programs of all the Depart-
20 ment of Transportation’s modal administra-
21 tions, including aviation, transit, rail, and mari-
22 time; and

23 (C) takes into account how research and
24 development by other Federal, State, private
25 sector, and nonprofit institutions—

1 (i) contributes to the achievement of
 2 the purposes identified under paragraph
 3 (3)(A); and

4 (ii) avoids unnecessary duplication of
 5 such efforts.

6 (e) TECHNICAL AND CONFORMING AMENDMENTS.—

7 (1) CHAPTER 5 OF TITLE 23.—Chapter 5 of
 8 title 23, United States Code, is amended—

9 (A) by striking section 508;

10 (B) in the table of contents, by striking the
 11 item relating to section 508;

12 (C) in section 502—

13 (i) in subsection (a)(9), by striking
 14 “transportation research and technology
 15 development strategic plan developed under
 16 section 508” and inserting “transportation
 17 research and development strategic plan
 18 under section 1303 of the Comprehensive
 19 Transportation and Consumer Protection
 20 Act of 2015”; and

21 (ii) in subsection (b)(4), by striking
 22 “transportation research and development
 23 strategic plan of the Secretary developed
 24 under section 508” and inserting “trans-
 25 portation research and development stra-

1 tegic plan under section 1303 of the Com-
2 prehensive Transportation and Consumer
3 Protection Act of 2015”; and

4 (D) in section 512(b), by striking “as part
5 of the transportation research and development
6 strategic plan developed under section 508”.

7 (2) INTELLIGENT TRANSPORTATION SYS-
8 TEMS.—Section 5205 of the Intelligent Transpor-
9 tation Systems Act of 1998 (23 U.S.C. 502 note) is
10 amended—

11 (A) in subsection (b), by striking “as part
12 of the Surface Transportation Research and
13 Development Strategic Plan developed under
14 section 508 of title 23, United States Code”
15 and inserting “as part of the transportation re-
16 search and development strategic plan under
17 section 1303 of the Comprehensive Transpor-
18 tation and Consumer Protection Act of 2015”;
19 and

20 (B) in subsection (e)(2)(A), by striking “or
21 the Surface Transportation Research and De-
22 velopment Strategic Plan developed under sec-
23 tion 508 of title 23, United States Code” and
24 inserting “or the transportation research and
25 development strategic plan under section 1303

1 of the Comprehensive Transportation and Con-
 2 sumer Protection Act of 2015”.

3 (3) INTELLIGENT TRANSPORTATION SYSTEM
 4 RESEARCH.—Subtitle C of title V of the Safe, Ac-
 5 countable, Flexible, Efficient Transportation Equity
 6 Act: A Legacy for Users (23 U.S.C. 512 note) is
 7 amended—

8 (A) in section 5305(h)(3)(A), by striking
 9 “the strategic plan under section 508 of title
 10 23, United States Code” and inserting “the 5-
 11 year transportation research and development
 12 strategic plan under section 1303 of the Com-
 13 prehensive Transportation and Consumer Pro-
 14 tection Act of 2015”; and

15 (B) in section 5307(c)(2)(A), by striking
 16 “or the surface transportation research and de-
 17 velopment strategic plan developed under sec-
 18 tion 508 of title 23, United States Code” and
 19 inserting “or the 5-year transportation research
 20 and development strategic plan under section
 21 1303 of the Comprehensive Transportation and
 22 Consumer Protection Act of 2015”.

23 **SEC. 1304. RESEARCH OMBUDSMAN.**

24 (a) IN GENERAL.—Subtitle III is amended by insert-
 25 ing after chapter 63 the following:

1 **“CHAPTER 65—RESEARCH OMBUDSMAN**

“Sec.

“6501. Research ombudsman.

2 **“§ 6501. Research ombudsman**

3 “(a) ESTABLISHMENT.—The Assistant Secretary for
4 Research and Technology shall appoint a career Federal
5 employee to serve as Research Ombudsman. This appoint-
6 ment shall not diminish the authority of peer review of
7 research.

8 “(b) QUALIFICATIONS.—The Research Ombudsman
9 appointed under subsection (a), to the extent prac-
10 ticable—

11 “(1) shall have a background in academic re-
12 search and a strong understanding of sound study
13 design;

14 “(2) shall develop a working knowledge of the
15 stakeholder communities and research needs of the
16 transportation field; and

17 “(3) shall not have served as a political ap-
18 pointee of the Department.

19 “(c) RESPONSIBILITIES.—

20 “(1) ADDRESSING COMPLAINTS AND QUES-
21 TIONS.—The Research Ombudsman shall—

22 “(A) receive complaints and questions
23 about—

1 “(i) significant alleged omissions, im-
2 proprieties, and systemic problems; and

3 “(ii) excessive delays of, or within, a
4 specific research project; and

5 “(B) evaluate and address the complaints
6 and questions described in subparagraph (A).

7 “(2) PETITIONS.—

8 “(A) REVIEW.—The Research Ombudsman
9 shall review petitions relating to—

10 “(i) conflicts of interest;

11 “(ii) the study design and method-
12 ology;

13 “(iii) assumptions and potential bias;

14 “(iv) the length of the study; and

15 “(v) the composition of any data sam-
16 pled.

17 “(B) RESPONSE TO PETITIONS.—The Re-
18 search Ombudsman shall—

19 “(i) respond to relevant petitions
20 within a reasonable period;

21 “(ii) identify deficiencies in the peti-
22 tion’s study design; and

23 “(iii) propose a remedy for such defi-
24 ciencies to the administrator of the modal

1 administration responsible for completing
2 the research project.

3 “(C) RESPONSE TO PROPOSED REMEDY.—

4 The administrator of the modal agency charged
5 with completing the research project shall re-
6 spond to the proposed research remedy.

7 “(3) REQUIRED REVIEWS.—The Research Om-
8 budsman shall evaluate the study plan for all statu-
9 torily required studies and reports before the com-
10 mencement of such studies to ensure that the re-
11 search plan has an appropriate sample size and com-
12 position to address the stated purpose of the study.

13 “(d) REPORTS.—

14 “(1) IN GENERAL.—Upon the completion of
15 each review under subsection (c), the Research Om-
16 budsman shall—

17 “(A) submit a report containing the results
18 of such review to—

19 “(i) the Secretary;

20 “(ii) the head of the relevant modal
21 administration; and

22 “(iii) the study or research leader;
23 and

1 “(B) publish such results on a public
2 website, with the modal agency response re-
3 quired under subsection (c)(2)(C).

4 “(2) INDEPENDENCE.—Each report required
5 under this section shall be provided directly to the
6 individuals described in paragraph (1) without any
7 comment or amendment from the Secretary, the
8 Deputy Secretary of Transportation, the head of any
9 modal administration of the Department, or any
10 other officer or employee of the Department or the
11 Office of Management and Budget.

12 “(e) REPORT TO INSPECTOR GENERAL.—The Re-
13 search Ombudsman shall submit any evidence of misfea-
14 sance, malfeasance, waste, fraud, or abuse uncovered dur-
15 ing a review under this section to the Inspector General
16 for further review.

17 “(f) REMOVAL.—The Research Ombudsman shall be
18 subject adverse employment action for misconduct or good
19 cause in accordance with the procedures and grounds set
20 forth in chapter 75 of title 5.”.

21 (b) TECHNICAL AND CONFORMING AMENDMENT.—
22 The table of chapters for subtitle III is amended by insert-
23 ing after the item relating to chapter 63 the following:

“65. Research ombudsman 6501”.

1 **SEC. 1305. SMART CITIES TRANSPORTATION PLANNING**
2 **STUDY.**

3 (a) IN GENERAL.—The Secretary shall conduct a
4 study of digital technologies and information technologies,
5 including shared mobility, data, transportation network
6 companies, and on-demand transportation services—

7 (1) to understand the degree to which cities are
8 adopting these technologies;

9 (2) to assess future planning, infrastructure
10 and investment needs; and

11 (3) to provide best practices to plan for smart
12 cities in which information and technology are
13 used—

14 (A) to improve city operations;

15 (B) to grow the local economy;

16 (C) to improve response in times of emer-
17 gencies and natural disasters; and

18 (D) to improve the lives of city residents.

19 (b) COMPONENTS.—The study conducted under sub-
20 section (a) shall—

21 (1) identify broad issues that influence the abil-
22 ity of the United States to plan for and invest in
23 smart cities, including barriers to collaboration and
24 access to scientific information; and

25 (2) review how the expanded use of digital tech-
26 nologies, mobile devices, and information may—

1 (A) enhance the efficiency and effective-
 2 ness of existing transportation networks;

3 (B) optimize demand management serv-
 4 ices;

5 (C) impact low-income and other disadvan-
 6 taged communities;

7 (D) assess opportunities to share, collect,
 8 and use data;

9 (E) change current planning and invest-
 10 ment strategies; and

11 (F) provide opportunities for enhanced co-
 12 ordination and planning.

13 (c) REPORTING.—Not later than 18 months after the
 14 date of enactment of this Act, the Secretary shall publish
 15 the report containing the results of the study required
 16 under subsection (a) to a public website.

17 **SEC. 1306. BUREAU OF TRANSPORTATION STATISTICS**
 18 **INDEPENDENCE.**

19 Section 6302 is amended by adding at the end the
 20 following:

21 “(d) INDEPENDENCE OF BUREAU.—

22 “(1) IN GENERAL.—The Director shall not be
 23 required—

24 “(A) to obtain the approval of any other
 25 officer or employee of the Department with re-

1 spect to the collection or analysis of any infor-
2 mation; or

3 “(B) prior to publication, to obtain the ap-
4 proval of any other officer or employee of the
5 United States with respect to the substance of
6 any statistical technical reports or press re-
7 leases lawfully prepared by the Director.

8 “(2) BUDGET AUTHORITY.—The Director shall
9 have final authority for the disposition and alloca-
10 tion of the Bureau’s authorized budget, including—

11 “(A) all hiring, grants, cooperative agree-
12 ments, and contracts awarded by the Bureau to
13 carry out this section; and

14 “(B) the disposition and allocation of
15 amounts paid to the Bureau for cost-reimburs-
16 able projects.

17 “(3) EXCEPTIONS.—The Secretary shall direct
18 external support functions, such as the coordination
19 of activities involving multiple modal administra-
20 tions.

21 “(4) INFORMATION TECHNOLOGY.—In consulta-
22 tion with the Chief Information Officer, the Director
23 shall have the final authority in decisions regarding
24 information technology in order to protect the con-
25 fidentiality of information provided solely for statis-

1 tical purposes, in accordance with the Confidential
 2 Information Protection and Statistical Efficiency Act
 3 of 2002 (44 U.S.C. 3501 note).”.

4 **SEC. 1307. CONFORMING AMENDMENTS.**

5 (a) TITLE 49 AMENDMENTS.—

6 (1) ASSISTANT SECRETARIES; GENERAL COUN-
 7 SEL.—Section 102(e) is amended—

8 (A) in paragraph (1), by striking “5” and
 9 inserting “6”; and

10 (B) in paragraph (1)(A), by inserting “an
 11 Assistant Secretary for Research and Tech-
 12 nology,” before “and an Assistant Secretary”.

13 (2) OFFICE OF THE ASSISTANT SECRETARY
 14 FOR RESEARCH AND TECHNOLOGY OF THE DEPART-
 15 MENT OF TRANSPORTATION.—Section 112 is re-
 16 pealed.

17 (3) TABLE OF CONTENTS.—The table of con-
 18 tents of chapter 1 is amended by striking the item
 19 relating to section 112.

20 (4) RESEARCH CONTRACTS.—Section 330 is
 21 amended—

22 (A) in the section heading, by striking
 23 “contracts” and inserting “activities”;

24 (B) in subsection (a), by inserting “IN
 25 GENERAL.—” before “The Secretary”;

1 (C) in subsection (b), by inserting “RE-
2 SPONSIBILITIES.—” before “In carrying out”;

3 (D) in subsection (c), by inserting “PUBLI-
4 CATIONS.—” before “The Secretary”; and

5 (E) by adding at the end the following:

6 “(d) DUTIES.—The Secretary shall provide for the
7 following:

8 “(1) Coordination, facilitation, and review of
9 the Department’s research and development pro-
10 grams and activities.

11 “(2) Advancement, and research and develop-
12 ment, of innovative technologies, including intelligent
13 transportation systems.

14 “(3) Comprehensive transportation statistics re-
15 search, analysis, and reporting.

16 “(4) Education and training in transportation
17 and transportation-related fields.

18 “(5) Activities of the Volpe National Transpor-
19 tation Systems Center.

20 “(e) ADDITIONAL AUTHORITIES.—The Secretary
21 may—

22 “(1) enter into grants and cooperative agree-
23 ments with Federal agencies, State and local govern-
24 ment agencies, other public entities, private organi-
25 zations, and other persons—

1 “(A) to conduct research into transpor-
 2 tation service and infrastructure assurance; and

3 “(B) to carry out other research activities
 4 of the Department;

5 “(2) carry out, on a cost-shared basis, collabo-
 6 rative research and development to encourage inno-
 7 vative solutions to multimodal transportation prob-
 8 lems and stimulate the deployment of new tech-
 9 nology with—

10 “(A) non-Federal entities, including State
 11 and local governments, foreign governments, in-
 12 stitutions of higher education, corporations, in-
 13 stitutions, partnerships, sole proprietorships,
 14 and trade associations that are incorporated or
 15 established under the laws of any State;

16 “(B) Federal laboratories; and

17 “(C) other Federal agencies; and

18 “(3) directly initiate contracts, grants, coopera-
 19 tive research and development agreements (as de-
 20 fined in section 12 of the Stevenson-Wydler Tech-
 21 nology Innovation Act of 1980 (15 U.S.C. 3710a)),
 22 and other agreements to fund, and accept funds
 23 from, the Transportation Research Board of the Na-
 24 tional Research Council of the National Academy of
 25 Sciences, State departments of transportation, cities,

1 counties, institutions of higher education, associa-
2 tions, and the agents of those entities to carry out
3 joint transportation research and technology efforts.

4 “(f) FEDERAL SHARE.—

5 “(1) IN GENERAL.—Subject to paragraph (2),
6 the Federal share of the cost of an activity carried
7 out under subsection (e)(3) shall not exceed 50 per-
8 cent.

9 “(2) EXCEPTION.—If the Secretary determines
10 that the activity is of substantial public interest or
11 benefit, the Secretary may approve a greater Federal
12 share.

13 “(3) NON-FEDERAL SHARE.—All costs directly
14 incurred by the non-Federal partners, including per-
15 sonnel, travel, facility, and hardware development
16 costs, shall be credited toward the non-Federal share
17 of the cost of an activity described in paragraph (1).

18 “(g) PROGRAM EVALUATION AND OVERSIGHT.—For
19 fiscal years 2016 through 2021, the Secretary is author-
20 ized to expend not more than 1½ percent of the amounts
21 authorized to be appropriated for necessary expenses for
22 administration and operations of the Office of the Assist-
23 ant Secretary for Research and Technology for the coordi-
24 nation, evaluation, and oversight of the programs adminis-
25 tered under this section.

1 “(h) USE OF TECHNOLOGY.—The research, develop-
 2 ment, or use of a technology under a contract, grant, coop-
 3 erative research and development agreement, or other
 4 agreement entered into under this section, including the
 5 terms under which the technology may be licensed and the
 6 resulting royalties may be distributed, shall be subject to
 7 the Stevenson-Wydler Technology Innovation Act of 1980
 8 (15 U.S.C. 3701 et seq.).

9 “(i) WAIVER OF ADVERTISING REQUIREMENTS.—
 10 Section 6101 of title 41 shall not apply to a contract,
 11 grant, or other agreement entered into under this sec-
 12 tion.”.

13 (5) TABLE OF CONTENTS.—The item relating
 14 to section 330 in the table of contents of chapter 3
 15 is amended by striking “Contracts” and inserting
 16 “Activities”.

17 (6) BUREAU OF TRANSPORTATION STATIS-
 18 TICS.—Section 6302(a) is amended to read as fol-
 19 lows:

20 “(a) IN GENERAL.—There shall be within the De-
 21 partment the Bureau of Transportation Statistics.”.

22 (b) TITLE 5 AMENDMENTS.—

23 (1) POSITIONS AT LEVEL II.—Section 5313 of
 24 title 5, United States Code, is amended by striking
 25 “Under Secretary of Transportation for Security.”.

1 (2) POSITIONS AT LEVEL III.—Section 5314 of
 2 title 5, United States Code, is amended by striking
 3 “Administrator, Research and Innovative Tech-
 4 nology Administration.”.

5 (3) POSITIONS AT LEVEL IV.—Section 5315 of
 6 title 5, United States Code, is amended by striking
 7 “(4)” in the undesignated item relating to Assistant
 8 Secretaries of Transportation and inserting “(5)”.

9 (4) POSITIONS AT LEVEL V.—Section 5316 is
 10 amended by striking “Associate Deputy Secretary,
 11 Department of Transportation.”.

12 **SEC. 1308. REPEAL OF OBSOLETE OFFICE.**

13 (a) IN GENERAL.—Section 5503 is repealed.

14 (b) TABLE OF CONTENTS.—The table of contents of
 15 chapter 55 is amended by striking the item relating to
 16 section 5503.

17 **Subtitle D—Port Performance Act**

18 **SEC. 1401. SHORT TITLE.**

19 This subtitle may be cited as the “Port Performance
 20 Act”.

21 **SEC. 1402. FINDINGS.**

22 Congress finds the following:

23 (1) America’s ports play a critical role in the
 24 Nation’s transportation supply chain network.

1 (2) Reliable and efficient movement of goods
 2 through the Nation’s ports ensures that American
 3 goods are available to customers throughout the
 4 world.

5 (3) Breakdowns in the transportation supply
 6 chain network, particularly at the Nation’s ports,
 7 can result in tremendous economic losses for agri-
 8 culture, businesses, and retailers that rely on timely
 9 shipments.

10 (4) A clear understanding of port productivity
 11 and throughput would help—

12 (A) to identify freight bottlenecks;

13 (B) to indicate performance and trends
 14 over time; and

15 (C) to inform investment decisions.

16 **SEC. 1403. PORT PERFORMANCE FREIGHT STATISTICS PRO-**
 17 **GRAM.**

18 (a) IN GENERAL.—Chapter 63 is amended by adding
 19 at the end the following:

20 **“§ 6314. Port performance freight statistics program**

21 “(a) IN GENERAL.—The Director shall establish, on
 22 behalf of the Secretary, a port performance statistics pro-
 23 gram to provide nationally consistent measures of per-
 24 formance of—

25 “(1) the Nation’s top 25 ports by tonnage;

1 “(2) the Nation’s top 25 ports by 20-foot equiv-
2 alent unit; and

3 “(3) the Nation’s top 25 ports by dry bulk.

4 “(b) ANNUAL REPORTS.—

5 “(1) PORT CAPACITY AND THROUGHPUT.—Not
6 later than January 15 of each year, the Director
7 shall submit an annual report to Congress that in-
8 cludes statistics on capacity and throughput at the
9 ports described in subsection (a).

10 “(2) PORT PERFORMANCE MEASURES.—The
11 Director shall collect monthly port performance
12 measures for each of the United States ports re-
13 ferred to in subsection (a) that receives Federal as-
14 sistance or is subject to Federal regulation to submit
15 an annual report to the Bureau of Transportation
16 Statistics that includes monthly statistics on capac-
17 ity and throughput as applicable to the specific con-
18 figuration of the port, including—

19 “(A) the total capacity of inbound and out-
20 bound cargo, including containers, break bulk,
21 vehicles, and dry and liquid bulk;

22 “(B) the total volume of inbound and out-
23 bound cargo, including containers, break bulk,
24 vehicles, and dry and liquid bulk;

1 “(C) the average number of lifts per hour
2 of containers by crane;

3 “(D) the average vessel turn time by vessel
4 type;

5 “(E) the average cargo or container dwell
6 time;

7 “(F) port storage capacity and utilization;

8 “(G) the average truck time at ports;

9 “(H) the average rail time at ports; and

10 “(I) any additional metrics, as determined
11 by the Director after receiving recommenda-
12 tions from the working group established under
13 subsection (c).

14 “(c) RECOMMENDATIONS.—

15 “(1) IN GENERAL.—The Director shall obtain
16 recommendations for—

17 “(A) specifications and data measurements
18 for the port performance measures listed in
19 subsection (b)(2);

20 “(B) additionally needed data elements for
21 measuring port performance; and

22 “(C) a process for the Department of
23 Transportation to collect timely and consistent
24 data, including identifying safeguards to protect

1 proprietary information described in subsection
2 (b)(2).

3 “(2) WORKING GROUP.—Not later than 60 days
4 after the date of the enactment of this Act, the Di-
5 rector shall commission a working group composed
6 of—

7 “(A) operating administrations of the De-
8 partment of Transportation;

9 “(B) the Coast Guard;

10 “(C) the Federal Maritime Commission;

11 “(D) U.S. Customs and Border Protection;

12 “(E) the Marine Transportation System
13 National Advisory Council;

14 “(F) the Army Corps of Engineers;

15 “(G) the Saint Lawrence Seaway Develop-
16 ment Corporation;

17 “(H) the Advisory Committee on Supply
18 Chain Competitiveness;

19 “(I) 1 representative from the rail indus-
20 try;

21 “(J) 1 representative from the trucking in-
22 dustry;

23 “(K) 1 representative from the port man-
24 agement industry;

1 “(L) 1 representative from the maritime
2 shipping industry;

3 “(M) 1 representative from the maritime
4 labor industry;

5 “(N) representatives of the National
6 Freight Advisory Committee of the Depart-
7 ment; and

8 “(O) representatives of the Transportation
9 Research Board of the National Academies.

10 “(3) RECOMMENDATIONS.—Not later than 1
11 year after the date of the enactment of the Port
12 Performance Act, the working group commissioned
13 under this subsection shall submit its recommenda-
14 tions to the Director.

15 “(d) ACCESS TO DATA.—The Director shall ensure
16 that the statistics compiled under this section are readily
17 accessible to the public, consistent with applicable security
18 constraints and confidentiality interests.”.

19 (b) PROHIBITION ON CERTAIN DISCLOSURES.—Sec-
20 tion 6307(b)(1) is amended by inserting “or section
21 6314(b)” after “section 6302(b)(3)(B)” each place it ap-
22 pears.

23 (c) COPIES OF REPORTS.—Section 6307(b)(2)(A) is
24 amended by inserting “or section 6314(b)” after “section
25 6302(b)(3)(B)”.

1 (d) TECHNICAL AND CONFORMING AMENDMENT.—

2 The table of contents for chapter 63 is amended by adding

3 at the end the following:

“6314. Port performance freight statistics program.”.

4 **SEC. 1404. MONTHLY REPORTS ON PERFORMANCE AT**

5 **UNITED STATES PORTS.**

6 (a) IN GENERAL.—Not later than 1 year before the

7 expiration date of a maritime labor agreement that applies

8 to facilities of a United States port, 3 months before the

9 expiration date of the maritime labor agreement, and

10 monthly thereafter until a new agreement is agreed to, the

11 Secretary of Transportation, in consultation with the Sec-

12 retary of Commerce and the Secretary of Labor, shall sub-

13 mit a report to the Committee on Commerce, Science, and

14 Transportation of the Senate and the Committee on

15 Transportation and Infrastructure of the House of Rep-

16 resentatives that includes port performance indicators at

17 the affected port. If multiple ports are affected by the ex-

18 piration of the maritime labor agreement, the Secretary

19 of Transportation shall submit a report for each affected

20 port.

21 (b) CONTENTS.—Each report required under sub-

22 section (a) shall include, for the affected port during the

23 previous month—

24 (1) the performance indicators listed under sec-

25 tion 6314(b)(2) of title 49, United States Code;

1 (2) the number and type of vessels awaiting
2 berthing, including average wait time;

3 (3) the number of cancelled vessel calls;

4 (4) an estimate of the economic impact associ-
5 ated with any delays both at the port and across the
6 national economy;

7 (5) an estimate of the amount of time required
8 to clear any congestion;

9 (6) the average number of labor positions or-
10 dered and filled; and

11 (7) any other factors that might have created
12 delays, including weather, equipment maintenance or
13 failures, or infrastructure development or repair.

14 (c) EFFECTIVE PERIOD.—The Secretary of Trans-
15 portation, in consultation with the Secretary of Commerce
16 and the Secretary of Labor, shall submit a report required
17 under subsection (a) for an affected port until the date
18 on which a new maritime labor agreement that applies to
19 the facilities of the port is agreed to by all of the parties
20 to that maritime labor agreement.

21 (d) DEFINITION OF MARITIME LABOR AGREE-
22 MENT.—In this section, the term “maritime labor agree-
23 ment” has the meaning given such term in section 40102
24 of title 46, United States Code.

1 **TITLE II—COMMERCIAL MOTOR**
 2 **VEHICLE AND DRIVER PRO-**
 3 **GRAMS**

4 **Subtitle A—Compliance, Safety,**
 5 **and Accountability Reform**

6 **PART I—COMPLIANCE, SAFETY, AND**
 7 **ACCOUNTABILITY**

8 **SEC. 2001. CORRELATION STUDY.**

9 (a) IN GENERAL.—The Administrator of the Federal
 10 Motor Carrier Safety Administration (referred to in this
 11 part as the “Administrator”) shall commission the Na-
 12 tional Research Council of the National Academies to con-
 13 duct a study of—

14 (1) the Safety Measurement System (referred
 15 to in this part as “SMS”); and

16 (2) the Compliance, Safety, Accountability pro-
 17 gram (referred to in this part as the “CSA pro-
 18 gram”).

19 (b) SCOPE OF STUDY.—In carrying out the study
 20 commissioned pursuant to subsection (a), the National Re-
 21 search Council—

22 (1) shall analyze—

23 (A) the accuracy with which the Behavior
 24 Analysis and Safety Improvement Categories

(referred to in this part as “BASIC”) safety measures used by SMS—

(i) identify high risk drivers and carriers; and

(ii) predict or be correlated with future crash risk, crash severity, or other safety indicators for individual drivers, motor carriers, and the highest risk carriers;

(B) the methodology used to calculate BASIC percentiles and identify carriers for enforcement, including the weights assigned to particular violations, and the tie between crash risk and specific regulatory violations, in order to accurately identify and predict future crash risk for motor carriers;

(C) the relative value of inspection information and roadside enforcement data;

(D) any data collection gaps or data sufficiency problems that may exist and the impact of those data gaps and insufficiencies on the efficacy of the CSA program; and

(E) the accuracy of data processing; and

(2) should consider—

1 (A) whether the current SMS provides
2 comparable precision and confidence for SMS
3 alerts and percentiles for the relative crash risk
4 of individual large and small motor carriers;

5 (B) whether alternative systems would
6 identify high risk carriers or identify high risk
7 drivers and motor carriers more accurately; and

8 (C) the recommendations and findings of
9 the Comptroller General of the United States
10 and the Inspector General, and independent re-
11 view team reports issued before the date of the
12 enactment of this Act.

13 (c) REPORT.—Not later than 18 months after the
14 date of enactment of this Act, the Administrator shall sub-
15 mit a report containing the results of the completed study
16 to—

17 (1) the Committee on Commerce, Science, and
18 Transportation of the Senate;

19 (2) the Committee on Transportation and In-
20 frastructure of the House of Representatives;

21 (3) the Inspector General of the Department of
22 Transportation; and

23 (4) the Comptroller General of the United
24 States.

25 (d) CORRECTIVE ACTION PLAN.—

1 (1) IN GENERAL.—Not later than 120 days
2 after the Administrator submits a report under sub-
3 section (c) that identifies a deficiency or opportunity
4 for improvement in the CSA program or in any ele-
5 ment of SMS, the Administrator shall submit a cor-
6 rective action plan to the Committee on Commerce,
7 Science, and Transportation of the Senate and the
8 Committee on Transportation and Infrastructure of
9 the House of Representatives that—

10 (A) responds to the concerns highlighted
11 by the report;

12 (B) identifies how the Federal Motor Car-
13 rier Safety Administration will address such
14 concerns; and

15 (C) provides an estimate of the cost, in-
16 cluding changes in staffing, enforcement, and
17 data collection necessary to implement the rec-
18 ommendations.

19 (2) PROGRAM REFORMS.—The corrective action
20 plan submitted under paragraph (1) shall include an
21 implementation plan that—

22 (A) includes benchmarks;

23 (B) includes programmatic reforms, revi-
24 sions to regulations, or proposals for legislation;
25 and

1 (C) shall be considered in any rulemaking
2 by the Department of Transportation that re-
3 lates to the CSA program, including the SMS
4 data sets or analysis.

5 (e) INSPECTOR GENERAL REVIEW.—Not later than
6 120 days after the Administrator issues a corrective action
7 plan under subsection (d), the Inspector General of the
8 Department of Transportation shall—

9 (1) review the extent to which such plan imple-
10 ments—

11 (A) recommendations contained in the re-
12 port submitted under subsection (c); and

13 (B) recommendations issued by the Comp-
14 troller General or the Inspector General before
15 the date of enactment of this Act; and

16 (2) submit a report to the Committee on Com-
17 merce, Science, and Transportation of the Senate
18 and the Committee on Transportation and Infra-
19 structure of the House of Representatives on the re-
20 sponsiveness of the corrective action plan to the rec-
21 ommendations described in paragraph (1).

22 (f) FISCAL LIMITATION.—The Administrator shall
23 carry out the study required under this section using
24 amounts appropriated to the Federal Motor Carrier Safety

1 Administration and available for obligation and expendi-
 2 ture as of the date of the enactment of this Act.

3 **SEC. 2002. SAFETY IMPROVEMENT METRICS.**

4 (a) IN GENERAL.—The Administrator shall incor-
 5 porate a methodology into the CSA program or establish
 6 a third-party process to allow recognition, including credit,
 7 improved score, or by establishing a safety BASIC in SMS
 8 for safety technology, tools, programs, and systems ap-
 9 proved by the Administrator through the qualification
 10 process developed under subsection (b) that exceed regu-
 11 latory requirements or are used to enhance safety per-
 12 formance, including—

13 (1) the installation of qualifying advanced safe-
 14 ty equipment, such as—

15 (A) collision mitigation systems;

16 (B) lane departure warnings;

17 (C) speed limiters;

18 (D) electronic logging devices;

19 (E) electronic stability control;

20 (F) critical event recorders; and

21 (G) strengthening rear guards and
 22 sideguards for underride protection;

23 (2) the use of enhanced driver fitness measures
 24 that exceed current regulatory requirements, such
 25 as—

1 (A) additional new driver training;

2 (B) enhanced and ongoing driver training;

3 and

4 (C) remedial driver training to address
5 specific deficiencies as identified in roadside in-
6 spection or enforcement reports;

7 (3) the adoption of qualifying administrative
8 fleet safety management tools technologies, driver
9 performance and behavior management technologies,
10 and programs; and

11 (4) technologies and measures identified
12 through the process described in subsection (c).

13 (b) QUALIFICATION.—The Administrator, through
14 notice and comment rulemaking, shall develop technical or
15 other performance standards for technology, advanced
16 safety equipment, enhanced driver fitness measures, tools,
17 programs, or systems used by motor carriers that will
18 qualify for credit under this section.

19 (c) ADDITIONAL REQUIREMENTS.—In modifying the
20 CSA program under subsection (a), the Administrator,
21 through notice and comment rulemaking, shall develop a
22 process for identifying and reviewing other technology, ad-
23 vanced safety equipment, enhanced driver fitness meas-
24 ures, tools, programs, or systems used by motor carriers
25 to improve safety performance that—

1 (1) provides for a petition for reviewing tech-
2 nology, advanced safety equipment, enhanced driver
3 fitness measures, tools, programs, or systems;

4 (2) seeks input and participation from industry
5 stakeholders, including drivers, technology manufac-
6 turers, vehicle manufacturers, motor carriers, en-
7 forcement communities, and safety advocates, and
8 the Motor Carrier Safety Advisory Committee; and

9 (3) includes technology, advanced safety equip-
10 ment, enhanced driver fitness measures, tools, pro-
11 grams, or systems with a date certain for future
12 statutory or regulatory implementation.

13 (d) SAFETY IMPROVEMENT METRICS USE AND
14 VERIFICATION.—The Administrator, through notice and
15 comment rulemaking, shall develop a process for—

16 (1) providing recognition or credit within a
17 motor carrier’s SMS score for the installation and
18 use of measures in paragraphs (1) through (4) of
19 subsection (a);

20 (2) ensuring that the safety improvement
21 metrics developed under this section are presented
22 with other SMS data;

23 (3) verifying the installation or use of such
24 technology, advanced safety equipment, enhanced
25 driver fitness measures, tools, programs, or systems;

1 (4) modifying or removing recognition or credit
2 upon verification of noncompliance with this section;

3 (5) ensuring that the credits or recognition re-
4 ferred to in paragraph (1) reflect the safety improve-
5 ment anticipated as a result of the installation or
6 use of the specific technology, advanced safety equip-
7 ment, enhanced driver fitness measure, tool, pro-
8 gram, or system;

9 (6) verifying the deployment and use of quali-
10 fying equipment or management systems by a motor
11 carrier through a certification from the vehicle man-
12 ufacturer, the system or service provider, the insur-
13 ance carrier, or through documents submitted by the
14 motor carrier to the Department of Transportation;

15 (7) annually reviewing the list of qualifying
16 safety technology, advanced safety equipment, en-
17 hanced driver fitness measures, tools, programs, or
18 systems; and

19 (8) removing systems mandated by law or regu-
20 lation, or if such systems demonstrate a lack of effi-
21 cacy, from the list of qualifying technologies, ad-
22 vanced safety equipment, enhanced driver fitness
23 measures, tools, programs, or systems eligible for
24 credit under the CSA program.

1 (e) DISSEMINATION OF INFORMATION.—The Admin-
2 istrator shall maintain a public website that contains in-
3 formation regarding—

4 (1) the technology, advanced safety equipment,
5 enhanced driver fitness measures, tools, programs,
6 or systems eligible for credit and improved scores;

7 (2) any petitions for study of the technology,
8 advanced safety equipment, enhanced driver fitness
9 measures, tools, programs, or systems; and

10 (3) statistics and information relating to the
11 use of such technology, advanced safety equipment,
12 enhanced driver fitness measures, tools, programs,
13 or systems.

14 (f) PUBLIC REPORT.—Not later than 1 year after the
15 establishment of the Safety Improvement Metrics System
16 (referred to in this section as “SIMS”) under this section,
17 and annually thereafter, the Administrator shall publish,
18 on a public website, a report that identifies—

19 (1) the types of technology, advanced safety
20 equipment, enhanced driver fitness measures, tools,
21 programs, or systems that are eligible for credit;

22 (2) the number of instances in which each tech-
23 nology, advanced safety equipment, enhanced driver
24 fitness measure, tool, program, or system is used;

1 (3) the number of motor carriers, and a de-
2 scription of the carrier's fleet size, that received rec-
3 ognition or credit under the modified CSA program;
4 and

5 (4) the pre- and post-adoption safety perform-
6 ance of the motor carriers described in paragraph
7 (3).

8 (g) EVALUATION.—

9 (1) IN GENERAL.—Not later than 2 years after
10 the implementation of SIMS under this section, the
11 Administrator shall conduct an evaluation of the ef-
12 fectiveness of SIMS by reviewing the impacts of
13 SIMS on—

14 (A) law enforcement, commercial drivers
15 and motor carriers, and motor carrier safety;
16 and

17 (B) safety and adoption of new tech-
18 nologies.

19 (2) REPORT.—Not later than 30 months after
20 the implementation of the program, the Adminis-
21 trator shall submit a report to the Committee on
22 Commerce, Science, and Transportation of the Sen-
23 ate and the Committee on Transportation and Infra-
24 structure of the House of Representatives that de-
25 scribes—

1 (A) the results of the evaluation conducted
2 under paragraph (1); and

3 (B) the actions the Federal Motor Carrier
4 Safety Administration plans to take to modify
5 the demonstration program based on such re-
6 sults.

7 (h) USE OF ESTIMATES OF SAFETY EFFECTS.—In
8 conducting regulatory impact analyses for rulemakings re-
9 lating to the technology, advanced safety equipment, en-
10 hanced driver fitness measures, tools, programs, or sys-
11 tems selected for credit under the CSA program, the Ad-
12 ministrator, to the extent practicable, shall use the data
13 gathered under this section and appropriate statistical
14 methodology, including sufficient sample sizes, composi-
15 tion, and appropriate comparison groups, including rep-
16 resentative motor carriers of all sizes, to estimate the ef-
17 fects on safety performance and reduction in the number
18 and severity of accidents with qualifying technology, ad-
19 vanced safety equipment, tools, programs, and systems.

20 (i) SAVINGS PROVISION.—Nothing in this section
21 may be construed to provide the Administrator with addi-
22 tional authority to change the requirements for the oper-
23 ation of a commercial motor vehicle.

1 **SEC. 2003. DATA CERTIFICATION.**

2 (a) LIMITATION.—Beginning not later than 1 day
3 after the date of enactment of this Act, none of the anal-
4 ysis of violation information, enforcement prioritization,
5 not-at-fault crashes, alerts, or the relative percentile for
6 each Behavioral Analysis and Safety Improvement Cat-
7 egory developed through the CSA program may be made
8 available to the general public (including through requests
9 under section 552 of title 5, United States Code) until
10 the Inspector General of the Department of Transpor-
11 tation certifies that—

12 (1) any deficiencies identified in the correlation
13 study required under section 2001 have been ad-
14 dressed;

15 (2) the corrective action plan has been imple-
16 mented and the concerns raised by the correlation
17 study under section 2001 have been addressed;

18 (3) the Administrator has fully implemented or
19 satisfactorily addressed the issues raised in the Feb-
20 ruary 2014 GAO report entitled “Modifying the
21 Compliance, Safety, Accountability Program Would
22 Improve the Ability to Identify High Risk Carriers”
23 (GAO–14–114), which called into question the accu-
24 racy and completeness of safety performance calcula-
25 tions;

1 (4) the study required under section 2001 has
2 been published on a public website; and

3 (5) the CSA program has been modified in ac-
4 cordance with section 2002.

5 (b) LIMITATION ON USE OF SMS DATA.—The anal-
6 ysis of violation information enforcement prioritization,
7 alerts, or the relative percentile for each Behavioral Anal-
8 ysis and Safety Improvement Category developed through
9 the CSA program within the SMS system may not be used
10 for safety fitness determinations until the requirements
11 under subsection (a) have been satisfied.

12 (c) EXCEPTIONS.—

13 (1) IN GENERAL.—Notwithstanding the limita-
14 tions set forth in subsections (a) and (b)—

15 (A) the Federal Motor Carrier Safety Ad-
16 ministration and State and local commercial
17 motor vehicle enforcement agencies may only
18 use the information referred to in subsection
19 (a) for purposes of investigation and enforce-
20 ment prioritization; and

21 (B) motor carriers and commercial motor
22 vehicle drivers may access information referred
23 to in subsection (a) that relates directly to the
24 motor carrier or driver, respectively.

1 (2) LIMITATION.—Nothing in subparagraphs
2 (A) and (B) of paragraph (1) may be construed to
3 restrict the official use by State enforcement agen-
4 cies of the data collected by State enforcement per-
5 sonnel.

6 (d) CERTIFICATION.—The certification process de-
7 scribed in subsection (a) shall occur concurrently with the
8 implementation of SIMS under section 2002.

9 **SEC. 2004. DATA IMPROVEMENT.**

10 (a) FUNCTIONAL SPECIFICATIONS.—Not later than
11 180 days after the date of enactment of this Act, the Ad-
12 ministrators shall develop functional specifications to en-
13 sure the consistent and accurate input of data into sys-
14 tems and databases relating to the CSA program.

15 (b) FUNCTIONALITY.—The specifications developed
16 pursuant to subsection (a)—

17 (1) shall provide for the hardcoding and smart
18 logic functionality for roadside inspection data col-
19 lection systems and databases; and

20 (2) shall be made available to public and private
21 sector developers.

22 (c) EFFECTIVE DATA MANAGEMENT.—The Adminis-
23 trator shall ensure that internal systems and databases
24 accept and effectively manage data using uniform stand-
25 ards.

1 (d) CONSULTATION WITH THE STATES.—Before im-
2 plementing the functional specifications described in sub-
3 section (a) or the standards described in subsection (c),
4 the Administrator shall seek input from the State agencies
5 responsible for enforcing section 31102 of title 49, United
6 States Code.

7 **SEC. 2005. ACCIDENT REPORT INFORMATION.**

8 (a) REVIEW.—The Administrator shall initiate a
9 demonstration program that allows motor carriers and
10 drivers to request a review of crashes, and the removal
11 of crash data by the Federal Motor Carrier Safety Admin-
12 istration of crashes, and removal from any weighting, or
13 carrier safety analysis, if the commercial motor vehicle
14 was operated legally and another motorist in connection
15 with the crash is found—

16 (1) to have been driving under the influence;

17 (2) to have been driving the wrong direction on
18 a roadway;

19 (3) to have struck the commercial motor vehicle
20 in the rear;

21 (4) to have struck the commercial motor vehicle
22 which was legally stopped;

23 (5) by the investigating officer or agency to
24 have been responsible for the crash; or

1 (6) to have committed other violations deter-
2 mined by the Administrator.

3 (b) DOCUMENTS.—As part of a request for review
4 under subsection (a), the motor carrier or driver shall sub-
5 mit a copy of available police reports, crash investigations,
6 judicial actions, insurance claim information, and any re-
7 lated court actions submitted by each party involved in
8 the accident.

9 (c) SOLICITATION OF OTHER INFORMATION.—Fol-
10 lowing a notice and comment period, the Administrator
11 may solicit other types of information to be collected under
12 subsection (b) to facilitate appropriate reviews under this
13 section.

14 (d) EVALUATION.—The Federal Motor Carrier Safe-
15 ty Administration shall review the information submitted
16 under subsections (b) and (c).

17 (e) RESULTS.—The results of the review under sub-
18 section (a)—

19 (1) shall be used to recalculate the motor car-
20 rier's crash BASIC percentile;

21 (2) if the carrier is determined to not be re-
22 sponsible for the crash incident, such information,
23 shall be reflected on the website of the Federal
24 Motor Carrier Safety Administration; and

1 (3) shall not be admitted as evidence or other-
2 wise used in a civil action.

3 (f) FEE SYSTEM.—

4 (1) ESTABLISHMENT.—The Administrator may
5 establish a fee system, in accordance with section
6 9701 of title 31, United States Code, in which a
7 motor carrier is charged a fee for each review of a
8 crash requested by such motor carrier under this
9 section.

10 (2) DISPOSITION OF FEES.—Fees collected
11 under this section—

12 (A) may be credited to the Department of
13 Transportation appropriations account for pur-
14 pose of carrying out this section; and

15 (B) shall be used to fully fund the oper-
16 ation of the review program authorized under
17 this section.

18 (g) REVIEW AND REPORT.—Not earlier than 2 years
19 after the establishment of the demonstration program
20 under this section, the Administrator shall—

21 (1) conduct a review of the internal crash re-
22 view program to determine if other crash types
23 should be included; and

24 (2) submit a report to Congress that de-
25 scribes—

1 (A) the number of crashes reviewed;

2 (B) the number of crashes for which the
3 commercial motor vehicle operator was deter-
4 mined not to be at fault; and

5 (C) relevant information relating to the
6 program, including the cost to operate the pro-
7 gram and the fee structure established.

8 **SEC. 2006. POST-ACCIDENT REPORT REVIEW.**

9 (a) IN GENERAL.—Not later than 120 days after the
10 date of enactment of this Act, the Secretary shall convene
11 a working group—

12 (1) to review the data elements of post-accident
13 reports, for tow-away accidents involving commercial
14 motor vehicles, that are reported to the Federal Gov-
15 ernment; and

16 (2) to report to the Secretary its findings and
17 any recommendations, including best practices for
18 State post-accident reports to achieve the data ele-
19 ments described in subsection (c).

20 (b) COMPOSITION.—Not less than 51 percent of the
21 working group should be composed of individuals rep-
22 resenting the States or State law enforcement officials.
23 The remaining members of the working group shall rep-
24 resent industry, labor, safety advocates, and other inter-
25 ested parties.

1 (c) CONSIDERATIONS.—The working group shall con-
2 sider requiring additional data elements, including—

3 (1) the primary cause of the accident, if the pri-
4 mary cause can be determined;

5 (2) the physical characteristics of the commer-
6 cial motor vehicle and any other vehicle involved in
7 the accident, including—

8 (A) the vehicle configuration;

9 (B) the gross vehicle weight if the weight
10 can be readily determined;

11 (C) the number of axles; and

12 (D) the distance between axles, if the dis-
13 tance can be readily determined; and

14 (3) any data elements that could contribute to
15 the appropriate consideration of requests under sec-
16 tion 2005.

17 (d) REPORT.—Not later than 1 year after the date
18 of enactment of this Act, the Secretary shall—

19 (1) review the findings of the working group;

20 (2) identify the best practices for State post-ac-
21 cident reports that are reported to the Federal Gov-
22 ernment, including identifying the data elements
23 that should be collected following a tow-away com-
24 mercial motor vehicle accident; and

1 (3) recommend to the States the adoption of
2 new data elements to be collected following report-
3 able commercial motor vehicle accidents.

4 **SEC. 2007. RECOGNIZING EXCELLENCE IN SAFETY.**

5 (a) IN GENERAL.—The Administrator shall establish
6 a program to publicly recognize motor carriers and drivers
7 whose safety records and programs exceed compliance
8 with the Federal Motor Carrier Safety Administration’s
9 safety regulations and demonstrate clear and outstanding
10 safety practices.

11 (b) RESTRICTION.—The program established under
12 subsection (a) may not be deemed to be an endorsement
13 of, or a preference for, motor carriers or drivers recognized
14 under the program.

15 **SEC. 2008. HIGH RISK CARRIER REVIEWS.**

16 (a) IN GENERAL.—After the completion of the certifi-
17 cation under section 2003 of this Act, and the establish-
18 ment of the Safety Fitness Determination program, the
19 Secretary shall ensure that a review is completed on each
20 motor carrier that demonstrates through performance
21 data that it poses the highest safety risk. At a minimum,
22 a review shall be conducted whenever a motor carrier is
23 among the highest risk carriers for 4 consecutive months.

24 (b) REPORT.—Not later than 180 days after the com-
25 pletion of the certification under section 2003 of this Act

1 and the establishment of the Safety Fitness Determination
 2 program, the Secretary shall post on a public website a
 3 report on the actions the Secretary has taken to comply
 4 with this section, including the number of high risk car-
 5 riers identified and the high risk carriers reviewed.

6 (c) CONFORMING AMENDMENT.—Section 4138 of the
 7 Safe, Accountable, Flexible, Efficient Transportation Eq-
 8 uity Act: A Legacy for Users (49 U.S.C. 31144 note) is
 9 repealed.

10 **PART II—INTERIM HIRING STANDARD**

11 **SEC. 2101. DEFINITIONS.**

12 In this part:

13 (1) ENTITY.—The term “entity” means a per-
 14 son acting as—

15 (A) a shipper or a consignee;

16 (B) a broker, a freight forwarder, or a
 17 household goods freight forwarder (as such
 18 terms are defined in section 13102 of title 49,
 19 United States Code);

20 (C) a non-vessel-operating common carrier,
 21 an ocean freight forwarder, or an ocean trans-
 22 portation intermediary (as such terms are de-
 23 fined in section 40102 of title 46, United States
 24 Code);

1 (D) an indirect air carrier authorized to
2 operate under a Standard Security Program ap-
3 proved by the Transportation Security Adminis-
4 tration;

5 (E) a customs broker licensed in accord-
6 ance with section 111.2 of title 19, Code of
7 Federal Regulations;

8 (F) an interchange motor carrier subject
9 to paragraphs (1)(B) and (2) of section
10 13902(i); or

11 (G) a warehouse (as defined in Article 7–
12 102(13) of the Uniform Commercial Code).

13 (2) MOTOR CARRIER.—The term “motor car-
14 rier” means a motor carrier or a household goods
15 motor carrier (as such terms are defined in section
16 13102 of title 49, United States Code) that is sub-
17 ject to Federal motor carrier financial responsibility
18 and safety regulations.

19 (3) STATE.—The term “State” means each of
20 the 50 States, a political subdivision of any such
21 State, any intrastate agency, any other political
22 agency of 2 or more States, the District of Colum-
23 bia, American Samoa, the Commonwealth of the
24 Northern Mariana Islands, the Commonwealth of
25 Puerto Rico, Guam, and the Virgin Islands.

1 **SEC. 2102. NATIONAL HIRING STANDARDS FOR MOTOR**
2 **CARRIERS.**

3 (a) NATIONAL STANDARD.—Before tendering a ship-
4 ment, but not more than 35 days before the pickup of
5 a shipment by the hired motor carrier, an entity shall
6 verify that the motor carrier, at the time of such
7 verification—

8 (1) is registered with and authorized by the
9 Federal Motor Carrier Safety Administration to op-
10 erate as a motor carrier or household goods motor
11 carrier, if applicable;

12 (2) has the minimum insurance coverage re-
13 quired by Federal law; and

14 (3)(A) before the safety fitness determination
15 regulations are issued, does not have an unsatisfac-
16 tory safety fitness determination issued by the Fed-
17 eral Motor Carrier Safety Administration in force at
18 the time of such verification; or

19 (B) beginning on the date that safety fitness
20 determination regulations are implemented, does not
21 have a safety fitness rating issued by the Federal
22 Motor Carrier Safety Administration under such
23 regulations that is the equivalent of the unsatisfac-
24 tory fitness rating referred to in subparagraph (A).

25 (b) INTERIM USE OF DATA.—

1 (1) IN GENERAL.—Only evidence of an entity’s
2 compliance with subsection (a), crash data, and vio-
3 lations may be admitted as evidence or otherwise
4 used in a civil action for damages resulting from a
5 claim of negligent selection or retention of such
6 motor carrier against the entity.

7 (2) EXCLUDED EVIDENCE.—All other motor
8 carrier data created or maintained by the Federal
9 Motor Carrier Safety Administration, including safe-
10 ty measurement system data or analysis of such
11 data, may not be admitted into evidence in a case
12 or proceeding in which it is asserted or alleged that
13 an entity’s selection or retention of a motor carrier
14 was negligent.

15 (3) CESSATION OF EFFECTIVENESS.—Para-
16 graphs (1) and (2) of this subsection cease to be ef-
17 fective on the date of completion of the certification
18 under section 2003 of this Act.

19 **SEC. 2103. APPLICABILITY.**

20 Notwithstanding any other provision of law, this part
21 shall not apply to any motor carrier transportation con-
22 tract entered into before the date of enactment of this Act.

1 **Subtitle B—Drug Free Commercial**
2 **Driver Act of 2015**

3 **SEC. 2201. SHORT TITLE.**

4 This subtitle may be cited as the “Drug Free Com-
5 mercial Driver Act of 2015”.

6 **SEC. 2202. AUTHORIZATION OF HAIR TESTING.**

7 Section 31306 is amended—

8 (1) in subsection (b)(1)—

9 (A) by redesignating subparagraph (B) as
10 subparagraph (C); and

11 (B) in subparagraph (A), by striking “The
12 regulations shall permit such motor carriers to
13 conduct preemployment testing of such employ-
14 ees for the use of alcohol.” and inserting the
15 following:

16 “(B) The regulations prescribed under subparagraph
17 (A) shall permit motor carriers—

18 “(i) to conduct preemployment testing of com-
19 mercial motor vehicle operators for the use of alco-
20 hol; and

21 “(ii) to use hair testing as an acceptable alter-
22 native to urinalysis—

23 “(I) in conducting preemployment screen-
24 ing for the use of a controlled substance; and

1 “(II) in conducting random screening for
 2 the use of a controlled substance by individuals
 3 who were subject to preemployment screening.”;
 4 and
 5 (2) in subsection (c)(2)—

6 (A) in subparagraph (B), by striking
 7 “and” at the end;

8 (B) in subparagraph (C), by inserting
 9 “and” after the semicolon; and

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

11 “(D) laboratory protocols and cut-off levels
 12 for hair testing to detect the use of a controlled
 13 substance;”.

14 **SEC. 2203. EXEMPTION FROM MANDATORY URINALYSIS.**

15 (a) IN GENERAL.—Any motor carrier that dem-
 16 onstrates, to the satisfaction of the Administrator of the
 17 Federal Motor Carrier Safety Administration, that it can
 18 carry out an applicable hair testing program, consistent
 19 with generally accepted industry standards, to detect the
 20 use of a controlled substance by commercial motor vehicle
 21 operators, may apply to the Administrator for an exemp-
 22 tion from the mandatory urinalysis testing requirements
 23 set forth in subpart C of part 382 of title 49, Code of
 24 Federal Regulations, until a final rule is issued imple-

1 menting the amendments made by section 2202 of this
2 Act.

3 (b) EVALUATION OF APPLICATIONS.—

4 (1) IN GENERAL.—In evaluating an application
5 for an exemption under subsection (a), the Adminis-
6 trator shall determine if the applicant's testing pro-
7 gram employs procedures and protections similar to
8 fleets that have carried out hair testing programs
9 for at least 1 year.

10 (2) REQUIREMENTS.—A testing program may
11 not receive an exemption under subsection (a) unless
12 the applicable testing laboratories—

13 (A) have obtained laboratory accreditation
14 specific to hair testing from an accrediting
15 body, compliant with international or other
16 Federal standards as appropriate, such as the
17 College of American Pathologists; and

18 (B) utilize hair testing assays that have
19 been cleared by the Food and Drug Administra-
20 tion under section 510(k) of the Federal Food,
21 Drug, and Cosmetic Act (21 U.S.C. 360(k)).

22 (c) REPORTING REQUIREMENT.—Any motor carrier
23 that is granted an exemption under subsection (a) shall
24 submit records to the national clearinghouse established
25 under section 31306a of title 49, United States Code, re-

1 lating to all positive test results and test refusals from
2 the hair testing program described in that subsection.

3 **SEC. 2204. GUIDELINES FOR HAIR TESTING.**

4 Not later than 1 year after the date of enactment
5 of this Act, the Secretary of Health and Human Services
6 shall issue scientific and technical guidelines for hair test-
7 ing as a method of detecting the use of a controlled sub-
8 stance for purposes of section 31306 of title 49, United
9 States Code, as amended by section 2202 of this Act.
10 When issuing the scientific and technical guidelines, the
11 Secretary of Health and Human Services may consider
12 differentiating between exposure to and usage of various
13 controlled substances.

14 **SEC. 2205. ANNUAL REPORT TO CONGRESS.**

15 Not later than 1 year after the date of enactment
16 of this Act, and annually thereafter for 5 years, the Sec-
17 retary of Transportation shall submit a report to Congress
18 that—

19 (1) summarizes the results of preemployment
20 and random drug testing using both hair testing and
21 urinalysis;

22 (2) evaluates the efficacy of each method; and

23 (3) determines which method provides the most
24 accurate means of detecting the use of controlled
25 substances over time.

1 **Subtitle C—Transparency and**
2 **Accountability**

3 **SEC. 2301. RULEMAKING REQUIREMENTS.**

4 (a) IN GENERAL.—Not later than 2 years after the
5 date of enactment of this Act, if the Secretary determines
6 that a significant number of crashes are not covered by
7 the current minimum insurance requirements, the Sec-
8 retary shall commence a rulemaking to determine whether
9 to increase the minimum levels of financial responsibility
10 required under section 31139 of title 49, United States
11 Code, for a motor carrier to transport property.

12 (b) CONSIDERATIONS.—In considering a notice of
13 proposed rulemaking or final rule to increase the min-
14 imum levels of financial responsibility under subsection
15 (a), the Secretary shall identify and consider—

16 (1) current State insurance requirements;

17 (2) the differences between the State insurance
18 requirements identified under paragraph (1) and
19 Federal requirements;

20 (3) the amount of an insurance claim at the
21 current minimum levels of financial responsibility
22 that is applied toward—

23 (A) medical care;

24 (B) compensation;

25 (C) attorney fees; or

1 (D) other identifiable costs of a claim; and

2 (4) the frequency in which an insurance claim
3 exceeds the current minimum levels of financial re-
4 sponsibility, including, to the extent practicable, un-
5 sealed verdicts and settlements.

6 (c) RULEMAKING.—If the Secretary commences a
7 rulemaking under subsection (a), the Secretary shall in-
8 clude in the rulemaking—

9 (1) an estimate of the regulations impact on—

10 (A) the safety of motor vehicle transpor-
11 tation;

12 (B) the economic condition of the motor
13 carrier industry, including small and minority
14 motor carriers and independent owner-opera-
15 tors;

16 (C) the ability of the insurance industry to
17 provide the required amount of insurance; and

18 (D) the ability of the minimum insurance
19 level to cover the full cost of injuries, compen-
20 satory damages, and fatalities; and

21 (2) an estimate of the effects an increase in the
22 minimum levels of financial responsibility would have
23 on—

24 (A) small motor carriers;

1 (B) insurance premiums for motor car-
 2 riers, including small and minority motor car-
 3 riers and independent owner-operators; and

4 (C) the availability of insurance to meet
 5 the minimum levels of financial responsibility.

6 **SEC. 2302. PETITIONS FOR REGULATORY RELIEF.**

7 (a) APPLICATIONS FOR REGULATORY RELIEF.—Not-
 8 withstanding subpart C of part 381 of title 49, Code of
 9 Federal Regulations, the Secretary shall allow an appli-
 10 cant representing a class or group of motor carriers to
 11 apply for a specific exemption from any provision of the
 12 regulations under part 395 of title 49, Code of Federal
 13 Regulations, for commercial motor vehicle drivers.

14 (b) REVIEW PROCESS.—

15 (1) IN GENERAL.—The Secretary shall establish
 16 the procedures for the application for and the review
 17 of an exemption under subsection (a).

18 (2) PUBLICATION.—Not later than 30 days
 19 after the date of receipt of an application for an ex-
 20 emption, the Secretary shall publish the application
 21 in the Federal Register and provide the public with
 22 an opportunity to comment.

23 (3) PUBLIC COMMENT.—

24 (A) IN GENERAL.—Each application shall
 25 be available for public comment for a 30-day

1 period, but the Secretary may extend the oppor-
2 tunity for public comment to 60 days if it is a
3 significant or complex request.

4 (B) REVIEW.—Beginning on the date that
5 the public comment period under subparagraph
6 (A) ends, the Secretary shall have 60 days to
7 review all of the comments received.

8 (4) DETERMINATION.—At the end of the 60-
9 day period under paragraph (3)(B), the Secretary
10 shall publish a determination in the Federal Reg-
11 ister, including—

12 (A) the reason for granting or denying the
13 application; and

14 (B) if the application is granted—

15 (i) the specific class of persons eligible
16 for the exemption;

17 (ii) each provision of the regulations
18 to which the exemption applies; and

19 (iii) any conditions or limitations ap-
20 plied to the exemption.

21 (5) CONSIDERATIONS.—In making a determina-
22 tion whether to grant or deny an application for an
23 exemption, the Secretary shall consider the safety
24 impacts of the request and may provide appropriate

1 conditions or limitations on the use of the exemp-
2 tion.

3 (c) OPPORTUNITY FOR RESUBMISSION.—If an appli-
4 cation is denied and the applicant can reasonably address
5 the reason for the denial, the Secretary may allow the
6 motor carrier to resubmit the application.

7 (d) PERIOD OF APPLICABILITY.—

8 (1) IN GENERAL.—Except as provided in para-
9 graph (2) of this subsection and subsection (f), each
10 exemption granted under this section shall be valid
11 for a period of 5 years unless the Secretary identi-
12 fies a compelling reason for a shorter exemption pe-
13 riod.

14 (2) RENEWAL.—At the end of the 5-year period
15 under paragraph (1)—

16 (A) the Secretary, at the Secretary's dis-
17 cretion, may renew the exemption for an addi-
18 tional 5-year period; or

19 (B) an applicant may apply under sub-
20 section (a) for a permanent exemption from
21 each applicable provision of the regulations.

22 (e) LIMITATION.—No exemption under this section
23 may be granted to or used by any motor carrier that has
24 an unsatisfactory safety fitness determination.

25 (f) PERMANENT EXEMPTIONS.—

1 (1) IN GENERAL.—The Secretary shall make
2 permanent the following limited exceptions:

3 (A) Department of Defense Military Sur-
4 face Deployment and Distribution Command
5 transport of weapons, munitions, and sensitive
6 classified cargo as published in the Federal
7 Register Volume 80 on April 16, 2015 (80 Fed.
8 Reg. 20556).

9 (B) Department of Energy transport of se-
10 curity-sensitive radioactive materials as pub-
11 lished in the Federal Register Volume 80 on
12 June 22, 2015 (80 Fed. Reg. 35703).

13 (C) All motor carriers that transport haz-
14 ardous materials shipments requiring security
15 plans under regulations of the Pipeline and
16 Hazardous Materials Safety Administration as
17 published in the Federal Register Volume 80 on
18 May 1, 2015 (80 Fed. Reg. 25004).

19 (D) Perishable construction products as
20 published in the Federal Register, Volume 80
21 on April 2, 2015 (80 Fed. Reg. 17819).

22 (E) Passenger vehicle record of duty status
23 change as published in the Federal Register
24 Volume 80 on June 4, 2015 (80 Fed. Reg.
25 31961).

1 (F) Transport of commercial bee hives as
2 published in the Federal Register Volume 80 on
3 June 19, 2018 (80 Fed. Reg. 35425).

4 (G) All specialized carriers and drivers re-
5 sponsible for transporting loads requiring spe-
6 cial permits as published in the Federal Reg-
7 ister Volume 80 on June 18, 2015 (80 Fed.
8 Reg. 34957).

9 (H) Safe transport of livestock as pub-
10 lished in the Federal Register Volume 80 on
11 June 12, 2015 (80 Fed. Reg. 33584).

12 (2) ADDITIONAL EXEMPTIONS.—The Secretary
13 may make any temporary exemption from any provi-
14 sion of the regulations under part 395 of title 49,
15 Code of Federal Regulations, for commercial motor
16 vehicle drivers that is in effect on the date of enact-
17 ment of this Act permanent if the Secretary deter-
18 mines that the permanent exemption will not de-
19 grade safety. The Secretary shall provide public no-
20 tice and comment on a list of the additional provi-
21 sions to be made permanent under this paragraph.

22 **SEC. 2303. INSPECTOR STANDARDS.**

23 Not later than 90 days after the date of enactment
24 of this Act, the Administrator of the Federal Motor Car-
25 rier Safety Administration shall revise the regulations

1 under part 385 of title 49, Code of Federal Regulations,
2 as necessary, to incorporate by reference the certification
3 standards for roadside inspectors issued by the Commer-
4 cial Vehicle Safety Alliance.

5 **SEC. 2304. TECHNOLOGY IMPROVEMENTS.**

6 (a) IN GENERAL.—Not later than 1 year after the
7 date of enactment of this Act, the Government Account-
8 ability Office shall conduct a comprehensive analysis on
9 the Federal Motor Carrier Safety Administration’s infor-
10 mation technology and data collection and management
11 systems.

12 (b) REQUIREMENTS.—The study conducted under
13 subsection (a) shall—

14 (1) evaluate the efficacy of the existing infor-
15 mation technology, data collection, processing sys-
16 tems, and data management systems and programs,
17 including their interaction with each other and their
18 efficacy in meeting user needs;

19 (2) identify any redundancies among the sys-
20 tems and programs described in paragraph (1);

21 (3) explore the feasibility of consolidating data
22 collection and processing systems;

23 (4) evaluate the ability of the systems and pro-
24 grams described in paragraph (1) to meet the needs
25 of—

1 (A) the Federal Motor Carrier Safety Ad-
2 ministration, at both the headquarters and
3 State level;

4 (B) the State agencies that implement the
5 Motor Carrier Safety Assistance Program under
6 section 31102 of title 49, United States Code;
7 and

8 (C) other users;

9 (5) evaluate the adaptability of the systems and
10 programs described in paragraph (1), in order to
11 make necessary future changes to ensure user needs
12 are met in an easier, timely, and more cost efficient
13 manner;

14 (6) investigate and make recommendations re-
15 garding—

16 (A) deficiencies in existing data sets im-
17 pacting program effectiveness; and

18 (B) methods to improve any and all user
19 interfaces; and

20 (7) evaluate the appropriate role the Federal
21 Motor Carrier Safety Administration should take
22 with respect to software and information systems de-
23 sign, development, and maintenance for the purpose
24 of improving the efficacy of the systems and pro-
25 grams described in paragraph (1).

1 **Subtitle D—Trucking Rules Up-**
2 **dated by Comprehensive and**
3 **Key Safety Reform**

4 **SEC. 2401. UPDATE ON STATUTORY REQUIREMENTS.**

5 (a) IN GENERAL.—Not later than 90 days after the
6 date of enactment of this Act, and every 90 days there-
7 after until a final rule has been issued for each of the
8 requirements described under paragraphs (1) through (5),
9 the Administrator of the Federal Motor Carrier Safety Ad-
10 ministration shall submit to the Committee on Commerce,
11 Science, and Transportation of the Senate and the Com-
12 mittee on Transportation and Infrastructure of the House
13 of Representatives a report on the status of a final rule
14 for—

15 (1) the minimum entry-level training require-
16 ments for an individual operating a commercial
17 motor vehicle under section 31305(c) of title 49,
18 United States Code;

19 (2) motor carrier safety fitness determinations;

20 (3) visibility of agricultural equipment under
21 section 31601 of division C of the Moving Ahead for
22 Progress in the 21st Century Act (49 U.S.C. 30111
23 note);

24 (4) regulations to require commercial motor ve-
25 hicles in interstate commerce and operated by a

1 driver subject to the hours of service and record of
2 duty status requirements under part 395 of title 49,
3 Code of Federal Regulations, be equipped with an
4 electronic control module capable of limiting the
5 maximum speed of the vehicle; and

6 (5) any outstanding commercial motor vehicle
7 safety regulation required by law and incomplete for
8 more than 2 years.

9 (b) CONTENTS.—Each report under subsection (a)
10 shall include a description of the work plan, an updated
11 rulemaking timeline, current staff allocations, any re-
12 source constraints, and any other details associated with
13 the development of the rulemaking.

14 **SEC. 2402. STATUTORY RULEMAKING.**

15 The Administrator of the Federal Motor Carrier
16 Safety Administration shall prioritize the use of Federal
17 Motor Carrier Safety Administration resources for the
18 completion of each outstanding statutory requirement for
19 a rulemaking before beginning any new rulemaking unless
20 the Secretary certifies to Congress that there is an immi-
21 nent and significant safety need to move forward with a
22 new rulemaking.

23 **SEC. 2403. GUIDANCE REFORM.**

24 (a) GUIDANCE.—

1 (1) POINT OF CONTACT.—Each guidance docu-
2 ment, other than a regulatory action, issued by the
3 Federal Motor Carrier Safety Administration shall
4 have a date of publication or a date of revision, as
5 applicable, and the name and contact information of
6 a point of contact at the Federal Motor Carrier
7 Safety Administration who can respond to questions
8 regarding the general applicability of the guidance.

9 (2) PUBLIC ACCESSIBILITY.—

10 (A) IN GENERAL.—Each guidance docu-
11 ment and interpretation issued by the Federal
12 Motor Carrier Safety Administration shall be
13 published on the Department of Transpor-
14 tation’s public website on the date of issuance.

15 (B) REDACTION.—The Administrator of
16 the Federal Motor Carrier Safety Administra-
17 tion may redact from a guidance document or
18 interpretation under subparagraph (A) any in-
19 formation that would reveal investigative tech-
20 niques that would compromise Federal Motor
21 Carrier Safety Administration enforcement ef-
22 forts.

23 (3) RULEMAKING.—Not later than 5 years after
24 the date that a guidance document is published
25 under paragraph (2) or during the comprehensive

1 review under subsection (c), whichever is earlier, the
2 Secretary, in consultation with the Administrator,
3 shall revise the applicable regulations to incorporate
4 the guidance document to the extent practicable.

5 (4) REISSUANCE.—If a guidance document is
6 not incorporated into the applicable regulations
7 under paragraph (3), the Secretary shall—

8 (A) reissue an updated guidance document;
9 and

10 (B) review and reissue an updated guid-
11 ance document every 5 years during the com-
12 prehensive review process under subsection (c)
13 until the date that the guidance document is re-
14 moved or incorporated into the applicable regu-
15 lations under paragraph (3) of this subsection.

16 (b) UPDATE.—Not later than 1 year after the date
17 of enactment of this Act, the Secretary shall review regula-
18 tions, guidance, and enforcement policies published on the
19 Department of Transportation’s public website to ensure
20 the regulations, guidance, and enforcement policies are
21 current, readily accessible to the public, and meet the
22 standards under subsection (c)(1).

23 (c) REVIEW.—

24 (1) IN GENERAL.—Subject to paragraph (2),
25 not less than once every 5 years, the Administrator

1 of the Federal Motor Carrier Safety Administration
2 shall conduct a comprehensive review of its guidance
3 and enforcement policies to determine whether—

4 (A) the guidance and enforcement policies
5 are consistent and clear;

6 (B) uniformly and consistently enforceable;
7 and

8 (C) guidance is still necessary.

9 (2) NOTICE AND COMMENT.—Prior to begin-
10 ning the review, the Administrator shall publish in
11 the Federal Register a notice and request for com-
12 ment soliciting input from stakeholders on which
13 regulations should be updated or eliminated.

14 (3) REPORT.—Not later than 60 days after the
15 date that a review under paragraph (1) is complete,
16 the Administrator shall publish on the Department
17 of Transportation’s public website a report detailing
18 the review and a full inventory of guidance and en-
19 forcement policies.

20 **SEC. 2404. PETITIONS.**

21 (a) IN GENERAL.—The Administrator of the Federal
22 Motor Carrier Safety Administration shall—

23 (1) publish in the Federal Register or on the
24 Department of Transportation’s public website all
25 petitions for regulatory action submitted;

1 (2) prioritize stakeholder petitions based on the
2 likelihood of providing safety improvements;

3 (3) formally respond to each petition by indi-
4 cating whether the Administrator will accept, deny,
5 or further review, the petition not later than 180
6 days after the date the petition is petition is pub-
7 lished under paragraph (1);

8 (4) prioritize resulting actions consistent with
9 an action’s potential to reduce crashes, improve en-
10 forcement, and reduce unnecessary burdens; and

11 (5) publish, and update as necessary, on the
12 Department of Transportation’s public website an
13 inventory of each petition described in paragraph
14 (1), including any applicable disposition information
15 for that petition.

16 (b) DEFINITION OF PETITION.—In this section, the
17 term “petition” means a request for new regulations, reg-
18 ulatory interpretations or clarifications, or retrospective
19 review of regulations to eliminate or modify obsolete, inef-
20 fective, or overly burdensome rules.

21 **SEC. 2405. REGULATORY REFORM.**

22 (a) REGULATORY IMPACT ANALYSIS.—

23 (1) IN GENERAL.—Within each regulatory im-
24 pact analysis of a proposed or final rule issued by

1 the Federal Motor Carrier Safety Administration,
2 the Secretary shall—

3 (A) consider effects of the proposed or
4 final rule on a carrier with differing character-
5 istics; and

6 (B) formulate estimates and findings on
7 the best available science.

8 (2) SCOPE.—To the extent feasible and appro-
9 priate, and consistent with law, the analysis de-
10 scribed in paragraph (1) shall—

11 (A) use data generated from a representa-
12 tive sample of commercial vehicle operators,
13 motor carriers, or both, that will be covered
14 under the proposed or final rule; and

15 (B) consider effects on commercial truck
16 and bus carriers of various sizes and types.

17 (b) PUBLIC PARTICIPATION.—

18 (1) IN GENERAL.—Before promulgating a pro-
19 posed rule under subtitle VI of title 49, United
20 States Code, if the proposed rule is likely to lead to
21 the promulgation of a major rule the Secretary
22 shall—

23 (A) issue an advance notice of proposed
24 rulemaking; or

1 (B) determine to proceed with a negotiated
2 rulemaking.

3 (2) REQUIREMENTS.—Each advance notice of
4 proposed rulemaking issued under paragraph (1)
5 shall—

6 (A) identify the compelling public concern
7 for a potential regulatory action, such as fail-
8 ures of private markets to protect or improve
9 the safety of the public, the environment, or the
10 well-being of the American people;

11 (B) identify and request public comment
12 on the best available science or technical infor-
13 mation on the need for regulatory action and on
14 the potential regulatory alternatives;

15 (C) request public comment on the benefits
16 and costs of potential regulatory alternatives
17 reasonably likely to be included or analyzed as
18 part of the notice of proposed rulemaking; and

19 (D) request public comment on the avail-
20 able alternatives to direct regulation, including
21 providing economic incentives to encourage the
22 desired behavior.

23 (3) WAIVER.—This subsection shall not apply
24 when the Secretary, for good cause, finds (and incor-
25 porates the finding and a brief statement of reasons

1 for such finding in the proposed or final rule) an ad-
 2 vance notice of proposed rulemaking impracticable,
 3 unnecessary, or contrary to the public interest.

4 (c) SAVINGS CLAUSE.—Nothing in this section may
 5 be construed to limit the contents of any Advance Notice
 6 of Proposed Rulemaking.

7 **Subtitle E—State Authorities**

8 **SEC. 2501. EMERGENCY ROUTE WORKING GROUP.**

9 (a) IN GENERAL.—

10 (1) ESTABLISHMENT.—Not later than 1 year
 11 after the date of enactment of this Act, the Sec-
 12 retary shall establish a working group to determine
 13 best practices for expedient State approval of special
 14 permits for vehicles involved in emergency response
 15 and recovery.

16 (2) MEMBERS.—The working group shall in-
 17 clude representatives from—

18 (A) State highway transportation depart-
 19 ments or agencies;

20 (B) relevant modal agencies within the De-
 21 partment of Transportation;

22 (C) emergency response or recovery ex-
 23 perts;

24 (D) relevant safety groups; and

1 (E) persons affected by special permit re-
2 strictions during emergency response and recov-
3 ery efforts.

4 (b) CONSIDERATIONS.—In determining best practices
5 under subsection (a), the working group shall consider
6 whether—

7 (1) hurdles currently exist that prevent the ex-
8 pedient State approval for special permits for vehi-
9 cles involved in emergency response and recovery;

10 (2) it is possible to pre-identify and establish
11 emergency routes between States through which in-
12 frastructure repair materials could be delivered fol-
13 lowing a natural disaster or an emergency;

14 (3) a State could pre-designate an emergency
15 route identified under paragraph (1) as a certified
16 emergency route if a motor vehicle that exceeds the
17 otherwise applicable Federal and State truck length
18 or width limits may safely operate along such route
19 during period of emergency recovery; and

20 (4) an online map could be created to identify
21 each pre-designated emergency route under para-
22 graph (2), including information on specific limita-
23 tions, obligations, and notification requirements
24 along that route.

1 (c) REPORT.—Not later than 1 year after the date
2 of enactment of this Act, the working group shall submit
3 to the Secretary a report of its findings under this section
4 and any recommendations for the implementation of the
5 best practices for expedient State approval of special per-
6 mits for vehicles involved in emergency recovery. Upon re-
7 ceipt, the Secretary shall publish the report on a public
8 website.

9 (d) FEDERAL ADVISORY COMMITTEE ACT EXEMP-
10 TION.—The Federal Advisory Committee Act (5 U.S.C.
11 App.) shall not apply to the working group established
12 under this section.

13 **SEC. 2502. ADDITIONAL STATE AUTHORITY.**

14 Notwithstanding any other provision of law, not later
15 than 180 days after the date of enactment of this Act,
16 any State impacted by section 4006 of the Intermodal
17 Surface Transportation Efficiency Act of 1991 (Public
18 Law 102–240; 105 Stat. 2148) shall be provided the op-
19 tion to update the routes listed in the final list as long
20 as the update shifts routes to divided highways or does
21 not increase centerline miles by more than 5 percent and
22 the change is expected to increase safety performance.

23 **SEC. 2503. COMMERCIAL DRIVER ACCESS.**

24 (a) INTERSTATE COMPACT PILOT PROGRAM.—

1 (1) IN GENERAL.—The Administrator of the
2 Federal Motor Carrier Safety Administration shall
3 establish a 6-year pilot program to study the feasi-
4 bility, benefits, and safety impacts of allowing a li-
5 censed driver between the ages of 18 and 21 to oper-
6 ate a commercial motor vehicle in interstate com-
7 merce.

8 (2) INTERSTATE COMPACTS.—The Secretary
9 shall allow States, including the District of Colum-
10 bia, to enter into an interstate compact with contig-
11 uous States to allow a licensed driver between the
12 ages of 18 and 21 to operate a motor vehicle across
13 the applicable State lines. The Secretary shall ap-
14 prove as many as 6 interstate compacts, with no
15 limit on the number of States participating in each
16 interstate compact.

17 (3) MUTUAL RECOGNITION OF LICENSES.—A
18 valid intrastate commercial driver's licenses issued
19 by a State participating in an interstate compact
20 under paragraph (2) shall be recognized as valid in
21 each State that is participating in that interstate
22 compact.

23 (4) STANDARDS.—In developing an interstate
24 compact under this subsection, participating States
25 shall provide for minimum licensure standards ac-

1 ceptable for interstate travel under this section,
 2 which may include, for a licensed driver between the
 3 ages of 18 and 21 participating in the pilot pro-
 4 gram—

5 (A) age restrictions;

6 (B) distance from origin (measured in air
 7 miles);

8 (C) reporting requirements; or

9 (D) additional hours of service restrictions.

10 (5) LIMITATIONS.—An interstate compact
 11 under paragraph (2) may not permit special configu-
 12 ration or hazardous cargo operations to be trans-
 13 ported by a licensed driver under the age of 21.

14 (6) ADDITIONAL REQUIREMENTS.—The Sec-
 15 retary may—

16 (A) prescribe such additional requirements,
 17 including training, for a licensed driver between
 18 the ages of 18 and 21 participating in the pilot
 19 program as the Secretary considers necessary;
 20 and

21 (B) provide risk mitigation restrictions and
 22 limitations.

23 (b) APPROVAL.—An interstate compact under sub-
 24 section (a)(2) may not go into effect until it has been ap-
 25 proved by the governor of each State (or the Mayor of

1 the District of Columbia, if applicable) that is a party to
 2 the interstate compact, after consultation with the Sec-
 3 retary of Transportation and the Administrator of the
 4 Federal Motor Carrier Safety Administration.

5 (c) REPORT.—Not earlier than 4 years after the date
 6 the test program is established, the Secretary shall submit
 7 to Congress a report containing the findings of the pilot
 8 program, a determination of whether a licensed driver be-
 9 tween the ages of 18 and 21 can operate a commercial
 10 motor vehicle in interstate commerce with an equivalent
 11 level of safety, and the reasons for that determination.

12 **Subtitle F—Motor Carrier Safety** 13 **Grant Consolidation**

14 **SEC. 2601. DEFINITIONS.**

15 (a) IN GENERAL.—Section 31101 is amended—

16 (1) by redesignating paragraph (4) as para-
 17 graph (5); and

18 (2) by inserting after paragraph (3) the fol-
 19 lowing:

20 “(4) ‘Secretary’ means the Secretary of Trans-
 21 portation.”.

22 (b) TECHNICAL AND CONFORMING AMENDMENTS.—
 23 Section 31101, as amended by subsection (a), is amend-
 24 ed—

1 (1) in paragraph (1)(B), by inserting a comma
2 after “passengers”; and

3 (2) in paragraph (1)(C), by striking “of Trans-
4 portation”.

5 **SEC. 2602. GRANTS TO STATES.**

6 (a) MOTOR CARRIER SAFETY ASSISTANCE PRO-
7 GRAM.—Section 31102 is amended to read as follows:

8 **“§ 31102. Motor Carrier Safety Assistance Program**

9 “(a) IN GENERAL.—The Secretary shall administer
10 a motor carrier safety assistance program funded under
11 section 31104.

12 “(b) GOAL.—The goal of the program is to ensure
13 that the Secretary, States, local governments, other polit-
14 ical jurisdictions, federally recognized Indian tribes, and
15 other persons work in partnership to establish programs
16 to improve motor carrier, commercial motor vehicle, and
17 driver safety to support a safe and efficient surface trans-
18 portation system—

19 “(1) by making targeted investments to pro-
20 mote safe commercial motor vehicle transportation,
21 including the transportation of passengers and haz-
22 ardous materials;

23 “(2) by investing in activities likely to generate
24 maximum reductions in the number and severity of

1 commercial motor vehicle crashes and fatalities re-
2 sulting from such crashes;

3 “(3) by adopting and enforcing effective motor
4 carrier, commercial motor vehicle, and driver safety
5 regulations and practices consistent with Federal re-
6 quirements; and

7 “(4) by assessing and improving statewide per-
8 formance by setting program goals and meeting per-
9 formance standards, measures, and benchmarks.

10 “(c) STATE PLANS.—

11 “(1) IN GENERAL.—The Secretary shall pre-
12 scribe procedures for a State to submit a multiple-
13 year plan, and annual updates thereto, under which
14 the State agrees to assume responsibility for improv-
15 ing motor carrier safety, adopting and enforcing
16 compatible regulations, standards, and orders of the
17 Federal Government on commercial motor vehicle
18 safety and hazardous materials transportation safe-
19 ty.

20 “(2) CONTENTS.—The Secretary shall approve
21 a plan if the Secretary determines that the plan is
22 adequate to comply with the requirements of this
23 section, and the plan—

24 “(A) implements performance-based activi-
25 ties, including deployment and maintenance of

1 technology to enhance the efficiency and effec-
2 tiveness of commercial motor vehicle safety pro-
3 grams;

4 “(B) designates a lead State commercial
5 motor vehicle safety agency responsible for ad-
6 ministering the plan throughout the State;

7 “(C) contains satisfactory assurances that
8 the lead State commercial motor vehicle safety
9 agency has or will have the legal authority, re-
10 sources, and qualified personnel necessary to
11 enforce the regulations, standards, and orders;

12 “(D) contains satisfactory assurances that
13 the State will devote adequate resources to the
14 administration of the plan and enforcement of
15 the regulations, standards, and orders;

16 “(E) provides a right of entry and inspec-
17 tion to carry out the plan;

18 “(F) provides that all reports required
19 under this section be available to the Secretary
20 on request;

21 “(G) provides that the lead State commer-
22 cial motor vehicle safety agency will adopt the
23 reporting requirements and use the forms for
24 recordkeeping, inspections, and investigations
25 that the Secretary prescribes;

1 “(H) requires all registrants of commercial
2 motor vehicles to demonstrate knowledge of ap-
3 plicable safety regulations, standards, and or-
4 ders of the Federal Government and the State;

5 “(I) provides that the State will grant
6 maximum reciprocity for inspections conducted
7 under the North American Inspection Stand-
8 ards through the use of a nationally accepted
9 system that allows ready identification of pre-
10 viously inspected commercial motor vehicles;

11 “(J) ensures that activities described in
12 subsection (h), if financed through grants to
13 the State made under this section, will not di-
14 minish the effectiveness of the development and
15 implementation of the programs to improve
16 motor carrier, commercial motor vehicle, and
17 driver safety as described in subsection (b);

18 “(K) ensures that the lead State commer-
19 cial motor vehicle safety agency will coordinate
20 the plan, data collection, and information sys-
21 tems with the State highway safety improve-
22 ment program required under section 148(c) of
23 title 23;

24 “(L) ensures participation in appropriate
25 Federal Motor Carrier Safety Administration

1 information technology and data systems and
2 other information systems by all appropriate ju-
3 risdictions receiving Motor Carrier Safety As-
4 sistance Program funding;

5 “(M) ensures that information is ex-
6 changed among the States in a timely manner;

7 “(N) provides satisfactory assurances that
8 the State will undertake efforts that will em-
9 phasize and improve enforcement of State and
10 local traffic safety laws and regulations related
11 to commercial motor vehicle safety;

12 “(O) provides satisfactory assurances in
13 the plan that the State will address national
14 priorities and performance goals, including—

15 “(i) activities aimed at removing im-
16 paired commercial motor vehicle drivers
17 from the highways of the United States
18 through adequate enforcement of regula-
19 tions on the use of alcohol and controlled
20 substances and by ensuring ready roadside
21 access to alcohol detection and measuring
22 equipment;

23 “(ii) activities aimed at providing an
24 appropriate level of training to State motor
25 carrier safety assistance program officers

1 and employees on recognizing drivers im-
2 paired by alcohol or controlled substances;
3 and

4 “(iii) when conducted with an appro-
5 priate commercial motor vehicle inspection,
6 criminal interdiction activities, and appro-
7 priate strategies for carrying out those
8 interdiction activities, including interdic-
9 tion activities that affect the transpor-
10 tation of controlled substances (as defined
11 under section 102 of the Comprehensive
12 Drug Abuse Prevention and Control Act of
13 1970 (21 U.S.C. 802) and listed in part
14 1308 of title 21, Code of Federal Regula-
15 tions, as updated and republished from
16 time to time) by any occupant of a com-
17 mercial motor vehicle;

18 “(P) provides that the State has estab-
19 lished and dedicated sufficient resources to a
20 program to ensure that—

21 “(i) the State collects and reports to
22 the Secretary accurate, complete, and
23 timely motor carrier safety data; and

1 “(ii) the State participates in a na-
2 tional motor carrier safety data correction
3 system prescribed by the Secretary;

4 “(Q) ensures that the State will cooperate
5 in the enforcement of financial responsibility re-
6 quirements under sections 13906, 31138, and
7 31139 of this title, and regulations issued
8 under these sections;

9 “(R) ensures consistent, effective, and rea-
10 sonable sanctions;

11 “(S) ensures that roadside inspections will
12 be conducted at locations that are adequate to
13 protect the safety of drivers and enforcement
14 personnel;

15 “(T) provides that the State will include in
16 the training manuals for the licensing examina-
17 tion to drive both noncommercial motor vehicles
18 and commercial motor vehicles information on
19 best practices for driving safely in the vicinity
20 of noncommercial and commercial motor vehi-
21 cles;

22 “(U) provides that the State will enforce
23 the registration requirements of sections 13902
24 and 31134 of this title by prohibiting the oper-
25 ation of any vehicle discovered to be operated

1 by a motor carrier without a registration issued
2 under those sections or to be operated beyond
3 the scope of the motor carrier's registration;

4 “(V) provides that the State will conduct
5 comprehensive and highly visible traffic enforce-
6 ment and commercial motor vehicle safety in-
7 spection programs in high-risk locations and
8 corridors;

9 “(W) except in the case of an imminent
10 hazard or obvious safety hazard, ensures that
11 an inspection of a vehicle transporting pas-
12 sengers for a motor carrier of passengers is
13 conducted at a station, including a weight sta-
14 tion, terminal, border crossing, maintenance fa-
15 cility, destination, or other location where ade-
16 quate food, shelter, and sanitation facilities are
17 available for passengers, and reasonable accom-
18 modations are available for passengers with dis-
19 abilities;

20 “(X) ensures that the State will transmit
21 to its roadside inspectors the notice of each
22 Federal exemption granted under section
23 31315(b) of this title and sections 390.23 and
24 390.25 of title 49 of the Code of Federal Regu-
25 lations and provided to the State by the Sec-

1 retary, including the name of the person grant-
2 ed the exemption and any terms and conditions
3 that apply to the exemption;

4 “(Y) except as provided in subsection (d),
5 provides that the State—

6 “(i) will conduct safety audits of
7 interstate and, at the State’s discretion,
8 intrastate new entrant motor carriers
9 under section 31144(g) of this title; and

10 “(ii) if the State authorizes a third
11 party to conduct safety audits under sec-
12 tion 31144(g) on its behalf, the State
13 verifies the quality of the work conducted
14 and remains solely responsible for the
15 management and oversight of the activi-
16 ties;

17 “(Z) provides that the State agrees to fully
18 participate in the performance and registration
19 information system management under section
20 31106(b) not later than October 1, 2020, by
21 complying with the conditions for participation
22 under paragraph (3) of that section;

23 “(AA) provides that a State that shares a
24 land border with another country—

1 “(i) will conduct a border commercial
 2 motor vehicle safety program focusing on
 3 international commerce that includes en-
 4 forcement and related projects; or

5 “(ii) will forfeit all funds calculated by
 6 the Secretary based on border-related ac-
 7 tivities if the State declines to conduct the
 8 program described in clause (i) in its plan;
 9 and

10 “(BB) provides that a State that meets the
 11 other requirements of this section and agrees to
 12 comply with the requirements established in
 13 subsection (l)(3) may fund deployment, oper-
 14 ation, and maintenance costs associated with in-
 15 novative technology deployment under sub-
 16 section (l)(3) with Motor Carrier Safety Assist-
 17 ance Program funds authorized under section
 18 31104(a)(1).

19 “(3) PUBLICATION.—

20 “(A) IN GENERAL.—Subject to subpara-
 21 graph (B), the Secretary shall publish each ap-
 22 proved State multiple-year plan, and each an-
 23 nual update thereto, on the Department of
 24 Transportation’s public website not later than

1 30 days after the date the Secretary approves
2 the plan or update.

3 “(B) LIMITATION.—Before posting an ap-
4 proved State multiple-year plan or annual up-
5 date under subparagraph (A), the Secretary
6 shall redact any information identified by the
7 State that, if disclosed—

8 “(i) would reasonably be expected to
9 interfere with enforcement proceedings; or

10 “(ii) would reveal enforcement tech-
11 niques or procedures that would reasonable
12 by expected to risk circumvention of the
13 law.

14 “(d) EXCLUSION OF U.S. TERRITORIES.—The re-
15 quirement that a State conduct safety audits of new en-
16 trant motor carriers under subsection (c)(2)(Y) does not
17 apply to a territory of the United States unless required
18 by the Secretary.

19 “(e) INTRASTATE COMPATIBILITY.—The Secretary
20 shall prescribe regulations specifying tolerance guidelines
21 and standards for ensuring compatibility of intrastate
22 commercial motor vehicle safety laws, including regula-
23 tions, with Federal motor carrier safety regulations to be
24 enforced under subsections (b) and (c). To the extent
25 practicable, the guidelines and standards shall allow for

1 maximum flexibility while ensuring a degree of uniformity
 2 that will not diminish motor vehicle safety.

3 “(f) MAINTENANCE OF EFFORT.—

4 “(1) BASELINE.—Except as provided under
 5 paragraphs (2) and (3) and in accordance with sec-
 6 tion 2608 of the Comprehensive Transportation and
 7 Consumer Protection Act of 2015, a State plan
 8 under subsection (c) shall provide that the total ex-
 9 penditure of amounts of the lead State commercial
 10 motor vehicle safety agency responsible for admin-
 11 istering the plan will be maintained at a level each
 12 fiscal year at least equal to—

13 “(A) the average level of that expenditure
 14 for fiscal years 2004 and 2005; or

15 “(B) the level of that expenditure for the
 16 year in which the Secretary implements a new
 17 allocation formula under section 2608 of the
 18 Comprehensive Transportation and Consumer
 19 Protection Act of 2015.

20 “(2) ADJUSTED BASELINE AFTER FISCAL YEAR
 21 2017.—At the request of a State, the Secretary may
 22 evaluate additional documentation related to the
 23 maintenance of effort and may make reasonable ad-
 24 justments to the maintenance of effort baseline after
 25 fiscal year 2017, and this adjusted baseline will re-

1 place the maintenance of effort requirement under
2 paragraph (1).

3 “(3) WAIVERS.—At the request of a State, the
4 Secretary may waive or modify the requirements of
5 this subsection for 1 fiscal year if the Secretary de-
6 termines that a waiver or modification is reasonable,
7 based on circumstances described by the State, to
8 ensure the continuation of commercial motor vehicle
9 enforcement activities in the State.

10 “(4) LEVEL OF STATE EXPENDITURES.—In es-
11 timating the average level of State expenditure
12 under paragraph (1), the Secretary—

13 “(A) may allow the State to exclude State
14 expenditures for federally sponsored demonstra-
15 tion and pilot programs and strike forces;

16 “(B) may allow the State to exclude ex-
17 penditures for activities related to border en-
18 forcement and new entrant safety audits; and

19 “(C) shall require the State to exclude
20 State matching amounts used to receive Federal
21 financing under section 31104.

22 “(g) USE OF UNIFIED CARRIER REGISTRATION FEES
23 AGREEMENT.—Amounts generated under section 14504a
24 of this title and received by a State and used for motor
25 carrier safety purposes may be included as part of the

1 State's match required under section 31104 of this title
2 or maintenance of effort required by subsection (f).

3 “(h) USE OF GRANTS TO ENFORCE OTHER LAWS.—
4 When approved in the States' plan under subsection (c),
5 a State may use Motor Carrier Safety Assistance Program
6 funds received under this section—

7 “(1) if the activities are carried out in conjunc-
8 tion with an appropriate inspection of a commercial
9 motor vehicle to enforce Federal or State commercial
10 motor vehicle safety regulations, for—

11 “(A) enforcement of commercial motor ve-
12 hicle size and weight limitations at locations,
13 excluding fixed weight facilities, such as near
14 steep grades or mountainous terrains, where
15 the weight of a commercial motor vehicle can
16 significantly affect the safe operation of the ve-
17 hicle, or at ports where intermodal shipping
18 containers enter and leave the United States;
19 and

20 “(B) detection of and enforcement actions
21 taken as a result of criminal activity, including
22 the trafficking of human beings, in a commer-
23 cial motor vehicle or by any occupant, including
24 the operator, of the commercial motor vehicle;

1 “(2) for documented enforcement of State traf-
2 fic laws and regulations designed to promote the
3 safe operation of commercial motor vehicles, includ-
4 ing documented enforcement of such laws and regu-
5 lations relating to noncommercial motor vehicles
6 when necessary to promote the safe operation of
7 commercial motor vehicles, if—

8 “(A) the number of motor carrier safety
9 activities, including roadside safety inspections,
10 conducted in the State is maintained at a level
11 at least equal to the average level of such activi-
12 ties conducted in the State in fiscal years 2004
13 and 2005; and

14 “(B) the State does not use more than 10
15 percent of the basic amount the State receives
16 under a grant awarded under section
17 31104(a)(1) for enforcement activities relating
18 to noncommercial motor vehicles necessary to
19 promote the safe operation of commercial motor
20 vehicles unless the Secretary determines that a
21 higher percentage will result in significant in-
22 creases in commercial motor vehicle safety; and

23 “(3) for the enforcement of household goods
24 regulations on intrastate and interstate carriers if

1 the State has adopted laws or regulations compatible
 2 with the Federal household goods regulations.

3 “(i) EVALUATION OF PLANS AND AWARD OF
 4 GRANTS.—

5 “(1) AWARDS.—The Secretary shall establish
 6 criteria for the application, evaluation, and approval
 7 of State plans under this section. Subject to sub-
 8 section (j), the Secretary may allocate the amounts
 9 made available under section 31104(a)(1) among the
 10 States.

11 “(2) OPPORTUNITY TO CURE.—If the Secretary
 12 disapproves a plan under this section, the Secretary
 13 shall give the State a written explanation of the rea-
 14 sons for disapproval and allow the State to modify
 15 and resubmit the plan for approval.

16 “(j) ALLOCATION OF FUNDS.—

17 “(1) IN GENERAL.—The Secretary, by regula-
 18 tion, shall prescribe allocation criteria for funds
 19 made available under section 31104(a)(1).

20 “(2) ANNUAL ALLOCATIONS.—On October 1 of
 21 each fiscal year, or as soon as practicable thereafter,
 22 and after making a deduction under section
 23 31104(c), the Secretary shall allocate amounts made
 24 available in section 31104(a)(1) to carry out this
 25 section for the fiscal year among the States with

1 plans approved under this section in accordance with
 2 the criteria under paragraph (1).

3 “(3) ELECTIVE ADJUSTMENTS.—Subject to the
 4 availability of funding and notwithstanding fluctua-
 5 tions in the data elements used by the Secretary to
 6 calculate the annual allocation amounts, after the
 7 creation of a new allocation formula under section
 8 2608 of the Comprehensive Transportation and Con-
 9 sumer Protection Act of 2015 the Secretary may not
 10 make elective adjustments to the allocation formula
 11 that decrease a State’s Federal funding levels by
 12 more than 3 percent in a fiscal year. The 3-percent
 13 limit shall not apply to the withholding provisions of
 14 subsection (k).

15 “(k) PLAN MONITORING.—

16 “(1) IN GENERAL.—On the basis of reports
 17 submitted by the lead State agency responsible for
 18 administering an approved State plan and an inves-
 19 tigation by the Secretary, the Secretary shall peri-
 20 odically evaluate State implementation of and com-
 21 pliance with the State plan.

22 “(2) WITHHOLDING OF FUNDS.—

23 “(A) DISAPPROVAL.—If, after notice and
 24 an opportunity to be heard, the Secretary finds
 25 that the State plan previously approved is not

1 being followed or has become inadequate to en-
2 sure enforcement of the regulations, standards,
3 or orders, or the State is otherwise not in com-
4 pliance with the requirements of this section,
5 the Secretary may withdraw approval of the
6 plan and notify the State. The plan is no longer
7 in effect once the State receives notice, and the
8 Secretary shall withhold all funding under this
9 section.

10 “(B) NONCOMPLIANCE WITHHOLDING.—In
11 lieu of withdrawing approval of the plan, the
12 Secretary may, after providing notice and an
13 opportunity to be heard, withhold funding from
14 the State to which the State would otherwise be
15 entitled under this section for the period of the
16 State’s noncompliance. In exercising this op-
17 tion, the Secretary may withhold—

18 “(i) up to 5 percent of funds during
19 the fiscal year that the Secretary notifies
20 the State of its noncompliance;

21 “(ii) up to 10 percent of funds for the
22 first full fiscal year of noncompliance;

23 “(iii) up to 25 percent of funds for
24 the second full fiscal year of noncompli-
25 ance; and

1 “(iv) not more than 50 percent of
2 funds for the third and any subsequent full
3 fiscal year of noncompliance.

4 “(3) JUDICIAL REVIEW.—A State adversely af-
5 fected by a determination under paragraph (2) may
6 seek judicial review under chapter 7 of title 5. Not-
7 withstanding the disapproval of a State plan under
8 paragraph (2)(A) or the withholding under para-
9 graph (2)(B), the State may retain jurisdiction in an
10 administrative or a judicial proceeding that com-
11 menced before the notice of disapproval or with-
12 holding if the issues involved are not related directly
13 to the reasons for the disapproval or withholding.

14 “(1) HIGH PRIORITY FINANCIAL ASSISTANCE PRO-
15 GRAM.—

16 “(1) IN GENERAL.—The Secretary shall admin-
17 ister a high priority financial assistance program
18 funded under section 31104 for the purposes de-
19 scribed in paragraphs (2) and (3).

20 “(2) ACTIVITIES RELATED TO MOTOR CARRIER
21 SAFETY.—The purpose of this paragraph is to make
22 discretionary grants to and cooperative agreements
23 with States, local governments, federally recognized
24 Indian tribes, other political jurisdictions as nec-
25 essary, and any person to carry out high priority ac-

1 activities and projects that augment motor carrier
2 safety activities and projects planned in accordance
3 with subsections (b) and (c), including activities and
4 projects that—

5 “(A) increase public awareness and edu-
6 cation on commercial motor vehicle safety;

7 “(B) target unsafe driving of commercial
8 motor vehicles and non-commercial motor vehi-
9 cles in areas identified as high risk crash cor-
10 ridors;

11 “(C) support the enforcement of State
12 household goods regulations on intrastate and
13 interstate carriers if the State has adopted laws
14 or regulations compatible with the Federal
15 household good laws;

16 “(D) improve the safe and secure move-
17 ment of hazardous materials;

18 “(E) improve safe transportation of goods
19 and persons in foreign commerce;

20 “(F) demonstrate new technologies to im-
21 prove commercial motor vehicle safety;

22 “(G) support participation in performance
23 and registration information systems manage-
24 ment under section 31106(b)—

1 “(i) for entities not responsible for
2 submitting the plan under subsection (c);
3 or

4 “(ii) for entities responsible for sub-
5 mitting the plan under subsection (c)—

6 “(I) before October 1, 2020, to
7 achieve compliance with the require-
8 ments of participation; and

9 “(II) beginning on October 1,
10 2020, or once compliance is achieved,
11 whichever is sooner, for special initia-
12 tives or projects that exceed routine
13 operations required for participation;

14 “(H) conduct safety data improvement
15 projects—

16 “(i) that complete or exceed the re-
17 quirements under subsection (c)(2)(P) for
18 entities not responsible for submitting the
19 plan under subsection (c); or

20 “(ii) that exceed the requirements
21 under subsection (c)(2)(P) for entities re-
22 sponsible for submitting the plan under
23 subsection (c); and

1 “(I) otherwise improve commercial motor
2 vehicle safety and compliance with commercial
3 motor vehicle safety regulations.

4 “(3) INNOVATIVE TECHNOLOGY DEPLOYMENT
5 GRANT PROGRAM.—

6 “(A) IN GENERAL.—The Secretary shall
7 establish an innovative technology deployment
8 grant program to make discretionary grants
9 funded under section 31104(a)(2) to eligible
10 States for the innovative technology deployment
11 of commercial motor vehicle information sys-
12 tems and networks.

13 “(B) PURPOSES.—The purposes of the
14 program shall be—

15 “(i) to advance the technological capa-
16 bility and promote the deployment of intel-
17 ligent transportation system applications
18 for commercial motor vehicle operations,
19 including commercial motor vehicle, com-
20 mercial driver, and carrier-specific infor-
21 mation systems and networks; and

22 “(ii) to support and maintain com-
23 mercial motor vehicle information systems
24 and networks—

1 “(I) to link Federal motor carrier
2 safety information systems with State
3 commercial motor vehicle systems;

4 “(II) to improve the safety and
5 productivity of commercial motor vehi-
6 cles and drivers; and

7 “(III) to reduce costs associated
8 with commercial motor vehicle oper-
9 ations and Federal and State commer-
10 cial vehicle regulatory requirements.

11 “(C) ELIGIBILITY.—To be eligible for a
12 grant under this paragraph, a State shall—

13 “(i) have a commercial motor vehicle
14 information systems and networks program
15 plan approved by the Secretary that de-
16 scribes the various systems and networks
17 at the State level that need to be refined,
18 revised, upgraded, or built to accomplish
19 deployment of commercial motor vehicle in-
20 formation systems and networks capabili-
21 ties;

22 “(ii) certify to the Secretary that its
23 commercial motor vehicle information sys-
24 tems and networks deployment activities,
25 including hardware procurement, software

1 and system development, and infrastruc-
2 ture modifications—

3 “(I) are consistent with the na-
4 tional intelligent transportation sys-
5 tems and commercial motor vehicle in-
6 formation systems and networks ar-
7 chitectures and available standards;
8 and

9 “(II) promote interoperability
10 and efficiency to the extent prac-
11 ticable; and

12 “(iii) agree to execute interoperability
13 tests developed by the Federal Motor Car-
14 rier Safety Administration to verify that
15 its systems conform with the national intel-
16 ligent transportation systems architecture,
17 applicable standards, and protocols for
18 commercial motor vehicle information sys-
19 tems and networks.

20 “(D) USE OF FUNDS.—Grant funds may
21 be used—

22 “(i) for deployment activities and ac-
23 tivities to develop new and innovative ad-
24 vanced technology solutions that support

1 commercial motor vehicle information sys-
 2 tems and networks;

3 “(ii) for planning activities, including
 4 the development or updating of program or
 5 top level design plans in order to become
 6 eligible or maintain eligibility under sub-
 7 paragraph (C); and

8 “(iii) for the deployment, operation,
 9 and maintenance costs associated with in-
 10 novative technology.

11 “(E) SECRETARY AUTHORIZATION.—The
 12 Secretary is authorized to award a State fund-
 13 ing for the deployment, operation, and mainte-
 14 nance costs associated with innovative tech-
 15 nology deployment with funds made available
 16 under both sections 31104(a)(1) and
 17 31104(a)(2) of this title.”.

18 (b) COMMERCIAL MOTOR VEHICLE OPERATORS
 19 GRANT PROGRAM.—Section 31103 is amended to read as
 20 follows:

21 **“§ 31103. Commercial Motor Vehicle Operators Grant**
 22 **Program**

23 “(a) IN GENERAL.—The Secretary shall administer
 24 a commercial motor vehicle operators grant program fund-
 25 ed under section 31104.

1 “(b) PURPOSE.—The purpose of the grant program
 2 is to train individuals in the safe operation of commercial
 3 motor vehicles (as defined in section 31301).”.

4 (c) AUTHORIZATION OF APPROPRIATIONS.—Section
 5 31104 is amended to read as follows:

6 **“§ 31104. Authorization of appropriations**

7 “(a) FINANCIAL ASSISTANCE PROGRAMS.—The fol-
 8 lowing sums are authorized to be appropriated from the
 9 Highway Trust Fund for the following Federal Motor Car-
 10 rier Safety Administration Financial Assistance Pro-
 11 grams:

12 “(1) MOTOR CARRIER SAFETY ASSISTANCE PRO-
 13 GRAM.—Subject to paragraph (2) of this subsection
 14 and subsection (c) of this section, to carry out sec-
 15 tion 31102—

16 “(A) \$250,389,000 for fiscal year 2017;

17 “(B) \$255,648,000 for fiscal year 2018;

18 “(C) \$261,016,000 for fiscal year 2019;

19 “(D) \$266,497,000 for fiscal year 2020;

20 and

21 “(E) \$272,094,000 for fiscal year 2021.

22 “(2) HIGH PRIORITY ACTIVITIES FINANCIAL AS-
 23 SISTANCE PROGRAM.—Subject to subsection (c), to
 24 make grants and cooperative agreements under sec-
 25 tion 31102(l) of this title, the Secretary may set

1 aside from amounts made available under paragraph
2 (1) of this subsection up to—

3 “(A) \$42,323,000 for fiscal year 2017;

4 “(B) \$43,212,000 for fiscal year 2018;

5 “(C) \$44,119,000 for fiscal year 2019;

6 “(D) \$45,046,000 for fiscal year 2020;

7 and

8 “(E) \$45,992,000 for fiscal year 2021.

9 “(3) COMMERCIAL MOTOR VEHICLE OPERATORS
10 GRANT PROGRAM.—To carry out section 31103—

11 “(A) \$1,000,000 for fiscal year 2017;

12 “(B) \$1,000,000 for fiscal year 2018;

13 “(C) \$1,000,000 for fiscal year 2019;

14 “(D) \$1,000,000 for fiscal year 2020; and

15 “(E) \$1,000,000 for fiscal year 2021.

16 “(4) COMMERCIAL DRIVER’S LICENSE PROGRAM
17 IMPLEMENTATION FINANCIAL ASSISTANCE PRO-
18 GRAM.—Subject to subsection (c), to carry out sec-
19 tion 31313—

20 “(A) \$31,273,000 for fiscal year 2017;

21 “(B) \$31,930,000 for fiscal year 2018;

22 “(C) \$32,600,000 for fiscal year 2019;

23 “(D) \$33,285,000 for fiscal year 2020;

24 and

25 “(E) \$33,984,000 for fiscal year 2021.

1 “(b) REIMBURSEMENT AND PAYMENT TO RECIPI-
2 ENTS FOR GOVERNMENT SHARE OF COSTS.—

3 “(1) IN GENERAL.—Amounts made available
4 under subsection (a) shall be used to reimburse fi-
5 nancial assistance recipients proportionally for the
6 Federal Government’s share of the costs incurred.

7 “(2) REIMBURSEMENT AMOUNTS.—The Sec-
8 retary shall reimburse a recipient, in accordance
9 with a financial assistance agreement made under
10 section 31102, 31103, or 31313, an amount that is
11 at least 85 percent of the costs incurred by the re-
12 cipient in a fiscal year in developing and imple-
13 menting programs under these sections. The Sec-
14 retary shall pay the recipient an amount not more
15 than the Federal Government share of the total
16 costs approved by the Federal Government in the fi-
17 nancial assistance agreement. The Secretary shall
18 include a recipient’s in-kind contributions in deter-
19 mining the reimbursement.

20 “(3) VOUCHERS.—Each recipient shall submit
21 vouchers at least quarterly for costs the recipient in-
22 curs in developing and implementing programs
23 under section 31102, 31103, or 31313.

24 “(c) DEDUCTIONS FOR PARTNER TRAINING AND
25 PROGRAM SUPPORT.—On October 1 of each fiscal year,

1 or as soon after that date as practicable, the Secretary
2 may deduct from amounts made available under para-
3 graphs (1), (2), and (4) of subsection (a) for that fiscal
4 year not more than 1.50 percent of those amounts for
5 partner training and program support in that fiscal year.
6 The Secretary shall use at least 75 percent of those de-
7 ducted amounts to train non-Federal Government employ-
8 ees and to develop related training materials in carrying
9 out these programs.

10 “(d) GRANTS AND COOPERATIVE AGREEMENTS AS
11 CONTRACTUAL OBLIGATIONS.—The approval of a finan-
12 cial assistance agreement by the Secretary under section
13 31102, 31103, or 31313 is a contractual obligation of the
14 Federal Government for payment of the Federal Govern-
15 ment’s share of costs in carrying out the provisions of the
16 grant or cooperative agreement.

17 “(e) ELIGIBLE ACTIVITIES.—The Secretary shall es-
18 tablish criteria for eligible activities to be funded with fi-
19 nancial assistance agreements under this section and pub-
20 lish those criteria in a notice of funding availability before
21 the financial assistance program application period.

22 “(f) PERIOD OF AVAILABILITY OF FINANCIAL AS-
23 SISTANCE AGREEMENT FUNDS FOR RECIPIENT EXPENDI-
24 TURES.—

1 “(1) IN GENERAL.—The period of availability
2 for a recipient to expend a grant or cooperative
3 agreement authorized under subsection (a) is as fol-
4 lows:

5 “(A) For grants made for carrying out sec-
6 tion 31102, other than section 31102(l), for the
7 fiscal year in which it is obligated and for the
8 next fiscal year.

9 “(B) For grants or cooperative agreements
10 made for carrying out section 31102(l)(2), for
11 the fiscal year in which it is obligated and for
12 the next 2 fiscal years.

13 “(C) For grants made for carrying out sec-
14 tion 31102(l)(3), for the fiscal year in which it
15 is obligated and for the next 4 fiscal years.

16 “(D) For grants made for carrying out
17 section 31103, for the fiscal year in which it is
18 obligated and for the next fiscal year.

19 “(E) For grants or cooperative agreements
20 made for carrying out 31313, for the fiscal year
21 in which it is obligated and for the next 4 fiscal
22 years.

23 “(2) REOBLIGATION.—Amounts not expended
24 by a recipient during the period of availability shall
25 be released back to the Secretary for reobligation for

1 any purpose under sections 31102, 31103, 31104,
2 and 31313 in accordance with subsection (i) of this
3 section.

4 “(g) CONTRACT AUTHORITY; INITIAL DATE OF
5 AVAILABILITY.—Amounts authorized from the Highway
6 Trust Fund by this section shall be available for obligation
7 on the date of their apportionment or allocation or on Oc-
8 tober 1 of the fiscal year for which they are authorized,
9 whichever occurs first.

10 “(h) AVAILABILITY OF FUNDING.—Amounts made
11 available under this section shall remain available until ex-
12 pended.

13 “(i) TRANSFER OF OBLIGATION AUTHORITY.—

14 “(1) IN GENERAL.—Of the contract authority
15 authorized in this section, the Secretary shall have
16 authority to transfer available unobligated contract
17 authority and associated liquidating cash within or
18 between Federal financial assistance programs au-
19 thorized under this section and make new Federal fi-
20 nancial assistance awards under this section.

21 “(2) COST ESTIMATES.—Of the funds trans-
22 ferred, the contract authority and associated liqui-
23 dating cash or obligations and expenditures stem-
24 ming from Federal financial assistance awards made
25 with this contract authority shall not be scored as

1 new obligations by the Congressional Budget Office
2 or by the Secretary.

3 “(3) NO LIMITATION ON TOTAL OF OBLIGA-
4 TIONS.—Notwithstanding any other provision of law,
5 no limitation on the total of obligations for Federal
6 financial assistance programs carried out by the
7 Federal Motor Carrier Safety Administration under
8 this section shall apply to unobligated funds trans-
9 ferred under this subsection.”.

10 (d) TECHNICAL AND CONFORMING AMENDMENTS.—

11 (1) SAFETY FITNESS OF OWNERS AND OPER-
12 ATOR; SAFETY REVIEWS OF NEW OPERATORS.—Sec-
13 tion 31144(g) is amended by striking paragraph (5).

14 (2) INFORMATION SYSTEMS; PERFORMANCE
15 AND REGISTRATION INFORMATION PROGRAM.—Sec-
16 tion 31106(b) is amended by striking paragraph (4).

17 (3) BORDER ENFORCEMENT GRANTS.—Section
18 31107 is repealed.

19 (4) PERFORMANCE AND REGISTRATION INFOR-
20 MATION SYSTEM MANAGEMENT.—Section 31109 is
21 repealed.

22 (5) TABLE OF CONTENTS.—The table of con-
23 tents of chapter 311 is amended—

24 (A) by striking the items relating to 31107
25 and 31109; and

1 (B) by striking the items relating to sec-
2 tions 31102, 31103, and 31104 and inserting
3 the following:

“31102. Motor Carrier Safety Assistance Program.

“31103. Commercial Motor Vehicle Operators Grant Program.

“31104. Authorization of appropriations.”.

4 (6) GRANTS FOR COMMERCIAL DRIVER’S LI-
5 CENSE PROGRAM IMPLEMENTATION.—Section
6 31313(a), as amended by section 2606 of this Act,
7 is further amended by striking “The Secretary of
8 Transportation shall administer a financial assist-
9 ance program for commercial driver’s license pro-
10 gram implementation for the purposes described in
11 paragraphs (1) and (2)” and inserting “The Sec-
12 retary of Transportation shall administer a financial
13 assistance program for commercial driver’s license
14 program implementation funded under section
15 31104 of this title for the purposes described in
16 paragraphs (1) and (2)”.

17 (7) COMMERCIAL VEHICLE INFORMATION SYS-
18 TEMS AND NETWORKS DEPLOYMENT.—Section 4126
19 of SAFETEA-LU (49 U.S.C. 31106 note) is re-
20 pealed.

21 (8) SAFETY DATA IMPROVEMENT PROGRAM.—
22 Section 4128 of SAFETEA-LU (49 U.S.C. 31100
23 note) is repealed.

1 (9) GRANT PROGRAM FOR COMMERCIAL MOTOR
2 VEHICLE OPERATORS.—Section 4134 of SAFETEA-
3 LU (49 U.S.C. 31301 note) is repealed.

4 (10) WINTER HOME HEATING OIL DELIVERY
5 STATE FLEXIBILITY PROGRAM.—Section 346 of Na-
6 tional Highway System Designation Act of 1995 (49
7 U.S.C. 31166 note) is repealed.

8 (11) MAINTENANCE OF EFFORT AS CONDITION
9 ON GRANTS TO STATES.—Section 103(c) of the
10 Motor Carrier Safety Improvement Act of 1999 (49
11 U.S.C. 31102 note) is repealed.

12 (12) STATE COMPLIANCE WITH CDL REQUIRE-
13 MENTS.—Section 103(e) of the Motor Carrier Safety
14 Improvement Act of 1999 (49 U.S.C. 31102 note) is
15 repealed.

16 (13) BORDER STAFFING STANDARDS.—Section
17 218(d) of the Motor Carrier Safety Improvement
18 Act of 1999 (49 U.S.C. 31133 note) is amended—

19 (A) in paragraph (1), by striking “under
20 section 31104(f)(2)(B) of title 49, United
21 States Code” and inserting “section
22 31104(a)(1) of title 49, United States Code”;
23 and

24 (B) by striking paragraph (3).

1 (e) EFFECTIVE DATE.—The amendments made by
2 this section shall take effect on October 1, 2016.

3 (f) TRANSITION.—Notwithstanding the amendments
4 made by this section, the Secretary shall carry out sections
5 31102, 31103, 31104, and any sections repealed under
6 subsection (d) of this section, as necessary, as those sec-
7 tions were in effect on the day before October 1, 2016,
8 with respect to applications for grants, cooperative agree-
9 ments, or contracts under those sections submitted before
10 October 1, 2016.

11 **SEC. 2603. NEW ENTRANT SAFETY REVIEW PROGRAM**
12 **STUDY.**

13 (a) IN GENERAL.—Not later than 1 year after the
14 date of enactment of this Act, the Office of Inspector Gen-
15 eral of the Department of Transportation shall report to
16 the Committee on Commerce, Science, and Transportation
17 of the Senate and the Committee on Transportation and
18 Infrastructure in the House of Representatives on its as-
19 sessment of the new operator safety review program, re-
20 quired under section 31144(g) of title 49, United States
21 Code, including the program’s effectiveness in reducing
22 commercial motor vehicles involved in crashes, fatalities,
23 and injuries, and in improving commercial motor vehicle
24 safety.

1 (b) REPORT.—Not later than 90 days after comple-
 2 tion of the report under subsection (a), the Secretary shall
 3 submit to the Committee on Commerce, Science, and
 4 Transportation of the Senate and the Committee on
 5 Transportation and Infrastructure in the House of Rep-
 6 resentatives a report on the actions the Secretary will take
 7 to address any recommendations included in the study
 8 under subsection (a).

9 (c) PAPERWORK REDUCTION ACT OF 1995; EXCEP-
 10 TION.—The study and the Office of the Inspector General
 11 assessment shall not be subject to section 3506 or section
 12 3507 of title 44, United States Code.

13 **SEC. 2604. PERFORMANCE AND REGISTRATION INFORMA-**
 14 **TION SYSTEMS MANAGEMENT.**

15 Section 31106(b) is amended in the heading by strik-
 16 ing “PROGRAM” and inserting “SYSTEMS MANAGEMENT”.

17 **SEC. 2605. AUTHORIZATION OF APPROPRIATIONS.**

18 (a) IN GENERAL.—Subchapter I of chapter 311 is
 19 amended by adding at the end the following:

20 **“§ 31110. Authorization of appropriations**

21 “(a) ADMINISTRATIVE EXPENSES.—There are au-
 22 thorized to be appropriated from the Highway Trust Fund
 23 (other than the Mass Transit Account) for the Secretary
 24 of Transportation to pay administrative expenses of the
 25 Federal Motor Carrier Safety Administration—

1 “(1) \$264,439,000 for fiscal year 2016;

2 “(2) \$269,992,000 for fiscal year 2017;

3 “(3) \$275,662,000 for fiscal year 2018;

4 “(4) \$281,451,000 for fiscal year 2019;

5 “(5) \$287,361,000 for fiscal year 2020; and

6 “(6) \$293,396,000 for fiscal year 2021.

7 “(b) USE OF FUNDS.—The funds authorized by this
8 section shall be used—

9 “(1) for personnel costs;

10 “(2) for administrative infrastructure;

11 “(3) for rent;

12 “(4) for information technology;

13 “(5) for programs for research and technology,
14 information management, regulatory development,
15 the administration of the performance and registra-
16 tion information systems management;

17 “(6) for programs for outreach and education
18 under subsection (d);

19 “(7) to fund the motor carrier safety facility
20 working capital fund established under subsection
21 (c);

22 “(8) for other operating expenses;

23 “(9) to conduct safety reviews of new operators;

24 and

1 “(10) for such other expenses as may from time
2 to time become necessary to implement statutory
3 mandates of the Federal Motor Carrier Safety Ad-
4 ministration not funded from other sources.

5 “(c) MOTOR CARRIER SAFETY FACILITY WORKING
6 CAPITAL FUND.—

7 “(1) IN GENERAL.—The Secretary may estab-
8 lish a motor carrier safety facility working capital
9 fund.

10 “(2) PURPOSE.—Amounts in the fund shall be
11 available for modernization, construction, leases, and
12 expenses related to vacating, occupying, maintaining,
13 and expanding motor carrier safety facilities, and as-
14 sociated activities.

15 “(3) AVAILABILITY.—Amounts in the fund shall
16 be available without regard to fiscal year limitation.

17 “(4) FUNDING.—Amounts may be appropriated
18 to the fund from the amounts made available in sub-
19 section (a).

20 “(5) FUND TRANSFERS.—The Secretary may
21 transfer funds to the working capital fund from the
22 amounts made available in subsection (a) or from
23 other funds as identified by the Secretary.

24 “(d) OUTREACH AND EDUCATION PROGRAM.—

1 “(1) IN GENERAL.—The Secretary may con-
2 duct, through any combination of grants, contracts,
3 cooperative agreements, or other activities, an inter-
4 nal and external outreach and education program to
5 be administered by the Administrator of the Federal
6 Motor Carrier Safety Administration.

7 “(2) FEDERAL SHARE.—The Federal share of
8 an outreach and education program for which a
9 grant, contract, or cooperative agreement is made
10 under this subsection may be up to 100 percent of
11 the cost of the grant, contract, or cooperative agree-
12 ment.

13 “(3) FUNDING.—From amounts made available
14 in subsection (a), the Secretary shall make available
15 such sums as are necessary to carry out this sub-
16 section each fiscal year.

17 “(e) CONTRACT AUTHORITY; INITIAL DATE OF
18 AVAILABILITY.—Amounts authorized from the Highway
19 Trust Fund by this section shall be available for obligation
20 on the date of their apportionment or allocation or on Oc-
21 tober 1 of the fiscal year for which they are authorized,
22 whichever occurs first.

23 “(f) FUNDING AVAILABILITY.—Amounts made avail-
24 able under this section shall remain available until ex-
25 pended.

1 “(g) CONTRACTUAL OBLIGATION.—The approval of
2 funds by the Secretary under this section is a contractual
3 obligation of the Federal Government for payment of the
4 Federal Government’s share of costs.”.

5 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

6 (1) ADMINISTRATIVE EXPENSES; AUTHORIZA-
7 TION OF APPROPRIATIONS.—Section 31104 is
8 amended—

9 (A) by striking subsection (i); and

10 (B) by redesignating subsections (j) and
11 (k) and subsections (i) and (j), respectively.

12 (2) USE OF AMOUNTS MADE AVAILABLE UNDER
13 SUBSECTION (i).—Section 4116(d) of SAFETEA-
14 LU (49 U.S.C. 31104 note) is amended by striking
15 “section 31104(i)” and inserting “section 31110”.

16 (3) INTERNAL COOPERATION.—Section 31161
17 is amended by striking “31104(i)” and inserting
18 “31110”.

19 (4) SAFETEA-LU; OUTREACH AND EDU-
20 CATION.—Section 4127 of SAFETEA-LU (119
21 Stat. 1741; Public Law 109–59) is repealed.

22 (5) TABLE OF CONTENTS.—The table of con-
23 tents of subchapter I of chapter 311 is amended by
24 adding at the end the following:

“31110. Authorization of appropriations.”.

1 **SEC. 2606. COMMERCIAL DRIVER'S LICENSE PROGRAM IM-**
 2 **PLEMENTATION.**

3 (a) IN GENERAL.—Section 31313 is amended to read
 4 as follows:

5 **“§ 31313. Commercial driver's license program imple-**
 6 **mentation financial assistance program**

7 “(a) IN GENERAL.—The Secretary of Transportation
 8 shall administer a financial assistance program for com-
 9 mercial driver's license program implementation for the
 10 purposes described in paragraphs (1) and (2).

11 “(1) STATE COMMERCIAL DRIVER'S LICENSE
 12 PROGRAM IMPROVEMENT GRANTS.—The Secretary
 13 of Transportation may make a grant to a State
 14 agency in a fiscal year—

15 “(A) to comply with the requirements of
 16 section 31311; and

17 “(B) in the case of a State that is making
 18 a good faith effort toward substantial compli-
 19 ance with the requirements of section 31311, to
 20 improve its implementation of its commercial
 21 driver's license program, including expenses—

22 “(i) for computer hardware and soft-
 23 ware;

24 “(ii) for publications, testing, per-
 25 sonnel, training, and quality control;

1 “(iii) for commercial driver’s license
2 program coordinators; and

3 “(iv) to implement or maintain a sys-
4 tem to notify an employer of an operator
5 of a commercial motor vehicle of the sus-
6 pension or revocation of the operator’s
7 commercial driver’s license consistent with
8 the standards developed under section
9 32303(b) of the Commercial Motor Vehicle
10 Safety Enhancement Act of 2012 (49
11 U.S.C. 31304 note).

12 “(2) PRIORITY ACTIVITIES.—The Secretary
13 may make a grant or cooperative agreement in a fis-
14 cal year to a State agency, local government, or any
15 person for research, development or testing, dem-
16 onstration projects, public education, or other special
17 activities and projects relating to commercial driver’s
18 licensing and motor vehicle safety that—

19 “(A) benefit all jurisdictions of the United
20 States;

21 “(B) address national safety concerns and
22 circumstances;

23 “(C) address emerging issues relating to
24 commercial driver’s license improvements;

1 “(D) support innovative ideas and solu-
 2 tions to commercial driver’s license program
 3 issues; or

4 “(E) address other commercial driver’s li-
 5 cense issues, as determined by the Secretary.

6 “(b) PROHIBITIONS.—A recipient may not use finan-
 7 cial assistance funds awarded under this section to rent,
 8 lease, or buy land or buildings.

9 “(c) REPORT.—The Secretary shall issue an annual
 10 report on the activities carried out under this section.

11 “(d) APPORTIONMENT.—All amounts made available
 12 to carry out this section for a fiscal year shall be appor-
 13 tioned to a State or recipient described in subsection
 14 (a)(2) according to criteria prescribed by the Secretary.”.

15 (b) TECHNICAL AND CONFORMING AMENDMENTS.—
 16 The table of contents of chapter 313 is amended by strik-
 17 ing the item relating to section 31313 and inserting the
 18 following:

 “31313. Commercial driver’s license program implementation financial assist-
 ance program.”.

19 **SEC. 2607. EXTENSION OF FEDERAL MOTOR CARRIER SAFE-**
 20 **TY PROGRAMS FOR FISCAL YEAR 2016.**

21 (a) MOTOR CARRIER SAFETY ASSISTANCE PROGRAM
 22 GRANT EXTENSION.—Section 31104(a) is amended—

23 (1) in paragraph (9), by striking “and” at the
 24 end; and

1 (2) by striking paragraph (10) and inserting
2 the following:

3 “(10) \$218,000,000 for fiscal year 2015; and

4 “(11) \$218,000,000 for fiscal year 2016.”.

5 (b) EXTENSION OF GRANT PROGRAMS.—Section
6 4101(c) SAFETEA-LU (119 Stat. 1715; Public Law
7 109–59), is amended to read as follows:

8 “(c) GRANT PROGRAMS FUNDING.—There are au-
9 thorized to be appropriated from the Highway Trust Fund
10 the following sums for the following Federal Motor Carrier
11 Safety Administration programs:

12 “(1) COMMERCIAL DRIVER’S LICENSE PROGRAM
13 IMPROVEMENT GRANTS.—For carrying out the com-
14 mercial driver’s license program improvement grants
15 program under section 31313 of title 49, United
16 States Code, \$30,000,000 for fiscal year 2016.

17 “(2) BORDER ENFORCEMENT GRANTS.—From
18 amounts made available under section 31104(a) of
19 title 49, United States Code, for border enforcement
20 grants under section 31107 of that title,
21 \$32,000,000 for fiscal year 2016.

22 “(3) PERFORMANCE AND REGISTRATION INFOR-
23 MATION SYSTEMS MANAGEMENT GRANT PRO-
24 GRAMS.—From amounts made available under sec-
25 tion 31104(a) of title 49, United States Code, for

1 the performance and registration information sys-
2 tems management grant program under section
3 31109 of that title, \$5,000,000 for fiscal year 2016.

4 “(4) COMMERCIAL VEHICLE INFORMATION SYS-
5 TEMS AND NETWORKS DEPLOYMENT.—For carrying
6 out the commercial vehicle information systems and
7 networks deployment program under section 4126 of
8 this Act (the information technology deployment pro-
9 gram), \$25,000,000, for fiscal year 2016.

10 “(5) SAFETY DATA IMPROVEMENT GRANTS.—
11 From amounts made available under section
12 31104(a) of title 49, United States Code, for safety
13 data improvement grants under section 4128 of this
14 Act, \$3,000,000 for fiscal year 2016.”.

15 (c) HIGH-PRIORITY ACTIVITIES.—Section
16 31104(j)(2), as redesignated by section 2605 of this Act
17 is amended by striking “2014 and up to \$12,493,151 for
18 the period beginning on October 1, 2014, and ending on
19 July 31, 2015,,” and inserting “2016”.

20 (d) NEW ENTRANT AUDITS.—Section
21 31144(g)(5)(B) is amended to read as follows:

22 “(B) SET ASIDE.—The Secretary shall set
23 aside from amounts made available by section
24 31104(a) up to \$32,000,000 for fiscal year

1 2016 for audits of new entrant motor carriers
2 conducted under this paragraph.”.

3 (e) GRANT PROGRAM FOR COMMERCIAL MOTOR VE-
4 HICLE OPERATORS.—Section 4134(c) of SAFETEA-LU
5 (49 U.S.C. 31301 note) is amended to read as follows:
6 “(c) FUNDING.—From amounts made available
7 under section 31110 of title 49, United States Code, the
8 Secretary shall make available, \$1,000,000 for fiscal year
9 2016 to carry out the commercial motor vehicle operators
10 grant program.”.

11 (f) COMMERCIAL VEHICLE INFORMATION SYSTEMS
12 AND NETWORKS DEPLOYMENT.—

13 (1) IN GENERAL.—Section 4126 of SAFETEA-
14 LU (49 U.S.C. 31106 note; 119 Stat. 1738; Public
15 Law 109–59) is amended—

16 (A) in subsection (c)—

17 (i) in paragraph (2), by adding at the
18 end the following: “Funds deobligated by
19 the Secretary from previous year grants
20 shall not be counted towards the
21 \$2,500,000 maximum aggregate amount
22 for core deployment.”; and

23 (ii) in paragraph (3), by adding at the
24 end the following: “Funds may also be
25 used for planning activities, including the

1 development or updating of program or top
 2 level design plans.”; and

3 (B) in subsection (d)(4), by adding at the
 4 end the following: “Funds may also be used for
 5 planning activities, including the development
 6 or updating of program or top level design
 7 plans.”.

8 (2) INFORMATION TECHNOLOGY DEPLOYMENT
 9 PROGRAM.—For fiscal year 2016, the commercial ve-
 10 hicle information systems and networks deployment
 11 program under section 4126 of SAFETEA-LU (119
 12 Stat. 1738; Public Law 109–59) may also be re-
 13 ferred to as the information technology deployment
 14 program.

15 **SEC. 2608. MOTOR CARRIER SAFETY ASSISTANCE PRO-**
 16 **GRAM ALLOCATION.**

17 (a) WORKING GROUP.—

18 (1) ESTABLISHMENT.—Not later than 180 days
 19 after the date of enactment of this Act, the Sec-
 20 retary shall establish a motor carrier safety assist-
 21 ance program formula working group (referred to in
 22 this section as the “working group”).

23 (2) MEMBERSHIP.—

1 (A) IN GENERAL.—Subject to subpara-
2 graph (B), the working group shall consist of
3 representatives of the following:

4 (i) The Federal Motor Carrier Safety
5 Administration.

6 (ii) The lead State commercial motor
7 vehicle safety agencies responsible for ad-
8 ministering the plan required by section
9 31102 of title 49, United States Code.

10 (iii) An organization representing
11 State agencies responsible for enforcing a
12 program for inspection of commercial
13 motor vehicles.

14 (iv) Such other persons as the Sec-
15 retary considers necessary.

16 (B) COMPOSITION.—Representatives of
17 State commercial motor vehicle safety agencies
18 shall comprise at least 51 percent of the mem-
19 bership.

20 (3) NEW ALLOCATION FORMULA.—The working
21 group shall analyze requirements and factors for a
22 new motor carrier safety assistance program alloca-
23 tion formula.

24 (4) RECOMMENDATION.—Not later than 1 year
25 after the date the working group is established

1 under paragraph (1), the working group shall make
2 a recommendation to the Secretary regarding a new
3 Motor Carrier Safety Assistance Program allocation
4 formula.

5 (5) FACA EXEMPTION.—The Federal Advisory
6 Committee Act (5 U.S.C. App.) shall not apply to
7 the working group established under this subsection.

8 (6) PUBLICATION.—The Administrator of the
9 Federal Motor Carrier Safety Administration shall
10 publish on a public website summaries of its meet-
11 ings, and the final recommendation provided to the
12 Secretary.

13 (b) NOTICE OF PROPOSED RULEMAKING.—After re-
14 ceiving the recommendation under subsection (a)(4), the
15 Secretary shall publish in the Federal Register a notice
16 seeking public comment on a new allocation formula for
17 the motor carrier safety assistance program under section
18 31102 of title 49, United States Code.

19 (c) BASIS FOR FORMULA.—The Secretary shall en-
20 sure that the new allocation formula is based on factors
21 that reflect, at a minimum—

22 (1) the relative needs of the States to comply
23 with section 31102 of title 49, United States Code;

1 (2) the relative administrative capacities of and
 2 challenges faced by States in complying with section
 3 31102 of title 49, United States Code;

4 (3) the average of each State's new entrant
 5 motor carrier inventory for the 3-year period prior
 6 to the date of enactment of this Act;

7 (4) the number of international border inspec-
 8 tion facilities and border crossings by commercial ve-
 9 hicles in each State; and

10 (5) any other factors the Secretary considers
 11 appropriate.

12 (d) FUNDING AMOUNTS PRIOR TO DEVELOPMENT OF
 13 A NEW ALLOCATION FORMULA.—

14 (1) INTERIM FORMULA.—Prior to the develop-
 15 ment of the new allocation formula, the Secretary
 16 may calculate the interim funding amounts for the
 17 motor carrier safety assistance program in fiscal
 18 year 2017 (and later fiscal years, as necessary)
 19 under section 31104(a)(1) of title 49, United States
 20 Code, as amended by section 2602 of this Act, by
 21 the following methodology:

22 (A) The Secretary shall calculate the fund-
 23 ing amount using the allocation formula the
 24 Secretary used to award motor carrier safety

1 assistance program funding in fiscal year 2016
2 under section 2607 of this Act.

3 (B) The Secretary shall average the fund-
4 ing awarded or other equitable amounts to a
5 State in fiscal years 2013, 2014, and 2015 for
6 border enforcement grants awarded under sec-
7 tion 32603(c) of MAP-21 (126 Stat. 807; Pub-
8 lic Law 112-141) and new entrant audit grants
9 awarded under that section, or other equitable
10 amounts.

11 (C) The Secretary shall add the amounts
12 calculated in subparagraphs (A) and (B).

13 (2) ADJUSTMENTS.—Subject to the availability
14 of funding and notwithstanding fluctuations in the
15 data elements used by the Secretary, the initial
16 amounts resulting from the calculation described in
17 paragraph (1) shall be adjusted to ensure that, for
18 each State, the amount shall not be less than 97
19 percent of the average amount of funding received or
20 other equitable amounts in fiscal years 2013, 2014,
21 and 2015 for—

22 (A) motor carrier safety assistance pro-
23 gram funds awarded under section 32603(a) of
24 MAP-21 (126 Stat. 807; Public Law 112-141);

1 (B) border enforcement grants awarded
 2 under section 32603(a) of MAP-21 (126 Stat.
 3 807; Public Law 112-141); and

4 (C) new entrant audit grants awarded
 5 under section 32603(a) of MAP-21 (126 Stat.
 6 807; Public Law 112-141).

7 (3) IMMEDIATE RELIEF.—In developing the
 8 new allocation formula, the Secretary shall provide
 9 immediate relief for at least 3 fiscal years to all
 10 States currently subject to the withholding provi-
 11 sions of Motor Carrier Safety Assistance Program
 12 funds for matters of noncompliance.

13 (4) FUTURE WITHHOLDINGS.—Beginning on
 14 the date that the new allocation formula is imple-
 15 mented, the Secretary shall impose all future
 16 withholdings in accordance with section 31102(k) of
 17 title 49, United States Code, as amended by section
 18 2602 of this Act.

19 (e) TERMINATION OF EFFECTIVENESS.—This section
 20 expires upon the implementation of a new Motor Carrier
 21 Safety Assistance Program Allocation Formula.

22 **SEC. 2609. MAINTENANCE OF EFFORT CALCULATION.**

23 (a) BEFORE NEW ALLOCATION FORMULA.—

24 (1) FISCAL YEAR 2017.—If a new allocation for-
 25 mula has not been established for fiscal year 2017,

1 then, for fiscal year 2017, the Secretary of Trans-
2 portation shall calculate the maintenance of effort
3 required under section 31102(f) of title 49, United
4 States Code, as amended by section 2602 of this
5 Act, by averaging the expenditures for fiscal years
6 2004 and 2005 required by section 32601(a)(5) of
7 MAP-21 (Public Law 112-141), as that section was
8 in effect on the day before the date of enactment of
9 this Act.

10 (2) SUBSEQUENT FISCAL YEARS.—The Sec-
11 retary may use the methodology for calculating the
12 maintenance of effort for fiscal year 2017 and each
13 fiscal year thereafter if a new allocation formula has
14 not been established.

15 (b) BEGINNING WITH NEW ALLOCATION FORMA-
16 TION.—

17 (1) IN GENERAL.—Subject to paragraphs (2)
18 and (3)(B), beginning on the date that a new alloca-
19 tion formula is established under section 2608, upon
20 the request of a State, the Secretary may modify the
21 baseline maintenance of effort required by section
22 31102(e) of title 49, United States Code, as amend-
23 ed by section 2602 of this Act, for the purpose of
24 establishing a new baseline maintenance of effort if

1 the Secretary determines that a waiver or modifica-
2 tion—

3 (A) is equitable due to reasonable cir-
4 cumstances;

5 (B) will ensure the continuation of com-
6 mercial motor vehicle enforcement activities in
7 the State; and

8 (C) is necessary to ensure that the total
9 amount of State maintenance of effort and
10 matching expenditures required under sections
11 31102 and 31104 of title 49, United States
12 Code, as amended by section 2602 of this Act,
13 does not exceed a sum greater than the total
14 amount of State maintenance of effort and
15 matching expenditures for the 3 fiscal years
16 prior to the date of enactment of this Act.

17 (2) ADJUSTMENT METHODOLOGY.—If re-
18 quested by a State, the Secretary may modify the
19 maintenance of effort baseline according to the fol-
20 lowing methodology:

21 (A) The Secretary shall establish the main-
22 tenance of effort using the average of fiscal
23 years 2004 and 2005, as required by section
24 32601(a)(5) of MAP-21 (Public Law 112-
25 141).

1 (B) The Secretary shall calculate the aver-
2 age required match by a lead State commercial
3 motor vehicle safety agency for fiscal years
4 2013, 2014, and 2015 for motor carrier safety
5 assistance grants established at 20 percent by
6 section 31103 of title 49, United States Code,
7 as that section was in effect on the day before
8 the date of enactment of this Act.

9 (C) The Secretary shall calculate the esti-
10 mated match required under section 31104(b)
11 of title 49, United States Code, as amended by
12 section 2602 of this Act.

13 (D) The Secretary will subtract the
14 amount in subparagraph (B) from the amount
15 in subparagraph (C) and—

16 (i) if the number is greater than 0,
17 then the Secretary shall subtract the num-
18 ber from the amount in subparagraph (A);
19 or

20 (ii) if the number is not greater than
21 0, then the Secretary shall calculate the
22 maintenance of effort using the method-
23 ology in subparagraph (A).

24 (3) MAINTENANCE OF EFFORT AMOUNT.—

1 (A) IN GENERAL.—The Secretary shall use
2 the amount calculated in paragraph (2) as the
3 baseline maintenance of effort required in sec-
4 tion 31102(f) of title 49, United States Code,
5 as amended by section 2602 of this Act.

6 (B) DEADLINE.—If a State does not re-
7 quest a waiver or modification under this sub-
8 section before September 30 during the first
9 fiscal year that the Secretary implements the
10 new allocation formula under section 2608, the
11 Secretary shall calculate the maintenance of ef-
12 fort using the methodology in paragraph (2)(A)
13 of this subsection.

14 (4) MAINTENANCE OF EFFORT DESCRIBED.—
15 The maintenance of effort calculated under this sec-
16 tion is the amount required under section 31102(f)
17 of title 49, United States Code, as amended by sec-
18 tion 2602 of this Act.

19 (c) TERMINATION OF EFFECTIVENESS.—The author-
20 ity under this section terminates effective on the date that
21 the new maintenance of effort is calculated based on the
22 new allocation formula implemented under section 2608.

Subtitle G—Miscellaneous Provisions

3 SEC. 2701. WINDSHIELD TECHNOLOGY.

4 (a) IN GENERAL.—Not later than 180 days after the
5 date of enactment of this Act, the Secretary shall revise
6 the regulations in section 393.60(e) of title 49, Code of
7 Federal Regulations (relating to the prohibition on ob-
8 structions to the driver’s field of view), to exempt from
9 that section the voluntary mounting on a windshield of
10 vehicle safety technology likely to achieve a level of safety
11 that is equivalent to or greater than the level of safety
12 that would be achieved absent the exemption.

13 (b) DEFINITION OF VEHICLE SAFETY TECH-
14 NOLOGY.—In this section, “vehicle safety technology” in-
15 cludes fleet-related incident management system, perform-
16 ance or behavior management system, speed management
17 system, lane departure warning system, forward collision
18 warning or mitigation system, active cruise control system,
19 and any other technology that the Secretary considers ap-
20 plicable.

21 (c) RULE OF CONSTRUCTION.—For purposes of this
22 section, any windshield mounted technology with a short
23 term exemption under part 381 of title 49, Code of Fed-
24 eral Regulations, on the day before the date of enactment
25 of this Act, shall be considered likely to achieve a level

1 of safety that is equivalent to or greater than the level
 2 of safety that would be achieved absent an exemption
 3 under subsection (a).

4 **SEC. 2702. ELECTRONIC LOGGING DEVICES REQUIRE-**
 5 **MENTS.**

6 Section 31137(b) is amended—

7 (1) in paragraph (1)(C), by striking “apply to”
 8 and inserting “except as provided in paragraph (3),
 9 apply to”; and

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

11 “(3) EXCEPTION.—A motor carrier, when
 12 transporting a motor home or recreation vehicle
 13 trailer within the definition of ‘driveaway-towaway
 14 operation’ (as defined in section 390.5 of title 49,
 15 Code of Federal Regulations) may comply with the
 16 hours of service requirements by requiring each driv-
 17 er to use—

18 “(A) a paper record of duty status form;

19 or

20 “(B) an electronic logging device.”.

21 **SEC. 2703. LAPSE OF REQUIRED FINANCIAL SECURITY; SUS-**
 22 **PENSION OF REGISTRATION.**

23 Section 13906(e) is amended by inserting “or sus-
 24 pend” after “revoke”.

1 **SEC. 2704. ACCESS TO NATIONAL DRIVER REGISTER.**

2 Section 30305(b) is amended by adding at the end
3 the following:

4 “(13) The Administrator of the Federal Motor
5 Carrier Safety Administration may request the chief
6 driver licensing official of a State to provide infor-
7 mation under subsection (a) of this section about an
8 individual in connection with a safety investigation
9 under the Administrator’s jurisdiction.”.

10 **SEC. 2705. STUDY ON COMMERCIAL MOTOR VEHICLE DRIV-**
11 **ER COMMUTING.**

12 (a) EFFECTS OF COMMUTING.—The Administrator
13 of the Federal Motor Carrier Safety Administration shall
14 conduct a study of the effects of motor carrier operator
15 commutes exceeding 150 minutes commuting time on safe-
16 ty and commercial motor vehicle driver fatigue.

17 (b) STUDY.—In conducting the study, the Adminis-
18 trator shall consider—

19 (1) the prevalence of driver commuting in the
20 commercial motor vehicle industry, including the
21 number and percentage of drivers who commute;

22 (2) the distances traveled, time zones crossed,
23 time spent commuting, and methods of transpor-
24 tation used;

1 (3) research on the impact of excessive com-
 2 muting on safety and commercial motor vehicle driv-
 3 er fatigue;

4 (4) the commuting practices of commercial
 5 motor vehicle drivers and policies of motor carriers;

6 (5) the Federal Motor Carrier Safety Adminis-
 7 tration regulations, policies, and guidance regarding
 8 driver commuting; and

9 (6) any other matters the Administrator con-
 10 siders appropriate.

11 (c) REPORT.—Not later than 18 months after the
 12 date of enactment of this Act, the Administrator shall sub-
 13 mit to Congress a report containing the findings under
 14 the study and any recommendations for legislative action
 15 concerning driver commuting.

16 **SEC. 2706. HOUSEHOLD GOODS CONSUMER PROTECTION**
 17 **WORKING GROUP.**

18 (a) WORKING GROUP.—The Secretary shall establish
 19 a working group for the purpose of developing rec-
 20 ommendations on how to best convey to inexperienced con-
 21 sumers the information such consumers need to know with
 22 respect to the Federal laws concerning the interstate
 23 transportation of household goods by motor carrier.

24 (b) MEMBERSHIP.—The Secretary shall ensure that
 25 the working group is comprised of individuals with exper-

1 tise in consumer affairs, educators with expertise in how
2 people learn most effectively, and representatives of the
3 household goods moving industry.

4 (c) RECOMMENDATIONS.—

5 (1) CONTENTS.—The recommendations devel-
6 oped by the working group shall include, at a min-
7 imum, recommendations on—

8 (A) condensing publication ESA 03005 of
9 the Federal Motor Carrier Safety Administra-
10 tion into a format that is more easily used by
11 consumers;

12 (B) using state-of-the-art education tech-
13 niques and technologies, including optimizing
14 the use of the Internet as an educational tool;
15 and

16 (C) reducing and simplifying the paper-
17 work required of motor carriers and shippers in
18 interstate transportation.

19 (2) DEADLINE.—Not later than one year after
20 the date of enactment of this Act, the working group
21 shall make the recommendations described in para-
22 graph (1) which the Secretary shall publish on a
23 public website.

24 (d) REPORT.—Not later than 1 year after the date
25 on which the working group makes its recommendations,

1 the Secretary shall issue a report to Congress on the im-
 2 plementation of such recommendations.

3 (e) FEDERAL ADVISORY COMMITTEE ACT EXEMP-
 4 TION.—The Federal Advisory Committee Act (5 U.S.C.
 5 App.) shall not apply to the working group established
 6 under this section.

7 (f) TERMINATION.—The working group shall termi-
 8 nate 2 years after the date of enactment of this Act.

9 **TITLE III—HAZARDOUS** 10 **MATERIALS**

11 **SEC. 3101. ENDORSEMENTS.**

12 (a) EXCLUSIONS.—Section 5117(d)(1) is amended—

13 (1) in subparagraph (B), by striking “and” at
 14 the end;

15 (2) in subparagraph (C), by striking the period
 16 at the end and inserting “; and”; and

17 (3) by adding at the end the following:

18 “(D) a service vehicle carrying diesel fuel
 19 in quantities of 3,785 liters (1,000 gallons) or
 20 less that is—

21 “(i) driven by a class A commercial
 22 driver’s license holder who is a custom har-
 23 vester, an agricultural retailer, an agricul-
 24 tural business employee, an agricultural

1 cooperative employee, or an agricultural
2 producer; and

3 “(ii) clearly marked with a placard
4 reading ‘Diesel Fuel’.”.

5 (b) HAZARDOUS MATERIALS ENDORSEMENT EXEMP-
6 TION.—The Secretary shall exempt all class A commercial
7 driver’s license holders who are custom harvesters, agricul-
8 tural retailers, agricultural business employees, agricul-
9 tural cooperative employees, or agricultural producers
10 from the requirement to obtain a hazardous materials en-
11 dorsement under part 383 of title 49, Code of Federal
12 Regulations, while operating a service vehicle carrying die-
13 sel fuel in quantities of 3,785 liters (1,000 gallons) or less
14 if the tank containing such fuel is clearly marked with a
15 placard reading “Diesel Fuel”.

16 **SEC. 3102. ENHANCED REPORTING.**

17 Section 5121(h) is amended by striking “transmit to
18 the Committee on Transportation and Infrastructure of
19 the House of Representatives and the Committee on Com-
20 merce, Science, and Transportation of the Senate” and
21 inserting “post on the Department of Transportation pub-
22 lic website”.

23 **SEC. 3103. HAZARDOUS MATERIAL INFORMATION.**

24 (a) DERAILMENT DATA.—

1 (1) IN GENERAL.—Not later than 180 days
2 after the date of enactment of this Act, the Sec-
3 retary shall revise the form for reporting a rail
4 equipment accident or incident under section 225.21
5 of title 49, Code of Federal Regulations (Form FRA
6 F 6180.54, Rail Equipment Accident/Incident Re-
7 port), including to its instructions, to require addi-
8 tional data concerning rail cars carrying crude oil or
9 ethanol that are involved in a reportable rail equip-
10 ment accident or incident under part 225 of that
11 title.

12 (2) CONTENTS.—The data under subsection (a)
13 shall include—

14 (A) the number of rail cars carrying crude
15 oil or ethanol;

16 (B) the number of rail cars carrying crude
17 oil or ethanol damaged or derailed; and

18 (C) the number of rail cars releasing crude
19 oil or ethanol.

20 (3) DIFFERENTIATION.—The data described in
21 paragraph (2) shall be reported separately for crude
22 oil and for ethanol.

23 (b) DATABASE CONNECTIVITY.—

24 (1) IN GENERAL.—Not later than 180 days
25 after the date of enactment of this Act, the Sec-

1 retary shall implement information management
2 practices to ensure that the Pipeline and Hazardous
3 Materials Safety Administration Hazardous Mate-
4 rials Incident Reports Database (referred to in this
5 section as “Incident Reports Database”) and the
6 Federal Railroad Administration Railroad Safety In-
7 formation System contain accurate and consistent
8 data on a reportable rail equipment accident or inci-
9 dent under part 225 of title 49, Code of Federal
10 Regulations, involving the release of hazardous ma-
11 terials.

12 (2) IDENTIFIERS.—The Secretary shall ensure
13 that the Incident Reports Database uses a search-
14 able Federal Railroad Administration report num-
15 ber, or other applicable unique identifier that is
16 linked to the Federal Railroad Safety Information
17 System, for each reportable rail equipment accident
18 or incident under part 225 of title 49, Code of Fed-
19 eral Regulations, involving the release of hazardous
20 materials.

21 (c) EVALUATION.—

22 (1) IN GENERAL.—The Department of Trans-
23 portation Inspector General shall—

1 (A) evaluate the accuracy of information in
2 the Incident Reports Database, including deter-
3 mining whether any inaccuracies exist in—

4 (i) the type of hazardous materials re-
5 leased;

6 (ii) the quantity of hazardous mate-
7 rials released;

8 (iii) the location of hazardous mate-
9 rials released;

10 (iv) the damages or effects of haz-
11 ardous materials released; and

12 (v) any other data contained in the
13 database; and

14 (B) considering the requirements in sub-
15 section (b), evaluate the consistency and accu-
16 racy of data involving accidents or incidents re-
17 portable to both the Pipeline and Hazardous
18 Materials Safety Administration and the Fed-
19 eral Railroad Administration, including whether
20 the Incident Reports Database uses a search-
21 able identifier described in subsection (b)(2).

22 (2) REPORT.—Not later than 18 months after
23 the date of enactment of this Act, the Inspector
24 General of the Department of Transportation shall
25 submit to the Committee on Commerce, Science, and

1 Transportation of the Senate and the Committee on
 2 Transportation and Infrastructure of the House of
 3 Representatives a report of the findings under sub-
 4 paragraphs (A) and (B) of paragraph (1) and rec-
 5 ommendations for resolving any inconsistencies or
 6 inaccuracies.

7 (d) SAVINGS CLAUSE.—Nothing in this section may
 8 be construed to prohibit the Secretary from requiring
 9 other commodity-specific information for any reportable
 10 rail equipment accident or incident under part 225 of title
 11 49, Code of Federal Regulations.

12 **SEC. 3104. HAZARDOUS MATERIALS TRAINING REQUIRE-**
 13 **MENTS AND GRANTS.**

14 Section 5107(e) is amended to read as follows:

15 “(e) TRAINING GRANTS.—

16 “(1) IN GENERAL.—Subject to the availability
 17 of funds under section 5128(c), the Secretary shall
 18 make grants under this subsection—

19 “(A) for training instructors to train—

20 “(i) hazmat employees;

21 “(ii) employees who enforce the haz-
 22 ardous materials regulations;

23 “(iii) employees who respond to haz-
 24 ardous materials incidents; or

1 “(iv) a combination of the employees
2 described in clauses (i) through (iii); and

3 “(B) to the extent the Secretary considers
4 appropriate, for such instructors to train—

5 “(i) hazmat employees;

6 “(ii) employees who enforce the haz-
7 ardous materials regulations;

8 “(iii) employees who respond to haz-
9 ardous materials incidents; or

10 “(iv) a combination of the employees
11 described in clauses (i) through (iii).

12 “(2) ELIGIBILITY.—Grants under this sub-
13 section shall be made on a competitive basis to orga-
14 nizations that—

15 “(A) train on a not-for-profit basis—

16 “(i) hazmat employees;

17 “(ii) employees who enforce the haz-
18 ardous materials regulations;

19 “(iii) employees who respond to haz-
20 ardous materials incidents; or

21 “(iv) a combination of the employees
22 described in clauses (i) through (iii); and

23 “(B) demonstrate—

24 “(i) expertise in conducting a training
25 program for 1 or more of the groups of

1 employees described in clauses (i) through
2 (iii) of subparagraph (A); and
3 “(ii) the ability to reach and involve in
4 a training program a target population of
5 1 or more of the groups of employees de-
6 scribed in clauses (i) through (iii) of sub-
7 paragraph (A).”.

8 **SEC. 3105. NATIONAL EMERGENCY AND DISASTER RE-**
9 **SPONSE.**

10 (a) **PURPOSE.**—Section 5101 is amended by inserting
11 and “and to facilitate the safe movement of hazardous ma-
12 terials during national emergencies” after “commerce”.

13 (b) **GENERAL REGULATORY AUTHORITY.**—Section
14 5103 is amended—

15 (1) by redesignating subsections (c) and (d) as
16 subsections (d) and (e), respectively; and

17 (2) by inserting after subsection (b) the fol-
18 lowing:

19 “(c) **FEDERALLY DECLARED DISASTER AND EMER-**
20 **GENCY AREAS.**—The Secretary, in consultation with the
21 Secretary of Homeland Security, may prescribe standards
22 to facilitate the safe movement of hazardous materials
23 into, from, and within a federally declared disaster area
24 or a national emergency area.”.

1 **SEC. 3106. AUTHORIZATION OF APPROPRIATIONS.**

2 Section 5128 is amended to read as follows:

3 **“§ 5128. Authorization of appropriations**

4 “(a) IN GENERAL.—There are authorized to be ap-
5 propriated to the Secretary to carry out this chapter (ex-
6 cept sections 5107(e), 5108(g)(2), 5113, 5115, 5116, and
7 5119)—

8 “(1) \$42,762,000 for fiscal year 2016;

9 “(2) \$43,660,000 for fiscal year 2017;

10 “(3) \$44,577,000 for fiscal year 2018;

11 “(4) \$46,469,000 for fiscal year 2019;

12 “(5) \$47,445,000 for fiscal year 2020; and

13 “(6) \$48,441,000 for fiscal year 2021.

14 “(b) HAZARDOUS MATERIALS EMERGENCY PRE-
15 PAREDNESS FUND.—From the Hazardous Materials
16 Emergency Preparedness Fund established under section
17 5116(i), the Secretary may expend, during each of fiscal
18 years 2016 through 2021—

19 “(1) \$188,000 to carry out section 5115;

20 “(2) \$21,800,000 to carry out subsections (a)
21 and (b) of section 5116, of which not less than
22 \$13,650,000 shall be available to carry out section
23 5116(b);

24 “(3) \$150,000 to carry out section 5116(f);

1 “(4) \$625,000 to publish and distribute the
2 Emergency Response Guidebook under section
3 5116(i)(3); and

4 “(5) \$1,000,000 to carry out section 5116(j).

5 “(c) HAZARDOUS MATERIALS TRAINING GRANTS.—
6 From the Hazardous Materials Emergency Preparedness
7 Fund established pursuant to section 5116(i), the Sec-
8 retary may expend \$4,000,000 for each of the fiscal years
9 2016 through 2021 to carry out section 5107(e).

10 “(d) CREDITS TO APPROPRIATIONS.—

11 “(1) EXPENSES.—In addition to amounts oth-
12 erwise made available to carry out this chapter, the
13 Secretary may credit amounts received from a State,
14 Indian tribe, or other public authority or private en-
15 tity for expenses the Secretary incurs in providing
16 training to the State, authority, or entity.

17 “(2) AVAILABILITY OF AMOUNTS.—Amounts
18 made available under this section shall remain avail-
19 able until expended.”.

1 **TITLE IV—HIGHWAY AND MOTOR**
2 **VEHICLE SAFETY**

3 **Subtitle A—Highway Traffic Safety**

4 **PART I—HIGHWAY SAFETY**

5 **SEC. 4101. AUTHORIZATION OF APPROPRIATIONS.**

6 (a) IN GENERAL.—The following sums are author-
7 ized to be appropriated out of the Highway Trust Fund
8 (other than the Mass Transit Account):

9 (1) HIGHWAY SAFETY PROGRAMS.—For car-
10 rying out section 402 of title 23, United States
11 Code—

- 12 (A) \$243,526,500 for fiscal year 2016;
13 (B) \$252,267,972 for fiscal year 2017;
14 (C) \$261,229,288 for fiscal year 2018;
15 (D) \$270,415,429 for fiscal year 2019;
16 (E) \$279,831,482 for fiscal year 2020; and
17 (F) \$289,482,646 for fiscal year 2021.

18 (2) HIGHWAY SAFETY RESEARCH AND DEVEL-
19 OPMENT.—For carrying out section 403 of title 23,
20 United States Code—

- 21 (A) \$137,835,000 for fiscal year 2016;
22 (B) \$140,729,535 for fiscal year 2017;
23 (C) \$143,684,855 for fiscal year 2018;
24 (D) \$146,702,237 for fiscal year 2019;
25 (E) \$149,782,984 for fiscal year 2020; and

1 (F) \$152,928,427 for fiscal year 2021.

2 (3) NATIONAL PRIORITY SAFETY PROGRAMS.—

3 For carrying out section 405 of title 23, United

4 States Code—

5 (A) \$274,720,000 for fiscal year 2016;

6 (B) \$277,467,200 for fiscal year 2017;

7 (C) \$280,241,872 for fiscal year 2018;

8 (D) \$283,044,291 for fiscal year 2019;

9 (E) \$285,874,734 for fiscal year 2020; and

10 (F) \$288,733,481 for fiscal year 2021.

11 (4) NATIONAL DRIVER REGISTER.—For the Na-

12 tional Highway Traffic Safety Administration to

13 carry out chapter 303 of title 49, United States

14 Code—

15 (A) \$3,573,500 for fiscal year 2016;

16 (B) \$3,648,544 for fiscal year 2017;

17 (C) \$3,725,163 for fiscal year 2018;

18 (D) \$3,803,391 for fiscal year 2019;

19 (E) \$3,883,263 for fiscal year 2020; and

20 (F) \$3,964,811 for fiscal year 2021.

21 (5) HIGH VISIBILITY ENFORCEMENT PRO-

22 GRAM.—For carrying out section 2009 of

23 SAFETEA-LU (23 U.S.C. 402 note)—

24 (A) \$29,290,000 for fiscal year 2016;

25 (B) \$29,582,900 for fiscal year 2017;

- 1 (C) \$29,878,729 for fiscal year 2018;
- 2 (D) \$30,177,516 for fiscal year 2019;
- 3 (E) \$30,479,291 for fiscal year 2020; and
- 4 (F) \$30,784,084 for fiscal year 2021.

5 (6) ADMINISTRATIVE EXPENSES.—For adminis-
 6 trative and related operating expenses of the Na-
 7 tional Highway Traffic Safety Administration in car-
 8 rying out chapter 4 of title 23, United States Code,
 9 and this subtitle—

- 10 (A) \$25,755,000 for fiscal year 2016;
- 11 (B) \$26,012,550 for fiscal year 2017;
- 12 (C) \$26,272,676 for fiscal year 2018;
- 13 (D) \$26,535,402 for fiscal year 2019;
- 14 (E) \$26,800,756 for fiscal year 2020; and
- 15 (F) \$27,068,764 for fiscal year 2021.

16 (b) PROHIBITION ON OTHER USES.—Except as oth-
 17 erwise provided in chapter 4 of title 23, United States
 18 Code, in this subtitle, and in the amendments made by
 19 this subtitle, the amounts made available from the High-
 20 way Trust Fund (other than the Mass Transit Account)
 21 for a program under such chapter—

- 22 (1) shall only be used to carry out such pro-
 23 gram; and
- 24 (2) may not be used by States or local govern-
 25 ments for construction purposes.

1 (c) APPLICABILITY OF TITLE 23.—Except as other-
2 wise provided in chapter 4 of title 23, United States Code,
3 and in this subtitle, amounts made available under sub-
4 section (a) for fiscal years 2016 through 2021 shall be
5 available for obligation in the same manner as if such
6 funds were apportioned under chapter 1 of title 23, United
7 States Code.

8 (d) REGULATORY AUTHORITY.—Grants awarded
9 under this subtitle shall be in accordance with regulations
10 issued by the Secretary.

11 (e) STATE MATCHING REQUIREMENTS.—If a grant
12 awarded under this subtitle requires a State to share in
13 the cost, the aggregate of all expenditures for highway
14 safety activities made during any fiscal year by the State
15 and its political subdivisions (exclusive of Federal funds)
16 for carrying out the grant (other than planning and ad-
17 ministration) shall be available for the purpose of crediting
18 the State during such fiscal year for the non-Federal share
19 of the cost of any project under this subtitle (other than
20 planning or administration) without regard to whether
21 such expenditures were actually made in connection with
22 such project.

23 (f) GRANT APPLICATION AND DEADLINE.—To re-
24 ceive a grant under this subtitle, a State shall submit an
25 application, and the Secretary shall establish a single

1 deadline for such applications to enable the award of
 2 grants early in the next fiscal year.

3 (g) TRANSFERS.—Section 405(a)(1)(G) of title 23,
 4 United States Code, is amended to read as follows:

5 “(G) TRANSFERS.—Notwithstanding sub-
 6 paragraphs (A) through (F), the Secretary shall
 7 reallocate, before the last day of any fiscal year,
 8 any amounts remaining available of the
 9 amounts allocated to carry out any of the ac-
 10 tivities described in subsections (b) through (g)
 11 to increase the amount made available to carry
 12 out section 402, in order to ensure, to the max-
 13 imum extent possible, that all such amounts are
 14 obligated during such fiscal year.”.

15 **SEC. 4102. HIGHWAY SAFETY PROGRAMS.**

16 (a) RESTRICTION.—Section 402(g) of title 23, United
 17 States Code, is amended to read as follows:

18 “(g) RESTRICTION.—Nothing in this section may be
 19 construed to authorize the appropriation or expenditure
 20 of funds for highway construction, maintenance, or design
 21 (other than design of safety features of highways to be
 22 incorporated into guidelines).”.

23 (b) USE OF FUNDS.—

24 (1) HIGHWAY SAFETY PROGRAMS.—Section
 25 402(c) of title 23, United States Code, is amended

1 by inserting “A State may transfer the funds appor-
2 tioned under this section to a political subdivision of
3 a State, including Indian tribal governments.” after
4 “neighboring States.”.

5 (2) NATIONAL PRIORITY SAFETY PROGRAMS.—
6 Section 405(a)(1) is amended by adding at the end
7 the following:

8 “(I) POLITICAL SUBDIVISIONS.—A State
9 may transfer the funds apportioned under this
10 section to a political subdivision of a State, in-
11 cluding Indian tribal governments.”.

12 (c) TRACKING PROCESS.—Section 412 of title 23,
13 United States Code, is amended by adding at the end the
14 following:

15 “(f) TRACKING PROCESS.—The Secretary shall de-
16 velop a process to identify and mitigate possible systemic
17 issues across States and regional offices by reviewing over-
18 sight findings and recommended actions identified in tri-
19 ennial State management reviews.”.

20 (d) HIGHWAY SAFETY PLANS.—Section
21 402(k)(5)(A) of title 23, United States Code, is amended
22 by striking “60” and inserting “30”.

23 (e) MAINTENANCE OF EFFORT.—Section
24 405(a)(1)(H) of title 23, United States Code, is amended
25 to read as follows:

1 “(H) MAINTENANCE OF EFFORT CERTIFI-
 2 CATION.—As part of the grant application re-
 3 quired in section 402(k)(3)(F), a State receiv-
 4 ing a grant in any fiscal year under subsection
 5 (b), subsection (c), or subsection (d) of this sec-
 6 tion shall provide certification that the lead
 7 State agency responsible for programs described
 8 in any of those sections is maintaining expendi-
 9 tures at or above the average level of such ex-
 10 penditures in the 2 fiscal years prior to the date
 11 of enactment of the Comprehensive Transpor-
 12 tation and Consumer Protection Act of 2015.”.

13 **SEC. 4103. GRANTS FOR ALCOHOL-IGNITION INTERLOCK**
 14 **LAWS AND 24–7 SOBRIETY PROGRAMS.**

15 Section 405(d) of title 23, United States Code, is
 16 amended—

17 (1) in paragraph (6)—

18 (A) by amending the heading to read as
 19 follows: “GRANTS TO STATES FOR ALCOHOL-IG-
 20 NITION INTERLOCK LAWS AND 24–7 SOBRIETY
 21 PROGRAMS.—”; and

22 (B) by amending subparagraph (A) to read
 23 as follows:

24 “(A) ALCOHOL-IGNITION INTERLOCK LAWS
 25 AND 24–7 SOBRIETY PROGRAMS.—

1 “(i) IN GENERAL.—The Secretary
 2 shall make a separate grant under this
 3 subsection to each State that—

4 “(I) adopts and is enforcing a
 5 law that requires all individuals con-
 6 victed of driving under the influence
 7 of alcohol or of driving while intoxi-
 8 cated to receive a restriction on driv-
 9 ing privileges; and

10 “(II) either—

11 “(aa) except as provided
 12 under clause (ii), adopts and is
 13 enforcing a mandatory alcohol-ig-
 14 nition interlock law for all indi-
 15 viduals convicted of driving under
 16 the influence of alcohol or of
 17 driving while intoxicated; or

18 “(bb) provides a 24–7 sobri-
 19 ety program.

20 “(ii) EXCEPTIONS.—A State alcohol-
 21 ignition interlock law under clause
 22 (i)(II)(aa) may include exceptions for the
 23 following circumstances:

24 “(I) The individual is required to
 25 operate an employer’s motor vehicle in

1 the course and scope of employment
2 and the business entity that owns the
3 vehicle is not owned or controlled by
4 the individual.

5 “(II) The individual is certified
6 by a medical doctor as being unable to
7 provide a deep lung breath sample for
8 analysis by an ignition interlock de-
9 vice.”;

10 (2) in paragraph (7)(A)—

11 (A) in the matter preceding clause (i)—

12 (i) by striking “or a State agency”
13 and inserting “or an agency with jurisdic-
14 tion”; and

15 (ii) by inserting “bond,” before “sen-
16 tence”;

17 (B) in clause (i), by striking “who plead
18 guilty or” and inserting “who was arrested,
19 plead guilty, or”; and

20 (C) in clause (ii), by inserting “at an in-
21 person testing location” after “per day”; and

22 (3) in paragraph (1)(A), by adding “, including
23 24–7 sobriety programs” after “and drugs”.

1 **SEC. 4104. STUDY ON THE NATIONAL ROADSIDE SURVEY OF**
2 **ALCOHOL AND DRUG USE BY DRIVERS.**

3 Not later than 180 days after the date that the
4 Comptroller General reviews and reports on the overall
5 value of the National Roadside Survey to researchers and
6 other public safety stakeholders, the differences between
7 a National Roadside Survey site and typical law enforce-
8 ment checkpoints, and the effectiveness of the National
9 Roadside Survey methodology at protecting the privacy of
10 the driving public, as requested by the Committee on Ap-
11 propriations of the Senate on June 5, 2014 (Senate Re-
12 port 113–182), the Secretary shall report to Congress on
13 the National Highway Traffic Safety Administration’s
14 progress toward reviewing that report and implementing
15 any recommendations made in that report.

16 **PART II—STOP MOTORCYCLE CHECKPOINT**
17 **FUNDING ACT**

18 **SEC. 4121. SHORT TITLE.**

19 This part may be cited as the “Stop Motorcycle
20 Checkpoint Funding Act”.

21 **SEC. 4122. GRANT RESTRICTION.**

22 Notwithstanding section 153 of title 23, United
23 States Code, the Secretary may not provide a grant or
24 any funds to a State, county, town, township, Indian tribe,
25 municipality, or other local government that may be used
26 for any program—

1 (1) to check helmet usage; or

2 (2) to create checkpoints that specifically target
3 motorcycle operators or motorcycle passengers.

4 **PART III—IMPROVING DRIVER SAFETY ACT OF**
5 **2015**

6 **SEC. 4131. SHORT TITLE.**

7 This part may be cited as the “Improving Driver
8 Safety Act of 2015”.

9 **SEC. 4132. DISTRACTED DRIVING INCENTIVE GRANTS.**

10 Section 405(e) of title 23, United States Code, is
11 amended—

12 (1) in paragraph (1), by inserting “includes dis-
13 tracted driving issues as part of the State’s driver’s
14 license examination and” after “any State that”;

15 (2) in paragraph (2)—

16 (A) in subparagraph (B), by striking
17 “and” at the end;

18 (B) in subparagraph (C)(ii), by striking
19 the period at the end and inserting “; and”;
20 and

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

22 “(D) does not provide for an exception
23 that specifically allows a driver to text through
24 a personal wireless communication device while
25 stopped in traffic.”;

1 (3) in paragraph (3)—

2 (A) by striking subparagraph (C);

3 (B) by redesignating subparagraph (D) as
4 subparagraph (C);

5 (C) in subparagraph (C)(ii), as redesign-
6 nated, by striking the period at the end and in-
7 serting “; and”; and

8 (D) by adding at the end the following:

9 “(D) does not provide for an exception
10 that specifically allows a driver younger than 18
11 years of age to use a personal wireless commu-
12 nication device while stopped in traffic.”;

13 (4) in paragraph (4)(C), by striking “section
14 31152” and inserting “section 31136”;

15 (5) by amending paragraph (6) to read as fol-
16 lows:

17 “(6) ADDITIONAL DISTRACTED DRIVING
18 GRANTS.—

19 “(A) IN GENERAL.—Notwithstanding para-
20 graph (1), the Secretary shall use up to 50 per-
21 cent of the amounts available for grants under
22 this subsection to award grants to any State
23 that—

24 “(i) in fiscal years 2017 and 2018—

1 “(I) certifies that it has enacted
2 a basic text messaging statute that—

3 “(aa) is applicable to drivers
4 of all ages; and

5 “(bb) makes violation of the
6 basic text messaging statute a
7 primary offense or secondary en-
8 forcement action as allowed by
9 State statute; and

10 “(II) is otherwise ineligible for a
11 grant under this subsection; and

12 “(ii) in fiscal years 2019 through
13 2021—

14 “(I) meets the requirements
15 under clause (i);

16 “(II) imposes increased fines for
17 repeat violations; and

18 “(III) has a statute that pro-
19 hibits drivers who are younger than
20 18 years of age from using a personal
21 wireless communications device while
22 driving.

23 “(B) USE OF GRANT FUNDS.—

24 “(i) IN GENERAL.—Notwithstanding
25 paragraph (5) and subject to clauses (ii)

and (iii) of this subparagraph, amounts received by a State under subparagraph (A) may be used for activities related to the enforcement of distracted driving laws, including for public information and awareness purposes.

“(ii) FISCAL YEARS 2017 AND 2018.—In fiscal years 2017 and 2018, up to 15 percent of the amounts received by a State under subparagraph (A) may be used for any eligible project or activity under section 402.

“(iii) FISCAL YEAR 2019 THROUGH 2021.—In fiscal year 2019 through 2021, up to 25 percent of the amounts received by a State under subparagraph (A) may be used for any eligible project or activity under section 402.”; and

(6) in paragraph (9)(A)(i), by striking “, including operation while temporarily stationary because of traffic, a traffic light or stop sign, or otherwise”.

SEC. 4133. BARRIERS TO DATA COLLECTION REPORT.

Not later than 180 days after the date of the enactment of this Act, the National Highway Traffic Safety Ad-

1 ministration shall submit a report to the Committee on
 2 Commerce, Science, and Transportation of the Senate, the
 3 Committee on Energy and Commerce of the House of
 4 Representatives, and the Committee on Transportation
 5 and Infrastructure of the House of Representatives that—

6 (1) identifies any legal and technical barriers to
 7 capturing adequate data on the prevalence of the use
 8 of wireless communications devices while driving;
 9 and

10 (2) provides recommendations on how to ad-
 11 dress such barriers.

12 **PART IV—TECHNICAL AND CONFORMING**

13 **AMENDMENTS**

14 **SEC. 4141. TECHNICAL CORRECTIONS TO THE MOTOR VEHI-** 15 **CLE AND HIGHWAY SAFETY IMPROVEMENT** 16 **ACT OF 2012.**

17 (a) HIGHWAY SAFETY PROGRAMS.—Section 402 of
 18 title 23, United States Code, is amended—

19 (1) in subsection (b)(1)(C), by striking “except
 20 as provided in paragraph (3),”;

21 (2) in subsection (b)(1)(E)—

22 (A) by striking “in which a State” and in-
 23 serting “for which a State”; and

24 (B) by striking “subsection (f)” and insert-
 25 ing “subsection (k)”; and

1 (3) in subsection (k)(4), by striking “paragraph
2 (2)(A)” and inserting “paragraph (3)(A)”.

3 (b) HIGHWAY SAFETY RESEARCH AND DEVELOP-
4 MENT.—Section 403(e) of title 23, United States Code,
5 is amended by inserting “of title 49” after “chapter 301”.

6 (c) NATIONAL PRIORITY SAFETY PROGRAMS.—Sec-
7 tion 405 of title 23, United States Code, is amended—

8 (1) in subsection (d)(5), by striking “section
9 402(c)” and inserting “section 402”; and

10 (2) in subsection (f)(4)(A)(iv), by striking “de-
11 veloped under subsection (g)”.

12 **Subtitle B—Vehicle Safety**

13 **SEC. 4201. AUTHORIZATION OF APPROPRIATIONS.**

14 There are authorized to be appropriated to the Sec-
15 retary to carry out chapter 301 of title 49, and part C
16 of subtitle VI of title 49, United States Code—

17 (1) \$132,730,000 for fiscal year 2016;

18 (2) \$135,517,330 for fiscal year 2017;

19 (3) \$138,363,194 for fiscal year 2018;

20 (4) \$141,268,821 for fiscal year 2019;

21 (5) \$144,235,466 for fiscal year 2020; and

22 (6) \$147,264,411 for fiscal year 2021.

23 **SEC. 4202. INSPECTOR GENERAL RECOMMENDATIONS.**

24 (a) IN GENERAL.—Not later than 90 days after the
25 date of enactment of this Act, and periodically thereafter

1 until the completion date, the Department of Transpor-
2 tation Inspector General shall report to the appropriate
3 committees of Congress on whether and what progress has
4 been made to implement the recommendations in the Of-
5 fice of Inspector General Audit Report issued June 18,
6 2015 (ST-2015-063).

7 (b) IMPLEMENTATION PROGRESS.—The Adminis-
8 trator of the National Highway Traffic Safety Administra-
9 tion shall—

10 (1) not later than 90 days after the date of en-
11 actment of this Act, and periodically thereafter until
12 the completion date, provide a briefing to the appro-
13 priate committees of Congress on the actions the
14 Administrator has taken to implement the rec-
15 ommendations in the audit report described in sub-
16 section (a), including a plan for implementing any
17 remaining recommendations; and

18 (2) not later than 1 year after the date of en-
19 actment of this Act, issue a final report to the ap-
20 propriate committees of Congress on the implemen-
21 tation of all of the recommendations in the audit re-
22 port described in subsection (a).

23 (c) DEFINITIONS.—In this section:

24 (1) APPROPRIATE COMMITTEES OF CON-
25 GRESS.—The term “appropriate committees of Con-

gress” means the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives.

(2) COMPLETION DATE.—The term “completion date” means the date that the National Highway Traffic Safety Administration has implemented all of the recommendations in the Office of Inspector General Audit Report issued June 18, 2015 (ST–2015–063).

SEC. 4203. IMPROVEMENTS IN AVAILABILITY OF RECALL INFORMATION.

(a) VEHICLE RECALL INFORMATION.—Not later than 2 years after the date of enactment of this Act, the Secretary shall implement current information technology, web design trends, and best practices that will help ensure that motor vehicle safety recall information available to the public on the Federal website is readily accessible and easy to use, including—

(1) by improving the organization, availability, readability, and functionality of the website;

(2) by accommodating high-traffic volume; and

(3) by establishing best practices for scheduling routine website maintenance.

1 (b) GOVERNMENT ACCOUNTABILITY OFFICE PUBLIC
2 AWARENESS REPORT.—

3 (1) IN GENERAL.—The Comptroller General
4 shall study the current use by consumers, dealers,
5 and manufacturers of the safety recall information
6 made available to the public, including the usability
7 and content of the Federal and manufacturers’
8 websites and the National Highway Traffic Safety
9 Administration’s efforts to publicize and educate
10 consumers about safety recall information.

11 (2) REPORT.—Not later than 2 years after the
12 date of enactment of this Act, the Comptroller Gen-
13 eral shall issue a report with the findings of the
14 study under paragraph (1), including recommending
15 any actions the Secretary can take to improve public
16 awareness and use of the websites for safety recall
17 information.

18 (c) PROMOTION OF PUBLIC AWARENESS.—Section
19 31301(c) of the Moving Ahead for Progress in the 21st
20 Century Act (49 U.S.C. 30166 note) is amended to read
21 as follows:

22 “(c) PROMOTION OF PUBLIC AWARENESS.—The Sec-
23 retary shall improve public awareness of safety recall in-
24 formation made publicly available by periodically updating
25 the method of conveying that information to consumers,

1 dealers, and manufacturers, such as through public service
2 announcements.”.

3 (d) CONSUMER GUIDANCE.—Not later than 1 year
4 after the date of enactment of this Act, the Secretary shall
5 make available to the public on the Internet detailed guid-
6 ance for consumers submitting safety complaints, includ-
7 ing—

8 (1) a detailed explanation of what information
9 a consumer should include in a complaint; and

10 (2) a detailed explanation of the possible ac-
11 tions the National Highway Traffic Safety Adminis-
12 tration can take to address a complaint and respond
13 to the consumer, including information on—

14 (A) the consumer records, such as photo-
15 graphs and police reports, that could assist with
16 an investigation; and

17 (B) the length of time a consumer should
18 retain the records described in subparagraph

19 (A).

20 (e) VIN SEARCH.—

21 (1) IN GENERAL.—The Secretary, in coordina-
22 tion with industry, including manufacturers and
23 dealers, shall study—

24 (A) the feasibility of searching multiple ve-
25 hicle identification numbers at a time to re-

1 trieve motor vehicle safety recall information;
2 and

3 (B) the feasibility of making the search
4 mechanism described under subparagraph (A)
5 publicly available.

6 (2) CONSIDERATIONS.—In conducting the study
7 under paragraph (1), the Secretary shall consider
8 the potential costs, and potential risks to privacy
9 and security in implementing such a search mecha-
10 nism.

11 **SEC. 4204. RECALL PROCESS.**

12 (a) NOTIFICATION BY MANUFACTURER.—Section
13 30118(c) is amended by inserting “or electronic mail”
14 after “certified mail”.

15 (b) RECALL COMPLETION RATES REPORT.—

16 (1) IN GENERAL.—Not later than 1 year after
17 the date of enactment of this Act, and biennially
18 thereafter for 4 years, the Secretary shall—

19 (A) conduct an analysis of vehicle safety
20 recall completion rates to assess potential ac-
21 tions by the National Highway Traffic Safety
22 Administration to improve vehicle safety recall
23 completion rates; and

24 (B) submit to the Committee on Com-
25 merce, Science, and Transportation of the Sen-

1 ate and the Committee on Energy and Com-
2 merce of the House of Representatives a report
3 on the results of the analysis.

4 (2) CONTENTS.—Each report shall include—

5 (A) the annual recall completion rate by
6 manufacturer, component (such as brakes, fuel
7 systems, and air bags), and vehicle type (pas-
8 senger car, sport utility vehicle, passenger van,
9 and pick-up truck) for each of the 5 years be-
10 fore the year the report is submitted;

11 (B) the methods by which the Secretary
12 has conducted analyses of these recall comple-
13 tion rates to determine trends and identify risk
14 factors associated with lower recall rates; and

15 (C) the actions the Secretary has planned
16 to improve recall completion rates based on the
17 results of this data analysis.

18 (3) INSPECTOR GENERAL AUDIT OF VEHICLE
19 RECALLS.—

20 (A) IN GENERAL.—The Department of
21 Transportation Inspector General shall conduct
22 an audit of the National Highway Traffic Safe-
23 ty Administration’s management of vehicle safe-
24 ty recalls.

1 (B) CONTENTS.—The audit shall include a
2 determination of whether the National Highway
3 Traffic Safety Administration—

4 (i) appropriately monitors recalls to
5 ensure the appropriateness of scope and
6 adequacy of recall completion rates and
7 remedies;

8 (ii) ensures manufacturers provide
9 safe remedies, at no cost to consumers;

10 (iii) is capable of coordinating recall
11 remedies and processes; and

12 (iv) can improve its policy on con-
13 sumer notice to combat effects of recall fa-
14 tigue.

15 **SEC. 4205. PILOT GRANT PROGRAM FOR STATE NOTIFICA-**
16 **TION TO CONSUMERS OF MOTOR VEHICLE**
17 **RECALL STATUS.**

18 (a) IN GENERAL.—Not later than October 1, 2016,
19 the Secretary shall implement a 2-year pilot program to
20 evaluate the feasibility and effectiveness of a State process
21 for informing consumers of open motor vehicle recalls at
22 the time of motor vehicle registration in the State.

23 (b) GRANTS.—To carry out this program, the Sec-
24 retary may make a grant to each eligible State, but not
25 more than 6 eligible States in total, that agrees to comply

1 with the requirements under subsection (c). Funds made
2 available to a State under this section shall be used by
3 the State for the pilot program described in subsection (a).

4 (c) ELIGIBILITY.—To be eligible for a grant, a State
5 shall—

6 (1) submit an application in such form and
7 manner as the Secretary prescribes;

8 (2) agree to notify, at the time of registration,
9 each owner or lessee of a motor vehicle presented for
10 registration in the State of any open recall on that
11 vehicle;

12 (3) provide the open motor vehicle recall infor-
13 mation at no cost to each owner or lessee of a motor
14 vehicle presented for registration in the State; and

15 (4) provide such other information as the Sec-
16 retary may require.

17 (d) AWARDS.—In selecting an applicant for an award
18 under this section, the Secretary shall consider the State's
19 methodology for determining open recalls on a motor vehi-
20 cle, for informing consumers of the open recalls, and for
21 determining performance.

22 (e) PERFORMANCE PERIOD.—Each grant awarded
23 under this section shall require a 2-year performance pe-
24 riod.

1 (f) REPORT.—Not later than 90 days after the com-
2 pletion of the performance period under subsection (e), a
3 grantee shall provide to the Secretary a report of perform-
4 ance containing such information as the Secretary con-
5 siders necessary to evaluate the extent to which open re-
6 calls have been remedied.

7 (g) EVALUATION.—Not later than 180 days after the
8 completion of the pilot program, the Secretary shall evalu-
9 ate the extent to which open recalls identified have been
10 remedied.

11 (h) DEFINITIONS.—In this section:

12 (1) CONSUMER.—The term “consumer” in-
13 cludes owner and lessee.

14 (2) MOTOR VEHICLE.—The term “motor vehi-
15 cle” has the meaning given the term under section
16 30102(a) of title 49, United States Code.

17 (3) OPEN RECALL.—The term “open recall”
18 means a recall for which a notification by a manu-
19 facturer has been provided under section 30119 of
20 title 49, United States Code, and that has not been
21 remedied under section 30120 of that title.

22 (4) REGISTRATION.—The term “registration”
23 means the process for registering motor vehicles in
24 the State.

1 (5) STATE.—The term “State” has the mean-
2 ing given the term under section 101(a) of title 23,
3 United States Code.

4 **SEC. 4206. RECALL OBLIGATIONS UNDER BANKRUPTCY.**

5 Section 30120A is amended by striking “chapter 11
6 of title 11,” and inserting “chapter 7 or chapter 11 of
7 title 11”.

8 **SEC. 4207. DEALER REQUIREMENT TO CHECK FOR OPEN**
9 **RECALL.**

10 Section 30120(f) is amended—

11 (1) by inserting “(1) IN GENERAL.—” before
12 “A manufacturer” and indenting appropriately;

13 (2) in paragraph (1), as redesignated, by strik-
14 ing the period at the end and inserting the following:
15 “if—

16 “(A) the dealer notifies the owner of each
17 of the manufacturer’s motor vehicles it services
18 at the time of the service of any open recall;
19 and

20 “(B) the notification requirement under
21 subparagraph (A) is specified in a franchise,
22 operating, or other agreement between the deal-
23 er and the manufacturer.”; and

24 (3) by adding at the end the following:

1 “(2) DEFINITION OF OPEN RECALL.—In this
 2 subsection, the term ‘open recall’ means a recall for
 3 which a notification by a manufacturer has been
 4 provided under section 30119 and that has not been
 5 remedied under this section.”.

6 **SEC. 4208. EXTENSION OF TIME PERIOD FOR REMEDY OF**
 7 **TIRE DEFECTS.**

8 Section 30120(b) of title 49, United States Code, is
 9 amended—

10 (1) in paragraph (1), by striking “60 days” and
 11 inserting “180 days”; and

12 (2) in paragraph (2), by striking “60-day” each
 13 place it appears and inserting “180-day”.

14 **SEC. 4209. RENTAL CAR SAFETY.**

15 (a) IN GENERAL.—Section 30120 of title 49, United
 16 States Code, is amended by adding at the end the fol-
 17 lowing:

18 “(k) LIMITATION ON RENTAL OF DEFECTIVE OR
 19 NONCOMPLYING MOTOR VEHICLES.—

20 “(1) IN GENERAL.—After receiving notification
 21 under section 30119 of a defective or noncomplying
 22 motor vehicle or replacement equipment in the rental
 23 company’s possession at the time of notification, a
 24 rental company may rent that motor vehicle only
 25 if—

1 “(A) the defect or noncompliance is rem-
 2 edied, as required by this section, before deliv-
 3 ery under the rental agreement;

4 “(B) except as provided in paragraph (2),
 5 the rental company notifies each renter in writ-
 6 ing prior to acceptance of the rental agree-
 7 ment—

8 “(i) of the defect or noncompliance;
 9 and

10 “(ii) if the notification provided under
 11 section 30119 indicates that the remedy
 12 for the defect or noncompliance is not im-
 13 mediately available and specifies an action
 14 to temporarily alter the vehicle that would
 15 eliminate the safety risk posed by the de-
 16 fect or noncompliance, whether that action
 17 was performed; or

18 “(C) if the notification is required by an
 19 order under section 30118(b), enforcement of
 20 the order is restrained or the order is set aside
 21 in a civil action to which section 30121(d) of
 22 this title applies.

23 “(2) PROCEDURES FOR NOTIFICATION DURING
 24 DURATION OF RENTAL AGREEMENTS.—If a rental
 25 company receives notification of a defective or non-

1 complying motor vehicle or replacement equipment
2 under section 30119 during the duration of a rental
3 agreement, the rental company shall notify each
4 renter, as soon as practicable, but not later than 24
5 hours after the date the rental company received the
6 notification under section 30119.

7 “(3) CONSTRUCTION.—Nothing in this sub-
8 section may be construed to prohibit a rental com-
9 pany from offering a motor vehicle for rent.

10 “(4) DEFINITION OF RENTAL COMPANY.—In
11 this subsection, the term ‘rental company’ means a
12 person who is engaged in the business of renting a
13 motor vehicle that—

14 “(A) has a gross vehicle weight rating of
15 10,000 pounds or less;

16 “(B) is rented without a driver for an ini-
17 tial term of less than 4 months; and

18 “(C) is part of a motor vehicle fleet of 5
19 or more motor vehicles that are used for rental
20 purposes.”.

21 (b) EFFECTIVE DATE.—The amendment made by
22 subsection (a) shall take effect 1 year after the date of
23 enactment of this Act.

1 **SEC. 4210. MOTOR VEHICLE EQUIPMENT.**

2 Section 30102(7)(C) of title 49, United States Code,
3 is amended by inserting “, excluding portable wireless
4 communications devices and associated applications and
5 software used with such devices, which do not operate or
6 control a critical or primary system, part, or component
7 of a motor vehicle,” after “device”.

8 **SEC. 4211. TRANSFER TO HIGHWAY TRUST FUND OF CER-**
9 **TAIN MOTOR VEHICLE SAFETY PENALTIES.**

10 (a) IN GENERAL.—Paragraph (5) of section 9503(b)
11 of the Internal Revenue Code of 1986 is amended—

12 (1) by striking “There are hereby” and insert-
13 ing the following:

14 “(A) IN GENERAL.—There are hereby”,
15 and

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

17 “(B) PENALTIES RELATED TO MOTOR VE-
18 HICLE SAFETY.—

19 “(i) IN GENERAL.—There are hereby
20 appropriated to the Highway Trust Fund
21 amounts equivalent to covered motor vehi-
22 cle safety penalty collections.

23 “(ii) COVERED MOTOR VEHICLE SAFE-
24 TY PENALTY COLLECTIONS.—For purposes
25 of this subparagraph, the term ‘covered
26 motor vehicle safety penalty collections’

1 means any amount collected in connection
 2 with a civil penalty under section 30165 of
 3 title 49, United States Code, reduced by
 4 any award authorized by the Secretary of
 5 Transportation to be paid to any person in
 6 connection with information provided by
 7 such person related to a violation of chap-
 8 ter 301 of such title which is a predicate
 9 to such civil penalty.”.

10 (b) EFFECTIVE DATE.—The amendments made by
 11 this section shall apply to amounts collected after the date
 12 of enactment of this Act.

13 **Subtitle C—Research and Develop-** 14 **ment and Vehicle Electronics**

15 **SEC. 4301. REPORT ON OPERATIONS OF THE COUNCIL FOR** 16 **VEHICLE ELECTRONICS, VEHICLE SOFT-** 17 **WARE, AND EMERGING TECHNOLOGIES.**

18 Not later than 1 year after the date of enactment
 19 of this Act, the Secretary shall submit to the Committee
 20 on Commerce, Science, and Transportation of the Senate
 21 and the Committee on Energy and Commerce of the
 22 House of Representatives a report regarding the oper-
 23 ations of the Council for Vehicle Electronics, Vehicle Soft-
 24 ware, and Emerging Technologies established under sec-
 25 tion 31401 of the Moving Ahead for Progress in the 21st

1 Century Act (49 U.S.C. 105 note). The report shall in-
2 clude information about the accomplishments of the Coun-
3 cil, the role of the Council in integrating and aggregating
4 electronic and emerging technologies expertise across the
5 National Highway Traffic Safety Administration, the role
6 of the Council in coordinating with other Federal agencies,
7 and the priorities of the Council over the next 5 years.

8 **SEC. 4302. COOPERATION WITH FOREIGN GOVERNMENTS.**

9 (a) TITLE 49 AMENDMENT.—Section 30182(b) is
10 amended—

11 (1) in paragraph (4), by striking “; and” and
12 inserting a semicolon;

13 (2) in paragraph (5), by striking the period at
14 the end and inserting “; and”; and

15 (3) by inserting after paragraph (5) the fol-
16 lowing:

17 “(6) in coordination with Department of State,
18 enter into cooperative agreements and collaborative
19 research and development agreements with foreign
20 governments.”.

21 (b) TITLE 23 AMENDMENT.—Section 403 of title 23,
22 United States Code, is amended—

23 (1) in subsection (b)(2)(C), by inserting “for-
24 eign government, in coordination with the Depart-
25 ment of State,” after “institution,”; and

1 (2) in subsection (c)(1)(A), by inserting “for-
2 foreign governments,” after “local governments,”.

3 (c) AUDIT.—The Department of Transportation In-
4 specter General shall conduct an audit of the Secretary
5 of Transportation’s management and oversight of coopera-
6 tive agreements and collaborative research and develop-
7 ment agreements, including any cooperative agreements
8 between the Secretary of Transportation and foreign gov-
9 ernments under section 30182(b)(6) of title 49, United
10 States Code, and subsections (b)(2)(C) and (c)(1)(A) of
11 title 23, United States Code.

12 **Subtitle D—Miscellaneous** 13 **Provisions**

14 **PART I—DRIVER PRIVACY ACT OF 2015**

15 **SEC. 4401. SHORT TITLE.**

16 This part may be cited as the “Driver Privacy Act
17 of 2015”.

18 **SEC. 4402. LIMITATIONS ON DATA RETRIEVAL FROM VEHI-** 19 **CLE EVENT DATA RECORDERS.**

20 (a) OWNERSHIP OF DATA.—Any data retained by an
21 event data recorder (as defined in section 563.5 of title
22 49, Code of Federal Regulations), regardless of when the
23 motor vehicle in which it is installed was manufactured,
24 is the property of the owner, or, in the case of a leased

1 vehicle, the lessee of the motor vehicle in which the event
2 data recorder is installed.

3 (b) PRIVACY.—Data recorded or transmitted by an
4 event data recorder described in subsection (a) may not
5 be accessed by a person other than an owner or a lessee
6 of the motor vehicle in which the event data recorder is
7 installed unless—

8 (1) a court or other judicial or administrative
9 authority having jurisdiction—

10 (A) authorizes the retrieval of the data;

11 and

12 (B) to the extent that there is retrieved
13 data, the data is subject to the standards for
14 admission into evidence required by that court
15 or other administrative authority;

16 (2) an owner or a lessee of the motor vehicle
17 provides written, electronic, or recorded audio con-
18 sent to the retrieval of the data for any purpose, in-
19 cluding the purpose of diagnosing, servicing, or re-
20 pairing the motor vehicle, or by agreeing to a sub-
21 scription that describes how data will be retrieved
22 and used;

23 (3) the data is retrieved pursuant to an inves-
24 tigation or inspection authorized under section
25 1131(a) or 30166 of title 49, United States Code,

1 and the personally identifiable information of an
2 owner or a lessee of the vehicle and the vehicle iden-
3 tification number is not disclosed in connection with
4 the retrieved data, except that the vehicle identifica-
5 tion number may be disclosed to the certifying man-
6 ufacturer;

7 (4) the data is retrieved for the purpose of de-
8 termining the need for, or facilitating, emergency
9 medical response in response to a motor vehicle
10 crash; or

11 (5) the data is retrieved for traffic safety re-
12 search, and the personally identifiable information of
13 an owner or a lessee of the vehicle and the vehicle
14 identification number is not disclosed in connection
15 with the retrieved data.

16 **SEC. 4403. VEHICLE EVENT DATA RECORDER STUDY.**

17 (a) IN GENERAL.—Not later than 1 year after the
18 date of enactment of this Act, the Administrator of the
19 National Highway Traffic Safety Administration shall
20 submit to Congress a report that contains the results of
21 a study conducted by the Administrator to determine the
22 amount of time event data recorders installed in passenger
23 motor vehicles should capture and record for retrieval ve-
24 hicle-related data in conjunction with an event in order

1 to provide sufficient information to investigate the cause
2 of motor vehicle crashes.

3 (b) RULEMAKING.—Not later than 2 years after sub-
4 mitting the report required under subsection (a), the Ad-
5 ministrator of the National Highway Traffic Safety Ad-
6 ministration shall promulgate regulations to establish the
7 appropriate period during which event data recorders in-
8 stalled in passenger motor vehicles may capture and
9 record for retrieval vehicle-related data to the time nec-
10 essary to provide accident investigators with vehicle-re-
11 lated information pertinent to crashes involving such
12 motor vehicles.

13 **PART II—SAFETY THROUGH INFORMED**
14 **CONSUMERS ACT OF 2015**

15 **SEC. 4421. SHORT TITLE.**

16 This part may be cited as the “Safety Through In-
17 formed Consumers Act of 2015”.

18 **SEC. 4422. PASSENGER MOTOR VEHICLE INFORMATION.**

19 Section 32302 is amended by inserting after sub-
20 section (b) the following:

21 “(c) CRASH AVOIDANCE.—Not later than 1 year after
22 the date of enactment of the Safety Through Informed
23 Consumers Act of 2015, the Secretary shall promulgate
24 a rule to ensure that crash avoidance information is indi-

1 cated next to crashworthiness information on stickers
 2 placed on motor vehicles by their manufacturers.”.

3 **TITLE V—RAILROAD REFORM,**
 4 **ENHANCEMENT, AND EFFI-**
 5 **CIENCY**

6 **SEC. 5001. PASSENGER TRANSPORTATION; DEFINITIONS.**

7 Section 24102 is amended—

8 (1) by redesignating paragraphs (5) through
 9 (9) as paragraphs (6) through (10), respectively;

10 (2) by inserting after paragraph (4), the fol-
 11 lowing:

12 “(5) ‘long-distance route’ means a route de-
 13 scribed in paragraph (6)(C).”;

14 (3) by amending paragraph (6)(A), as redesign-
 15 nated, to read as follows:

16 “(A) the Northeast Corridor main line be-
 17 tween Boston, Massachusetts and the Virginia
 18 Avenue interlocking in the District of Columbia,
 19 and the facilities and services used to operate
 20 and maintain that line;”;

21 (4) in paragraph (7), as redesignated, by strik-
 22 ing the period at the end and inserting “, except
 23 that the term ‘Northeast Corridor’ for the purposes
 24 of chapter 243 means the main line between Boston,
 25 Massachusetts and the Virginia Avenue interlocking

1 in the District of Columbia, and the facilities and
 2 services used to operate and maintain that line.”;
 3 and

4 (5) by adding at the end the following:

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

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

13 “(B) sustained through regular mainte-
 14 nance and replacement programs.

15 “(12) ‘State-supported route’ means a route de-
 16 scribed in paragraph (6)(B) or paragraph (6)(D), or
 17 in section 24702(a).”.

18 **Subtitle A—Authorization of** 19 **Appropriations**

20 **SEC. 5101. AUTHORIZATION OF GRANTS TO AMTRAK.**

21 (a) IN GENERAL.—There are authorized to be appro-
 22 priated to the Secretary for the use of Amtrak for deposit
 23 into the accounts established under section 24319(a) of
 24 title 49, United States Code, the following amounts:

25 (1) For fiscal year 2016, \$1,450,000,000.

1 (2) For fiscal year 2017, \$1,550,000,000.

2 (3) For fiscal year 2018, \$1,700,000,000.

3 (4) For fiscal year 2019, \$1,900,000,000.

4 (b) PROJECT MANAGEMENT OVERSIGHT.—The Sec-
5 retary may withhold up to one half of 1 percent of the
6 amount appropriated under subsection (a) for the costs
7 of management oversight of Amtrak.

8 (c) COMPETITION.—In administering grants to Am-
9 trak under section 24318 of title 49, United States Code,
10 the Secretary may withhold, from amounts that would oth-
11 erwise be made available to Amtrak, such sums as are nec-
12 essary from the amount appropriated under subsection (a)
13 of this section to cover the operating subsidy described in
14 section 24711(b)(1)(E)(ii) of title 49, United States Code.

15 (d) STATE-SUPPORTED ROUTE COMMITTEE.—The
16 Secretary may withhold up to \$2,000,000 from the
17 amount appropriated in each fiscal year under subsection
18 (a) of this section for the use of the State-Supported
19 Route Committee established under section 24712 of title
20 49, United States Code.

21 (e) NORTHEAST CORRIDOR COMMISSION.—The Sec-
22 retary may withhold up to \$5,000,000 from the amount
23 appropriated in each fiscal year under subsection (a) of
24 this section for the use of the Northeast Corridor Commis-

1 sion established under section 24905 of title 49, United
 2 States Code.

3 **SEC. 5102. NATIONAL INFRASTRUCTURE AND SAFETY IN-**
 4 **VESTMENTS.**

5 (a) IN GENERAL.—There are authorized to be appro-
 6 priated to the Secretary for grants under chapter 244 of
 7 title 49, United States Code, the following amounts:

8 (1) For fiscal year 2016, \$350,000,000.

9 (2) For fiscal year 2017, \$430,000,000.

10 (3) For fiscal year 2018, \$600,000,000.

11 (4) For fiscal year 2019, \$900,000,000.

12 (b) PROJECT MANAGEMENT OVERSIGHT.—The Sec-
 13 retary may withhold up to 1 percent from the amount ap-
 14 propriated under subsection (a) of this section for the
 15 costs of project management oversight of grants carried
 16 out under chapter 244 of title 49, United States Code.

17 **SEC. 5103. AUTHORIZATION OF APPROPRIATIONS FOR NA-**
 18 **TIONAL TRANSPORTATION SAFETY BOARD**
 19 **RAIL INVESTIGATIONS.**

20 (a) IN GENERAL.—Notwithstanding any other provi-
 21 sion of law, there are authorized to be appropriated to the
 22 National Transportation Safety Board to carry out rail-
 23 road accident investigations under section 1131(a)(1)(C)
 24 of title 49, United States Code, the following amounts:

25 (1) For fiscal year 2016, \$6,300,000.

1 (2) For fiscal year 2017, \$6,400,000.

2 (3) For fiscal year 2018, \$6,500,000.

3 (4) For fiscal year 2019, \$6,600,000.

4 (b) INVESTIGATION PERSONNEL.—Amounts appro-
5 priated under subsection (a) of this section shall be avail-
6 able to the National Transportation Safety Board for per-
7 sonnel, in regional offices and in Washington, DC, whose
8 duties involve railroad accident investigations.

9 **SEC. 5104. AUTHORIZATION OF APPROPRIATIONS FOR AM-**
10 **TRAK OFFICE OF INSPECTOR GENERAL.**

11 There are authorized to be appropriated to the Office
12 of Inspector General of Amtrak the following amounts:

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

14 (2) For fiscal year 2017, \$20,500,000.

15 (3) For fiscal year 2018, \$21,000,000.

16 (4) For fiscal year 2019, \$21,500,000.

17 **SEC. 5105. NATIONAL COOPERATIVE RAIL RESEARCH PRO-**
18 **GRAM.**

19 (a) IN GENERAL.—Section 24910 is amended—

20 (1) in subsection (b)—

21 (A) in paragraph (12), by striking “and”;

22 (B) in paragraph (13), by striking the pe-
23 riod at the end and inserting “; and”; and

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

1 “(14) to improve the overall safety of intercity
2 passenger and freight rail operations.”; and

3 (2) by amending subsection (e) to read as fol-
4 lows:

5 “(e) ALLOCATION.—At least \$5,000,000 of the
6 amounts appropriated to the Secretary for a fiscal year
7 to carry out railroad research and development programs
8 shall be available to carry out this section.”.

9 **Subtitle B—Amtrak Reform**

10 **SEC. 5201. AMTRAK GRANT PROCESS.**

11 (a) REQUIREMENTS AND PROCEDURES.—Chapter
12 243 is amended by adding at the end the following:

13 **“§ 24317. Costs and revenues**

14 “(a) ALLOCATION.—Not later than 180 days after
15 the date of enactment of the Comprehensive Transpor-
16 tation and Consumer Protection Act of 2015, Amtrak
17 shall establish and maintain internal controls to ensure
18 Amtrak’s costs, revenues, and other compensation are ap-
19 propriately and proportionally allocated to its Northeast
20 Corridor train services or infrastructure, its State-sup-
21 ported routes, its long-distance routes, and its other na-
22 tional network activities.

23 “(b) RULE OF CONSTRUCTION.—Nothing in this sec-
24 tion shall be construed to limit the ability of Amtrak to
25 enter into an agreement with 1 or more States to allocate

1 operating and capital costs under section 209 of the Pas-
2 senger Rail Investment and Improvement Act of 2008 (49
3 U.S.C. 24101 note).

4 **“§ 24318. Grant process**

5 “(a) PROCEDURES FOR GRANT REQUESTS.—Not
6 later than 90 days after the date of enactment of the Com-
7 prehensive Transportation and Consumer Protection Act
8 of 2015, the Secretary of Transportation shall establish
9 and transmit to the Committee on Commerce, Science,
10 and Transportation and the Committee on Appropriations
11 of the Senate and the Committee on Transportation and
12 Infrastructure and the Committee on Appropriations of
13 the House of Representatives substantive and procedural
14 requirements, including schedules, for grant requests
15 under this section.

16 “(b) GRANT REQUESTS.—Amtrak shall transmit
17 grant requests for Federal funds appropriated to the Sec-
18 retary of Transportation for the use of Amtrak to—

19 “(1) the Secretary; and

20 “(2) the Committee on Commerce, Science, and
21 Transportation, the Committee on Appropriations,
22 and the Committee on the Budget of the Senate and
23 the Committee on Transportation and Infrastruc-
24 ture, the Committee on Appropriations, and the

1 Committee on the Budget of the House of Rep-
2 resentatives.

3 “(c) CONTENTS.—A grant request under subsection
4 (b) shall—

5 “(1) describe projected operating and capital
6 costs for the upcoming fiscal year for Northeast Cor-
7 ridor train services and infrastructure, Amtrak’s
8 State-supported routes, and Amtrak’s long-distance
9 routes, and Amtrak’s other national network activi-
10 ties, as applicable, in comparison to prior fiscal year
11 actual financial performance;

12 “(2) describe the capital projects to be funded,
13 with cost estimates and an estimated timetable for
14 completion of the projects covered by the request;

15 “(3) assess Amtrak’s financial condition;

16 “(4) be displayed on Amtrak’s Web site within
17 a reasonable timeframe following its transmission
18 under subsection (b); and

19 “(5) describe how the funding requested in a
20 grant will be allocated to the accounts established
21 under section 24319(a), considering the projected
22 operating losses or capital costs for services and ac-
23 tivities associated with such accounts over the time
24 period intended to be covered by the grants.

25 “(d) REVIEW AND APPROVAL.—

1 “(1) THIRTY-DAY APPROVAL PROCESS.—

2 “(A) IN GENERAL.—Not later than 30
3 days after the date that Amtrak submits a
4 grant request under this section, the Secretary
5 of Transportation shall complete a review of the
6 request and provide notice to Amtrak that—

7 “(i) the request is approved; or

8 “(ii) the request is disapproved, in-
9 cluding the reason for the disapproval and
10 an explanation of any incomplete or defi-
11 cient items.

12 “(B) GRANT AGREEMENT.—If a grant re-
13 quest is approved, the Secretary shall enter into
14 a grant agreement with Amtrak that allocates
15 the grant funding to 1 of the 4 accounts estab-
16 lished under section 24319(a).

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

21 “(3) MODIFIED REQUESTS.—Not later than 15
22 days after the date that Amtrak submits a modified
23 request under paragraph (2), the Secretary shall ei-
24 ther approve the modified request, or, if the Sec-
25 retary finds that the request is still incomplete or

1 deficient, the Secretary shall identify in writing to
2 the Committee on Commerce, Science, and Trans-
3 portation, the Committee on Appropriations, and the
4 Committee on the Budget of the Senate and the
5 Committee on Transportation and Infrastructure,
6 the Committee on Appropriations, and the Com-
7 mittee on the Budget of the House of Representa-
8 tives the remaining deficiencies and recommend a
9 process for resolving the outstanding portions of the
10 request.

11 “(e) PAYMENTS TO AMTRAK.—

12 “(1) IN GENERAL.—A grant agreement entered
13 into under subsection (d) shall specify the oper-
14 ations, services, and other activities to be funded by
15 the grant. The grant agreement shall include provi-
16 sions, consistent with the requirements of this chap-
17 ter, to measure Amtrak’s performance and ensure
18 accountability in delivering the operations, services,
19 or activities to be funded by the grant.

20 “(2) SCHEDULE.—Except as provided in para-
21 graph (3), in each fiscal year for which amounts are
22 appropriated to the Secretary for the use of Amtrak,
23 and for which the Secretary and Amtrak have en-
24 tered into a grant agreement under subsection (d),

1 the Secretary shall disburse grant funds to Amtrak
 2 on the following schedule:

3 “(A) 50 percent on October 1.

4 “(B) 25 percent on January 1.

5 “(C) 25 percent on April 1.

6 “(3) EXCEPTIONS.—The Secretary may make a
 7 payment to Amtrak of appropriated funds—

8 “(A) more frequently than the schedule
 9 under paragraph (2) if Amtrak, for good cause,
 10 requests more frequent payment before the end
 11 of a payment period; or

12 “(B) with a different frequency or in dif-
 13 ferent percentage allocations in the event of a
 14 continuing resolution or in the absence of an
 15 appropriations Act for the duration of a fiscal
 16 year.

17 “(f) AVAILABILITY OF AMOUNTS AND EARLY APPRO-
 18 PRIATIONS.—Amounts appropriated to the Secretary for
 19 the use of Amtrak shall remain available until expended.
 20 Amounts for capital acquisitions and improvements may
 21 be appropriated for a fiscal year before the fiscal year in
 22 which the amounts will be obligated.

23 “(g) LIMITATIONS ON USE.—Amounts appropriated
 24 to the Secretary for the use of Amtrak may not be used

1 to cross-subsidize operating losses or capital costs of com-
 2 muter rail passenger or freight rail transportation.

3 **“§ 24319. Accounts**

4 “(a) ESTABLISHMENT OF ACCOUNTS.—Beginning
 5 not later than October 1, 2016, Amtrak, in consultation
 6 with the Secretary of Transportation, shall define and es-
 7 tablish—

8 “(1) a Northeast Corridor investment account,
 9 including subaccounts for Amtrak train services and
 10 infrastructure;

11 “(2) a State-supported account;

12 “(3) a long-distance account; and

13 “(4) an other national network activities ac-
 14 count.

15 “(b) NORTHEAST CORRIDOR INVESTMENT AC-
 16 COUNT.—

17 “(1) DEPOSITS.—Amtrak shall deposit in the
 18 Northeast Corridor investment account established
 19 under subsection (a)(1)—

20 “(A) a portion of the grant funds appro-
 21 priated under the authorization in section
 22 5101(a) of the Comprehensive Transportation
 23 and Consumer Protection Act of 2015, or any
 24 subsequent Act appropriating funds for the use

1 of Amtrak, as specified in a grant agreement
 2 entered into under section 24318;

3 “(B) any compensation received from com-
 4 muter rail passenger transportation providers
 5 for such providers’ share of capital costs on the
 6 Northeast Corridor provided to Amtrak under
 7 section 24905(c);

8 “(C) any operating surplus of the North-
 9 east Corridor train services or infrastructure, as
 10 allocated under section 24317; and

11 “(D) any other net revenue received in as-
 12 sociation with the Northeast Corridor, including
 13 freight access fees, electric propulsion, and com-
 14 mercial development.

15 “(2) USE OF NORTHEAST CORRIDOR INVEST-
 16 MENT ACCOUNT.—Except as provided in subsection
 17 (f), amounts deposited in the Northeast Corridor in-
 18 vestment account shall be made available for the use
 19 of Amtrak for its share of—

20 “(A) capital projects described in section
 21 24904(a)(2)(E)(i), and developed under the
 22 planning process established under that section,
 23 to bring Northeast Corridor infrastructure to a
 24 state-of-good-repair;

1 “(B) capital projects described in clauses
2 (ii) and (iv) of section 24904(a)(2)(E) that are
3 developed under the planning process estab-
4 lished under that section intended to increase
5 corridor capacity, improve service reliability,
6 and reduce travel time on the Northeast Cor-
7 ridor;

8 “(C) capital projects to improve safety and
9 security;

10 “(D) capital projects to improve customer
11 service and amenities;

12 “(E) acquiring, rehabilitating, manufac-
13 turing, remanufacturing, overhauling, or im-
14 proving equipment and associated facilities used
15 for intercity rail passenger transportation by
16 Northeast Corridor train services;

17 “(F) retirement of principal and payment
18 of interest on loans for capital projects de-
19 scribed in this paragraph or for capital leases
20 for equipment and related to the Northeast
21 Corridor;

22 “(G) participation in public-private part-
23 nerships, joint ventures, and other mechanisms
24 or arrangements that result in the completion

1 of capital projects described in this paragraph;
 2 and

3 “(H) indirect, common, corporate, or other
 4 costs directly incurred by or allocated to the
 5 Northeast Corridor.

6 “(c) STATE-SUPPORTED ACCOUNT.—

7 “(1) DEPOSITS.—Amtrak shall deposit in the
 8 State-supported account established under sub-
 9 section (a)(2)—

10 “(A) a portion of the grant funds appro-
 11 priated under the authorization in section
 12 5101(a) of the Comprehensive Transportation
 13 and Consumer Protection Act of 2015, or any
 14 subsequent Act appropriating funds for the use
 15 of Amtrak, as specified in a grant agreement
 16 entered into under section 24318;

17 “(B) any compensation received from
 18 States provided to Amtrak under section 209 of
 19 the Passenger Rail Investment and Improve-
 20 ment Act of 2008 (42 U.S.C. 24101 note); and

21 “(C) any operating surplus from its State-
 22 supported routes, as allocated under section
 23 24317.

24 “(2) USE OF STATE-SUPPORTED ACCOUNT.—

25 Except as provided in subsection (f), amounts depos-

1 ited in the State-supported account shall be made
2 available for the use of Amtrak for capital expenses
3 and operating costs, including indirect, common, cor-
4 porate, or other costs directly incurred by or allo-
5 cated to State-supported routes, of its State-sup-
6 ported routes and retirement of principal and pay-
7 ment of interest on loans or capital leases attrib-
8 utable to its State-supported routes.

9 “(d) LONG-DISTANCE ACCOUNT.—

10 “(1) DEPOSITS.—Amtrak shall deposit in the
11 long-distance account established under subsection
12 (a)(3)—

13 “(A) a portion of the grant funds appro-
14 priated under the authorization in section
15 5101(a) of the Comprehensive Transportation
16 and Consumer Protection Act of 2015, or any
17 subsequent Act appropriating funds for the use
18 of Amtrak, as specified in a grant agreement
19 entered into under section 24318;

20 “(B) any compensation received from
21 States provided to Amtrak for costs associated
22 with its long-distance routes; and

23 “(C) any operating surplus from its long-
24 distance routes, as allocated under section
25 24317.

1 “(2) USE OF LONG-DISTANCE ACCOUNT.—Ex-
 2 cept as provided in subsection (f), amounts deposited
 3 in the long-distance account shall be made available
 4 for the use of Amtrak for capital expenses and oper-
 5 ating costs, including indirect, common, corporate,
 6 or other costs directly incurred by or allocated to
 7 long-distance routes, of its long-distance routes and
 8 retirement of principal and payment of interest on
 9 loans or capital leases attributable to the long-dis-
 10 tance routes.

11 “(e) OTHER NATIONAL NETWORK ACTIVITIES AC-
 12 COUNT.—

13 “(1) DEPOSITS.—Amtrak shall deposit in the
 14 other national network activities account established
 15 under subsection (a)(4)—

16 “(A) a portion of the grant funds appro-
 17 priated under the authorization in section
 18 101(a) of the Railroad Reform, Enhancement,
 19 and Efficiency Act, or any subsequent Act ap-
 20 propriating funds for the use of Amtrak, as
 21 specified in a grant agreement entered into
 22 under section 24318;

23 “(B) any compensation received from
 24 States provided to Amtrak for costs associated
 25 with its other national network activities; and

1 “(C) any operating surplus from its other
2 national network activities.

3 “(2) USE OF OTHER NATIONAL NETWORK AC-
4 TIVITIES ACCOUNT.—Except as provided in sub-
5 section (f), amounts deposited into the other na-
6 tional network activities account shall be made avail-
7 able for the use of Amtrak for capital and operating
8 costs not allocated to the Northeast Corridor invest-
9 ment account, State-supported account, or long-dis-
10 tance account, and retirement of principal and pay-
11 ment of interest on loans or capital leases attrib-
12 utable to other national network activities.

13 “(f) TRANSFER AUTHORITY.—

14 “(1) AUTHORITY.—Amtrak may transfer any
15 funds appropriated under the authorization in sec-
16 tion 5101(a) of the Comprehensive Transportation
17 and Consumer Protection Act of 2015, or any subse-
18 quent Act appropriating funds for the use of Amtrak
19 for deposit into the accounts described in that sec-
20 tion, or any surplus generated by operations, be-
21 tween the Northeast Corridor, State-supported, long-
22 distance, and other national network activities ac-
23 counts—

24 “(A) upon the expiration of 10 days after
25 the date that Amtrak notifies the Amtrak

1 Board of Directors, including the Secretary, of
2 the planned transfer; and

3 “(B) with the approval of the Secretary.

4 “(2) REPORT.—Not later than 5 days after the
5 date that Amtrak notifies the Amtrak Board of Di-
6 rectors of a planned transfer under paragraph (1),
7 Amtrak shall transmit to the Committee on Com-
8 merce, Science, and Transportation and the Com-
9 mittee on Appropriations of the Senate and the
10 Committee on Transportation and Infrastructure
11 and the Committee on Appropriations of the House
12 of Representatives a report that includes—

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

14 “(B) a detailed explanation of the reason
15 for the transfer, including—

16 “(i) the effects on Amtrak services
17 funded by the account from which the
18 transfer is drawn, in comparison to a sce-
19 nario in which no transfer was made; and

20 “(ii) the effects on Amtrak services
21 funded by the account receiving the trans-
22 fer, in comparison to a scenario in which
23 no transfer was made.

24 “(3) NOTIFICATIONS.—

1 “(A) STATE-SUPPORTED ACCOUNT.—Not
2 later than 5 days after the date that Amtrak
3 notifies the Amtrak Board of Directors of a
4 planned transfer under paragraph (1) of funds
5 to or from the State-supported account, Amtrak
6 shall transmit to each State that sponsors a
7 State-supported route a letter that includes the
8 information described under subparagraphs (A)
9 and (B) of paragraph (2).

10 “(B) NORTHEAST CORRIDOR ACCOUNT.—
11 Not later than 5 days after the date that Am-
12 trak notifies the Amtrak Board of Directors of
13 a planned transfer under paragraph (1) of
14 funds to or from the Northeast Corridor ac-
15 count, Amtrak shall transmit to the Northeast
16 Corridor Commission a letter that includes the
17 information described under subparagraphs (A)
18 and (B) of paragraph (2).

19 “(g) ENFORCEMENT.—The Secretary shall enforce
20 the provisions of each grant agreement under section
21 24318(d), including any deposit into an account under
22 this section.

23 “(h) LETTERS OF INTENT.—

24 “(1) REQUIREMENT.—The Secretary may issue
25 a letter of intent to Amtrak announcing an intention

1 to obligate, for a major capital project described in
2 clauses (ii) and (iv) of section 24904(a)(2)(E), an
3 amount from future available budget authority speci-
4 fied in law that is not more than the amount stipu-
5 lated as the financial participation of the Secretary
6 in the project.

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

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

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

3 (b) CONFORMING AMENDMENTS.—The table of con-
4 tents for chapter 243 is amended by adding at the end
5 the following:

“24317. Costs and revenues.

“24318. Grant process.

“24319. Accounts.”.

6 (c) REPEALS.—

7 (1) ESTABLISHMENT OF GRANT PROCESS.—

8 Section 206 of the Passenger Rail Investment and
9 Improvement Act of 2008 (49 U.S.C. 24101 note)
10 and the item relating to that section in the table of
11 contents of that Act are repealed.

12 (2) AUTHORIZATION OF APPROPRIATIONS.—

13 Section 24104 and the item relating to that section
14 in the table of contents of chapter 241 are repealed.

15 **SEC. 5202. 5-YEAR BUSINESS LINE AND ASSETS PLANS.**

16 (a) AMTRAK 5-YEAR BUSINESS LINE AND ASSET
17 PLANS.—Chapter 243, as amended by section 5201 of this
18 Act, is further amended by inserting after section 24319
19 the following:

20 **“§ 24320. Amtrak 5-year business line and asset plans**

21 **“(a) IN GENERAL.—**

22 **“(1) FINAL PLANS.—**Not later than February
23 15 of each year, Amtrak shall submit to Congress
24 and the Secretary final 5-year business line plans

1 and 5-year asset plans prepared in accordance with
2 this section. These final plans shall form the basis
3 for Amtrak’s general and legislative annual report to
4 the President and Congress required by section
5 24315(b).

6 “(2) FISCAL CONSTRAINT.—Each plan prepared
7 under this section shall be based on funding levels
8 authorized or otherwise available to Amtrak in a fis-
9 cal year. In the absence of an authorization or ap-
10 propriation of funds for a fiscal year, the plans shall
11 be based on the amount of funding available in the
12 previous fiscal year, plus inflation. Amtrak may in-
13 clude an appendix to the asset plan required in sub-
14 section (c) that describes any capital funding re-
15 quirements in excess of amounts authorized or oth-
16 erwise available to Amtrak in a fiscal year for cap-
17 ital investment.

18 “(b) AMTRAK 5-YEAR BUSINESS LINE PLANS.—

19 “(1) AMTRAK BUSINESS LINES.—Amtrak shall
20 prepare a 5-year business line plan for each of the
21 following business lines and services:

22 “(A) Northeast Corridor train services.

23 “(B) State-supported routes operated by
24 Amtrak.

1 “(C) Long-distance routes operated by
2 Amtrak.

3 “(D) Ancillary services operated by Am-
4 trak, including commuter operations and other
5 revenue generating activities as determined by
6 the Secretary in consultation with Amtrak.

7 “(2) CONTENTS OF 5-YEAR BUSINESS LINE
8 PLANS.—The 5-year business line plan for each busi-
9 ness line shall include, at a minimum—

10 “(A) a statement of Amtrak’s vision, goals,
11 and service plan for the business line, coordi-
12 nated with any entities that are contributing
13 capital or operating funding to support pas-
14 senger rail services within those business lines,
15 and aligned with Amtrak’s Strategic Plan and
16 5-year asset plans under subsection (c);

17 “(B) all projected revenues and expendi-
18 tures for the business line, including identifica-
19 tion of revenues and expenditures incurred by—

20 “(i) passenger operations;

21 “(ii) non-passenger operations that
22 are directly related to the business line;
23 and

1 “(iii) governmental funding sources,
2 including revenues and other funding re-
3 ceived from States;

4 “(C) projected ridership levels for all pas-
5 senger operations;

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

9 “(E) annual profit and loss statements and
10 forecasts and balance sheets;

11 “(F) annual cash flow forecasts;

12 “(G) a statement describing the meth-
13 odologies and significant assumptions under-
14 lying estimates and forecasts;

15 “(H) specific performance measures that
16 demonstrate year over year changes in the re-
17 sults of Amtrak’s operations;

18 “(I) financial performance for each route
19 within each business line, including descriptions
20 of the cash operating loss or contribution and
21 labor productivity for each route;

22 “(J) specific costs and savings estimates
23 resulting from reform initiatives;

24 “(K) prior fiscal year and projected equip-
25 ment reliability statistics; and

1 “(L) an identification and explanation of
2 any major adjustments made from previously
3 approved plans.

4 “(3) 5-YEAR BUSINESS LINE PLANS PROCESS.—
5 In meeting the requirements of this section, Amtrak
6 shall—

7 “(A) coordinate the development of the
8 business line plans with the Secretary;

9 “(B) for the Northeast Corridor business
10 line plan, coordinate with the Northeast Cor-
11 ridor Commission and transmit to the Commis-
12 sion the final plan under subsection (a)(1), and
13 consult with other entities, as appropriate;

14 “(C) for the State-supported route busi-
15 ness line plan, coordinate with the State-Sup-
16 ported Route Committee established under sec-
17 tion 24712;

18 “(D) for the long-distance route business
19 line plan, coordinate with any States or Inter-
20 state Compacts that provide funding for such
21 routes, as appropriate;

22 “(E) ensure that Amtrak’s annual budget
23 request to Congress is consistent with the infor-
24 mation in the 5-year business line plans; and

1 “(F) identify the appropriate Amtrak offi-
2 cials that are responsible for each business line.

3 “(4) STANDARDS TO PROMOTE FINANCIAL STA-
4 BILITY.—In meeting the requirements under this
5 subsection, Amtrak shall use the categories specified
6 in the financial accounting and reporting system de-
7 veloped under section 203 of the Passenger Rail In-
8 vestment and Improvement Act of 2008 (49 U.S.C.
9 24101 note) when preparing its 5-year business line
10 plans.

11 “(c) AMTRAK 5-YEAR ASSET PLANS.—

12 “(1) ASSET CATEGORIES.—Amtrak shall pre-
13 pare a 5-year asset plan for each of the following
14 asset categories:

15 “(A) Infrastructure, including all Amtrak-
16 controlled Northeast Corridor assets and other
17 Amtrak-owned infrastructure, and the associ-
18 ated facilities that support the operation, main-
19 tenance, and improvement of those assets.

20 “(B) Passenger rail equipment, including
21 all Amtrak-controlled rolling stock, locomotives,
22 and mechanical shop facilities that are used to
23 overhaul equipment.

24 “(C) Stations, including all Amtrak-con-
25 trolled passenger rail stations and elements of

1 other stations for which Amtrak has legal re-
 2 sponsibility or intends to make capital invest-
 3 ments.

4 “(D) National assets, including national
 5 reservations, security, training and training
 6 centers, and other assets associated with Am-
 7 trak’s national passenger rail transportation
 8 system.

9 “(2) CONTENTS OF 5-YEAR ASSET PLANS.—
 10 Each asset plan shall include, at a minimum—

11 “(A) a summary of Amtrak’s 5-year stra-
 12 tegic plan for each asset category, including
 13 goals, objectives, any relevant performance
 14 metrics, and statutory or regulatory actions af-
 15 fecting the assets;

16 “(B) an inventory of existing Amtrak cap-
 17 ital assets, to the extent practicable, including
 18 information regarding shared use or ownership,
 19 if applicable;

20 “(C) a prioritized list of proposed capital
 21 investments that—

22 “(i) categorizes each capital project as
 23 being primarily associated with—

24 “(I) normalized capital replace-
 25 ment;

1 “(II) backlog capital replace-
2 ment;

3 “(III) improvements to support
4 service enhancements or growth;

5 “(IV) strategic initiatives that
6 will improve overall operational per-
7 formance, lower costs, or otherwise
8 improve Amtrak’s corporate efficiency;
9 or

10 “(V) statutory, regulatory, or
11 other legal mandates;

12 “(ii) identifies each project or pro-
13 gram that is associated with more than 1
14 category described in clause (i); and

15 “(iii) describes the anticipated busi-
16 ness outcome of each project or program
17 identified under this subparagraph, includ-
18 ing an assessment of—

19 “(I) the potential effect on pas-
20 senger operations, safety, reliability,
21 and resilience;

22 “(II) the potential effect on Am-
23 trak’s ability to meet regulatory re-
24 quirements if the project or program
25 is not funded; and

1 “(III) the benefits and costs; and

2 “(D) annual profit and loss statements
3 and forecasts and balance sheets for each asset
4 category.

5 “(3) 5-YEAR ASSET PLAN PROCESS.—In meet-
6 ing the requirements of this subsection, Amtrak
7 shall—

8 “(A) coordinate with each business line de-
9 scribed in subsection (b)(1) in the preparation
10 of each 5-year asset plan and ensure integration
11 of each 5-year asset plan with the 5-year busi-
12 ness line plans;

13 “(B) as applicable, coordinate with the
14 Northeast Corridor Commission, the State-Sup-
15 ported Route Committee, and owners of assets
16 affected by 5-year asset plans; and

17 “(C) identify the appropriate Amtrak offi-
18 cials that are responsible for each asset cat-
19 egory.

20 “(4) EVALUATION OF NATIONAL ASSETS
21 COSTS.—The Secretary shall—

22 “(A) evaluate the costs and scope of all na-
23 tional assets; and

24 “(B) determine the activities and costs
25 that are—

1 “(i) required in order to ensure the ef-
 2 ficient operations of a national passenger
 3 rail system;

4 “(ii) appropriate for allocation to 1 of
 5 the other Amtrak business lines; and

6 “(iii) extraneous to providing an effi-
 7 cient national passenger rail system or are
 8 too costly relative to the benefits or per-
 9 formance outcomes they provide.

10 “(5) DEFINITION OF NATIONAL ASSETS.—In
 11 this section, the term ‘national assets’ means the
 12 Nation’s core rail assets shared among Amtrak serv-
 13 ices, including national reservations, security, train-
 14 ing and training centers, and other assets associated
 15 with Amtrak’s national passenger rail transportation
 16 system.

17 “(6) RESTRUCTURING OF NATIONAL ASSETS.—
 18 Not later than 1 year after the date of completion
 19 of the evaluation under section 24320(c)(4), the Ad-
 20 ministrator of the Federal Railroad Administration,
 21 in consultation with the Amtrak Board of Directors,
 22 the governors of each relevant State, and the Mayor
 23 of the District of Columbia, or their designees, shall
 24 restructure or reallocate, or both, the national assets
 25 costs in accordance with the determination under

1 that section, including making appropriate updates
 2 to Amtrak’s cost accounting methodology and sys-
 3 tem.”.

4 (b) EFFECTIVE DATE.—The requirements for Am-
 5 trak to submit final 5-year business line plans and 5-year
 6 asset plans under section 24320 of title 49, United States
 7 Code, shall take effect 1 year after the date of enactment
 8 of this Act.

9 (c) CONFORMING AMENDMENTS.—The table of con-
 10 tents for chapter 243, as amended by section 5201 of this
 11 Act, is further amended by adding at the end the fol-
 12 lowing:

“24320. Amtrak 5-year business line and asset plans.”.

13 (d) REPEAL OF 5-YEAR FINANCIAL PLAN.—Section
 14 204 of the Passenger Rail Investment and Improvement
 15 Act of 2008 (49 U.S.C. 24101 note), and the item relating
 16 to that section in the table of contents of that Act, are
 17 repealed.

18 (e) IDENTIFICATION OF DUPLICATIVE REPORTING
 19 REQUIREMENTS.—Not later than 1 year after the date of
 20 enactment of this Act, the Secretary shall—

21 (1) review existing Amtrak reporting require-
 22 ments and identify where the existing requirements
 23 are duplicative with the business line and capital
 24 plans required by section 24320 of title 49, United
 25 States Code;

1 (2) if the duplicative reporting requirements are
 2 administrative, the Secretary shall eliminate the du-
 3 plicative requirements; and

4 (3) submit to Congress a report with any rec-
 5 ommendations for repealing any other duplicative
 6 Amtrak reporting requirements.

7 **SEC. 5203. STATE-SUPPORTED ROUTE COMMITTEE.**

8 (a) AMENDMENT.—Chapter 247 is amended by add-
 9 ing at the end the following:

10 **“§ 24712. State-supported routes operated by Amtrak**

11 “(a) STATE-SUPPORTED ROUTE COMMITTEE.—

12 “(1) ESTABLISHMENT.—Not later than 180
 13 days after the date of enactment of the Comprehen-
 14 sive Transportation and Consumer Protection Act of
 15 2015, the Secretary of Transportation shall establish
 16 the State-Supported Route Committee (referred to
 17 in this section as the ‘Committee’) to promote mu-
 18 tual cooperation and planning pertaining to the rail
 19 operations of Amtrak and related activities of trains
 20 operated by Amtrak on State-supported routes and
 21 to further implement section 209 of the Passenger
 22 Rail Investment and Improvement Act of 2008 (49
 23 U.S.C. 24101 note).

24 “(2) MEMBERSHIP.—

1 “(A) IN GENERAL.—The Committee shall
2 consist of—

3 “(i) members representing Amtrak;

4 “(ii) members representing the De-
5 partment of Transportation, including the
6 Federal Railroad Administration; and

7 “(iii) members representing States,
8 including other public entities that sponsor
9 the operation of trains by Amtrak on a
10 State-supported route, designated by, and
11 serving at the pleasure of, the chief execu-
12 tive officer thereof.

13 “(B) NON-VOTING MEMBERS.—The Com-
14 mittee may invite and accept other non-voting
15 members to participate in Committee activities,
16 as appropriate.

17 “(3) DECISIONMAKING.—The Committee shall
18 establish a bloc voting system under which, at a
19 minimum—

20 “(A) there are 3 separate voting blocs to
21 represent the Committee’s voting members, in-
22 cluding—

23 “(i) 1 voting bloc to represent the
24 members described in paragraph (2)(A)(i);

1 “(ii) 1 voting bloc to represent the
2 members described in paragraph (2)(A)(ii);
3 and

4 “(iii) 1 voting bloc to represent the
5 members described in paragraph
6 (2)(A)(iii);

7 “(B) each voting bloc has 1 vote;

8 “(C) the vote of the voting bloc rep-
9 resenting the members described in paragraph
10 (2)(A)(iii) requires the support of at least two-
11 thirds of that voting bloc’s members; and

12 “(D) the Committee makes decisions by
13 unanimous consent of the 3 voting blocs.

14 “(4) MEETINGS; RULES AND PROCEDURES.—
15 The Committee shall convene a meeting and shall
16 define and implement the rules and procedures gov-
17 erning the Committee’s proceedings not later than
18 180 days after the date of establishment of the Com-
19 mittee by the Secretary. The rules and procedures
20 shall—

21 “(A) incorporate and further describe the
22 decisionmaking procedures to be used in accord-
23 ance with paragraph (3); and

24 “(B) be adopted in accordance with such
25 decisionmaking procedures.

1 “(5) COMMITTEE DECISIONS.—Decisions made
2 by the Committee in accordance with the Commit-
3 tee’s rules and procedures, once established, are
4 binding on all Committee members.

5 “(6) COST ALLOCATION METHODOLOGY.—

6 “(A) IN GENERAL.—Subject to subpara-
7 graph (B), the Committee may amend the cost
8 allocation methodology required and previously
9 approved under section 209 of the Passenger
10 Rail Investment and Improvement Act of 2008
11 (49 U.S.C. 24101 note).

12 “(B) PROCEDURES FOR CHANGING METH-
13 ODOLOGY.—The rules and procedures imple-
14 mented under paragraph (4) shall include pro-
15 cedures for changing the cost allocation meth-
16 odology.

17 “(C) REQUIREMENTS.—The cost allocation
18 methodology shall—

19 “(i) ensure equal treatment in the
20 provision of like services of all States and
21 groups of States; and

22 “(ii) allocate to each route the costs
23 incurred only for the benefit of that route
24 and a proportionate share, based upon fac-
25 tors that reasonably reflect relative use, of

1 costs incurred for the common benefit of
2 more than 1 route.

3 “(b) INVOICES AND REPORTS.—Not later than Feb-
4 ruary 15, 2016, and monthly thereafter, Amtrak shall pro-
5 vide to each State that sponsors a State-supported route
6 a monthly invoice of the cost of operating such route, in-
7 cluding fixed costs and third-party costs. The Committee
8 shall determine the frequency and contents of the financial
9 and performance reports that Amtrak shall provide to the
10 States, as well as the planning and demand reports that
11 the States shall provide to Amtrak.

12 “(c) DISPUTE RESOLUTION.—

13 “(1) REQUEST FOR DISPUTE RESOLUTION.—If
14 a dispute arises with respect to the rules and proce-
15 dures implemented under subsection (a)(4), an in-
16 voice or a report provided under subsection (b), im-
17 plementation or compliance with the cost allocation
18 methodology developed under section 209 of the Pas-
19 senger Rail Investment and Improvement Act of
20 2008 (49 U.S.C. 24101 note) or amended under
21 subsection (a)(6) of this section, either Amtrak or
22 the State may request that the Surface Transpor-
23 tation Board conduct dispute resolution under this
24 subsection.

1 “(2) PROCEDURES.—The Surface Transpor-
 2 tation Board shall establish procedures for resolu-
 3 tion of disputes brought before it under this sub-
 4 section, which may include provision of professional
 5 mediation services.

6 “(3) BINDING EFFECT.—A decision of the Sur-
 7 face Transportation Board under this subsection
 8 shall be binding on the parties to the dispute.

9 “(4) OBLIGATION.—Nothing in this subsection
 10 shall affect the obligation of a State to pay an
 11 amount not in dispute.

12 “(d) ASSISTANCE.—

13 “(1) IN GENERAL.—The Secretary may provide
 14 assistance to the parties in the course of negotia-
 15 tions for a contract for operation of a State-sup-
 16 ported route.

17 “(2) FINANCIAL ASSISTANCE.—From among
 18 available funds, the Secretary shall—

19 “(A) provide financial assistance to Am-
 20 trak or 1 or more States to perform requested
 21 independent technical analysis of issues before
 22 the Committee; and

23 “(B) reimburse Members for travel ex-
 24 penses, including per diem in lieu of subsist-
 25 ence, in accordance with section 5703 of title 5.

1 “(e) PERFORMANCE METRICS.—In negotiating a con-
2 tract for operation of a State-supported route, Amtrak
3 and the State or States that sponsor the route shall con-
4 sider including provisions that provide penalties and incen-
5 tives for performance.

6 “(f) STATEMENT OF GOALS AND OBJECTIVES.—

7 “(1) IN GENERAL.—The Committee shall de-
8 velop a statement of goals, objectives, and associated
9 recommendations concerning the future of State-
10 supported routes operated by Amtrak. The state-
11 ment shall identify the roles and responsibilities of
12 Committee members and any other relevant entities,
13 such as host railroads, in meeting the identified
14 goals and objectives, or carrying out the rec-
15 ommendations. The Committee may consult with
16 such relevant entities, as the Committee considers
17 appropriate, when developing the statement.

18 “(2) TRANSMISSION OF STATEMENT OF GOALS
19 AND OBJECTIVES.—Not later than 2 years after the
20 date of enactment of the Comprehensive Transpor-
21 tation and Consumer Protection Act of 2015 the
22 Committee shall transmit the statement developed
23 under paragraph (1) to the Committee on Com-
24 merce, Science, and Transportation of the Senate

1 and the Committee on Transportation and Infra-
2 structure of the House of Representatives.

3 “(g) RULE OF CONSTRUCTION.—The decisions of the
4 Committee—

5 “(1) shall pertain to the rail operations of Am-
6 trak and related activities of trains operated by Am-
7 trak on State-sponsored routes; and

8 “(2) shall not pertain to the rail operations or
9 related activities of services operated by other rail
10 passenger carriers on State-supported routes.

11 “(h) FEDERAL ADVISORY COMMITTEE ACT.—The
12 Federal Advisory Committee Act (5 U.S.C. App.) shall not
13 apply to the Committee.

14 “(i) DEFINITION OF STATE.—In this section, the
15 term ‘State’ means each of the 50 States, the District of
16 Columbia, and a public entity that sponsors the operation
17 of trains by Amtrak on a State-supported route.”.

18 (b) TECHNICAL AND CONFORMING AMENDMENTS.—
19 The table of contents for chapter 247 is amended by add-
20 ing at the end the following:

“24712. State-supported routes operated by Amtrak.”.

21 **SEC. 5204. ROUTE AND SERVICE PLANNING DECISIONS.**

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

1 **“SEC. 208. METHODOLOGIES FOR AMTRAK ROUTE AND**
2 **SERVICE PLANNING DECISIONS.**

3 “(a) METHODOLOGY DEVELOPMENT.—Not later
4 than 180 days after the date of enactment of the Com-
5 prehensive Transportation and Consumer Protection Act
6 of 2015, as a condition of receiving a grant under section
7 101 of that Act, Amtrak shall obtain the services of an
8 independent entity to develop and recommend objective
9 methodologies for Amtrak to use in determining what
10 intercity rail passenger transportation routes and services
11 it should provide, including the establishment of new
12 routes, the elimination of existing routes, and the contrac-
13 tion or expansion of services or frequencies over such
14 routes.

15 “(b) CONSIDERATIONS.—Amtrak shall require the
16 independent entity, in developing the methodologies de-
17 scribed in subsection (a), to consider—

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

23 “(2) the connectivity of a route with other
24 routes;

25 “(3) the transportation needs of communities
26 and populations that are not well served by intercity

1 rail passenger transportation service or by other
2 forms of intercity transportation;

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

7 “(5) the financial and operational effects on the
8 overall network, including the effects on indirect
9 costs;

10 “(6) the views of States and the recommenda-
11 tions described in State rail plans, rail carriers that
12 own infrastructure over which Amtrak operates,
13 Interstate Compacts established by Congress and
14 States, Amtrak employee representatives, stake-
15 holder organizations, and other interested parties;
16 and

17 “(7) the funding levels that will be available
18 under authorization levels that have been enacted
19 into law.

20 “(c) RECOMMENDATIONS.—Not later than 1 year
21 after the date of enactment of the Comprehensive Trans-
22 portation and Consumer Protection Act of 2015, Amtrak
23 shall transmit to the Committee on Commerce, Science,
24 and Transportation of the Senate and the Committee on
25 Transportation and Infrastructure of the House of Rep-

1 representatives recommendations developed by the inde-
 2 pendent entity under subsection (a).

3 “(d) CONSIDERATION OF RECOMMENDATIONS.—Not
 4 later than 90 days after the date the recommendations are
 5 transmitted under subsection (c), Amtrak shall consider
 6 the adoption of each recommendation and transmit to the
 7 Committee on Commerce, Science, and Transportation of
 8 the Senate and the Committee on Transportation and In-
 9 frastructure of the House of Representatives a report ex-
 10 plaining the reasons for adopting or not adopting each rec-
 11 ommendation.”.

12 **SEC. 5205. COMPETITION.**

13 (a) ALTERNATE PASSENGER RAIL SERVICE PILOT
 14 PROGRAM.—Section 24711 is amended to read as follows:

15 **“§ 24711. Alternate passenger rail service pilot pro-**
 16 **gram**

17 “(a) IN GENERAL.—Not later than 18 months after
 18 the date of enactment of the Comprehensive Transpor-
 19 tation and Consumer Protection Act of 2015, the Sec-
 20 retary of Transportation shall promulgate a rule to imple-
 21 ment a pilot program for competitive selection of rail car-
 22 riers for long-distance routes (as defined in section
 23 24102).

24 “(b) PILOT PROGRAM REQUIREMENTS.—

25 “(1) IN GENERAL.—The pilot program shall—

1 “(A) allow a party described in paragraph
2 (2) to petition the Secretary to provide intercity
3 rail passenger transportation over a long-dis-
4 tance route in lieu of Amtrak for an operations
5 period of 4 years from the date of commence-
6 ment of service by the winning bidder and, at
7 the option of the Secretary, consistent with the
8 rule promulgated under subsection (a), allow
9 the contract to be renewed for an additional op-
10 erations period of 4 years, but not to exceed a
11 total of 3 operations periods;

12 “(B) require the Secretary to—

13 “(i) notify the petitioner and Amtrak
14 of receipt of the petition under subpara-
15 graph (A) and to publish in the Federal
16 Register a notice of receipt not later than
17 30 days after the date of receipt; and

18 “(ii) establish a deadline, of not more
19 than 120 days after the notice of receipt is
20 published in the Federal Register under
21 clause (i), by which both the petitioner and
22 Amtrak, if Amtrak chooses to do so, would
23 be required to submit a complete bid to
24 provide intercity rail passenger transpor-
25 tation over the applicable route;

1 “(C) require that each bid—

2 “(i) describe the capital needs, finan-
3 cial projections, and operational plans, in-
4 cluding staffing plans, for the service, and
5 such other factors as the Secretary con-
6 siders appropriate; and

7 “(ii) be made available by the winning
8 bidder to the public after the bid award;

9 “(D) for a route that receives funding
10 from a State or States, require that for each
11 bid received from a party described in para-
12 graph (2), other than a State, the Secretary
13 have the concurrence of the State or States that
14 provide funding for that route;

15 “(E) for a winning bidder that is not or
16 does not include Amtrak, require the Secretary
17 to execute a contract not later than 270 days
18 after the deadline established under subpara-
19 graph (B)(ii) and award to the winning bid-
20 der—

21 “(i) subject to paragraphs (3) and
22 (4), the right and obligation to provide
23 intercity rail passenger transportation over
24 that route subject to such performance

1 standards as the Secretary may require;
2 and

3 “(ii) an operating subsidy, as deter-
4 mined by the Secretary, for—

5 “(I) the first year at a level that
6 does not exceed 90 percent of the level
7 in effect for that specific route during
8 the fiscal year preceding the fiscal
9 year in which the petition was re-
10 ceived, adjusted for inflation; and

11 “(II) any subsequent years at the
12 level calculated under subclause (I),
13 adjusted for inflation; and

14 “(F) for a winning bidder that is or in-
15 cludes Amtrak, award to that bidder an oper-
16 ating subsidy, as determined by the Secretary,
17 over the applicable route that will not change
18 during the fiscal year in which the bid was sub-
19 mitted solely as a result of the winning bid.

20 “(2) ELIGIBLE PETITIONERS.—The following
21 parties are eligible to submit petitions under para-
22 graph (1):

23 “(A) A rail carrier or rail carriers that own
24 the infrastructure over which Amtrak operates
25 a long-distance route.

1 “(B) A rail passenger carrier with a writ-
2 ten agreement with the rail carrier or rail car-
3 riers that own the infrastructure over which
4 Amtrak operates a long-distance route and that
5 host or would host the intercity rail passenger
6 transportation.

7 “(C) A State, group of States, or State-
8 supported joint powers authority or other sub-
9 State governance entity responsible for provi-
10 sion of intercity rail passenger transportation
11 with a written agreement with the rail carrier
12 or rail carriers that own the infrastructure over
13 which Amtrak operates a long-distance route
14 and that host or would host the intercity rail
15 passenger transportation.

16 “(D) A State, group of States, or State-
17 supported joint powers authority or other sub-
18 State governance entity responsible for provi-
19 sion of intercity rail passenger transportation
20 and a rail passenger carrier with a written
21 agreement with the rail carrier or rail carriers
22 that own the infrastructure over which Amtrak
23 operates a long-distance route and that host or
24 would host the intercity rail passenger transpor-
25 tation.

1 “(3) PERFORMANCE STANDARDS.—If the win-
 2 ning bidder under paragraph (1)(E)(i) is not or does
 3 not include Amtrak, the performance standards shall
 4 be consistent with the performance required of or
 5 achieved by Amtrak on the applicable route during
 6 the last fiscal year.

7 “(4) AGREEMENT GOVERNING ACCESS
 8 ISSUES.—Unless the winning bidder already has ap-
 9 plicable access agreements in place or includes a rail
 10 carrier that owns the infrastructure used in the op-
 11 eration of the route, the winning bidder under para-
 12 graph (1)(E)(i) shall enter into a written agreement
 13 governing access issues between the winning bidder
 14 and the rail carrier or rail carriers that own the in-
 15 frastructure over which the winning bidder would
 16 operate and that host or would host the intercity rail
 17 passenger transportation.

18 “(c) ACCESS TO FACILITIES; EMPLOYEES.—If the
 19 Secretary awards the right and obligation to provide rail
 20 passenger transportation over a route under this section
 21 to an entity in lieu of Amtrak—

22 “(1) the Secretary shall require Amtrak to pro-
 23 vide access to the Amtrak-owned reservation system,
 24 stations, and facilities directly related to operations
 25 of the awarded routes to the rail passenger carrier

1 awarded a contract under this section, in accordance
2 with subsection (g), as necessary to carry out the
3 purposes of this section;

4 “(2) an employee of any person, except for a
5 freight railroad or a person employed or contracted
6 by a freight railroad, used by such rail passenger
7 carrier in the operation of a route under this section
8 shall be considered an employee of that rail pas-
9 senger carrier and subject to the applicable Federal
10 laws and regulations governing similar crafts or
11 classes of employees of Amtrak; and

12 “(3) the winning bidder shall provide hiring
13 preference to qualified Amtrak employees displaced
14 by the award of the bid, consistent with the staffing
15 plan submitted by the bidder, and shall be subject
16 to the grant conditions under section 24405.

17 “(d) CESSATION OF SERVICE.—If a rail passenger
18 carrier awarded a route under this section ceases to oper-
19 ate the service or fails to fulfill an obligation under the
20 contract required under subsection (b)(1)(E), the Sec-
21 retary shall take any necessary action consistent with this
22 title to enforce the contract and ensure the continued pro-
23 vision of service, including—

24 “(1) the installment of an interim rail pas-
25 senger carrier;

1 “(2) providing to the interim rail passenger car-
2 rier under paragraph (1) an operating subsidy nec-
3 essary to provide service; and

4 “(3) rebidding the contract to operate the rail
5 passenger transportation.

6 “(e) BUDGET AUTHORITY.—

7 “(1) IN GENERAL.—The Secretary shall provide
8 to a winning bidder that is not or does not include
9 Amtrak and that is selected under this section any
10 appropriations withheld under section 5101(c) of the
11 Comprehensive Transportation and Consumer Pro-
12 tection Act of 2015, or any subsequent appropria-
13 tion for the same purpose, necessary to cover the op-
14 erating subsidy described in subsection (b)(1)(E)(ii).

15 “(2) AMTRAK.—If the Secretary selects a win-
16 ning bidder that is not or does not include Amtrak,
17 the Secretary may provide to Amtrak an appropriate
18 portion of the appropriations under section 5101(a)
19 of the Comprehensive Transportation and Consumer
20 Protection Act of 2015, or any subsequent appropria-
21 tion for the same purpose, to cover any cost di-
22 rectly attributable to the termination of Amtrak
23 service on the route and any indirect costs to Am-
24 trak imposed on other Amtrak routes as a result of
25 losing service on the route operated by the winning

1 bidder. Any amount provided by the Secretary to
2 Amtrak under this paragraph shall not be deducted
3 from or have any effect on the operating subsidy de-
4 scribed in subsection (b)(1)(E)(ii).

5 “(f) DEADLINE.—If the Secretary does not promul-
6 gate the final rule and implement the program before the
7 deadline under subsection (a), the Secretary shall submit
8 to the Committee on Commerce, Science, and Transpor-
9 tation of the Senate and the Committee on Transportation
10 and Infrastructure of the House of Representatives a let-
11 ter, signed by the Secretary and Administrator of the Fed-
12 eral Railroad Administration, each month until the rule
13 is complete, including—

14 “(1) the reasons why the rule has not been
15 issued;

16 “(2) an updated staffing plan for completing
17 the rule as soon as feasible;

18 “(3) the contact information of the official that
19 will be overseeing the execution of the staffing plan;
20 and

21 “(4) the estimated date of completion of the
22 rule.

23 “(g) DISPUTES.—If Amtrak and the rail passenger
24 carrier awarded a route under this section cannot agree
25 upon terms to carry out subsection (c)(1), and the Surface

1 Transportation Board finds that access to Amtrak’s facili-
2 ties or equipment, or the provision of services by Amtrak,
3 is necessary under subsection (c)(1) and that the oper-
4 ation of Amtrak’s other services will not be impaired
5 thereby, the Surface Transportation Board shall issue an
6 order that the facilities and equipment be made available,
7 and that services be provided, by Amtrak, and shall deter-
8 mine reasonable compensation, liability, and other terms
9 for use of the facilities and equipment and provision of
10 the services.

11 “(h) LIMITATION.—Not more than 3 long-distance
12 routes may be selected under this section for operation by
13 a winning bidder that is not or does not include Amtrak.

14 “(i) PRESERVATION OF RIGHT TO COMPETITION ON
15 STATE-SUPPORTED ROUTES.—Nothing in this section
16 shall be construed as prohibiting a State from introducing
17 competition for intercity rail passenger transportation or
18 services on its State-supported route or routes.”.

19 (b) REPORT.—Not later than 4 years after the date
20 of implementation of the pilot program under section
21 24711 of title 49, United States Code, and quadrennially
22 thereafter until the pilot program is discontinued, the Sec-
23 retary shall submit to the Committee on Commerce,
24 Science, and Transportation of the Senate and the Com-
25 mittee on Transportation and Infrastructure of the House

1 of Representatives a report on the results on the pilot pro-
2 gram to date and any recommendations for further action.

3 **SEC. 5206. ROLLING STOCK PURCHASES.**

4 (a) IN GENERAL.—Prior to entering into any con-
5 tract in excess of \$100,000,000 for rolling stock and loco-
6 motive procurements Amtrak shall submit a business case
7 analysis to the Secretary, the Committee on Commerce,
8 Science, and Transportation and the Committee on Appro-
9 priations of the Senate and the Committee on Transpor-
10 tation and Infrastructure and the Committee on Appro-
11 priations of the House of Representatives, on the utility
12 of such procurements.

13 (b) CONTENTS.—The business case analysis shall—

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

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

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

23 (4) include an explanation of whether any pay-
24 ment under the contract will increase Amtrak's
25 grant request, as required under section 24318 of

1 title 49, United States Code, in that particular fiscal
2 year; and

3 (5) describe how Amtrak will adjust the pro-
4 curement if future funding is not available.

5 (c) RULE OF CONSTRUCTION.—Nothing in this sec-
6 tion shall be construed as requiring Amtrak to disclose
7 confidential information regarding a potential vendor’s
8 proposed pricing or other sensitive business information
9 prior to contract execution.

10 **SEC. 5207. FOOD AND BEVERAGE POLICY.**

11 (a) IN GENERAL.—Chapter 243, as amended in sec-
12 tion 5202 of this Act, is further amended by adding after
13 section 24320 the following:

14 **“§ 24321. Food and beverage reform**

15 “(a) PLAN.—Not later than 90 days after the date
16 of enactment of the Comprehensive Transportation and
17 Consumer Protection Act of 2015, Amtrak shall develop
18 and begin implementing a plan to eliminate, not later than
19 4 years after the date of enactment of that Act, the oper-
20 ating loss associated with providing food and beverage
21 service on board Amtrak trains.

22 “(b) CONSIDERATIONS.—In developing and imple-
23 menting the plan under subsection (a), Amtrak shall con-
24 sider a combination of cost management and revenue gen-
25 eration initiatives, including—

1 “(1) scheduling optimization;

2 “(2) onboard logistics;

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

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

6 “(5) technology enhancements and process im-
7 provements; and

8 “(6) ticket revenue allocation.

9 “(c) SAVINGS CLAUSE.—Amtrak shall ensure that no
10 Amtrak employee holding a position as of the date of en-
11 actment of the Comprehensive Transportation and Con-
12 sumer Protection Act of 2015 is involuntarily separated
13 because of—

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

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

18 “(d) NO FEDERAL FUNDING FOR OPERATING
19 LOSSES.—Beginning on the date that is 4 years after the
20 date of enactment of the Comprehensive Transportation
21 and Consumer Protection Act of 2015, no Federal funds
22 may be used to cover any operating loss associated with
23 providing food and beverage service on a route operated
24 by Amtrak or an alternative passenger rail service provider

1 that operates a route in lieu of Amtrak under section
2 24711.

3 “(e) REPORT.—Not later than 120 days after the
4 date of enactment of the Comprehensive Transportation
5 and Consumer Protection Act of 2015, and annually
6 thereafter for a period of 4 years, Amtrak shall transmit
7 to the Committee on Commerce, Science, and Transpor-
8 tation of the Senate and the Committee on Transportation
9 and Infrastructure of the House of Representatives a re-
10 port on the plan developed under subsection (a) and a de-
11 scription of progress in the implementation of the plan.”.

12 (b) CONFORMING AMENDMENT.—The table of con-
13 tents for chapter 243, as amended in section 5202 of this
14 Act, is amended by adding at the end the following:

“24321. Food and beverage reform.”.

15 **SEC. 5208. LOCAL PRODUCTS AND PROMOTIONAL EVENTS.**

16 (a) IN GENERAL.—Not later than 6 months after the
17 date of enactment of this Act, Amtrak shall establish a
18 pilot program for a State or States that sponsor a State-
19 supported route operated by Amtrak to facilitate—

20 (1) onboard purchase and sale of local food and
21 beverage products; and

22 (2) partnerships with local entities to hold pro-
23 motional events on trains or in stations.

24 (b) PROGRAM DESIGN.—The pilot program under
25 paragraph (1) shall allow a State or States—

1 (1) to nominate and select a local food and bev-
2 erage products supplier or suppliers or local pro-
3 motional event partner;

4 (2) to charge a reasonable price or fee for local
5 food and beverage products or promotional events
6 and related activities to help defray the costs of pro-
7 gram administration and State-supported routes;
8 and

9 (3) a mechanism to ensure that State products
10 can effectively be handled and integrated into exist-
11 ing food and beverage services, including compliance
12 with all applicable regulations and standards gov-
13 erning such services.

14 (c) PROGRAM ADMINISTRATION.—The pilot program
15 shall—

16 (1) for local food and beverage products, ensure
17 the products are integrated into existing food and
18 beverage services, including compliance with all ap-
19 plicable regulations and standards;

20 (2) for promotional events, ensure the events
21 are held in compliance with all applicable regulations
22 and standards, including terms to address insurance
23 requirements; and

24 (3) require an annual report that documents
25 revenues and costs and indicates whether the prod-

1 ucts or events resulted in a reduction in the financial
2 contribution of a State or States to the applicable
3 State-supported route.

4 (d) REPORT.—Not later than 4 years after the date
5 of establishment of the pilot programs under this section,
6 Amtrak shall report to the Committee on Commerce,
7 Science, and Transportation of the Senate and the Com-
8 mittee on Transportation and Infrastructure of the House
9 of Representatives on which States have participated in
10 the pilot programs under this section. The report shall
11 summarize the financial and operational outcomes of the
12 pilot programs.

13 (e) RULE OF CONSTRUCTION.—Nothing in this sub-
14 section shall be construed as limiting Amtrak’s ability to
15 operate special trains in accordance with section 216 of
16 the Passenger Rail Investment and Improvement Act of
17 2008 (49 U.S.C. 24308 note).

18 **SEC. 5209. RIGHT-OF-WAY LEVERAGING.**

19 (a) REQUEST FOR PROPOSALS.—

20 (1) IN GENERAL.—Not later than 1 year after
21 the date of enactment of this Act, Amtrak shall
22 issue a Request for Proposals seeking qualified per-
23 sons or entities to utilize right-of-way and real estate
24 owned, controlled, or managed by Amtrak for tele-
25 communications systems, energy distribution sys-

1 tems, and other activities considered appropriate by
2 Amtrak.

3 (2) CONTENTS.—The Request for Proposals
4 shall provide sufficient information on the right-of-
5 way and real estate assets to enable respondents to
6 propose an arrangement that will monetize or gen-
7 erate additional revenue from such assets through
8 revenue sharing or leasing agreements with Amtrak,
9 to the extent possible.

10 (b) CONSIDERATION OF PROPOSALS.—Not later than
11 180 days following the deadline for the receipt of pro-
12 posals under subsection (a), Amtrak shall review and con-
13 sider each qualified proposal. Amtrak may enter into such
14 agreements as are necessary to implement any qualified
15 proposal.

16 (c) REPORT.—Not later than 270 days following the
17 deadline for the receipt of proposals under subsection (a),
18 Amtrak shall transmit to the Committee on Commerce,
19 Science, and Transportation of the Senate and the Com-
20 mittee on Transportation and Infrastructure of the House
21 of Representatives a report on the Request for Proposals
22 required by this section, including summary information
23 of any proposals submitted to Amtrak and any proposals
24 accepted by Amtrak.

1 (d) SAVINGS CLAUSE.—Nothing in this section shall
 2 be construed to limit Amtrak’s ability to utilize right-of-
 3 way or real estate assets that it currently owns, controls,
 4 or manages or constrain Amtrak’s ability to enter into
 5 agreements with other parties to utilize such assets.

6 **SEC. 5210. STATION DEVELOPMENT.**

7 (a) REPORT ON DEVELOPMENT OPTIONS.—Not later
 8 than 1 year after the date of the enactment of this Act,
 9 Amtrak shall submit a report to the Committee on Com-
 10 merce, Science, and Transportation of the Senate and the
 11 Committee on Transportation and Infrastructure of the
 12 House of Representatives that describes—

13 (1) options to enhance economic development
 14 and accessibility of and around Amtrak stations and
 15 terminals, for the purposes of—

16 (A) improving station condition,
 17 functionality, capacity, and customer amenities;

18 (B) generating additional investment cap-
 19 ital and development-related revenue streams;

20 (C) increasing ridership and revenue;

21 (D) complying with the applicable sections
 22 of the Americans with Disabilities Act of 1990
 23 (42 U.S.C. 12101 et seq.) and the Rehabilita-
 24 tion Act of 1973 (29 U.S.C. 701 et seq.); and

1 (E) strengthening multimodal connections,
2 including transit, intercity buses, roll-on and
3 roll-off bicycles, and airports, as appropriate;
4 and

5 (2) options for additional Amtrak stops that
6 would have a positive incremental financial impact to
7 Amtrak, based on Amtrak feasibility studies that
8 demonstrate a financial benefit to Amtrak by gener-
9 ating additional revenue that exceeds any incre-
10 mental costs.

11 (b) REQUEST FOR INFORMATION.—Not later than 90
12 days after the date the report is transmitted under sub-
13 section (a), Amtrak shall issue a Request of Information
14 for 1 or more owners of stations served by Amtrak to for-
15 mally express an interest in completing the requirements
16 of this section.

17 (c) PROPOSALS.—

18 (1) REQUEST FOR PROPOSALS.—Not later than
19 180 days after the date the Request for Information
20 is issued under subsection (a), Amtrak shall issue a
21 Request for Proposals from qualified persons, in-
22 cluding small business concerns owned and con-
23 trolled by socially and economically disadvantaged
24 individuals and veteran-owned small businesses, to
25 lead, participate, or partner with Amtrak, a station

1 owner that responded under subsection (b), and
2 other entities in enhancing development in and
3 around such stations and terminals using applicable
4 options identified under subsection (a) at facilities
5 selected by Amtrak.

6 (2) CONSIDERATION OF PROPOSALS.—Not later
7 than 1 year after the date the Request for Proposals
8 are issued under paragraph (1), Amtrak shall review
9 and consider qualified proposals submitted under
10 paragraph (1). Amtrak or a station owner that re-
11 sponded under subsection (b) may enter into such
12 agreements as are necessary to implement any quali-
13 fied proposal.

14 (d) REPORT.—Not later than 3 years after the date
15 of enactment of this Act, Amtrak shall transmit to the
16 Committee on Commerce, Science, and Transportation of
17 the Senate and the Committee on Transportation and In-
18 frastructure of the House of Representatives a report on
19 the Request for Proposals process required under this sec-
20 tion, including summary information of any qualified pro-
21 posals submitted to Amtrak and any proposals acted upon
22 by Amtrak or a station owner that responded under sub-
23 section (b).

24 (e) DEFINITIONS.—In this section, the terms “small
25 business concern”, “socially and economically disadvan-

1 taged individual”, and “veteran-owned small business”
 2 have the meanings given the terms in section 304(c) of
 3 this Act.

4 (f) SAVINGS CLAUSE.—Nothing in this section shall
 5 be construed to limit Amtrak’s ability to develop its sta-
 6 tions, terminals, or other assets, to constrain Amtrak’s
 7 ability to enter into and carry out agreements with other
 8 parties to enhance development at or around Amtrak sta-
 9 tions or terminals, or to affect any station development
 10 initiatives ongoing as of the date of enactment of this Act.

11 **SEC. 5211. AMTRAK DEBT.**

12 Section 205 of the Passenger Rail Investment and
 13 Improvement Act of 2008 (49 U.S.C. 24101 note) is
 14 amended—

15 (1) by striking “as of the date of enactment of
 16 this Act” each place it appears;

17 (2) in subsection (a)—

18 (A) by inserting “, to the extent provided
 19 in advance in appropriations Acts” after “Am-
 20 trak’s indebtedness”; and

21 (B) by striking the second sentence;

22 (3) in subsection (b), by striking “The Sec-
 23 retary of the Treasury, in consultation” and insert-
 24 ing “To the extent amounts are provided in advance

1 in appropriations Acts, the Secretary of the Treas-
 2 ury, in consultation”;

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

6 (5) in subsection (e)—

7 (A) in paragraph (1), by striking “by sec-
 8 tion 102 of this division”; and

9 (B) in paragraph (2), by striking “by sec-
 10 tion 102” and inserting “for Amtrak”;

11 (6) in subsection (g), by inserting “, unless that
 12 debt receives credit assistance, including direct loans
 13 and loan guarantees, under chapter 6 of title 23,
 14 United States Code, or title V of the Railroad Revi-
 15 talization and Regulatory Act of 1976 (45 U.S.C.
 16 821 et seq.)” after “Secretary”; and

17 (7) by striking subsection (h).

18 **SEC. 5212. AMTRAK PILOT PROGRAM FOR PASSENGERS**
 19 **TRANSPORTING DOMESTICATED CATS AND**
 20 **DOGS.**

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

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

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

8 (A) the cat or dog is contained in a pet
9 kennel;

10 (B) the pet kennel complies with Amtrak
11 size requirements for carriage of carry-on bag-
12 gage;

13 (C) the passenger is traveling on a train
14 operating on a route described in subparagraph
15 (A), (B), or (D) of section 24102(6) of title 49,
16 United States Code; and

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

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

22 (A) the cat or dog is contained in a pet
23 kennel;

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

1 (C) the passenger is traveling on a train
2 operating on a route described in subparagraph
3 (A), (B), or (D) of section 24102(6) of title 49,
4 United States Code;

5 (D) the cargo area is temperature con-
6 trolled in a manner protective of cat and dog
7 safety and health; and

8 (E) the passenger pays a fee described in
9 paragraph (3); and

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

14 (c) REPORT.—Not later than 1 year after the pilot
15 program required under subsection (a) is first imple-
16 mented, Amtrak shall transmit to the Committee on Com-
17 merce, Science, and Transportation of the Senate and the
18 Committee on Transportation and Infrastructure of the
19 House of Representatives a report containing an evalua-
20 tion of the pilot program.

21 (d) LIMITATION ON STATUTORY CONSTRUCTION.—

22 (1) SERVICE ANIMALS.—The pilot program
23 under subsection (a) shall be separate from and in
24 addition to the policy governing Amtrak passengers
25 traveling with service animals. Nothing in this sec-

1 tion may be interpreted to limit or waive the rights
2 of passengers to transport service animals.

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

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

9 **SEC. 5213. AMTRAK BOARD OF DIRECTORS.**

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

12 “(a) **COMPOSITION AND TERMS.**—

13 “(1) **IN GENERAL.**—The Amtrak Board of Di-
14 rectors (referred to in this section as the ‘Board’) is
15 composed of the following 9 directors, each of whom
16 must be a citizen of the United States:

17 “(A) The Secretary of Transportation.

18 “(B) The President of Amtrak.

19 “(C) 7 individuals appointed by the Presi-
20 dent of the United States, by and with the ad-
21 vice and consent of the Senate, with general
22 business and financial experience, experience or
23 qualifications in transportation, freight and
24 passenger rail transportation, travel, hospi-
25 tality, or passenger air transportation busi-

1 nesses, or representatives of employees or users
 2 of passenger rail transportation or a State gov-
 3 ernment.

4 “(2) SELECTION.—In selecting individuals de-
 5 scribed in paragraph (1)(C) for nominations for ap-
 6 pointments to the Board, the President shall consult
 7 with the Speaker of the House of Representatives,
 8 the minority leader of the House of Representatives,
 9 the majority leader of the Senate, and the minority
 10 leader of the Senate. The individuals appointed to
 11 the Board under paragraph (1)(C) shall be com-
 12 posed of the following:

13 “(A) 2 individuals from the Northeast Cor-
 14 ridor.

15 “(B) 4 individuals from regions of the
 16 country outside of the Northeast Corridor and
 17 geographically distributed with—

18 “(i) 2 individuals from States with
 19 long-distance routes operated by Amtrak;
 20 and

21 “(ii) 2 individuals from States with
 22 State-supported routes operated by Am-
 23 trak.

1 “(C) 1 individual from the Northeast Cor-
2 ridor or a State with long-distance or State-
3 supported routes.

4 “(3) TERM.—An individual appointed under
5 paragraph (1)(C) shall be appointed for a term of 5
6 years. The term may be extended until the individ-
7 ual’s successor is appointed and qualified. Not more
8 than 4 individuals appointed under paragraph (1)(C)
9 may be members of the same political party.

10 “(4) CHAIRPERSON AND VICE CHAIRPERSON.—
11 The Board shall elect a chairperson and vice chair-
12 person, other than the President of Amtrak, from
13 among its membership. The vice chairperson shall
14 serve as chairperson in the absence of the chair-
15 person.

16 “(5) SECRETARY’S DESIGNEE.—The Secretary
17 may be represented at Board meetings by the Sec-
18 retary’s designee.”.

19 (b) RULE OF CONSTRUCTION.—Nothing in this sec-
20 tion shall be construed as affecting the term of any direc-
21 tor serving on the Amtrak Board of Directors under sec-
22 tion 24302(a)(1)(C) of title 49, United States Code, on
23 the day preceding the date of enactment of this Act.

1 **Subtitle C—Intercity Passenger**
2 **Rail Policy**

3 **SEC. 5301. COMPETITIVE OPERATING GRANTS.**

4 (a) IN GENERAL.—Chapter 244 is amended—

5 (1) by striking section 24406; and

6 (2) by inserting after section 24405 the fol-
7 lowing:

8 **“§ 24406. Competitive operating grants**

9 “(a) APPLICANT DEFINED.—In this section, the term
10 ‘applicant’ means—

11 “(1) a State;

12 “(2) a group of States;

13 “(3) an Interstate Compact;

14 “(4) a public agency or publicly chartered au-
15 thority established by 1 or more States and having
16 responsibility for providing intercity rail passenger
17 transportation or commuter rail passenger transpor-
18 tation;

19 “(5) a political subdivision of a State;

20 “(6) Amtrak or another rail passenger carrier
21 that provides intercity rail passenger transportation;

22 “(7) any rail carrier in partnership with at least
23 1 of the entities described in paragraphs (1) through
24 (5); and

1 “(8) any combination of the entities described
2 in paragraphs (1) through (7).

3 “(b) GRANTS AUTHORIZED.—The Secretary of
4 Transportation shall develop and implement a program for
5 issuing 3-year operating assistance grants to applicants,
6 on a competitive basis, for the purpose of initiating, re-
7 storing, or enhancing intercity rail passenger service.

8 “(c) APPLICATION.—An applicant for a grant under
9 this section shall submit to the Secretary—

10 “(1) a capital and mobilization plan that—

11 “(A) describes any capital investments,
12 service planning actions (such as environmental
13 reviews), and mobilization actions (such as
14 qualification of train crews) required for initi-
15 ation of service; and

16 “(B) includes the timeline for undertaking
17 and completing each of the investments and ac-
18 tions referred to in subparagraph (A);

19 “(2) an operating plan that describes the
20 planned operation of the service, including—

21 “(A) the identity and qualifications of the
22 train operator;

23 “(B) the identity and qualifications of any
24 other service providers;

25 “(C) service frequency;

1 “(D) the planned routes and schedules;

2 “(E) the station facilities that will be uti-
3 lized;

4 “(F) projected ridership, revenues, and
5 costs;

6 “(G) descriptions of how the projections
7 under subparagraph (F) were developed;

8 “(H) the equipment that will be utilized,
9 how such equipment will be acquired or refur-
10 bished, and where such equipment will be main-
11 tained; and

12 “(I) a plan for ensuring safe operations
13 and compliance with applicable safety regula-
14 tions;

15 “(3) a funding plan that—

16 “(A) describes the funding of initial capital
17 costs and operating costs for the first 3 years
18 of operation;

19 “(B) includes a commitment by the appli-
20 cant to provide the funds described in subpara-
21 graph (A) to the extent not covered by Federal
22 grants and revenues; and

23 “(C) describes the funding of operating
24 costs and capital costs, to the extent necessary,
25 after the first 3 years of operation; and

1 “(4) a description of the status of negotiations
2 and agreements with—

3 “(A) each of the railroads or regional
4 transportation authorities whose tracks or fa-
5 cilities would be utilized by the service;

6 “(B) the anticipated rail passenger carrier,
7 if such entity is not part of the applicant group;
8 and

9 “(C) any other service providers or entities
10 expected to provide services or facilities that
11 will be used by the service, including any re-
12 quired access to Amtrak systems, stations, and
13 facilities if Amtrak is not part of the applicant
14 group.

15 “(d) PRIORITIES.—In awarding grants under this
16 section, the Secretary shall give priority to applications—

17 “(1) for which planning, design, any environ-
18 mental reviews, negotiation of agreements, acquisi-
19 tion of equipment, construction, and other actions
20 necessary for initiation of service have been com-
21 pleted or nearly completed;

22 “(2) that would restore service over routes for-
23 merly operated by Amtrak, including routes with
24 international connections;

1 “(3) that would provide daily or daytime service
2 over routes where such service did not previously
3 exist;

4 “(4) that include private funding (including
5 funding from railroads), and funding or other sig-
6 nificant participation by State, local, and regional
7 governmental and private entities;

8 “(5) that include a funding plan that dem-
9 onstrates the intercity rail passenger service will be
10 financially sustainable beyond the 3-year grant pe-
11 riod;

12 “(6) that would provide service to regions and
13 communities that are underserved or not served by
14 other intercity public transportation;

15 “(7) that would foster economic development,
16 particularly in rural communities and for disadvan-
17 taged populations;

18 “(8) that would provide other non-transpor-
19 tation benefits; and

20 “(9) that would enhance connectivity and geo-
21 graphic coverage of the existing national network of
22 intercity passenger rail service.

23 “(e) LIMITATIONS.—

24 “(1) DURATION.—Federal operating assistance
25 grants authorized under this section for any indi-

1 vidual intercity rail passenger transportation route
2 may not provide funding for more than 3 years and
3 may not be renewed.

4 “(2) LIMITATION.—Not more than 6 of the op-
5 erating assistance grants awarded pursuant to sub-
6 section (b) may be simultaneously active.

7 “(3) MAXIMUM FUNDING.—Grants described in
8 paragraph (1) may not exceed—

9 “(A) 80 percent of the projected net oper-
10 ating costs for the first year of service;

11 “(B) 60 percent of the projected net oper-
12 ating costs for the second year of service; and

13 “(C) 40 percent of the projected net oper-
14 ating costs for the third year of service.

15 “(f) USE WITH CAPITAL GRANTS AND OTHER FED-
16 ERAL FUNDING.—A recipient of an operating assistance
17 grant under subsection (b) may use that grant in combina-
18 tion with other grants awarded under this chapter or any
19 other Federal funding that would benefit the applicable
20 service.

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

24 “(h) COORDINATION WITH AMTRAK.—If the Sec-
25 retary awards a grant under this section to a rail pas-

1 senger carrier other than Amtrak, Amtrak may be re-
 2 quired under section 24711(c)(1) of this title to provide
 3 access to its reservation system, stations, and facilities
 4 that are directly related to operations to such carrier, to
 5 the extent necessary to carry out the purposes of this sec-
 6 tion. The Secretary may award an appropriate portion of
 7 the grant to Amtrak as compensation for this access.

8 “(i) CONDITIONS.—

9 “(1) GRANT AGREEMENT.—The Secretary shall
 10 require grant recipients under this section to enter
 11 into a grant agreement that requires them to pro-
 12 vide similar information regarding the route per-
 13 formance, financial, and ridership projections, and
 14 capital and business plans that Amtrak is required
 15 to provide, and such other data and information as
 16 the Secretary deems necessary.

17 “(2) INSTALLMENTS; TERMINATION.—The Sec-
 18 retary may—

19 “(A) award grants under this section in in-
 20 stallments, as the Secretary considers appro-
 21 priate; and

22 “(B) terminate any grant agreement
 23 upon—

24 “(i) the cessation of service; or

1 “(ii) the violation of any other term of
2 the grant agreement.

3 “(3) GRANT CONDITIONS.—Except as specifi-
4 cally provided in this section, the use of any
5 amounts appropriated for grants under this section
6 shall be subject to the requirements under this chap-
7 ter.

8 “(j) REPORT.—Not later than 4 years after the date
9 of enactment of the Comprehensive Transportation and
10 Consumer Protection Act of 2015, the Secretary, after
11 consultation with grant recipients under this section, shall
12 submit a report to Congress that describes—

13 “(1) the implementation of this section;

14 “(2) the status of the investments and oper-
15 ations funded by such grants;

16 “(3) the performance of the routes funded by
17 such grants;

18 “(4) the plans of grant recipients for continued
19 operation and funding of such routes; and

20 “(5) any legislative recommendations.”.

21 (b) CONFORMING AMENDMENTS.—Chapter 244 is
22 amended—

23 (1) in the table of contents, by inserting after
24 the item relating to section 24405 the following:

“24406. Competitive operating grants.”;

1 (2) in the chapter title, by striking “**INTER-**
 2 **CITY PASSENGER RAIL SERVICE COR-**
 3 **RIDOR CAPITAL**” and inserting “**RAIL CAP-**
 4 **ITAL AND OPERATING**”;

5 (3) in section 24401, by striking paragraph (1);

6 (4) in section 24402, by striking subsection (j)
 7 and inserting the following:

8 “(j) **APPLICANT DEFINED.**—In this section, the term
 9 ‘applicant’ means a State (including the District of Co-
 10 lumbia), a group of States, an Interstate Compact, a pub-
 11 lic agency or publicly chartered authority established by
 12 1 or more States and having responsibility for providing
 13 intercity rail passenger transportation, or a political sub-
 14 division of a State.”; and

15 (5) in section 24405—

16 (A) in subsection (b)—

17 (i) by inserting “, or for which an op-
 18 erating grant is issued under section
 19 24406,” after “chapter”; and

20 (ii) in paragraph (2), by striking
 21 “(43” and inserting “(45”;

22 (B) in subsection (d)(1), in the matter pre-
 23 ceding subparagraph (A), by inserting “or un-
 24 less Amtrak ceased providing intercity pas-
 25 senger railroad transportation over the affected

1 route more than 3 years before the commence-
 2 ment of new service” after “unless such service
 3 was provided solely by Amtrak to another enti-
 4 ty”;

5 (C) in subsection (f), by striking “under
 6 this chapter for commuter rail passenger trans-
 7 portation, as defined in section 24012(4) of this
 8 title.” and inserting “under this chapter for
 9 commuter rail passenger transportation (as de-
 10 fined in section 24102(3)).”; and

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

12 “(g) SPECIAL TRANSPORTATION CIRCUMSTANCES.—

13 In carrying out this chapter, the Secretary shall allocate
 14 an appropriate portion of the amounts available under this
 15 chapter to provide grants to States—

16 “(1) in which there is no intercity passenger
 17 rail service, for the purpose of funding freight rail
 18 capital projects that are on a State rail plan devel-
 19 oped under chapter 227 that provide public benefits
 20 (as defined in chapter 227), as determined by the
 21 Secretary; or

22 “(2) in which the rail transportation system is
 23 not physically connected to rail systems in the conti-
 24 nental United States or may not otherwise qualify
 25 for a grant under this section due to the unique

1 characteristics of the geography of that State or
 2 other relevant considerations, for the purpose of
 3 funding transportation-related capital projects.”.

4 **SEC. 5302. FEDERAL-STATE PARTNERSHIP FOR STATE-OF-**
 5 **GOOD-REPAIR.**

6 (a) AMENDMENT.—Chapter 244 is amended by in-
 7 serting after section 24406, as added by section 5301 of
 8 this Act, the following:

9 **“§ 24407. Federal-State partnership for state-of-good-**
 10 **repair**

11 “(a) DEFINITIONS.—In this section:

12 “(1) APPLICANT.—The term ‘applicant’
 13 means—

14 “(A) a State (including the District of Co-
 15 lumbia);

16 “(B) a group of States;

17 “(C) an Interstate Compact;

18 “(D) a public agency or publicly chartered
 19 authority established by 1 or more States that
 20 has responsibility for providing intercity rail
 21 passenger transportation or commuter rail pas-
 22 senger transportation;

23 “(E) a political subdivision of a State;

1 “(F) Amtrak, acting on its own behalf or
2 under a cooperative agreement with 1 or more
3 States; or

4 “(G) any combination of the entities de-
5 scribed in subparagraphs (A) through (F).

6 “(2) CAPITAL PROJECT.—The term ‘capital
7 project’ means—

8 “(A) a project primarily intended to re-
9 place, rehabilitate, or repair major infrastruc-
10 ture assets utilized for providing intercity pas-
11 senger rail service, including tunnels, bridges,
12 stations, and other assets, as determined by the
13 Secretary; or

14 “(B) a project primarily intended to im-
15 prove intercity passenger rail performance, in-
16 cluding reduced trip times, increased train fre-
17 quencies, higher operating speeds, and other
18 improvements, as determined by the Secretary.

19 “(3) NORTHEAST CORRIDOR.—The term
20 ‘Northeast Corridor’ means—

21 “(A) the main rail line between Boston,
22 Massachusetts and the Virginia Avenue inter-
23 locking in the District of Columbia; and

1 “(B) the branch rail lines connecting to
2 Harrisburg, Pennsylvania, Springfield, Massa-
3 chusetts, and Spuyten Duyvil, New York.

4 “(4) QUALIFIED RAILROAD ASSET.—The term
5 ‘qualified railroad asset’ means infrastructure,
6 equipment, or a facility that—

7 “(A) is owned or controlled by an eligible
8 applicant; and

9 “(B) was not in a state-of-good-repair on
10 the date of enactment of the Comprehensive
11 Transportation and Consumer Protection Act of
12 2015.

13 “(b) GRANT PROGRAM AUTHORIZED.—The Secretary
14 of Transportation shall develop and implement a program
15 for issuing grants to applicants, on a competitive basis,
16 to fund capital projects that reduce the state-of-good-re-
17 pair backlog on qualified railroad assets.

18 “(c) ELIGIBLE PROJECTS.—Projects eligible for
19 grants under this section include capital projects to re-
20 place or rehabilitate qualified railroad assets, including—

21 “(1) capital projects to replace existing assets
22 in-kind;

23 “(2) capital projects to replace existing assets
24 with assets that increase capacity or provide a high-
25 er level of service; and

1 “(3) capital projects to ensure that service can
2 be maintained while existing assets are brought to a
3 state-of-good-repair.

4 “(d) PROJECT SELECTION CRITERIA.—In selecting
5 an applicant for a grant under this section, the Secretary
6 shall—

7 “(1) give preference to eligible projects—

8 “(A) that are consistent with the goals, ob-
9 jectives, and policies defined in any regional rail
10 planning document that is applicable to a
11 project proposal; and

12 “(B) for which the proposed Federal share
13 of total project costs does not exceed 50 per-
14 cent; and

15 “(2) take into account—

16 “(A) the cost-benefit analysis of the pro-
17 posed project, including anticipated private and
18 public benefits relative to the costs of the pro-
19 posed project, including—

20 “(i) effects on system and service per-
21 formance;

22 “(ii) effects on safety, competitive-
23 ness, reliability, trip or transit time, and
24 resilience;

1 “(iii) efficiencies from improved inte-
2 gration with other modes; and

3 “(iv) ability to meet existing or antici-
4 pated demand;

5 “(B) the degree to which the proposed
6 project’s business plan considers potential pri-
7 vate sector participation in the financing, con-
8 struction, or operation of the proposed project;

9 “(C) the applicant’s past performance in
10 developing and delivering similar projects, and
11 previous financial contributions;

12 “(D) whether the applicant has, or will
13 have—

14 “(i) the legal, financial, and technical
15 capacity to carry out the project;

16 “(ii) satisfactory continuing control
17 over the use of the equipment or facilities;
18 and

19 “(iii) the capability and willingness to
20 maintain the equipment or facilities;

21 “(E) if applicable, the consistency of the
22 project with planning guidance and documents
23 set forth by the Secretary or required by law;
24 and

1 “(F) any other relevant factors, as deter-
2 mined by the Secretary.

3 “(e) PLANNING REQUIREMENTS.—A project is not el-
4 igible for a grant under this section unless the project is
5 specifically identified—

6 “(1) on a State rail plan prepared in accord-
7 ance with chapter 227; or

8 “(2) if the project is located on the Northeast
9 Corridor, on the Northeast Corridor Capital Invest-
10 ment Plan developed pursuant to section 24904(a).

11 “(f) NORTHEAST CORRIDOR PROJECTS.—

12 “(1) COMPLIANCE WITH USAGE AGREE-
13 MENTS.—Grant funds may not be provided under
14 this section to an eligible recipient for an eligible
15 project located on the Northeast Corridor unless
16 Amtrak and the public authorities providing com-
17 muter rail passenger transportation on the North-
18 east Corridor are in compliance with section
19 24905(c)(2).

20 “(2) CAPITAL INVESTMENT PLAN.—When se-
21 lecting projects located on the Northeast Corridor,
22 the Secretary shall consider the appropriate se-
23 quence and phasing of projects as contained in the
24 Northeast Corridor Capital Investment Plan devel-
25 oped pursuant to section 24904(a).

1 “(g) FEDERAL SHARE OF TOTAL PROJECT COSTS.—

2 “(1) TOTAL PROJECT COST.—The Secretary
3 shall estimate the total cost of a project under this
4 section based on the best available information, in-
5 cluding engineering studies, studies of economic fea-
6 sibility, environmental analyses, and information on
7 the expected use of equipment or facilities.

8 “(2) FEDERAL SHARE.—The Federal share of
9 total costs for a project under this subsection shall
10 not exceed 80 percent.

11 “(3) TREATMENT OF AMTRAK REVENUE.—If
12 Amtrak or another rail passenger carrier is an appli-
13 cant under this section, Amtrak or the other rail
14 passenger carrier, as applicable, may use ticket and
15 other revenues generated from its operations and
16 other sources to satisfy the non-Federal share re-
17 quirements.

18 “(h) LETTERS OF INTENT.—

19 “(1) IN GENERAL.—The Secretary may issue a
20 letter of intent to a grantee under this section
21 that—

22 “(A) announces an intention to obligate,
23 for a major capital project under this section,
24 an amount from future available budget author-
25 ity specified in law that is not more than the

1 amount stipulated as the financial participation
2 of the Secretary in the project; and

3 “(B) states that the contingent commit-
4 ment—

5 “(i) is not an obligation of the Fed-
6 eral Government; and

7 “(ii) is subject to the availability of
8 appropriations under Federal law and to
9 Federal laws in force or enacted after the
10 date of the contingent commitment.

11 “(2) CONGRESSIONAL NOTIFICATION.—

12 “(A) IN GENERAL.—Not later than 30
13 days before issuing a letter under paragraph
14 (1), the Secretary shall submit written notifica-
15 tion to—

16 “(i) the Committee on Commerce,
17 Science, and Transportation of the Senate;

18 “(ii) the Committee on Appropriations
19 of the Senate;

20 “(iii) the Committee on Transpor-
21 tation and Infrastructure of the House of
22 Representatives; and

23 “(iv) the Committee on Appropria-
24 tions of the House of Representatives.

1 “(B) CONTENTS.—The notification sub-
 2 mitted pursuant to subparagraph (A) shall in-
 3 clude—

4 “(i) a copy of the proposed letter or
 5 agreement;

6 “(ii) the criteria used under sub-
 7 section (d) for selecting the project for a
 8 grant award; and

9 “(iii) a description of how the project
 10 meets such criteria.

11 “(3) APPROPRIATIONS REQUIRED.—An obliga-
 12 tion or administrative commitment may be made
 13 under this section only when amounts are appro-
 14 priated for such purpose.

15 “(i) AVAILABILITY.—Amounts appropriated for car-
 16 rying out this section shall remain available until ex-
 17 pended.

18 “(j) GRANT CONDITIONS.—Except as specifically
 19 provided in this section, the use of any amounts appro-
 20 priated for grants under this section shall be subject to
 21 the requirements under this chapter.”.

22 (b) CONFORMING AMENDMENT.—The table of con-
 23 tents for chapter 244 is amended by inserting after the
 24 item relating to section 24406 the following:

“24407. Federal-State partnership for state-of-good-repair.”.

1 **SEC. 5303. LARGE CAPITAL PROJECT REQUIREMENTS.**

2 Section 24402 is amended by adding at the end the
3 following:

4 “(m) LARGE CAPITAL PROJECT REQUIREMENTS.—

5 “(1) IN GENERAL.—For a grant awarded under
6 this chapter for an amount in excess of
7 \$1,000,000,000, the following conditions shall apply:

8 “(A) The Secretary of Transportation may
9 not obligate any funding unless the applicant
10 demonstrates, to the satisfaction of the Sec-
11 retary, that the applicant has committed, and
12 will be able to fulfill, the non-Federal share re-
13 quired for the grant within the applicant’s pro-
14 posed project completion timetable.

15 “(B) The Secretary may not obligate any
16 funding for work activities that occur after the
17 completion of final design unless—

18 “(i) the applicant submits a financial
19 plan to the Secretary that generally identi-
20 fies the sources of the non-Federal funding
21 required for any subsequent segments or
22 phases of the corridor service development
23 program covering the project for which the
24 grant is awarded;

25 “(ii) the grant will result in a useable
26 segment, a transportation facility, or

1 equipment, that has operational independ-
2 ence or is financially sustainable; and

3 “(iii) the intercity passenger rail bene-
4 fits anticipated to result from the grant,
5 such as increased speed, improved on-time
6 performance, reduced trip time, increased
7 frequencies, new service, safety improve-
8 ments, improved accessibility, or other sig-
9 nificant enhancements, are detailed by the
10 grantee and approved by the Secretary.

11 “(C)(i) The Secretary shall ensure that the
12 project is maintained to the level of utility that
13 is necessary to support the benefits approved
14 under subparagraph (B)(iii) for a period of 20
15 years from the date on which the useable seg-
16 ment, transportation facility, or equipment de-
17 scribed in subparagraph (B)(ii) is placed in
18 service.

19 “(ii) If the project property is not main-
20 tained as required under clause (i) for a 12-
21 month period, the grant recipient shall refund
22 a pro-rata share of the Federal contribution,
23 based upon the percentage remaining of the 20-
24 year period that commenced when the project
25 property was placed in service.

1 “(2) EARLY WORK.—The Secretary may allow a
2 grantee subject to this subsection to engage in at-
3 risk work activities subsequent to the conclusion of
4 final design if the Secretary determines that such
5 work activities are reasonable and necessary.”.

6 **SEC. 5304. SMALL BUSINESS PARTICIPATION STUDY.**

7 (a) STUDY.—The Secretary shall conduct a nation-
8 wide disparity and availability study on the availability
9 and use of small business concerns owned and controlled
10 by socially and economically disadvantaged individuals and
11 veteran-owned small businesses in publicly funded inter-
12 city passenger rail service projects.

13 (b) REPORT.—Not later than 4 years after the date
14 of enactment of this Act, the Secretary shall submit a re-
15 port containing the results of the study conducted under
16 subsection (a) to the Committee on Commerce, Science,
17 and Transportation of the Senate and the Committee on
18 Transportation and Infrastructure of the House of Rep-
19 resentatives.

20 (c) DEFINITIONS.—In this section:

21 (1) SMALL BUSINESS CONCERN.—The term
22 “small business concern” has the meaning given
23 such term in section 3 of the Small Business Act
24 (15 U.S.C. 632), except that the term does not in-
25 clude any concern or group of concerns controlled by

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

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

15 (3) VETERAN-OWNED SMALL BUSINESS.—The
16 term “veteran-owned small business” has the mean-
17 ing given the term “small business concern owned
18 and controlled by veterans” in section 3(q)(3) of the
19 Small Business Act (15 U.S.C. 632(q)(3)), except
20 that the term does not include any concern or group
21 of concerns controlled by the same veterans that
22 have average annual gross receipts during the pre-
23 ceding 3 fiscal years in excess of \$22,410,000, as
24 adjusted annually by the Secretary for inflation.

1 **SEC. 5305. GULF COAST RAIL SERVICE WORKING GROUP.**

2 (a) IN GENERAL.—Not later than 90 days after the
3 date of enactment of this Act, the Secretary shall convene
4 a working group to evaluate the restoration of intercity
5 rail passenger service in the Gulf Coast region between
6 New Orleans, Louisiana, and Orlando, Florida.

7 (b) MEMBERSHIP.—The working group convened
8 pursuant to subsection (a) shall consist of representatives
9 of—

10 (1) the Federal Railroad Administration, which
11 shall serve as chair of the working group;

12 (2) Amtrak;

13 (3) the States along the proposed route or
14 routes;

15 (4) regional transportation planning organiza-
16 tions and metropolitan planning organizations, mu-
17 nicipalities, and communities along the proposed
18 route or routes, which shall be selected by the Ad-
19 ministrator;

20 (5) the Southern Rail Commission;

21 (6) freight railroad carriers whose tracks may
22 be used for such service; and

23 (7) other entities determined appropriate by the
24 Secretary, which may include independent passenger
25 rail operators that express an interest in Gulf Coast
26 service.

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

2 (1) evaluate all options for restoring intercity
3 rail passenger service in the Gulf Coast region, in-
4 cluding options outlined in the report transmitted to
5 Congress pursuant to section 226 of the Passenger
6 Rail Investment and Improvement Act of 2008 (divi-
7 sion B of Public Law 110–432);

8 (2) select a preferred option for restoring such
9 service;

10 (3) develop a prioritized inventory of capital
11 projects and other actions required to restore such
12 service and cost estimates for such projects or ac-
13 tions; and

14 (4) identify Federal and non-Federal funding
15 sources required to restore such service, including
16 options for entering into public-private partnerships
17 to restore such service.

18 (d) REPORT.—Not later than 9 months after the date
19 of enactment of this Act, the working group shall submit
20 a report to the Committee on Commerce, Science, and
21 Transportation of the Senate and the Committee on
22 Transportation and Infrastructure of the House of Rep-
23 resentatives that includes—

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

4 (2) the information described in subsection
5 (c)(3);

6 (3) the funding sources identified under sub-
7 section (c)(4);

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

10 (5) any other information the working group
11 determines appropriate.

12 **SEC. 5306. INTEGRATED PASSENGER RAIL WORKING**
13 **GROUP.**

14 (a) IN GENERAL.—Not later than 180 days after the
15 date of enactment of this Act, the Secretary shall convene
16 a working group to review issues relating to—

17 (1) the potential operation of State-supported
18 routes by rail passenger carriers other than Amtrak;
19 and

20 (2) their role in establishing an integrated
21 intercity passenger rail network in the United
22 States.

23 (b) MEMBERSHIP.—The working group shall consist
24 of a balanced representation of—

1 (1) the Federal Railroad Administration, who
2 shall chair the Working Group;

3 (2) States that fund State-sponsored routes;

4 (3) independent passenger rail operators, in-
5 cluding those that carry at least 5,000,000 pas-
6 sengers annually in United States or international
7 rail service;

8 (4) Amtrak;

9 (5) railroads that host intercity State-supported
10 routes;

11 (6) employee representatives from railroad
12 unions and building trade unions with substantial
13 engagement in railroad rights of way construction
14 and maintenance; and

15 (7) other entities determined appropriate by the
16 Secretary.

17 (c) RESPONSIBILITIES.—The working group shall
18 evaluate options for improving State-supported routes and
19 may make recommendations, as appropriate, regarding—

20 (1) best practices for State or State authority
21 governance of State-supported routes;

22 (2) future sources of Federal and non-Federal
23 funding sources for State-supported routes;

24 (3) best practices in obtaining passenger rail
25 operations and services on a competitive basis with

1 the objective of creating the highest quality service
2 at the lowest cost to the taxpayer;

3 (4) ensuring potential interoperability of State-
4 supported routes as a part of a national network
5 with multiple providers providing integrated services
6 including ticketing, scheduling, and route planning;
7 and

8 (5) the interface between State-supported
9 routes and connecting commuter rail operations, in-
10 cluding maximized intra-modal and intermodal con-
11 nections and common sources of funding for capital
12 projects.

13 (d) MEETINGS.—Not later than 60 days after the es-
14 tablishment of the working group by the Secretary under
15 subsection (a), the working group shall convene an organi-
16 zational meeting outside of the District of Columbia and
17 shall define the rules and procedures governing the pro-
18 ceedings of the working group. The working group shall
19 hold at least 3 meetings per year in States that fund
20 State-supported routes.

21 (e) REPORTS.—

22 (1) PRELIMINARY REPORT.—Not later than 1
23 year after the date the working group is established,
24 the working group shall submit a preliminary report
25 to the Secretary, the governors of States funding

1 State-supported routes, the Committee on Com-
 2 merce, Science, and Transportation of the Senate,
 3 and the Committee on Transportation and Infra-
 4 structure of the House of Representatives that in-
 5 cludes—

6 (A) administrative recommendations that
 7 can be implemented by a State and State au-
 8 thority or by the Secretary; and

9 (B) preliminary legislative recommenda-
 10 tions.

11 (2) FINAL LEGISLATIVE RECOMMENDATIONS.—

12 Not later than 2 years after the date the working
 13 group is established, the working group shall submit
 14 a report to the Committee on Commerce, Science,
 15 and Transportation of the Senate and the Com-
 16 mittee on Transportation and Infrastructure of the
 17 House of Representatives that includes final legisla-
 18 tive recommendations.

19 **SEC. 5307. SHARED-USE STUDY.**

20 (a) IN GENERAL.—Not later than 3 years after the
 21 date of enactment of this Act, the Secretary, in consulta-
 22 tion with Amtrak, commuter rail authorities, and other
 23 passenger rail operators, railroad carriers that own rail
 24 infrastructure over which both passenger and freight
 25 trains operate, States, the Surface Transportation Board,

1 the Northeast Corridor Commission established under sec-
2 tion 24905, the State-Supported Route Committee estab-
3 lished under section 24712, and groups representing rail
4 passengers and customers, as appropriate, shall complete
5 a study that evaluates—

6 (1) the shared use of right-of-way by passenger
7 and freight rail systems; and

8 (2) the operational, institutional, and legal
9 structures that would best support improvements to
10 the systems referred to in paragraph (1).

11 (b) AREAS OF STUDY.—In conducting the study
12 under subsection (a), the Secretary shall evaluate—

13 (1) the access and use of railroad right-of-way
14 by a rail carrier that does not own the right-of-way,
15 such as passenger rail services that operate over pri-
16 vately owned right-of-way, including an analysis of—

17 (A) access agreements;

18 (B) costs of access; and

19 (C) the resolution of disputes relating to
20 such access or costs;

21 (2) the effectiveness of existing contractual,
22 statutory, and regulatory mechanisms for estab-
23 lishing, measuring, and enforcing train performance
24 standards, including—

1 (A) the manner in which passenger train
2 delays are recorded;

3 (B) the assignment of responsibility for
4 such delays; and

5 (C) the use of incentives and penalties for
6 performance;

7 (3) strengths and weaknesses in the existing
8 mechanisms described in paragraph (2) and possible
9 approaches to address the weaknesses;

10 (4) mechanisms for measuring and maintaining
11 public benefits resulting from publicly funded freight
12 or passenger rail improvements, including improve-
13 ments directed towards shared-use right-of-way by
14 passenger and freight rail;

15 (5) approaches to operations, capacity, and cost
16 estimation modeling that—

17 (A) allows for transparent decisionmaking;
18 and

19 (B) protects the proprietary interests of all
20 parties;

21 (6) liability requirements and arrangements, in-
22 cluding—

23 (A) whether to expand statutory liability
24 limits to additional parties;

1 (B) whether to revise the current statutory
2 liability limits;

3 (C) whether current insurance levels of
4 passenger rail operators are adequate and
5 whether to establish minimum insurance re-
6 quirements for such passenger rail operators;
7 and

8 (D) whether to establish a liability regime
9 modeled after section 170 of the Atomic Energy
10 Act of 1954 (42 U.S.C. 2210);

11 (7) the effect on rail passenger services, oper-
12 ations, liability limits and insurance levels of the as-
13 sertion of sovereign immunity by a State; and

14 (8) other issues identified by the Secretary.

15 (c) REPORT.—Not later than 60 days after the study
16 under subsection (a) is complete, the Secretary shall sub-
17 mit to the Committee on Commerce, Science, and Trans-
18 portation of the Senate and the Committee on Transpor-
19 tation and Infrastructure of the House of Representatives
20 a report that includes—

21 (1) the results of the study; and

22 (2) any recommendations for further action, in-
23 cluding any legislative proposals consistent with such
24 recommendations.

1 (d) IMPLEMENTATION.—The Secretary shall inte-
2 grate the recommendations submitted under subsection (c)
3 into its financial assistance programs under subtitle V of
4 title 49, United States Code, and section 502 of the Rail-
5 road Revitalization and Regulatory Reform Act of 1976
6 (45 U.S.C. 822), as appropriate.

7 **SEC. 5308. NORTHEAST CORRIDOR COMMISSION.**

8 (a) COMPOSITION.—Section 24905(a) is amended—
9 (1) in paragraph (1)—

10 (A) in the matter preceding subparagraph
11 (A), by inserting “, infrastructure investments,”
12 after “rail operations”;

13 (B) by amending subparagraph (B) to read
14 as follows:

15 “(B) members representing the Department of
16 Transportation, including the Office of the Sec-
17 retary, the Federal Railroad Administration, and the
18 Federal Transit Administration;”; and

19 (C) in subparagraph (D) by inserting “and
20 commuter” after “freight”; and

21 (2) by amending paragraph (6) to read as fol-
22 lows:

23 “(6) The members of the Commission shall
24 elect co-chairs consisting of 1 member described in

1 paragraph (1)(B) and 1 member described in para-
 2 graph (1)(C).”.

3 (b) STATEMENT OF GOALS AND RECOMMENDA-
 4 TIONS.—Section 24905(b) is amended—

5 (1) in paragraph (1), by inserting “and periodi-
 6 cally update” after “develop”;

7 (2) in paragraph (2)(A), by striking “beyond
 8 those specified in the state-of-good-repair plan under
 9 section 211 of the Passenger Rail Investment and
 10 Improvement Act of 2008”; and

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

12 “(3) SUBMISSION OF STATEMENT OF GOALS,
 13 RECOMMENDATIONS, AND PERFORMANCE RE-
 14 PORTS.—The Commission shall submit to the Com-
 15 mittee on Commerce, Science, and Transportation of
 16 the Senate and the Committee on Transportation
 17 and Infrastructure of the House of Representa-
 18 tives—

19 “(A) any updates made to the statement of
 20 goals developed under paragraph (1) not later
 21 than 60 days after such updates are made; and

22 “(B) annual performance reports and rec-
 23 ommendations for improvements, as appro-
 24 priate, issued not later than March 31 of each

1 year, for the prior fiscal year, which summa-
2 rize—

3 “(i) the operations and performance
4 of commuter, intercity, and freight rail
5 transportation along the Northeast Cor-
6 ridor; and

7 “(ii) the delivery of the capital plan
8 described in section 24904.”.

9 (c) COST ALLOCATION POLICY.—Section 24905(c) is
10 amended—

11 (1) in the subsection heading, by striking “AC-
12 CESS COSTS” and inserting “ALLOCATION OF
13 COSTS”;

14 (2) in paragraph (1)—

15 (A) in the paragraph heading, by striking
16 “FORMULA” and inserting “POLICY”;

17 (B) in the matter preceding subparagraph
18 (A), by striking “Within 2 years after the date
19 of enactment of the Passenger Rail Investment
20 and Improvement Act of 2008, the Commis-
21 sion” and inserting “The Commission”;

22 (C) in subparagraph (A), by striking “for-
23 mula” and inserting “policy”; and

24 (D) by striking subparagraphs (B) through
25 (D) and inserting the following:

1 “(B) develop a proposed timetable for im-
2 plementing the policy;

3 “(C) submit the policy and timetable devel-
4 oped under subparagraph (B) to the Surface
5 Transportation Board, the Committee on Com-
6 merce, Science, and Transportation of the Sen-
7 ate, and the Committee on Transportation and
8 Infrastructure of the House of Representatives;

9 “(D) not later than October 1, 2015, adopt
10 and implement the policy in accordance with
11 the timetable; and

12 “(E) with the consent of a majority of its
13 members, the Commission may petition the
14 Surface Transportation Board to appoint a me-
15 diator to assist the Commission members
16 through nonbinding mediation to reach an
17 agreement under this section.”;

18 (3) in paragraph (2)—

19 (A) by striking “formula proposed in” and
20 inserting “policy developed under”; and

21 (B) in the second sentence—

22 (i) by striking “the timetable, the
23 Commission shall petition the Surface
24 Transportation Board to” and inserting
25 “paragraph (1)(D) or fail to comply with

1 the policy thereafter, the Surface Trans-
2 portation Board shall”; and

3 (ii) by striking “amounts for such
4 services in accordance with section
5 24904(c) of this title” and inserting “for
6 such usage in accordance with the proce-
7 dures and procedural schedule applicable
8 to a proceeding under section 24903(c),
9 after taking into consideration the policy
10 developed under paragraph (1)(A), as ap-
11 plicable”;

12 (4) in paragraph (3), by striking “formula” and
13 inserting “policy”; and

14 (5) by adding at the end the following:

15 “(4) REQUEST FOR DISPUTE RESOLUTION.—If
16 a dispute arises with the implementation of, or com-
17 pliance with, the policy developed under paragraph
18 (1), the Commission, Amtrak, or public authorities
19 providing commuter rail passenger transportation on
20 the Northeast Corridor may request that the Surface
21 Transportation Board conduct dispute resolution.
22 The Surface Transportation Board shall establish
23 procedures for resolution of disputes brought before
24 it under this paragraph, which may include the pro-
25 vision of professional mediation services.”.

1 (d) CONFORMING AMENDMENTS.—Section 24905 is
2 amended—

3 (1) by striking subsection (d);

4 (2) by redesignating subsections (e) and (f) as
5 subsections (d) and (e), respectively;

6 (3) in subsection (d), as redesignated, by strik-
7 ing “to the Commission such sums as may be nec-
8 essary for the period encompassing fiscal years 2009
9 through 2013 to carry out this section” and insert-
10 ing “to the Secretary for the use of the Commission
11 and the Northeast Corridor Safety Committee such
12 sums as may be necessary to carry out this section
13 during fiscal years 2016 through 2019, in addition
14 to amounts withheld under section 5101(e) of the
15 Comprehensive Transportation and Consumer Pro-
16 tection Act of 2015”; and

17 (4) in subsection (e)(2), as redesignated, by
18 striking “on the main line.” and inserting “on the
19 main line and meet annually with the Commission
20 on the topic of Northeast Corridor safety and secu-
21 rity.”.

22 (e) NORTHEAST CORRIDOR PLANNING.—

23 (1) AMENDMENT.—Chapter 249 is amended—

24 (A) by redesignating section 24904 as sec-
25 tion 24903; and

1 (B) by inserting after section 24903, as re-
2 designated, the following:

3 **“§ 24904. Northeast Corridor planning**

4 “(a) NORTHEAST CORRIDOR CAPITAL INVESTMENT
5 PLAN.—

6 “(1) REQUIREMENT.—Not later than May 1 of
7 each year, the Northeast Corridor Commission es-
8 tablished under section 24905 (referred to in this
9 section as the ‘Commission’) shall—

10 “(A) develop a capital investment plan for
11 the Northeast Corridor main line between Bos-
12 ton, Massachusetts, and the Virginia Avenue
13 interlocking in the District of Columbia, and
14 the Northeast Corridor branch lines connecting
15 to Harrisburg, Pennsylvania, Springfield, Mas-
16 sachusetts, and Spuyten Duyvil, New York, in-
17 cluding the facilities and services used to oper-
18 ate and maintain those lines; and

19 “(B) submit the capital investment plan to
20 the Secretary of Transportation and the Com-
21 mittee on Commerce, Science, and Transpor-
22 tation of the Senate and the Committee on
23 Transportation and Infrastructure of the House
24 of Representatives.

1 “(2) CONTENTS.—The capital investment plan
2 shall—

3 “(A) reflect coordination and network opti-
4 mization across the entire Northeast Corridor;

5 “(B) integrate the individual capital and
6 service plans developed by each operator using
7 the methods described in the cost allocation pol-
8 icy developed under section 24905(c);

9 “(C) cover a period of 5 fiscal years, begin-
10 ning with the first fiscal year after the date on
11 which the plan is completed;

12 “(D) notwithstanding section 24902(b),
13 identify, prioritize, and phase the implementa-
14 tion of projects and programs to achieve the
15 service outcomes identified in the Northeast
16 Corridor service development plan and the asset
17 condition needs identified in the Northeast Cor-
18 ridor asset management plans, once available,
19 and consider—

20 “(i) the benefits and costs of capital
21 investments in the plan;

22 “(ii) project and program readiness;

23 “(iii) the operational impacts; and

24 “(iv) funding availability;

1 “(E) categorize capital projects and pro-
2 grams as primarily associated with;

3 “(i) normalized capital replacement
4 and basic infrastructure renewals;

5 “(ii) replacement or rehabilitation of
6 major Northeast Corridor infrastructure
7 assets, including tunnels, bridges, stations,
8 and other assets;

9 “(iii) statutory, regulatory, or other
10 legal mandates;

11 “(iv) improvements to support service
12 enhancements or growth; or

13 “(v) strategic initiatives that will im-
14 prove overall operational performance or
15 lower costs;

16 “(F) identify capital projects and pro-
17 grams that are associated with more than 1
18 category described in subparagraph (E);

19 “(G) describe the anticipated outcomes of
20 each project or program, including an assess-
21 ment of—

22 “(i) the potential effect on passenger
23 accessibility, operations, safety, reliability,
24 and resiliency;

1 “(ii) the ability of infrastructure own-
 2 ers and operators to meet regulatory re-
 3 quirements if the project or program is not
 4 funded; and

5 “(iii) the benefits and costs; and

6 “(H) include a financial plan.

7 “(3) FINANCIAL PLAN.—The financial plan
 8 under paragraph (2)(H) shall—

9 “(A) identify funding sources and financ-
 10 ing methods;

11 “(B) identify the expected allocated shares
 12 of costs pursuant to the cost allocation policy
 13 developed under section 24905(c);

14 “(C) identify the projects and programs
 15 that the Commission expects will receive Fed-
 16 eral financial assistance; and

17 “(D) identify the eligible entity or entities
 18 that the Commission expects will receive the
 19 Federal financial assistance described under
 20 subparagraph (C).

21 “(b) FAILURE TO DEVELOP A CAPITAL INVESTMENT
 22 PLAN.—If a capital investment plan has not been devel-
 23 oped by the Commission for a given fiscal year, then the
 24 funds assigned to the account established under section
 25 24319(b) for that fiscal year may be spent only on—

1 “(1) capital projects described in clause (i) or
2 (iii) of subsection (a)(2)(E) of this section; or

3 “(2) capital projects described in subsection
4 (a)(2)(E)(iv) of this section that are for the sole
5 benefit of Amtrak.

6 “(c) NORTHEAST CORRIDOR ASSET MANAGE-
7 MENT.—

8 “(1) CONTENTS.—With regard to its infrastruc-
9 ture, Amtrak and each State and public transpor-
10 tation entity that owns infrastructure that supports
11 or provides for intercity rail passenger transpor-
12 tation on the Northeast Corridor shall develop an
13 asset management system and develop and update,
14 as necessary, a Northeast Corridor asset manage-
15 ment plan for each service territory described in sub-
16 section (a) 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 asset man-
23 agement plan;

24 “(ii) an assessment of asset condition;

1 “(iii) a description of the resources
 2 and processes necessary to bring or main-
 3 tain those assets in a state-of-good-repair,
 4 including decision-support tools and invest-
 5 ment prioritization methods; and

6 “(iv) a description of changes in asset
 7 condition since the previous version of the
 8 plan.

9 “(2) TRANSMITTAL.—Each entity described in
 10 paragraph (1) shall transmit to the Commission—

11 “(A) not later than 2 years after the date
 12 of enactment of the Comprehensive Transpor-
 13 tation and Consumer Protection Act of 2015,
 14 its Northeast Corridor asset management plan
 15 developed under paragraph (1); and

16 “(B) at least biennial thereafter, an update
 17 to its Northeast Corridor asset management
 18 plan.

19 “(d) NORTHEAST CORRIDOR SERVICE DEVELOP-
 20 MENT PLAN UPDATES.—Not less frequently than once
 21 every 10 years, the Commission shall update the North-
 22 east Corridor service development plan.”.

23 (2) CONFORMING AMENDMENTS.—

24 (A) NOTE AND MORTGAGE.—Section
 25 24907(a) is amended by striking “section

1 24904 of this title” and inserting “section
2 24903”.

3 (B) TABLE OF CONTENTS AMENDMENT.—

4 The table of contents for chapter 249 is amend-
5 ed—

6 (i) by redesignating the item relating
7 to section 24904 as relating to section
8 24903; and

9 (ii) by inserting after the item relating
10 to section 24903, as redesignated, the fol-
11 lowing:

“24904. Northeast Corridor planning.”.

12 (3) REPEAL.—Section 211 of the Passenger
13 Rail Investment and Improvement Act of 2008 (divi-
14 sion B of Public Law 110–432; 49 U.S.C. 24902
15 note) is repealed.

16 **SEC. 5309. NORTHEAST CORRIDOR THROUGH-TICKETING**
17 **AND PROCUREMENT EFFICIENCIES.**

18 (a) THROUGH-TICKETING STUDY.—

19 (1) IN GENERAL.—Not later than 3 years after
20 the date of enactment of this Act, the Northeast
21 Corridor Commission established under section
22 24905(a) of title 49, United States Code (referred to
23 in this section as the “Commission”), in consultation
24 with Amtrak and the commuter rail passenger trans-
25 portation providers along the Northeast Corridor

1 shall complete a study on the feasibility of and op-
2 tions for permitting through-ticketing between Am-
3 trak service and commuter rail services on the
4 Northeast Corridor.

5 (2) CONTENTS.—In completing the study under
6 paragraph (1), the Northeast Corridor Commission
7 shall—

8 (A) examine the current state of intercity
9 and commuter rail ticketing technologies, poli-
10 cies, and other relevant aspects on the North-
11 east Corridor;

12 (B) consider and recommend technology,
13 process, policy, or other options that would per-
14 mit through-ticketing to allow intercity and
15 commuter rail passengers to purchase, in a sin-
16 gle transaction, travel that utilizes Amtrak and
17 connecting commuter rail services;

18 (C) consider options to expand through-
19 ticketing to include local transit services;

20 (D) summarize costs, benefits, opportuni-
21 ties, and impediments to developing such
22 through-ticketing options; and

23 (E) develop a proposed methodology, in-
24 cluding cost and schedule estimates, for car-

1 rying out a pilot program on through-ticketing
2 on the Northeast Corridor.

3 (3) REPORT.—Not later than 60 days after the
4 date the study under paragraph (1) is complete, the
5 Commission shall submit to the Committee on Com-
6 merce, Science, and Transportation of the Senate
7 and the Committee on Transportation and Infra-
8 structure of the House of Representatives a report
9 that includes—

10 (A) the results of the study; and

11 (B) any recommendations for further ac-
12 tion.

13 (b) JOINT PROCUREMENT STUDY.—

14 (1) IN GENERAL.—Not later than 3 years after
15 the date of enactment of this Act, the Secretary, in
16 cooperation with the Commission, Amtrak, and com-
17 muter rail transportation authorities on the North-
18 east Corridor shall complete a study of the potential
19 benefits resulting from Amtrak and such authorities
20 undertaking select joint procurements for common
21 materials, assets, and equipment when expending
22 Federal funds for such purchases.

23 (2) CONTENTS.—In completing the study under
24 paragraph (1), the Secretary shall consider—

1 (A) the types of materials, assets, and
2 equipment that are regularly purchased by Am-
3 trak and such authorities that are similar and
4 could be jointly procured;

5 (B) the potential benefits of such joint pro-
6 curements, including lower procurement costs,
7 better pricing, greater market relevancy, and
8 other efficiencies;

9 (C) the potential costs of such joint pro-
10 curements;

11 (D) any significant impediments to under-
12 taking joint procurements, including any nec-
13 essary harmonization and reconciliation of Fed-
14 eral and State procurement or safety regula-
15 tions or standards and other requirements; and

16 (E) whether to create Federal incentives or
17 requirements relating to considering or carrying
18 out joint procurements when expending Federal
19 funds.

20 (3) TRANSMISSION.—Not later than 60 days
21 after completing the study required under this sub-
22 section, the Secretary shall submit to the Committee
23 on Commerce, Science, and Transportation of the
24 Senate and the Committee on Transportation and

1 Infrastructure of the House of Representatives a re-
2 port that includes—

3 (A) the results of the study; and

4 (B) any recommendations for further ac-
5 tion.

6 (c) NORTHEAST CORRIDOR.—In this section, the
7 term “Northeast Corridor” means the Northeast Corridor
8 main line between Boston, Massachusetts, and the Vir-
9 ginia Avenue interlocking in the District of Columbia, and
10 the Northeast Corridor branch lines connecting to Harris-
11 burg, Pennsylvania, Springfield, Massachusetts, and
12 Spuyten Duyvil, New York, including the facilities and
13 services used to operate and maintain those lines.

14 **SEC. 5310. DATA AND ANALYSIS.**

15 (a) DATA.—Not later than 3 years after the date of
16 enactment of this Act, the Secretary, in consultation with
17 the Surface Transportation Board, Amtrak, freight rail-
18 roads, State and local governments, and regional business,
19 tourism and economic development agencies shall conduct
20 a data needs assessment—

21 (1) to support the development of an efficient
22 and effective intercity passenger rail network;

23 (2) to identify the data needed to conduct cost-
24 effective modeling and analysis for intercity pas-
25 senger rail development programs;

1 (3) to determine limitations to the data used
2 for inputs;

3 (4) to develop a strategy to address such limita-
4 tions;

5 (5) to identify barriers to accessing existing
6 data;

7 (6) to develop recommendations regarding
8 whether the authorization of additional data collec-
9 tion for intercity passenger rail travel is warranted;
10 and

11 (7) to determine which entities will be respon-
12 sible for generating or collecting needed data.

13 (b) BENEFIT-COST ANALYSIS.—Not later than 180
14 days after the date of enactment of this Act, the Secretary
15 shall enhance the usefulness of assessments of benefits
16 and costs, for intercity passenger rail and freight rail
17 projects—

18 (1) by providing ongoing guidance and training
19 on developing benefit and cost information for rail
20 projects;

21 (2) by providing more direct and consistent re-
22 quirements for assessing benefits and costs across
23 transportation funding programs, including the ap-
24 propriate use of discount rates;

1 (3) by requiring applicants to clearly commu-
2 nicate the methodology used to calculate the project
3 benefits and costs, including non-proprietary infor-
4 mation on—

5 (A) assumptions underlying calculations;

6 (B) strengths and limitations of data used;

7 and

8 (C) the level of uncertainty in estimates of
9 project benefits and costs; and

10 (4) by ensuring that applicants receive clear
11 and consistent guidance on values to apply for key
12 assumptions used to estimate potential project bene-
13 fits and costs.

14 (c) CONFIDENTIAL DATA.—The Secretary shall pro-
15 tect sensitive or confidential to the greatest extent per-
16 mitted by law. Nothing in this section shall require any
17 entity to provide information to the Secretary in the ab-
18 sence of a voluntary agreement.

19 **SEC. 5311. DISASTER RELIEF.**

20 (a) MAJOR DISASTER ASSISTANCE PROGRAMS.—Sec-
21 tion 406(a) of the Robert T. Stafford Disaster Relief and
22 Emergency Assistance Act (42 U.S.C. 5172(a)) is amend-
23 ed—

24 (1) in paragraph (1)—

1 (A) in subparagraph (A), by striking
2 “and” at the end;

3 (B) in subparagraph (B), by striking the
4 period at the end and inserting “; and”; and

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

6 “(C) to entities that receive Federal Gov-
7 ernment grants to provide critical services for
8 the repair, restoration, reconstruction, or re-
9 placement of infrastructure, facilities, and
10 equipment that—

11 “(i) are owned or operated for the
12 purposes of providing critical services; and

13 “(ii) are damaged or destroyed by a
14 major disaster.”; and

15 (2) in paragraph (3)(B)—

16 (A) by striking “this paragraph” and in-
17 serting “this subsection”; and

18 (B) by inserting “transportation,” after
19 “education,”.

20 (b) DEBRIS REMOVAL.—Section 407(a)(2) of such
21 Act (42 U.S.C. 5173(a)(2)) is amended by inserting “enti-
22 ty that receives Federal Government grants to provide
23 critical services (as defined in section 5172(a)(3)(B))”
24 after “government”.

1 **SEC. 5312. PERFORMANCE-BASED PROPOSALS.**

2 (a) SOLICITATION OF PROPOSALS.—

3 (1) IN GENERAL.—Not later than 30 days after
4 the date of enactment of this Act, the Secretary
5 shall issue a request for proposals for projects for
6 the financing, design, construction, operation, and
7 maintenance of an intercity passenger rail system,
8 including—

9 (A) the Northeast Corridor;

10 (B) the California Corridor;

11 (C) the Empire Corridor;

12 (D) the Pacific Northwest Corridor;

13 (E) the South Central Corridor;

14 (F) the Gulf Coast Corridor;

15 (G) the Chicago Hub Network;

16 (H) the Florida Corridor;

17 (I) the Keystone Corridor;

18 (J) the Northern New England Corridor;

19 and

20 (K) the Southeast Corridor.

21 (2) SUBMISSION.—Proposals shall be submitted
22 to the Secretary not later than 180 days after the
23 publication of such request for proposals under para-
24 graph (1).

25 (3) PERFORMANCE STANDARD.—Proposals sub-
26 mitted under paragraph (2) shall meet any stand-

ards established by the Secretary. For corridors with existing intercity passenger rail service, proposals shall also be designed to achieve a reduction of existing minimum intercity rail service trip times between the main corridor city pairs by a minimum of 25 percent. In the case of a proposal submitted with respect to paragraph (1)(A), the proposal shall be designed to achieve a 2-hour or less express service between Washington, District of Columbia, and New York City, New York.

(4) CONTENTS.—A proposal submitted under this subsection shall include—

(A) the names and qualifications of the persons submitting the proposal and the entities proposed to finance, design, construct, operate, and maintain the railroad, railroad equipment, and related facilities, stations, and infrastructure;

(B) a detailed description of the proposed rail service, including possible routes, required infrastructure investments and improvements, equipment needs and type, train frequencies, peak and average operating speeds, and trip times;

1 (C) a description of how the project would
2 comply with all applicable Federal rail safety
3 and security laws, orders, and regulations;

4 (D) the locations of proposed stations,
5 which maximize the usage of existing infra-
6 structure to the extent possible, and the popu-
7 lations such stations are intended to serve;

8 (E) the type of equipment to be used, in-
9 cluding any technologies, to achieve trip time
10 goals;

11 (F) a description of any proposed legisla-
12 tion needed to facilitate all aspects of the
13 project;

14 (G) a financing plan identifying—

15 (i) projected revenue, and sources
16 thereof;

17 (ii) the amount of any requested pub-
18 lic contribution toward the project, and
19 proposed sources;

20 (iii) projected annual ridership projec-
21 tions for the first 10 years of operations;

22 (iv) annual operations and capital
23 costs;

24 (v) the projected levels of capital in-
25 vestments required both initially and in

1 subsequent years to maintain a state-of-
2 good-repair necessary to provide the ini-
3 tially proposed level of service or higher
4 levels of service;

5 (vi) projected levels of private invest-
6 ment and sources thereof, including the
7 identity of any person or entity that has
8 made or is expected to make a commit-
9 ment to provide or secure funding and the
10 amount of such commitment; and

11 (vii) projected funding for the full fair
12 market compensation for any asset, prop-
13 erty right or interest, or service acquired
14 from, owned, or held by a private person or
15 Federal entity that would be acquired, im-
16 paired, or diminished in value as a result
17 of a project, except as otherwise agreed to
18 by the private person or entity;

19 (H) a description of how the project would
20 contribute to the development of the intercity
21 passenger rail system and an intermodal plan
22 describing how the system will facilitate conven-
23 ient travel connections with other transpor-
24 tation services;

1 (I) a description of how the project will en-
2 sure compliance with Federal laws governing
3 the rights and status of employees associated
4 with the route and service, including those spec-
5 ified in section 24405 of title 49, United States
6 Code;

7 (J) a description of how the design, con-
8 struction, implementation, and operation of the
9 project will accommodate and allow for future
10 growth of existing and projected intercity, com-
11 muter, and freight rail service;

12 (K) a description of how the project would
13 comply with Federal and State environmental
14 laws and regulations, of what environmental im-
15 pacts would result from the project, and of how
16 any adverse impacts would be mitigated; and

17 (L) a description of the project's impacts
18 on highway and aviation congestion, energy
19 consumption, land use, and economic develop-
20 ment in the service area.

21 (b) DETERMINATION AND ESTABLISHMENT OF COM-
22 MISSIONS.—Not later than 90 days after receipt of the
23 proposals under subsection (a), the Secretary shall—

24 (1) make a determination as to whether any
25 such proposals—

1 (A) contain the information required under
2 paragraphs (3) and (4) of subsection (a);

3 (B) are sufficiently credible to warrant fur-
4 ther consideration;

5 (C) are likely to result in a positive impact
6 on the Nation's transportation system; and

7 (D) are cost-effective and in the public in-
8 terest;

9 (2) establish a commission under subsection (c)
10 for each corridor with 1 or more proposals that the
11 Secretary determines satisfy the requirements of
12 paragraph (1); and

13 (3) forward to each commission established
14 under paragraph (2) the applicable proposals for re-
15 view and consideration.

16 (c) COMMISSIONS.—

17 (1) MEMBERS.—Each commission established
18 under subsection (b)(2) shall include—

19 (A) the governors of the affected States, or
20 their respective designees;

21 (B) mayors of appropriate municipalities
22 with stops along the proposed corridor, or their
23 respective designees;

1 (C) a representative from each freight rail-
2 road carrier using the relevant corridor, if ap-
3 plicable;

4 (D) a representative from each transit au-
5 thority using the relevant corridor, if applicable;

6 (E) representatives of nonprofit employee
7 labor organizations representing affected rail-
8 road employees; and

9 (F) the President of Amtrak or his or her
10 designee.

11 (2) APPOINTMENT AND SELECTION.—The Sec-
12 retary shall appoint the members under paragraph
13 (1). In selecting each commission's members to ful-
14 fill the requirements under subparagraphs (B) and
15 (E) of paragraph (1), the Secretary shall consult
16 with the Chairperson and Ranking Member of the
17 Committee on Commerce, Science, and Transpor-
18 tation of the Senate and of the Committee on Trans-
19 portation and Infrastructure of the House of Rep-
20 resentatives.

21 (3) CHAIRPERSON AND VICE-CHAIRPERSON SE-
22 LECTION.—The Chairperson and Vice-Chairperson
23 shall be elected from among members of each com-
24 mission.

25 (4) QUORUM AND VACANCY.—

1 (A) QUORUM.—A majority of the members
2 of each commission shall constitute a quorum.

3 (B) VACANCY.—Any vacancy in each com-
4 mission shall not affect its powers and shall be
5 filled in the same manner in which the original
6 appointment was made.

7 (5) APPLICATION OF LAW.—Except where oth-
8 erwise provided by this section, the Federal Advisory
9 Committee Act (5 U.S.C. App.) shall apply to each
10 commission created under this section.

11 (d) COMMISSION CONSIDERATION.—

12 (1) IN GENERAL.—Each commission established
13 under subsection (b)(2) shall be responsible for re-
14 viewing the proposal or proposals forwarded to it
15 under that subsection and not later than 90 days
16 after the establishment of the commission, shall
17 transmit to the Secretary a report, including—

18 (A) a summary of each proposal received;

19 (B) services to be provided under each pro-
20 posal, including projected ridership, revenues,
21 and costs;

22 (C) proposed public and private contribu-
23 tions for each proposal;

24 (D) the advantages offered by the proposal
25 over existing intercity passenger rail services;

1 (E) public operating subsidies or assets
2 needed for the proposed project;

3 (F) possible risks to the public associated
4 with the proposal, including risks associated
5 with project financing, implementation, comple-
6 tion, safety, and security;

7 (G) a ranked list of the proposals rec-
8 ommended for further consideration under sub-
9 section (e) in accordance with each proposal's
10 projected positive impact on the Nation's trans-
11 portation system;

12 (H) an identification of any proposed Fed-
13 eral legislation that would facilitate implemen-
14 tation of the projects and Federal legislation
15 that would be required to implement the
16 projects; and

17 (I) any other recommendations by the com-
18 mission concerning the proposed projects.

19 (2) VERBAL PRESENTATION.—Proposers shall
20 be given an opportunity to make a verbal presen-
21 tation to the commission to explain their proposals.

22 (3) AUTHORIZATION OF APPROPRIATIONS.—
23 There is authorized to be appropriated to the Sec-
24 retary for the use of each commission established

1 under subsection (b)(2) such sums as are necessary
2 to carry out this section.

3 (e) SELECTION BY SECRETARY.—

4 (1) IN GENERAL.—Not later than 60 days after
5 receiving the recommended proposals of the commis-
6 sions established under subsection (b)(2), the Sec-
7 retary shall—

8 (A) review such proposals and select any
9 proposal that provides substantial benefits to
10 the public and the national transportation sys-
11 tem, is cost-effective, offers significant advan-
12 tages over existing services, and meets other
13 relevant factors determined appropriate by the
14 Secretary; and

15 (B) submit to the Committee on Com-
16 merce, Science, and Transportation of the Sen-
17 ate and the Committee on Transportation and
18 Infrastructure of the House of Representatives
19 a report containing any proposal with respect to
20 subsection (a)(1)(A) that is selected by the Sec-
21 retary under subparagraph (A) of this para-
22 graph, all the information regarding the pro-
23 posal provided to the Secretary under sub-
24 section (d), and any other information the Sec-
25 retary considers relevant.

1 (2) SUBSEQUENT REPORT.—Following the sub-
2 mission of the report under paragraph (1)(B), the
3 Secretary shall submit to the Committee on Com-
4 merce, Science, and Transportation of the Senate
5 and the Committee on Transportation and Infra-
6 structure of the House of Representatives a report
7 containing any proposal with respect to subpara-
8 graphs (B) through (K) of subsection (a)(1) that are
9 selected by the Secretary under paragraph (1) of
10 this subsection, all the information regarding the
11 proposal provided to the Secretary under subsection
12 (d), and any other information the Secretary con-
13 siders relevant.

14 (3) LIMITATION ON REPORT SUBMISSION.—The
15 report required under paragraph (2) shall not be
16 submitted by the Secretary until the report sub-
17 mitted under paragraph (1)(B) has been considered
18 through a hearing by the Committee on Commerce,
19 Science, and Transportation of the Senate and the
20 Committee on Transportation and Infrastructure of
21 the House of Representatives on the report sub-
22 mitted under paragraph (1)(B).

23 (f) NO ACTIONS WITHOUT ADDITIONAL AUTHOR-
24 ITY.—No Federal agency may take any action to imple-
25 ment, establish, facilitate, or otherwise act upon any pro-

1 posal submitted under this section, other than those ac-
2 tions specifically authorized by this section, without ex-
3 plicit statutory authority enacted after the date of enact-
4 ment of this Act.

5 (g) DEFINITIONS.—In this section:

6 (1) INTERCITY PASSENGER RAIL.—The term
7 “intercity passenger rail” means intercity rail pas-
8 senger transportation as defined in section 24102 of
9 title 49, United States Code.

10 (2) STATE.—The term “State” means any of
11 the 50 States or the District of Columbia.

12 **SEC. 5313. AMTRAK INSPECTOR GENERAL.**

13 (a) AUTHORITY.—

14 (1) IN GENERAL.—The Inspector General of
15 Amtrak shall have the authority available to other
16 Inspectors General, as necessary in carrying out the
17 duties specified in the Inspector General Act of 1978
18 (5 U.S.C. App.), to investigate any alleged violation
19 of sections 286, 287, 371, 641, 1001, 1002, and
20 1516 of title 18, United States Code.

21 (2) AGENCY.—For purposes of sections 286,
22 287, 371, 641, 1001, 1002, and 1516 of title 18,
23 United States Code, Amtrak and the Amtrak Office
24 of Inspector General, shall be considered a corpora-

1 tion in which the United States has a proprietary in-
2 terest as set forth in section 6 of that title.

3 (b) ASSESSMENT.—The Inspector General of Amtrak
4 shall—

5 (1) not later than 60 days after the date of en-
6 actment of this Act, initiate an assessment to deter-
7 mine whether current expenditures or procurements
8 involving Amtrak’s fulfillment of the Americans with
9 Disabilities Act of 1990 (42 U.S.C. 12101 et seq.)
10 utilize competitive, market-driven provisions that are
11 applicable throughout the entire term of such related
12 expenditures or procurements; and

13 (2) not later than 6 months after the date of
14 enactment of this Act, transmit to the Committee on
15 Commerce, Science, and Transportation of the Sen-
16 ate and the Committee on Transportation and Infra-
17 structure of the House of Representatives the as-
18 sessment under paragraph (1).

19 (c) LIMITATION.—The authority provided by sub-
20 sections (a) and (b) shall be effective only with respect
21 to a fiscal year for which Amtrak receives a Federal sub-
22 sidy.

23 **SEC. 5314. MISCELLANEOUS PROVISIONS.**

24 (a) TITLE 49 AMENDMENTS.—

1 (1) CONTINGENT INTEREST RECOVERIES.—Sec-
 2 tion 22106(b) is amended by striking “interest
 3 thereof” and inserting “interest thereon”.

4 (2) AUTHORITY.—Section 22702(b)(4) is
 5 amended by striking “5 years for reapproval by the
 6 Secretary” and inserting “4 years for acceptance by
 7 the Secretary”.

8 (3) CONTENTS OF STATE RAIL PLANS.—Section
 9 22705(a) is amended by striking paragraph (12).

10 (4) MISSION.—Section 24101(b) is amended by
 11 striking “of subsection (d)” and inserting “set forth
 12 in subsection (c)”.

13 (5) TABLE OF CONTENTS AMENDMENT.—The
 14 table of contents for chapter 243 is amended by
 15 striking the item relating to section 24316 and in-
 16 serting the following:

“24316. Plans to address the needs of families of passengers involved in rail
 passenger accidents.”.

17 (6) UPDATE.—Section 24305(f)(3) is amended
 18 by striking “\$1,000,000” and inserting
 19 “\$5,000,000”.

20 (7) AMTRAK.—Chapter 247 is amended—

21 (A) in section 24702(a), by striking “not
 22 included in the national rail passenger transpor-
 23 tation system”;

24 (B) in section 24706—

1 (i) in subsection (a)—

2 (I) in paragraph (1), by striking
3 “a discontinuance under section
4 24704 or or”; and

5 (II) in paragraph (2), by striking
6 “section 24704 or”; and

7 (ii) in subsection (b), by striking “sec-
8 tion 24704 or”; and

9 (C) in section 24709, by striking “The
10 Secretary of the Treasury and the Attorney
11 General,” and inserting “The Secretary of
12 Homeland Security,”.

13 (b) PASSENGER RAIL INVESTMENT AND IMPROVE-
14 MENT ACT AMENDMENTS.—Section 305(a) of the Pas-
15 senger Rail Investment and Improvement Act of 2008 (49
16 U.S.C. 24101 note) is amended by inserting “nonprofit
17 organizations representing employees who perform over-
18 haul and maintenance of passenger railroad equipment,”
19 after “equipment manufacturers,”.

20 **Subtitle D—Rail Safety**

21 **PART I—SAFETY IMPROVEMENT**

22 **SEC. 5401. HIGHWAY-RAIL GRADE CROSSING SAFETY.**

23 (a) MODEL STATE HIGHWAY-RAIL GRADE CROSSING
24 ACTION PLAN.—

1 (1) IN GENERAL.—Not later than 1 year after
2 the date of enactment of this Act, the Secretary
3 shall develop a model of a State-specific highway-rail
4 grade crossing action plan and distribute the model
5 plan to each State.

6 (2) CONTENTS.—The plan developed under
7 paragraph (1) shall include—

8 (A) methodologies, tools, and data sources
9 for identifying and evaluating highway-rail
10 grade crossing safety risks, including the public
11 safety risks posed by blocked highway-rail grade
12 crossings due to idling trains;

13 (B) best practices to reduce the risk of
14 highway-rail grade crossing accidents or inci-
15 dents and to alleviate the blockage of highway-
16 rail grade crossings due to idling trains, includ-
17 ing strategies for—

18 (i) education, including model stake-
19 holder engagement plans or tools;

20 (ii) engineering, including the benefits
21 and costs of different designs and tech-
22 nologies used to mitigate highway-rail
23 grade crossing safety risks; and

1 (iii) enforcement, including the
2 strengths and weaknesses associated with
3 different enforcement methods;

4 (C) for each State, a customized list and
5 data set of the highway-rail grade crossing acci-
6 dents or incidents in that State over the past 3
7 years, including the location, number of deaths,
8 and number of injuries for each accident or in-
9 cident; and

10 (D) contact information of a Department
11 of Transportation safety official available to as-
12 sist the State in adapting the model plan to sat-
13 isfy the requirements under subsection (b).

14 (b) STATE HIGHWAY-RAIL GRADE CROSSING ACTION
15 PLANS.—

16 (1) REQUIREMENTS.—Not later than 18
17 months after the Secretary develops and distributes
18 the model plan under subsection (a), the Secretary
19 shall promulgate a rule that requires—

20 (A) each State, except the 10 States iden-
21 tified under section 202 of the Rail Safety Im-
22 provement Act of 2008 (49 U.S.C. 22501 note),
23 to develop and implement a State highway-rail
24 grade crossing action plan; and

1 (B) each State that was identified under
2 section 202 of the Rail Safety Improvement Act
3 of 2008 (49 U.S.C. 22501 note), to update its
4 State action plan under that section and submit
5 to the Secretary the updated State action plan
6 and a report describing what the State did to
7 implement its previous State action plan under
8 that section and how it will continue to reduce
9 highway-rail grade crossing safety risks.

10 (2) CONTENTS.—Each State plan required
11 under this subsection shall—

12 (A) identify highway-rail grade crossings
13 that have experienced recent highway-rail grade
14 crossing accidents or incidents, or are at high
15 risk for accidents or incidents;

16 (B) identify specific strategies for improv-
17 ing safety at highway-rail grade crossings, in-
18 cluding highway-rail grade crossing closures or
19 grade separations; and

20 (C) designate a State official responsible
21 for managing implementation of the State plan
22 under subparagraph (A) or (B) of paragraph
23 (1), as applicable.

24 (3) ASSISTANCE.—The Secretary shall provide
25 assistance to each State in developing and carrying

1 out, as appropriate, the State plan under this sub-
2 section.

3 (4) PUBLIC AVAILABILITY.—Each State shall
4 submit its final State plan under this subsection to
5 the Secretary for publication. The Secretary shall
6 make each approved State plan publicly available on
7 an official Internet Web site.

8 (5) CONDITIONS.—The Secretary may condition
9 the awarding of a grant to a State under chapter
10 244 of title 49, United States Code, on that State
11 submitting an acceptable State plan under this sub-
12 section.

13 (6) REVIEW OF ACTION PLANS.—Not later than
14 60 days after the date of receipt of a State plan
15 under this subsection, the Secretary shall—

16 (A) if the State plan is approved, notify
17 the State and publish the State plan under
18 paragraph (4); and

19 (B) if the State plan is incomplete or defi-
20 cient, notify the State of the specific areas in
21 which the plan is deficient and allow the State
22 to complete the plan or correct the deficiencies
23 and resubmit the plan under paragraph (1).

24 (7) DEADLINE.—Not later than 60 days after
25 the date of a notice under paragraph (6)(B), a State

1 shall complete the plan or correct the deficiencies
2 and resubmit the plan.

3 (8) FAILURE TO COMPLETE OR CORRECT
4 PLAN.—If a State fails to meet the deadline under
5 paragraph (7), the Secretary shall post on the Web
6 site under paragraph (4) a notice that the State has
7 an incomplete or deficient highway-rail grade cross-
8 ing action plan.

9 (c) RAILWAY-HIGHWAY CROSSINGS FUNDS.—The
10 Secretary may use funds made available to carry out sec-
11 tion 130 of title 23, United States Code, to provide States
12 with funds to develop a State highway-rail grade crossing
13 action plan under subsection (b)(1)(A) of this section or
14 to update a State action plan under subsection (b)(1)(B)
15 of this section.

16 (d) DEFINITIONS.—In this section:

17 (1) HIGHWAY-RAIL GRADE CROSSING.—The
18 term “highway-rail grade crossing” means a location
19 within a State, other than a location where 1 or
20 more railroad tracks cross 1 or more railroad tracks
21 at grade where—

22 (A) a public highway, road, or street, or a
23 private roadway, including associated sidewalks
24 and pathways, crosses 1 or more railroad tracks
25 either at grade or grade-separated; or

1 (B) a pathway explicitly authorized by a
2 public authority or a railroad carrier that is
3 dedicated for the use of non-vehicular traffic,
4 including pedestrians, bicyclists, and others,
5 that is not associated with a public highway,
6 road, or street, or a private roadway, crosses 1
7 or more railroad tracks either at grade or
8 grade-separated.

9 (2) STATE.—The term “State” means a State
10 of the United States or the District of Columbia.

11 **SEC. 5402. CONFIDENTIAL CLOSE CALL REPORTING SYS-**
12 **TEM.**

13 (a) IN GENERAL.—Not later than 3 years after the
14 date of enactment of this Act, the Secretary shall promul-
15 gate a rule to encourage and facilitate the voluntary par-
16 ticipation of railroad carriers, railroad carrier contractors,
17 and employees of railroad carriers or railroad carrier con-
18 tractors (including any non-profit labor organizations rep-
19 resenting a class or craft of directly affected employees
20 of railroads carriers or railroad carrier contractors) in a
21 confidential close call reporting system.

22 (b) PROGRAM ELEMENTS.—

23 (1) IN GENERAL.—The Secretary shall use any
24 information and experience gathered through re-
25 search and pilot programs on confidential close call

1 reporting systems in developing a rule for the vol-
2 untary adoption of confidential close call reporting
3 system programs under this section.

4 (2) RULEMAKING.—

5 (A) IN GENERAL.—Each confidential close
6 call reporting system program shall be designed
7 to improve railroad safety by facilitating greater
8 collection and analysis of reports that describe
9 unsafe conditions and events in the railroad in-
10 dustry, as reported voluntarily and confiden-
11 tially by employees.

12 (B) REQUIREMENTS.—The rule shall
13 specify—

14 (i) the use of independent third par-
15 ties for the collection of close call reports,
16 de-identification of data, and distribution
17 of close call data;

18 (ii) the criteria for participating vol-
19 untarily in the confidential close call re-
20 porting system;

21 (iii) the criteria for accepting con-
22 fidential close call reports;

23 (iv) the appropriate use and protec-
24 tion, including the information protections
25 described in subsection (d), of peer review

1 teams and participation of the Secretary's
2 representatives;

3 (v) the relief from specific railroad
4 safety regulatory provisions and the condi-
5 tions under which the relief will and will
6 not be granted; and

7 (vi) the appropriate use and protec-
8 tion, including the information protections
9 described in subsection (d), of confidential
10 data generated under voluntary participa-
11 tion in the confidential close call reporting
12 system.

13 (c) PROGRAM DEVELOPMENT.—

14 (1) IN GENERAL.—A railroad carrier voluntarily
15 participating in a confidential close call reporting
16 system program, pursuant to program elements con-
17 tained in the final rule promulgated under sub-
18 section (b) and in collaboration with the Secretary,
19 railroad carrier contractors (as appropriate), and
20 employees of railroad carriers or railroad carrier
21 contractors (including any non-profit labor organiza-
22 tion representing a class or craft of directly affected
23 employees of railroad carriers or railroad carrier
24 contractors), shall develop an implementing memo-
25 randum of understanding that establishes agreed-

1 upon terms for participation in the confidential close
2 call reporting system.

3 (2) SIGNATURES REQUIRED.—An implementing
4 memorandum of understanding under paragraph (1)
5 shall be signed by—

6 (A) the Secretary or the Secretary's des-
7 ignee;

8 (B) the participating railroad carrier or
9 the representative thereof;

10 (C) if appropriate, each participating rail-
11 road carrier contractor or the representative
12 thereof; and

13 (D) the participating employees and con-
14 tractors or the representative thereof (such as
15 1 or more non-profit labor organizations rep-
16 resenting a class or craft of directly affected
17 employees of the railroad carrier or railroad
18 carrier contractor).

19 (d) INFORMATION PROTECTION.—

20 (1) IN GENERAL.—For a confidential close call
21 reporting system program established through an
22 implementing memorandum of understanding de-
23 scribed in subsection (c), the rule shall include provi-
24 sions that withhold from discovery or admission into
25 evidence (in a Federal or State court proceeding for

1 damages involving personal injury, wrongful death,
2 or property damage against a railroad carrier or
3 railroad carrier contractor) any plan, document, re-
4 port, survey, schedule, list, or data compiled or col-
5 lected for the sole purpose of developing, evaluating,
6 planning, or implementing a confidential close call
7 reporting system program, including a railroad car-
8 rier's analysis of its close calls or near misses.

9 (2) RETROACTIVE APPLICATIONS.—With regard
10 to a voluntary confidential close call reporting sys-
11 tem that was in effect prior to the date of final rule
12 under subsection (a), the Secretary—

13 (A) shall allow the parties participating in
14 that system to sign a new or revised imple-
15 menting memorandum of understanding that
16 prospectively entitles the parties to the informa-
17 tion protections under paragraph (1); and

18 (B) may retroactively apply the informa-
19 tion protections under paragraph (1) to any in-
20 formation and analyses that was generated
21 under that system prior to the date of the final
22 rule.

23 (3) CONFIDENTIALITY.—For a confidential
24 close call reporting system program established
25 through an implementing memorandum of under-

1 standing described in subsection (c), the Secretary
2 shall ensure that the Department of Transportation
3 and any entity collecting close call reports, de-identi-
4 fying data, or distributing close call data provide the
5 same level of confidentiality as contained in the Con-
6 fidential Information Protection and Statistical Effi-
7 ciency Act of 2002 (44 U.S.C. 3501 note), as ad-
8 ministered by the Bureau of Transportation Statis-
9 tics.

10 (e) SAVINGS CLAUSE.—Nothing in this section
11 shall—

12 (1) require a railroad carrier to adopt a con-
13 fidential close call reporting system program;

14 (2) prohibit a railroad carrier from voluntarily
15 adopting a confidential close call reporting system
16 program outside of the rulemaking framework; and

17 (3) require the Secretary to develop a confiden-
18 tial close call reporting system program with a rail-
19 road carrier, a railroad carrier contractor, employees
20 of the railroad carrier or railroad carrier contractor,
21 or any non-profit labor organizations representing a
22 class or craft of employees of a railroad carrier or
23 a railroad carrier contractor.

1 (f) DEFINITION OF RAILROAD CARRIER.—In this
 2 section, the term “railroad carrier” has the meaning given
 3 the term in section 20102 of title 49, United States Code.

4 (g) ADDITIONAL INFORMATION PROTECTIONS.—Sec-
 5 tion 20118 is amended—

6 (1) in subsection (a)—

7 (A) in the matter preceding paragraph

8 (1)—

9 (i) by inserting “, confidential close
 10 call reporting system program,” after
 11 “safety risk reduction program”; and

12 (ii) by inserting “pursuant to section
 13 552(b)(3) of that title,” after “section 552
 14 of title 5”;

15 (B) in paragraph (1), by inserting “, con-
 16 fidential close call reporting system program,”
 17 after “safety risk reduction program”; and

18 (C) in paragraph (2), by inserting “, con-
 19 fidential close call reporting system program,”
 20 after “safety risk reduction program”;

21 (2) in subsection (b), by inserting “, confiden-
 22 tial close call reporting system program,” after
 23 “safety risk reduction program”; and

24 (3) in subsection (c), by inserting “, of any in-
 25 formation or analyses generated as part of a con-

1 fidential close call reporting system program,” after
2 “risk mitigation analyses”.

3 **SEC. 5403. SPEED LIMIT ACTION PLANS.**

4 (a) IN GENERAL.—Not later than 90 days after the
5 date of enactment of this Act, each railroad carrier pro-
6 viding intercity rail passenger transportation or commuter
7 rail passenger transportation, in consultation with any ap-
8 plicable host railroad carrier, shall survey its entire system
9 and identify each main track location where there is a re-
10 duction of more than 20 miles per hour from the approach
11 speed to a curve or bridge and the maximum authorized
12 operating speed for passenger trains at that curve or
13 bridge.

14 (b) ACTION PLANS.—Not later than 120 days after
15 the date that the survey under subsection (a) is complete,
16 a rail passenger carrier shall submit to the Secretary an
17 action plan that—

18 (1) identifies each main track location where
19 there is a reduction of more than 20 miles per hour
20 from the approach speed to a curve or bridge and
21 the maximum authorized operating speed for pas-
22 senger trains at that curve or bridge;

23 (2) describes appropriate actions, including
24 modification to automatic train control systems, if
25 applicable, other signal systems, increased crew size,

1 improved signage, or other practices, including in-
2 creased crew communication, to enable warning and
3 enforcement of the maximum authorized speed for
4 passenger trains at each location identified under
5 paragraph (1);

6 (3) contains milestones and target dates for im-
7 plementing each appropriate action described under
8 paragraph (2); and

9 (4) ensures compliance with the maximum au-
10 thorized speed at each location identified under
11 paragraph (1).

12 (c) APPROVAL.—Not later than 90 days after the
13 date an action plan is submitted under subsection (a), the
14 Secretary shall approve, approve with conditions, or dis-
15 approve the action plan.

16 (d) ALTERNATIVE SAFETY MEASURES.—The Sec-
17 retary may exempt from the requirements of this section
18 each segment of track for which operations are governed
19 by a positive train control system certified under section
20 20157 of title 49, United States Code, or any other safety
21 technology or practice that would achieve an equivalent
22 or greater level of safety in reducing derailment risk.

23 (e) REPORT.—Not later than 6 months after the date
24 of the enactment of this Act, the Secretary shall submit
25 a report to the Committee on Commerce, Science, and

1 Transportation of the Senate and the Committee on
2 Transportation and Infrastructure of the House of Rep-
3 resentatives that describes—

4 (1) the actions the railroad carriers have taken
5 in response to Safety Advisory 2013–08, entitled
6 “Operational Tests and Inspections for Compliance
7 With Maximum Authorized Train Speeds and Other
8 Speed Restrictions”;

9 (2) the actions the railroad carriers have taken
10 in response to Safety Advisory 2015–03, entitled
11 “Operational and Signal Modifications for Compli-
12 ance with Maximum Authorized Passenger Train
13 Speeds and Other Speed Restrictions”; and

14 (3) the actions the Federal Railroad Adminis-
15 tration has taken to evaluate or incorporate the in-
16 formation and findings arising from the safety
17 advisories referred to in paragraphs (1) and (2) into
18 the development of regulatory action and oversight
19 activities.

20 (f) SAVINGS CLAUSE.—Nothing in this section shall
21 prohibit the Secretary from applying the requirements of
22 this section to other segments of track at high risk of over-
23 speed derailment.

1 **SEC. 5404. SIGNAGE.**

2 (a) IN GENERAL.—The Secretary shall promulgate
3 such regulations as the Secretary considers necessary to
4 require each railroad carrier providing intercity rail pas-
5 senger transportation or commuter rail passenger trans-
6 portation, in consultation with any applicable host railroad
7 carrier, to install signs to warn train crews before the
8 train approaches a location that the Secretary identifies
9 as having high risk of overspeed derailment.

10 (b) ALTERNATIVE SAFETY MEASURES.—The Sec-
11 retary may exempt from the requirements of this section
12 each segment of track for which operations are governed
13 by a positive train control system certified under section
14 20157 of title 49, United States Code, or any other safety
15 technology or practice that would achieve an equivalent
16 or greater level of safety in reducing derailment risk.

17 **SEC. 5405. ALERTERS.**

18 (a) IN GENERAL.—The Secretary shall promulgate a
19 rule to require a working alerter in the controlling loco-
20 motive of each passenger train in intercity rail passenger
21 transportation (as defined in section 24102 of title 49,
22 United States Code) or commuter rail passenger transpor-
23 tation (as defined in section 24102 of title 49, United
24 States Code).

25 (b) RULEMAKING.—

1 (1) IN GENERAL.—The Secretary may promul-
2 gate a rule to specify the essential functionalities of
3 a working alerter, including the manner in which the
4 alerter can be reset.

5 (2) ALTERNATE PRACTICE OR TECHNOLOGY.—
6 The Secretary may require or allow a technology or
7 practice in lieu of a working alerter if the Secretary
8 determines that the technology or practice would
9 achieve an equivalent or greater level of safety in en-
10 hancing or ensuring appropriate locomotive control.

11 **SEC. 5406. SIGNAL PROTECTION.**

12 (a) IN GENERAL.—The Secretary shall promulgate
13 regulations to require, not later than 18 months after the
14 date of the enactment of this Act, that on-track safety
15 regulations, whenever practicable and consistent with
16 other safety requirements and operational considerations,
17 include requiring implementation of redundant signal pro-
18 tection, such as shunting or other practices and tech-
19 nologies that achieve an equivalent or greater level of safe-
20 ty, for maintenance-of-way work crews who depend on a
21 train dispatcher to provide signal protection.

22 (b) ALTERNATIVE SAFETY MEASURES.—The Sec-
23 retary may exempt from the requirements of this section
24 each segment of track for which operations are governed
25 by a positive train control system certified under section

1 20157 of title 49, United States Code, or any other safety
2 technology or practice that would achieve an equivalent
3 or greater level of safety in providing additional signal pro-
4 tection.

5 **SEC. 5407. TECHNOLOGY IMPLEMENTATION PLANS.**

6 Section 20156(e) is amended—

7 (1) in paragraph (4)—

8 (A) in subparagraph (A), by striking
9 “and” at the end; and

10 (B) in subparagraph (B), by striking the
11 period at the end and inserting “; and”; and

12 (2) by adding at the end the following:

13 “(C) each railroad carrier required to sub-
14 mit such a plan, until the implementation of a
15 positive train control system by the railroad
16 carrier, shall analyze and, as appropriate,
17 prioritize technologies and practices to mitigate
18 the risk of overspeed derailments.”.

19 **SEC. 5408. COMMUTER RAIL TRACK INSPECTIONS.**

20 (a) IN GENERAL.—The Secretary shall evaluate track
21 inspection regulations to determine if a railroad carrier
22 providing commuter rail passenger transportation on high
23 density commuter railroad lines should be required to in-
24 spect the lines in the same manner as currently required
25 for other commuter railroad lines.

1 (b) RULEMAKING.—Considering safety, including
2 railroad carrier employee and contractor safety, and sys-
3 tem capacity, the Secretary may promulgate a rule for
4 high density commuter railroad lines. If, after the evalua-
5 tion under subsection (a), the Secretary determines that
6 it is necessary to promulgate a rule, the Secretary shall
7 specifically consider the following regulatory requirements
8 for high density commuter railroad lines:

9 (1) At least once every 2 weeks—

10 (A) traverse each main line by vehicle; or

11 (B) inspect each main line on foot.

12 (2) At least once each month, traverse and in-
13 spect each siding by vehicle or by foot.

14 (c) REPORT.—If, after the evaluation under sub-
15 section (a), the Secretary determines it is not necessary
16 to revise the regulations under this section, the Secretary,
17 not later than 18 months after the date of enactment of
18 this Act, shall transmit a report to the Committee on
19 Commerce, Science, and Transportation of the Senate and
20 the Committee on Transportation and Infrastructure of
21 the House of Representatives explaining the reasons for
22 not revising the regulations.

23 (d) CONSTRUCTION.—Nothing in this section may be
24 construed to limit the authority of the Secretary to pro-
25 mulgate regulations or issue orders under any other law.

1 **SEC. 5409. EMERGENCY RESPONSE.**

2 (a) IN GENERAL.—The Secretary, in consultation
3 with railroad carriers, shall conduct a study to determine
4 whether limitations or weaknesses exist in the emergency
5 response information carried by train crews transporting
6 hazardous materials.

7 (b) CONTENTS.—In conducting the study under sub-
8 section (a), the Secretary shall evaluate the differences be-
9 tween the emergency response information carried by train
10 crews transporting hazardous materials and the emer-
11 gency response guidance provided in the Emergency Re-
12 sponse Guidebook issued by the Department of Transpor-
13 tation.

14 (c) REPORT.—Not later than 1 year after the date
15 of enactment of this Act, the Secretary shall transmit to
16 the Committee on Commerce, Science, and Transportation
17 of the Senate and the Committee on Transportation and
18 Infrastructure of the House of Representatives a report
19 of the findings of the study under subsection (a) and any
20 recommendations for legislative action.

21 **SEC. 5410. PRIVATE HIGHWAY-RAIL GRADE CROSSINGS.**

22 (a) IN GENERAL.—The Secretary, in consultation
23 with railroad carriers, shall conduct a study—

24 (1) to determine whether limitations or weak-
25 nesses exist regarding the availability and usefulness

1 for safety purposes of data on private highway-rail
2 grade crossings; and

3 (2) to evaluate existing engineering practices on
4 private highway-rail grade crossings.

5 (b) CONTENTS.—In conducting the study under sub-
6 section (a), the Secretary shall make recommendations as
7 necessary to improve—

8 (1) the utility of the data on private highway-
9 rail grade crossings; and

10 (2) the implementation of private highway-rail
11 crossing safety measures, including signage and
12 warning systems.

13 (c) REPORT.—Not later than 1 year after the date
14 of enactment of this Act, the Secretary shall transmit to
15 the Committee on Commerce, Science, and Transportation
16 of the Senate and the Committee on Transportation and
17 Infrastructure of the House of Representatives a report
18 of the findings of the study and any recommendations for
19 further action.

20 **SEC. 5411. REPAIR AND REPLACEMENT OF DAMAGED**
21 **TRACK INSPECTION EQUIPMENT.**

22 (a) IN GENERAL.—Subchapter I of chapter 201 is
23 amended by inserting after section 20120 the following:

1 **“§ 20121. Repair and replacement of damaged track**
 2 **inspection equipment**

3 “The Secretary of Transportation may receive and
 4 expend cash, or receive and utilize spare parts and similar
 5 items, from non-United States Government sources to re-
 6 pair damages to or replace United States Government
 7 owned automated track inspection cars and equipment as
 8 a result of third-party liability for such damages, and any
 9 amounts collected under this section shall be credited di-
 10 rectly to the Railroad Safety and Operations account of
 11 the Federal Railroad Administration, and shall remain
 12 available until expended for the repair, operation, and
 13 maintenance of automated track inspection cars and
 14 equipment in connection with the automated track inspec-
 15 tion program.”.

16 (b) CONFORMING AMENDMENT.—The table of con-
 17 tents for subchapter I of chapter 201 is amended by add-
 18 ing after section 21020 the following:

“20121. Repair and replacement of damaged track inspection equipment.”.

19 **SEC. 5412. RAIL POLICE OFFICERS.**

20 (a) IN GENERAL.—Section 28101 is amended—

21 (1) by striking “employed by” each place it ap-
 22 pears and inserting “directly employed by or con-
 23 tracted by”;

24 (2) in subsection (b), by inserting “or agent, as
 25 applicable,” after “an employee”; and

1 (3) by adding at the end the following:

2 “(c) TRANSFERS.—

3 “(1) IN GENERAL.—If a railroad police officer
4 directly employed by or contracted by a rail carrier
5 and certified or commissioned as a police officer
6 under the laws of a State transfers primary employ-
7 ment or residence from the certifying or commis-
8 sioning State to another State or jurisdiction, the
9 railroad police officer, not later than 1 year after the
10 date of transfer, shall apply to be certified or com-
11 missioned as a police officer under the laws of the
12 State of new primary employment or residence.

13 “(2) INTERIM PERIOD.—During the period be-
14 ginning on the date of transfer and ending 1 year
15 after the date of transfer, a railroad police officer di-
16 rectly employed by or contracted by a rail carrier
17 and certified or commissioned as a police officer
18 under the laws of a State may enforce the laws of
19 the new jurisdiction in which the railroad police offi-
20 cer resides, to the same extent as provided in sub-
21 section (a).

22 “(d) TRAINING.—

23 “(1) IN GENERAL.—A State shall recognize as
24 meeting that State’s basic police officer certification
25 or commissioning requirements for qualification as a

1 rail police officer under this section any individual
2 who successfully completes a program at a State-rec-
3 ognized police training academy in another State or
4 at a Federal law enforcement training center and
5 who is certified or commissioned as a police officer
6 by that other State.

7 “(2) RULE OF CONSTRUCTION.—Nothing in
8 this subsection shall be construed as superseding or
9 affecting any unique State training requirements re-
10 lated to criminal law, criminal procedure, motor ve-
11 hicle code, or State-mandated comparative or annual
12 in-service training academy or Federal law enforce-
13 ment training center.”.

14 (b) REGULATIONS.—Not later than 1 year after the
15 date of enactment of this Act, the Secretary shall revise
16 the regulations in part 207 of title 49, Code of Federal
17 Regulations (relating to railroad police officers), to permit
18 a railroad to designate an individual, who is commissioned
19 in the individual’s State of legal residence or State of pri-
20 mary employment and directly employed by or contracted
21 by a railroad to enforce State laws for the protection of
22 railroad property, personnel, passengers, and cargo, to
23 serve in the States in which the railroad owns property.

24 (c) CONFORMING AMENDMENTS.—

1 (1) AMTRAK RAIL POLICE.—Section 24305(e) is
2 amended—

3 (A) by striking “may employ” and insert-
4 ing “may directly employ or contract with”;

5 (B) by striking “employed by” and insert-
6 ing “directly employed by or contracted by”;
7 and

8 (C) by striking “employed without” and in-
9 serting “directly employed or contracted with-
10 out”.

11 (2) SECURE GUN STORAGE OR SAFETY DEVICE;
12 EXCEPTIONS.—Section 922(z)(2)(B) of title 18 is
13 amended by striking “employed by” and inserting
14 “directly employed by or contracted by”.

15 **SEC. 5413. OPERATION DEEP DIVE; REPORT.**

16 (a) PROGRESS REPORTS.—Not later than 60 days
17 after the date of the enactment of this Act, and quarterly
18 thereafter until the completion date, the Administrator of
19 the Federal Railroad Administration shall submit a report
20 to the Committee on Commerce, Science, and Transpor-
21 tation of the Senate and the Committee on Transportation
22 and Infrastructure of the House of Representatives that
23 describes the progress of Metro-North Commuter Railroad
24 in implementing the directives and recommendations
25 issued by the Federal Railroad Administration in its

1 March 2014 report to Congress titled “Operation Deep
2 Dive Metro-North Commuter Railroad Safety Assess-
3 ment”.

4 (b) FINAL REPORT.—Not later than 30 days after
5 the completion date, the Administrator of the Federal
6 Railroad Administration shall submit a final report on the
7 directives and recommendations to Congress.

8 (c) DEFINED TERM.—In this section, the term “com-
9 pletion date” means the date on which Metro-North Com-
10 muter Railroad has completed all of the directives and rec-
11 ommendations referred to in subsection (a).

12 **SEC. 5414. POST-ACCIDENT ASSESSMENT.**

13 (a) IN GENERAL.—The Secretary of Transportation,
14 in cooperation with the National Transportation Safety
15 Board and the National Railroad Passenger Corporation
16 (referred to in this section as “Amtrak”), shall conduct
17 a post-accident assessment of the Amtrak Northeast Re-
18 gional Train #188 crash on May 12, 2015.

19 (b) ELEMENTS.—The assessment conducted pursu-
20 ant to subsection (a) shall include—

21 (1) a review of Amtrak’s compliance with the
22 plan for addressing the needs of the families of pas-
23 sengers involved in any rail passenger accident,
24 which was submitted pursuant to section 24316 of
25 title 49, United States Code;

1 (2) a review of Amtrak's compliance with the
2 emergency preparedness plan required under section
3 239.101(a) of title 49, Code of Federal Regulations;

4 (3) a determination of any additional action
5 items that should be included in the plans referred
6 to in paragraphs (1) and (2) to meet the needs of
7 the passengers involved in the crash and their fami-
8 lies, including—

9 (A) notification of emergency contacts;

10 (B) dedicated and trained staff to manage
11 family assistance;

12 (C) the establishment of a family assist-
13 ance center at the accident locale or other ap-
14 propriate location;

15 (D) a system for identifying and recovering
16 items belonging to passengers that were lost in
17 the crash; and

18 (E) the establishment of a single customer
19 service entity within Amtrak to coordinate the
20 response to the needs of the passengers involved
21 in the crash and their families; and

22 (4) recommendations for any additional train-
23 ing needed by Amtrak staff to better implement the
24 plans referred to in paragraphs (1) and (2), includ-

1 ing the establishment of a regular schedule for train-
2 ing drills and exercises.

3 (c) REPORT TO CONGRESS.—Not later than 1 year
4 after the date of the enactment of this Act, Amtrak shall
5 submit a report to the Committee on Commerce, Science,
6 and Transportation of the Senate and the Committee on
7 Transportation and Infrastructure of the House of Rep-
8 resentatives that describes—

9 (1) its plan to achieve the recommendations re-
10 ferred to in subsection (b)(4); and

11 (2) steps that have been taken to address any
12 deficiencies identified through the assessment.

13 **SEC. 5415. TECHNICAL AND CONFORMING AMENDMENTS.**

14 (a) ASSISTANCE TO FAMILIES OF PASSENGERS IN-
15 VOLVED IN RAIL PASSENGER ACCIDENTS.—Section 1139
16 is amended—

17 (1) in subsection (a)(1), by striking “phone
18 number” and inserting “telephone number”;

19 (2) in subsection (a)(2), by striking “post trau-
20 ma communication with families” and inserting
21 “post-trauma communication with families”; and

22 (3) in subsection (j), by striking “railroad pas-
23 senger accident” each place it appears and inserting
24 “rail passenger accident”.

1 (b) SOLID WASTE RAIL TRANSFER FACILITY LAND-
2 USE EXEMPTION.—Section 10909 is amended—

3 (1) in subsection (b), in the matter preceding
4 paragraph (1), by striking “Clean Railroad Act of
5 2008” and inserting “Clean Railroads Act of 2008”;
6 and

7 (2) in subsection (e), by striking “Upon the
8 granting of petition from the State” and inserting
9 “Upon the granting of a petition from the State”.

10 (c) RULEMAKING PROCESS.—Section 20116 is
11 amended—

12 (1) by inserting “(2)” before “the code, rule,
13 standard, requirement, or practice has been subject
14 to notice and comment under a rule or order issued
15 under this part.” and indenting accordingly;

16 (2) by inserting “(1)” before “unless” and in-
17 denting accordingly;

18 (3) in paragraph (1), as redesignated, by strik-
19 ing “order, or” and inserting “order; or”; and

20 (4) in the matter preceding paragraph (1), as
21 redesignated, by striking “unless” and inserting
22 “unless—”.

23 (d) ENFORCEMENT REPORT.—Section 20120(a) is
24 amended—

1 (1) in the matter preceding paragraph (1), by
2 striking “website” and inserting “Web site”;

3 (2) in paragraph (1), by striking “accident and
4 incidence reporting” and inserting “accident and in-
5 cident reporting”;

6 (3) in paragraph (2)(G), by inserting “and” at
7 the end; and

8 (4) in paragraph (5)(B), by striking “Adminis-
9 trative Hearing Officer or Administrative Law
10 Judge” and inserting “administrative hearing officer
11 or administrative law judge”.

12 (e) RAILROAD SAFETY RISK REDUCTION PRO-
13 GRAM.—Section 20156 is amended—

14 (1) in subsection (c), by inserting a comma
15 after “In developing its railroad safety risk reduc-
16 tion program”; and

17 (2) in subsection (g)(1)—

18 (A) by inserting a comma after “good
19 faith”; and

20 (B) by striking “non-profit” and inserting
21 “nonprofit”.

22 (f) ROADWAY USER SIGHT DISTANCE AT HIGHWAY-
23 RAIL GRADE CROSSINGS.—Section 20159 is amended by
24 striking “the Secretary” and inserting “the Secretary of
25 Transportation”.

1 (g) NATIONAL CROSSING INVENTORY.—Section
2 20160 is amended—

3 (1) in subsection (a)(1), by striking “concerning
4 each previously unreported crossing through which it
5 operates or with respect to the trackage over which
6 it operates” and inserting “concerning each pre-
7 viously unreported crossing through which it oper-
8 ates with respect to the trackage over which it oper-
9 ates”; and

10 (2) in subsection (b)(1)(A), by striking “con-
11 cerning each crossing through which it operates or
12 with respect to the trackage over which it operates”
13 and inserting “concerning each crossing through
14 which it operates with respect to the trackage over
15 which it operates”.

16 (h) MINIMUM TRAINING STANDARDS AND PLANS.—
17 Section 20162(a)(3) is amended by striking “railroad
18 compliance with Federal standards” and inserting “rail-
19 road carrier compliance with Federal standards”.

20 (i) DEVELOPMENT AND USE OF RAIL SAFETY TECH-
21 NOLOGY.—Section 20164(a) is amended by striking “after
22 enactment of the Railroad Safety Enhancement Act of
23 2008” and inserting “after the date of enactment of the
24 Rail Safety Improvement Act of 2008”.

25 (j) RAIL SAFETY IMPROVEMENT ACT OF 2008.—

1 (1) TABLE OF CONTENTS.—Section 1(b) of di-
 2 vision A of the Rail Safety Improvement Act of 2008
 3 (Public Law 110–432; 122 Stat. 4848) is amend-
 4 ed—

5 (A) in the item relating to section 307, by
 6 striking “website” and inserting “Web site”;

7 (B) in the item relating to title VI, by
 8 striking “solid waste facilities” and inserting
 9 “solid waste rail transfer facilities”; and

10 (C) in the item relating to section 602, by
 11 striking “solid waste transfer facilities” and in-
 12 serting “solid waste rail transfer facilities”.

13 (2) DEFINITIONS.—Section 2(a)(1) of division
 14 A of the Rail Safety Improvement Act of 2008 (Pub-
 15 lic Law 110–432; 122 Stat. 4849) is amended in the
 16 matter preceding subparagraph (A), by inserting a
 17 comma after “at grade”.

18 (3) RAILROAD SAFETY STRATEGY.—Section
 19 102(a)(6) of title I of division A of the Rail Safety
 20 Improvement Act of 2008 (49 U.S.C. 20101 note) is
 21 amended by striking “Improving the safety of rail-
 22 road bridges, tunnels, and related infrastructure to
 23 prevent accidents, incidents, injuries, and fatalities
 24 caused by catastrophic failures and other bridge and
 25 tunnel failures.” and inserting “Improving the safety

1 of railroad bridges, tunnels, and related infrastruc-
 2 ture to prevent accidents, incidents, injuries, and fa-
 3 talities caused by catastrophic and other failures of
 4 such infrastructure.”.

5 (4) OPERATION LIFESAVER.—Section 206(a) of
 6 title II of division A of the Rail Safety Improvement
 7 Act of 2008 (49 U.S.C. 22501 note) is amended by
 8 striking “Public Service Announcements” and in-
 9 serting “public service announcements”.

10 (5) UPDATE OF FEDERAL RAILROAD ADMINIS-
 11 TRATION’S WEB SITE.—Section 307 of title III of di-
 12 vision A of the Rail Safety Improvement Act of 2008
 13 (49 U.S.C. 103 note) is amended—

14 (A) in the heading by striking “**FEDERAL**
 15 **RAILROAD ADMINISTRATION’S WEBSITE**”
 16 and inserting “**FEDERAL RAILROAD ADMIN-**
 17 **ISTRATION WEB SITE**”;

18 (B) by striking “website” each place it ap-
 19 pears and inserting “Web site”; and

20 (C) by striking “website’s” and inserting
 21 “Web site’s”.

22 (6) ALCOHOL AND CONTROLLED SUBSTANCE
 23 TESTING FOR MAINTENANCE-OF-WAY EMPLOYEES.—
 24 Section 412 of title IV of division A of the Rail
 25 Safety Improvement Act of 2008 (49 U.S.C. 20140

1 note) is amended by striking “Secretary of Trans-
 2 portation” and inserting “Secretary”.

3 (7) TUNNEL INFORMATION.—Section 414 of
 4 title IV of division A of the Rail Safety Improvement
 5 Act of 2008 (49 U.S.C. 20103 note) is amended—

6 (A) by striking “parts 171.8, 173.115”
 7 and inserting “sections 171.8, 173.115”; and

8 (B) by striking “part 1520.5” and insert-
 9 ing “section 1520.5”.

10 (8) SAFETY INSPECTIONS IN MEXICO.—Section
 11 416 of title IV of division A of the Rail Safety Im-
 12 provement Act of 2008 (49 U.S.C. 20107 note) is
 13 amended—

14 (A) in the matter preceding paragraph (1),
 15 by striking “Secretary of Transportation” and
 16 inserting “Secretary”; and

17 (B) in paragraph (4), by striking “sub-
 18 section” and inserting “section”.

19 (9) HEADING OF TITLE VI.—The heading of
 20 title VI of division A of the Rail Safety Improvement
 21 Act of 2008 (122 Stat. 4900) is amended by strik-
 22 ing “**SOLID WASTE FACILITIES**” and insert-
 23 ing “**SOLID WASTE RAIL TRANSFER FA-**
 24 **CILITIES**”.

1 (10) HEADING OF SECTION 602.—Section 602
 2 of title VI of division A of the Rail Safety Improve-
 3 ment Act of 2008 (122 Stat. 4900) is amended by
 4 striking “**SOLID WASTE TRANSFER FACILITIES**”
 5 and inserting “**SOLID WASTE RAIL TRANSFER**
 6 **FACILITIES**”.

7 **PART II—CONSOLIDATED RAIL**
 8 **INFRASTRUCTURE AND SAFETY IMPROVEMENTS**
 9 **SEC. 5421. CONSOLIDATED RAIL INFRASTRUCTURE AND**
 10 **SAFETY IMPROVEMENTS.**

11 (a) IN GENERAL.—Chapter 244, as amended by sec-
 12 tion 5302 of this Act, is further amended by adding at
 13 the end the following:

14 **“§ 24408. Consolidated rail infrastructure and safety**
 15 **improvements**

16 “(a) GENERAL AUTHORITY.—The Secretary may
 17 make grants under this section to an eligible recipient to
 18 assist in financing the cost of improving passenger and
 19 freight rail transportation systems in terms of safety, effi-
 20 ciency, or reliability.

21 “(b) ELIGIBLE RECIPIENTS.—The following entities
 22 are eligible to receive a grant under this section:

23 “(1) A State.

24 “(2) A group of States.

25 “(3) An Interstate Compact.

1 “(4) A public agency or publicly chartered au-
2 thority established by 1 or more States and having
3 responsibility for providing intercity rail passenger,
4 commuter rail passenger, or freight rail transpor-
5 tation service.

6 “(5) A political subdivision of a State.

7 “(6) Amtrak or another rail passenger carrier
8 that provides intercity rail passenger transportation
9 (as defined in section 24102) or commuter rail pas-
10 senger transportation (as defined in section 24102).

11 “(7) A Class II railroad or Class III railroad
12 (as those terms are defined in section 20102).

13 “(8) Any rail carrier or rail equipment manu-
14 facturer in partnership with at least 1 of the entities
15 described in paragraphs (1) through (5).

16 “(9) Any entity established to procure, manage,
17 or maintain passenger rail equipment under section
18 305 of the Passenger Rail Investment and Improve-
19 ment Act of 2008 (49 U.S.C. 24101 note).

20 “(10) An organization that is actively involved
21 in the development of operational and safety-related
22 standards for rail equipment and operations or the
23 implementation of safety-related programs.

24 “(11) The Transportation Research Board and
25 any entity with which it contracts in the develop-

1 ment of rail-related research, including cooperative
2 research programs.

3 “(12) A University transportation center ac-
4 tively engaged in rail-related research.

5 “(13) A non-profit labor organization rep-
6 resenting a class or craft of employees of railroad
7 carriers or railroad carrier contractors.

8 “(c) ELIGIBLE PROJECTS.—The following projects
9 are eligible to receive grants under this section:

10 “(1) Deployment of railroad safety technology,
11 including positive train control and rail integrity in-
12 spection systems.

13 “(2) A capital project as defined in section
14 24401, except that a project shall not be required to
15 be in a State rail plan developed under chapter 227.

16 “(3) A capital project identified by the Sec-
17 retary as being necessary to address congestion chal-
18 lenges affecting rail service.

19 “(4) A highway-rail grade crossing improve-
20 ment, including grade separations, private highway-
21 rail grade crossing improvements, and safety engi-
22 neering improvements to reduce risk in quiet zones
23 or potential quiet zones.

24 “(5) A rail line relocation project.

1 “(6) A capital project to improve short-line or
2 regional railroad infrastructure.

3 “(7) Paying all or a portion of the credit risk
4 premium, as determined under section 502(f) of the
5 Railroad Revitalization and Regulatory Reform Act
6 of 1976 (45 U.S.C. 822(f)), and loan charges de-
7 scribed in section 503(l) of that Act (45 U.S.C.
8 823(l)) for a project eligible for Federal credit as-
9 sistance under that Act (45 U.S.C. 801 et seq.).

10 “(8) Development of public education, aware-
11 ness, and targeted law enforcement activities to re-
12 duce violations of traffic laws at highway-rail grade
13 crossings and to help prevent and reduce injuries
14 and fatalities along railroad rights-of-way.

15 “(9) The preparation of regional rail and cor-
16 ridor service development plans and corresponding
17 environmental analyses.

18 “(10) Any project that the Secretary considers
19 necessary to enhance multimodal connections or fa-
20 cilitate service integration between rail service and
21 other modes, including between intercity rail pas-
22 senger transportation and intercity bus service.

23 “(11) The development of rail-related capital,
24 operations, and safety standards.

1 “(12) The implementation and operation of a
2 safety program or institute designed to improve rail
3 safety culture and rail safety performance.

4 “(13) Any research that the Secretary considers
5 necessary to advance any particular aspect of rail-re-
6 lated capital, operations, or safety improvements.

7 “(14) Workforce development activities, coordi-
8 nated to the extent practicable with the existing
9 local training programs supported by the Depart-
10 ment of Transportation, Department of Labor, and
11 Department of Education.

12 “(d) APPLICATION PROCESS.—The Secretary shall
13 prescribe the form and manner of filing an application
14 under this section.

15 “(e) PROJECT SELECTION CRITERIA.—

16 “(1) IN GENERAL.—In selecting a recipient of
17 a grant for an eligible project, the Secretary shall—

18 “(A) give preference to a proposed project
19 for which the proposed Federal share of total
20 project costs does not exceed 50 percent; and

21 “(B) after factoring in preference to
22 projects under subparagraph (A), select projects
23 that will maximize the net benefits of the funds
24 appropriated for use under this section, consid-
25 ering the cost-benefit analysis of the proposed

1 project, including anticipated private and public
2 benefits relative to the costs of the proposed
3 project and factoring in the other consider-
4 ations described in paragraph (2).

5 “(2) OTHER CONSIDERATIONS.—The Secretary
6 shall also consider the following:

7 “(A) The degree to which the proposed
8 project’s business plan considers potential pri-
9 vate sector participation in the financing, con-
10 struction, or operation of the project.

11 “(B) The recipient’s past performance in
12 developing and delivering similar projects, and
13 previous financial contributions.

14 “(C) Whether the recipient has or will have
15 the legal, financial, and technical capacity to
16 carry out the proposed project, satisfactory con-
17 tinuing control over the use of the equipment or
18 facilities, and the capability and willingness to
19 maintain the equipment or facilities.

20 “(D) If applicable, the consistency of the
21 proposed project with planning guidance and
22 documents set forth by the Secretary or re-
23 quired by law or State rail plans developed
24 under chapter 227.

1 “(E) If applicable, any technical evaluation
2 ratings that proposed project received under
3 previous competitive grant programs adminis-
4 tered by the Secretary.

5 “(F) Such other factors as the Secretary
6 considers relevant to the successful delivery of
7 the project.

8 “(3) BENEFITS.—The benefits described in
9 paragraph (1)(B) may include the effects on system
10 and service performance, including measures such as
11 improved safety, competitiveness, reliability, trip or
12 transit time, resilience, efficiencies from improved
13 integration with other modes, and ability to meet ex-
14 isting or anticipated demand.

15 “(f) PERFORMANCE MEASURES.—The Secretary
16 shall establish performance measures for each grant re-
17 cipient to assess progress in achieving strategic goals and
18 objectives. The Secretary may require a grant recipient to
19 periodically report information related to such perform-
20 ance measures.

21 “(g) RURAL AREAS.—

22 “(1) IN GENERAL.—Of the amounts appro-
23 priated under this section, at least 25 percent shall
24 be available for projects in rural areas. The Sec-
25 retary shall consider a project to be in a rural area

1 if all or the majority of the project (determined by
2 the geographic location or locations where the major-
3 ity of the project funds will be spent) is located in
4 a rural area.

5 “(2) DEFINITION OF RURAL AREA.—In this
6 subsection, the term ‘rural area’ means any area not
7 in an urbanized area, as defined by the Census Bu-
8 reau.

9 “(h) FEDERAL SHARE OF TOTAL PROJECT COSTS.—

10 “(1) TOTAL PROJECT COSTS.—The Secretary
11 shall estimate the total costs of a project under this
12 subsection based on the best available information,
13 including engineering studies, studies of economic
14 feasibility, environmental analyses, and information
15 on the expected use of equipment or facilities.

16 “(2) FEDERAL SHARE.—The Federal share of
17 total project costs under this subsection shall not ex-
18 ceed 80 percent.

19 “(3) TREATMENT OF PASSENGER RAIL REV-
20 ENUE.—If Amtrak or another rail passenger carrier
21 is an applicant under this section, Amtrak or the
22 other rail passenger carrier, as applicable, may use
23 ticket and other revenues generated from its oper-
24 ations and other sources to satisfy the non-Federal
25 share requirements.

1 “(i) APPLICABILITY.—Except as specifically provided
 2 in this section, the use of any amounts appropriated for
 3 grants under this section shall be subject to the require-
 4 ments of this chapter.

5 “(j) AVAILABILITY.—Amounts appropriated for car-
 6 rying out this section shall remain available until ex-
 7 pended.”.

8 (b) CONFORMING AMENDMENT.—The table of con-
 9 tents of chapter 244, as amended by section 5302 of this
 10 Act, is amended by adding after the item relating to sec-
 11 tion 24407 the following:

“24408. Consolidated rail infrastructure and safety improvements.”.

12 **PART III—HAZARDOUS MATERIALS BY RAIL**

13 **SAFETY AND OTHER SAFETY ENHANCEMENTS**

14 **SEC. 5431. REAL-TIME EMERGENCY RESPONSE INFORMA-**
 15 **TION.**

16 (a) IN GENERAL.—Not later than 1 year after the
 17 date of enactment of this Act, the Secretary, in consulta-
 18 tion with the Secretary of Homeland Security, shall pro-
 19 mulgate regulations—

20 (1) to require a Class I railroad transporting
 21 hazardous materials—

22 (A) to generate accurate, real-time, and
 23 electronic train consist information, including—

24 (i) the identity, quantity, and location
 25 of hazardous materials on a train;

1 (ii) the point of origin and destination
2 of the train;

3 (iii) any emergency response informa-
4 tion or resources required by the Sec-
5 retary; and

6 (iv) an emergency response point of
7 contact designated by the Class I railroad;
8 and

9 (B) to enter into a memorandum of under-
10 standing with each applicable fusion center to
11 provide that fusion center with secure and con-
12 fidential access to the electronic train consist
13 information described in subparagraph (A) for
14 each train transporting hazardous materials in
15 that fusion center's jurisdiction;

16 (2) to require each applicable fusion center to
17 provide the electronic train consist information de-
18 scribed in paragraph (1)(A) to first responders,
19 emergency response officials, and law enforcement
20 personnel that are involved in the response to or in-
21 vestigation of an incident, accident, or public health
22 or safety emergency involving the rail transportation
23 of hazardous materials and that request such elec-
24 tronic train consist information;

1 (3) to prohibit any Class I railroad, employee,
2 or agent from withholding, or causing to be withheld
3 the electronic train consist information described in
4 paragraph (1)(A) from first responders, emergency
5 response officials, and law enforcement personnel de-
6 scribed in paragraph (2) in the event of an incident,
7 accident, or public health or safety emergency involv-
8 ing the rail transportation of hazardous materials;
9 and

10 (4) to establish security and confidentiality pro-
11 tections to prevent the release of the electronic train
12 consist information to unauthorized persons.

13 (b) DEFINITIONS.—In this section:

14 (1) APPLICABLE FUSION CENTER.—The term
15 “applicable fusion center” means a fusion center
16 with responsibility for a geographic area in which a
17 Class I railroad operates.

18 (2) CLASS I RAILROAD.—The term “Class I
19 railroad” has the meaning given the term in section
20 20102 of title 49, United States Code.

21 (3) FUSION CENTER.—The term “fusion cen-
22 ter” has the meaning given the term in section
23 124h(j) of title 6, United States Code.

24 (4) HAZARDOUS MATERIALS.—The term “haz-
25 ardous materials” means material designated as haz-

1 ardous by the Secretary of Transportation under
2 chapter 51 of the United States Code.

3 (5) TRAIN CONSIST.—The term “train consist”
4 includes, with regard to a specific train, the number
5 of rail cars and the commodity transported by each
6 rail car.

7 (c) SAVINGS CLAUSE.—

8 (1) Nothing in this section may be construed to
9 prohibit a Class I railroad from voluntarily entering
10 into a memorandum of understanding, as described
11 in subsection (a)(1)(B), with a State emergency re-
12 sponse commission or an entity representing or in-
13 cluding first responders, emergency response offi-
14 cials, and law enforcement personnel.

15 (2) Nothing in this section may be construed to
16 amend any requirement for a railroad to provide a
17 State Emergency Response Commission, for each
18 State in which it operates trains transporting
19 1,000,000 gallons or more of Bakken crude oil, noti-
20 fication regarding the expected movement of such
21 trains through the counties in the State.

22 **SEC. 5432. THERMAL BLANKETS.**

23 (a) REQUIREMENTS.—Not later than 180 days after
24 the date of enactment of this Act, the Secretary shall pro-
25 mulgate such regulations as are necessary to require each

1 tank car built to meet the DOT-117 specification and
2 each non-jacketed tank car modified to meet the DOT-
3 117R specification to be equipped with a thermal blanket.

4 (b) DEFINITION OF THERMAL BLANKET.—In this
5 section, the term “thermal blanket” means an insulating
6 blanket that is applied between the outer surface of a tank
7 car tank and the inner surface of a tank car jacket and
8 that has thermal conductivity no greater than 2.65 Btu
9 per inch, per hour, per square foot, and per degree Fahr-
10 enheit at a temperature of 2000 degrees Fahrenheit, plus
11 or minus 100 degrees Fahrenheit.

12 (c) SAVINGS CLAUSE.—

13 (1) PRESSURE RELIEF DEVICES.—Nothing in
14 this section may be construed to affect or prohibit
15 any requirement to equip with appropriately sized
16 pressure relief devices a tank car built to meet the
17 DOT-117 specification or a non-jacketed tank car
18 modified to meet the DOT-117R specification.

19 (2) HARMONIZATION.—Nothing in this section
20 may be construed to require or allow the Secretary
21 to prescribe an implementation deadline or author-
22 ization end date for the requirement under sub-
23 section (a) that is earlier than the applicable imple-
24 mentation deadline or authorization end date for

1 other tank car modifications necessary to meet the
2 DOT–117R specification.

3 **SEC. 5433. COMPREHENSIVE OIL SPILL RESPONSE PLANS.**

4 (a) REQUIREMENTS.—Not later than 120 days after
5 the date of enactment of this Act, the Secretary shall issue
6 a notice of proposed rulemaking to require each railroad
7 carrier transporting a Class 3 flammable liquid to main-
8 tain a comprehensive oil spill response plan.

9 (b) CONTENTS.—The regulations under subsection
10 (a) shall require each rail carrier described in that sub-
11 section—

12 (1) to include in the comprehensive oil spill re-
13 sponse plan procedures and resources for respond-
14 ing, to the maximum extent practicable, to a worst-
15 case discharge;

16 (2) to ensure the comprehensive oil spill re-
17 sponse plan is consistent with the National Contin-
18 gency Plan and each applicable Area Contingency
19 Plan;

20 (3) to include in the comprehensive oil spill re-
21 sponse plan appropriate notification and training
22 procedures;

23 (4) to review and update its comprehensive oil
24 spill response plan as appropriate; and

1 (5) to provide the comprehensive oil spill re-
2 sponse plan for acceptance by the Secretary.

3 (c) SAVINGS CLAUSE.—Nothing in the section may
4 be construed as prohibiting the Secretary from promul-
5 gating different comprehensive oil response plan standards
6 for Class I, Class II, and Class III railroads.

7 (d) DEFINITIONS.—In this section:

8 (1) AREA CONTINGENCY PLAN.—The term
9 “Area Contingency Plan” has the meaning given the
10 term in section 311(a) of the Federal Water Pollu-
11 tion Control Act (33 U.S.C. 1321(a)).

12 (2) CLASS 3 FLAMMABLE LIQUID.—The term
13 “Class 3 flammable liquid” has the meaning given
14 the term in section 173.120(a) of title 49, Code of
15 Federal Regulations.

16 (3) CLASS I RAILROAD, CLASS II RAILROAD,
17 AND CLASS III RAILROAD.—The terms “Class I rail-
18 road”, “Class II railroad” and “Class III railroad”
19 have the meanings given the terms in section 20102
20 of title 49, United States Code.

21 (4) NATIONAL CONTINGENCY PLAN.—The term
22 “National Contingency Plan” has the meaning given
23 the term in section 1001 of the Oil Pollution Act of
24 1990 (33 U.S.C. 2701).

1 (5) RAILROAD CARRIER.—The term “railroad
2 carrier” has the meaning given the term in section
3 20102 of title 49, United States Code.

4 (6) WORST-CASE DISCHARGE.—The term
5 “worst-case discharge” means a railroad carrier’s
6 calculation of its largest foreseeable discharge in the
7 event of an accident or incident.

8 **SEC. 5434. HAZARDOUS MATERIALS BY RAIL LIABILITY**
9 **STUDY.**

10 (a) IN GENERAL.—Not later than 30 days after the
11 date of enactment of this Act, the Secretary shall initiate
12 a study on the levels and structure of insurance for a rail-
13 road carrier transporting hazardous materials.

14 (b) CONTENTS.—In conducting the study under sub-
15 section (a), the Secretary shall evaluate—

16 (1) the level and structure of insurance, includ-
17 ing self-insurance, available in the private market
18 against the full liability potential for damages aris-
19 ing from an accident or incident involving a train
20 transporting hazardous materials;

21 (2) the level and structure of insurance that
22 would be necessary and appropriate—

23 (A) to efficiently allocate risk and financial
24 responsibility for claims; and

1 (B) to ensure that a railroad carrier trans-
2 porting hazardous materials can continue to op-
3 erate despite the risk of an accident or incident;

4 (3) the potential applicability to trains trans-
5 porting hazardous materials of—

6 (A) a liability regime modeled after section
7 170 of the Atomic Energy Act of 1954, as
8 amended (42 U.S.C. 2210); and

9 (B) a liability regime modeled after sub-
10 title 2 of title XXI of the Public Health Service
11 Act (42 U.S.C. 300aa–10 et seq.).

12 (c) REPORT.—Not later than 1 year after the date
13 the study under subsection (a) is initiated, the Secretary
14 shall submit a report containing the results of the study
15 and recommendations for addressing liability issues with
16 rail transportation of hazardous materials to—

17 (1) the Committee on Commerce, Science, and
18 Transportation of the Senate; and

19 (2) the Committee on Transportation and In-
20 frastructure of the House of Representatives.

21 (d) DEFINITIONS.—In this section:

22 (1) HAZARDOUS MATERIAL.—The term “haz-
23 arduous material” means a substance or material the
24 Secretary designates under section 5103(a) of title
25 49, United States Code.

1 (2) RAILROAD CARRIER.—The term “railroad
2 carrier” has the meaning given the term in section
3 20102 of title 49, United States Code.

4 **SEC. 5435. STUDY AND TESTING OF ELECTRONICALLY CON-**
5 **TROLLED PNEUMATIC BRAKES.**

6 (a) GOVERNMENT ACCOUNTABILITY OFFICE
7 STUDY.—

8 (1) IN GENERAL.—The Government Account-
9 ability Office shall complete an independent evalua-
10 tion of ECP brake systems pilot program data and
11 the Department of Transportation’s research and
12 analysis on the effects of ECP brake systems.

13 (2) STUDY ELEMENTS.—In completing the
14 independent evaluation under paragraph (1), the
15 Government Accountability Office shall examine the
16 following issues related to ECP brake systems:

17 (A) Data and modeling results on safety
18 benefits relative to conventional brakes and to
19 other braking technologies or systems, such as
20 distributed power and 2-way end-of-train de-
21 vices.

22 (B) Data and modeling results on business
23 benefits, including the effects of dynamic brak-
24 ing.

1 (C) Data on costs, including up-front cap-
2 ital costs and on-going maintenance costs.

3 (D) Analysis of potential operational chal-
4 lenges, including the effects of potential loco-
5 motive and car segregation, technical reliability
6 issues, and network disruptions.

7 (E) Analysis of potential implementation
8 challenges, including installation time, positive
9 train control integration complexities, compo-
10 nent availability issues, and tank car shop capa-
11 bilities.

12 (F) Analysis of international experiences
13 with the use of advanced braking technologies.

14 (3) DEADLINE.—Not later than 2 years after
15 the date of enactment of this Act, the Government
16 Accountability Office shall transmit to the Com-
17 mittee on Commerce, Science, and Transportation of
18 the Senate and the Committee on Transportation
19 and Infrastructure of the House of Representatives
20 a report on the results of the independent evaluation
21 under paragraph (1).

22 (b) EMERGENCY BRAKING APPLICATION TESTING.—

23 (1) IN GENERAL.—The Secretary of Transpor-
24 tation shall enter into an agreement with the
25 NCRRP Board—

1 (A) to complete testing of ECP brake sys-
2 tems during emergency braking application, in-
3 cluding more than 1 scenario involving the un-
4 coupling of a train with 70 or more DOT-117
5 specification or DOT-117R specification tank
6 cars; and

7 (B) to transmit, not later than 2 years
8 after the date of enactment of this Act, to the
9 Committee on Commerce, Science, and Trans-
10 portation of the Senate and the Committee on
11 Transportation and Infrastructure of the House
12 of Representatives a report on the results of the
13 testing.

14 (2) INDEPENDENT EXPERTS.—In completing
15 the testing under paragraph (1), the NCRRP Board
16 may contract with 1 or more engineering or rail ex-
17 perts, as appropriate, with relevant experience in
18 conducting railroad safety technology tests or similar
19 crash tests.

20 (3) TESTING FRAMEWORK.—In completing the
21 testing under paragraph (1), the NCRRP Board and
22 each contractor described in paragraph (2) shall en-
23 sure that the testing objectively, accurately, and reli-
24 ably measures the performance of ECP brake sys-
25 tems relative to other braking technologies or sys-

1 tems, such as distributed power and 2-way end-of-
2 train devices, including differences in—

3 (A) the number of cars derailed;

4 (B) the number of cars punctured;

5 (C) the measures of in-train forces; and

6 (D) the stopping distance.

7 (4) FUNDING.—The Secretary shall require, as
8 part of the agreement under paragraph (1), that the
9 NCRRP Board fund the testing required under this
10 section—

11 (A) using such sums made available under
12 section 24910 of title 49, United States Code;
13 and

14 (B) to the extent funding under subpara-
15 graph (A) is insufficient or unavailable to fund
16 the testing required under this section, using
17 such sums as are necessary from the amounts
18 appropriated to the Office of the Secretary.

19 (5) EQUIPMENT.—The NCRRP Board and
20 each contractor described in paragraph (2) may re-
21 ceive or use rolling stock, track, and other equip-
22 ment or infrastructure from a private entity for the
23 purposes of conducting the testing required under
24 this section.

25 (c) PHASED APPROACH.—

1 (1) PHASE 1.—Not later than 60 days after the
2 date of enactment of this Act, the Secretary shall re-
3 quire each new tank car built to meet the DOT–117
4 specification and each tank car modified to meet the
5 DOT–117R specification to have an ECP-ready con-
6 figuration if the DOT–117 or DOT–117R specifica-
7 tion tank car will be used in high-hazard flammable
8 unit train service.

9 (2) PHASE 2.—After the reports are trans-
10 mitted under subsections (a)(3) and (b)(1)(B), the
11 Secretary may initiate a rulemaking, if the Secretary
12 considers it necessary, to require each railroad car-
13 rier operating a high-hazard flammable unit train to
14 operate that train in ECP brake mode by 2021 or
15 2023, unless the train does not exceed a certain
16 maximum authorized speed as determined by the
17 Secretary in the rulemaking.

18 (d) CONFORMING AMENDMENT.—Not later than 60
19 days after the date of enactment of this Act, the Secretary
20 shall issue regulations to repeal the ECP brakes and ECP
21 brake mode requirements in sections 174.310(a)(3)(ii),
22 174.310(a)(3)(iii), 174.310(a)(5)(v), 179.102–10,
23 179.202–12(g), and 179.202–13(i) of title 49, Code of
24 Federal Regulations, and, except as provided in subsection
25 (c), any other regulation in effect on the date of enactment

1 of this Act requiring the installation of ECP brakes or
2 operation in ECP brake mode.

3 (e) SAVINGS CLAUSE.—

4 (1) ECP BRAKE MODE.—Nothing in this sec-
5 tion may be construed as prohibiting or requiring a
6 railroad carrier from operating its trains in ECP
7 brake mode.

8 (2) HARMONIZATION.—Nothing in this section
9 may be construed to require or allow the Secretary
10 to prescribe an implementation deadline for the re-
11 quirement under subsection (c)(1) that is earlier
12 than the applicable implementation deadline for
13 other tank car modifications necessary to meet the
14 DOT–117R specification for tank cars that will be
15 used in high-hazard flammable unit train service.

16 (f) DEFINITIONS.—In this section:

17 (1) CLASS 3 FLAMMABLE LIQUID.—The term
18 “Class 3 flammable liquid” has the meaning given
19 the term in section 173.120(a) of title 49, Code of
20 Federal Regulations.

21 (2) ECP.—The term “ECP” means electroni-
22 cally controlled pneumatic when applied to a brake
23 or brakes.

1 (3) ECP BRAKE MODE.—The term “ECP brake
2 mode” includes any operation of a rail car or an en-
3 tire train using an ECP brake system.

4 (4) ECP BRAKE SYSTEM.—

5 (A) IN GENERAL.—The term “ECP brake
6 system” means a train power braking system
7 actuated by compressed air and controlled by
8 electronic signals from the locomotive or an
9 ECP–EOT to the cars in the consist for service
10 and emergency applications in which the brake
11 pipe is used to provide a constant supply of
12 compressed air to the reservoirs on each car but
13 does not convey braking signals to the car.

14 (B) INCLUSIONS.—The term “ECP brake
15 system” includes dual mode and stand-alone
16 ECP brake systems.

17 (5) ECP-READY CONFIGURATION.—The term
18 “ECP-ready configuration” means mounting brack-
19 ets and fixed conduit on the tank car to facilitate
20 the future application of additional ECP
21 componentry and required cables.

22 (6) HIGH-HAZARD FLAMMABLE UNIT TRAIN.—
23 The term “high-hazard flammable unit train” means
24 a single train transporting 70 or more loaded tank
25 cars containing Class 3 flammable liquid.

1 (7) NCRRP BOARD.—The term “NCRRP
2 Board” means the independent governing board of
3 the National Cooperative Rail Research Program.

4 (8) RAILROAD CARRIER.—The term “railroad
5 carrier” has the meaning given the term in section
6 20102 of title 49, United States Code.

7 **SEC. 5436. RECORDING DEVICES.**

8 (a) IN GENERAL.—Subchapter II of chapter 201 is
9 amended by adding after section 20167 the following:

10 **“§ 20168. Installation of audio and image recording**
11 **devices**

12 “(a) IN GENERAL.—Not later than 2 years after the
13 date of enactment of the Comprehensive Transportation
14 and Consumer Protection Act of 2015, the Secretary of
15 Transportation shall promulgate regulations to require
16 each rail carrier that provides regularly scheduled intercity
17 rail passenger or commuter rail passenger transportation
18 to the public to install inward- and outward-facing image
19 recording devices in all controlling locomotive cabs and cab
20 car operating compartments in such passenger trains.

21 “(b) DEVICE STANDARDS.—Each inward- and out-
22 ward-facing image recording device shall—

23 “(1) have a minimum 12-hour continuous re-
24 cording capability;

1 “(2) have crash and fire protections for any in-
2 cab image recordings that are stored only within a
3 controlling locomotive cab or cab car operating com-
4 partment; and

5 “(3) have recordings accessible for review dur-
6 ing an accident investigation.

7 “(c) REVIEW.—The Secretary shall establish a proc-
8 ess to review and approve or disapprove an inward- or out-
9 ward-facing recording device for compliance with the
10 standards described in subsection (b).

11 “(d) USES.—A rail carrier that has installed an
12 inward- or outward-facing image recording device ap-
13 proved under subsection (c) may use recordings from that
14 inward- or outward-facing image recording device for the
15 following purposes:

16 “(1) Verifying that train crew actions are in ac-
17 cordance with applicable safety laws and the rail
18 carrier’s operating rules and procedures.

19 “(2) Assisting in an investigation into the cau-
20 sation of a reportable accident or incident.

21 “(3) Carrying out efficiency testing and system-
22 wide performance monitoring programs.

23 “(4) Documenting a criminal act or monitoring
24 unauthorized occupancy of the controlling locomotive
25 cab or car operating compartment.

1 “(5) Other purposes that the Secretary con-
2 siders appropriate.

3 “(e) VOLUNTARY IMPLEMENTATION.—

4 “(1) IN GENERAL.—Each rail carrier operating
5 freight rail service may implement any inward- or
6 outward-facing image recording devices approved
7 under subsection (c).

8 “(2) AUTHORIZED USES.—Notwithstanding any
9 other provision of law, each rail carrier may use re-
10 cordings from an inward- or outward-facing image
11 recording device approved under subsection (c) for
12 any of the purposes described in subsection (d).

13 “(f) DISCRETION.—

14 “(1) IN GENERAL.—The Secretary may—

15 “(A) require in-cab audio recording devices
16 for the purposes described in subsection (d);
17 and

18 “(B) define in appropriate technical detail
19 the essential features of the devices required
20 under subparagraph (A).

21 “(2) EXEMPTIONS.—The Secretary may exempt
22 any rail passenger carrier or any part of a rail pas-
23 senger carrier’s operations from the requirements
24 under subsection (a) if the Secretary determines
25 that the rail passenger carrier has implemented an

1 alternative technology or practice that provides an
2 equivalent or greater safety benefit or is better suit-
3 ed to the risks of the operation.

4 “(g) TAMPERING.—A rail carrier may take appro-
5 priate enforcement or administrative action against any
6 employee that tampers with or disables an audio or
7 inward- or outward-facing image recording device installed
8 by the rail carrier.

9 “(h) PRESERVATION OF DATA.—Each rail passenger
10 carrier subject to the requirements of subsection (a) shall
11 preserve recording device data for 1 year after the date
12 of a reportable accident or incident.

13 “(i) INFORMATION PROTECTIONS.—

14 “(1) SECTION 552(b)(3) OF TITLE 5 EXEMP-
15 TION.—An in-cab audio or image recording, and any
16 part thereof, that the Secretary obtains as part of
17 an accident or incident investigated by the Depart-
18 ment of Transportation shall be exempt from disclo-
19 sure under section 552(b)(3) of title 5.

20 “(2) RESTRICTIONS ON DISCLOSURE.—The
21 Secretary may allow an audio or image recordings
22 derived from an audio or inward- or outward-facing
23 image recording device to receive any of the informa-
24 tion and legal protections available to any report,
25 survey, schedule, list, or data compiled or collected

1 as part of the Department of Transportation rail-
2 road safety risk reduction program if—

3 “(A) the recording is derived from—

4 “(i) an audio or inward- or outward-
5 facing image recording device that was im-
6 plemented pursuant to its railroad safety
7 risk reduction program under section
8 20156; and

9 “(ii) an inward- or outward-facing
10 image recording device that was approved
11 under subsection (c); or

12 “(B) an audio recording device that is
13 compliant with the requirements under sub-
14 section (f)(1).

15 “(j) PROHIBITED USE.—An in-cab audio or image re-
16 cording obtained by a rail carrier under this section may
17 not be used to retaliate against an employee.

18 “(k) SAVINGS CLAUSE.—Nothing in this section may
19 be construed as requiring a rail carrier to cease or restrict
20 operations upon a technical failure of an inward- or out-
21 ward-facing image recording device. Such rail carrier shall
22 repair or replace the failed inward- or outward-facing
23 image recording device as soon as practicable.”.

1 (b) CONFORMING AMENDMENT.—The table of con-
 2 tents for subchapter II of chapter 201 is amended by add-
 3 ing at the end the following:

“20168. Installation of audio and image recording devices.”.

4 **SEC. 5437. RAIL PASSENGER TRANSPORTATION LIABILITY.**

5 (a) LIMITATIONS.—Section 28103(a) is amended—

6 (1) in paragraph (2), by striking
 7 “\$200,000,000” and inserting “\$295,000,000, ex-
 8 cept as provided in paragraph (3).”; and

9 (2) by adding at the end the following:

10 “(3) The liability cap under paragraph (2) shall
 11 be adjusted every 10 years by the Secretary of
 12 Transportation to reflect changes in the Consumer
 13 Price Index—All Urban Consumers.

14 “(4) The Federal Government shall have no fi-
 15 nancial responsibility for any claims described in
 16 paragraph (2).”.

17 (b) DEFINITION OF RAIL PASSENGER TRANSPOR-
 18 TATION.—Section 28103(e) is amended—

19 (1) in the heading, by striking “DEFINITION.—
 20 ” and inserting “DEFINITIONS.—”;

21 (2) in paragraph (2), by striking “; and” and
 22 inserting a semicolon;

23 (3) in paragraph (3), by striking the period at
 24 the end and inserting “; and”; and

25 (4) by adding at the end the following:

1 “(4) the term ‘rail passenger transportation’ in-
2 cludes commuter rail passenger transportation (as
3 defined in section 24102).”.

4 (c) PROHIBITION.—No Federal funds may be appro-
5 priated for the purpose of paying for the portion of an
6 insurance premium attributable to the increase in allow-
7 able awards under the amendments made by subsection
8 (a).

9 (d) EFFECTIVE DATE.—The amendments made by
10 subsection (a) shall be effective for any passenger rail acci-
11 dent or incident occurring on or after May 12, 2015.

12 **SEC. 5438. MODIFICATION REPORTING.**

13 (a) IN GENERAL.—Not later than 1 year after the
14 date of enactment of this Act, the Secretary shall imple-
15 ment a reporting requirement to monitor industry-wide
16 progress toward modifying tank cars used in high-hazard
17 flammable train service by the applicable deadlines or au-
18 thorization end dates set in regulation.

19 (b) TANK CAR DATA.—The Secretary shall collect
20 data from shippers and tank car owners on—

21 (1) the total number of tank cars modified to
22 meet the DOT–117R specification, or equivalent,
23 specifying—

24 (A) the type or specification of each tank
25 car before it was modified, including non-jack-

1 eted DOT-111, jacketed DOT-111, non-jack-
2 eted DOT-111 meeting the CPC-1232 stand-
3 ard, or jacketed DOT-111 meeting the CPC-
4 1232 standard; and

5 (B) the identification number of each Class
6 3 flammable liquid carried by each tank car in
7 the past year;

8 (2) the total number of tank cars built to meet
9 the DOT-117 specification, or equivalent; and

10 (3) the total number of tank cars used or likely
11 to be used in high-hazard flammable train service
12 that have not been modified, specifying—

13 (A) the type or specification of each tank
14 car not modified, including the non-jacketed
15 DOT-111, jacketed DOT-111, non-jacketed
16 DOT-111 meeting the CPC-1232 standard, or
17 jacketed DOT-111 meeting the CPC-1232
18 standard; and

19 (B) the identification number of each Class
20 3 flammable liquid carried by each tank car in
21 the past year.

22 (c) TANK CAR SHOP DATA.—The Secretary shall
23 conduct a survey of tank car facilities modifying tank cars
24 to the DOT-117R specification, or equivalent, or building
25 new tank cars to the DOT-117 specification, or equiva-

1 lent, to generate statistically valid estimates of the ex-
2 pected number of tank cars those facilities expect to mod-
3 ify to DOT–117R specification, or equivalent, or build to
4 the DOT–117 specification, or equivalent.

5 (d) FREQUENCY.—The Secretary shall collect the
6 data under subsection (b) and conduct the survey under
7 subsection (c) annually until May 1, 2025.

8 (e) INFORMATION PROTECTIONS.—

9 (1) IN GENERAL.—The Secretary shall only re-
10 port data in industry-wide totals and shall treat
11 company-specific information as confidential busi-
12 ness information.

13 (2) LEVEL OF CONFIDENTIALITY.—The Sec-
14 retary shall ensure the data collected under sub-
15 section (b) and the survey data under subsection (c)
16 have the same level of confidentiality as contained in
17 the Confidential Information Protection and Statis-
18 tical Efficiency Act of 2002 (44 U.S.C. 3501 note),
19 as administered by the Bureau of Transportation
20 Statistics.

21 (3) SECTION 552(b)(3) OF TITLE 5.—Any infor-
22 mation that the Secretary obtains under subsection
23 (b) or subsection (c) by the Department of Trans-
24 portation shall be exempt from disclosure under sec-
25 tion 552(b)(3) of title 5.

1 (4) DESIGNEE.—The Secretary may designate
 2 the Director of the Bureau of Transportation Statis-
 3 tics to collect data under subsection (b) and the sur-
 4 vey data under subsection (c) and direct the Direc-
 5 tor to ensure the confidentiality of company-specific
 6 information to the maximum extent permitted by
 7 law.

8 (f) REPORT.—Each year, not later than 60 days after
 9 the date that both the collection of the data under sub-
 10 section (b) and the survey under subsection (c) are com-
 11 plete, the Secretary shall report on the aggregate results,
 12 without company-specific information, to—

13 (1) the Committee on Commerce, Science, and
 14 Transportation of the Senate; and

15 (2) the Committee on Transportation and In-
 16 frastructure of the House of Representatives.

17 (g) DEFINITIONS.—In this section:

18 (1) CLASS 3 FLAMMABLE LIQUID.—The term
 19 “Class 3 flammable liquid” has the meaning given
 20 the term in section 173.120(a) of title 49, Code of
 21 Federal Regulations.

22 (2) HIGH-HAZARD FLAMMABLE TRAIN.—The
 23 term “high-hazard flammable train” means a single
 24 train transporting 20 or more tank cars loaded with
 25 a Class 3 flammable liquid in a continuous block or

1 a single train transporting 35 or more tank cars
2 loaded with a Class 3 flammable liquid throughout
3 the train consist.

4 **PART IV—POSITIVE TRAIN CONTROL**

5 **SEC. 5441. COORDINATION OF SPECTRUM.**

6 (a) ASSESSMENT.—The Secretary, in coordination
7 with the Chairman of the Federal Communications Com-
8 mission, shall assess spectrum needs and availability for
9 implementing positive train control systems (as defined in
10 section 20157(i)(3) of title 49, United States Code). The
11 Secretary and the Chairman may consult with external
12 stakeholders in carrying out this section.

13 (b) REPORT.—Not later than 120 days after the date
14 of enactment of this Act, the Secretary shall submit a re-
15 port to the Committee on Commerce, Science, and Trans-
16 portation of the Senate and the Committee on Transpor-
17 tation and Infrastructure of the House of Representatives
18 that contains the results of the assessment conducted
19 under subsection (a).

20 **SEC. 5442. UPDATED PLANS.**

21 (a) IMPLEMENTATION.—Section 20157(a) is amend-
22 ed to read as follows:

23 “(a) IMPLEMENTATION.—

24 “(1) PLAN REQUIRED.—Each Class I railroad
25 carrier and each entity providing regularly scheduled

1 intercity or commuter rail passenger transportation
2 shall develop and submit, to the Secretary of Trans-
3 portation, a plan for implementing a positive train
4 control system by December 31, 2015, governing op-
5 erations on—

6 “(A) its main line over which intercity rail
7 passenger transportation or commuter rail pas-
8 senger transportation (as defined in section
9 24102) is regularly provided;

10 “(B) its main line over which poison- or
11 toxic-by-inhalation hazardous materials (as de-
12 fined in sections 171.8, 173.115, and 173.132
13 of title 49, Code of Federal Regulations) are
14 transported; and

15 “(C) such other tracks as the Secretary
16 may prescribe by regulation or order.

17 “(2) INTEROPERABILITY AND
18 PRIORITIZATION.—The plan shall describe how the
19 railroad carrier or other entity subject to paragraph
20 (1) will provide for interoperability of the positive
21 train control systems with movements of trains of
22 other railroad carriers over its lines and shall, to the
23 extent practical, implement the positive train control
24 systems in a manner that addresses areas of greater
25 risk before areas of lesser risk.

1 “(3) SECRETARIAL REVIEW OF UPDATED
2 PLANS.—

3 “(A) SUBMISSION OF UPDATED PLANS.—

4 Notwithstanding the deadline set forth in para-
5 graph (1), not later than 90 days after the date
6 of enactment of the Comprehensive Transpor-
7 tation and Consumer Protection Act of 2015,
8 each Class I railroad carrier or other entity
9 subject to paragraph (1) may submit to the
10 Secretary an updated plan that amends the
11 plan submitted under paragraph (1) with an
12 updated implementation schedule (as described
13 in paragraph (4)(B)) and milestones or metrics
14 (as described in paragraph (4)(A)) that dem-
15 onstrate that the railroad carrier or other entity
16 intends make sustained and substantial
17 progress toward positive train control system
18 implementation.

19 “(B) REVIEW OF UPDATED PLANS.—Not
20 later than 120 days after receiving an updated
21 plan under subparagraph (A), the Secretary
22 shall approve the updated plan if the railroad
23 carrier or other entity submitting the plan—

24 “(i)(I) has encountered technical or
25 programmatic challenges identified by the

1 Secretary in the 2012 report transmitted
2 to Congress pursuant to subsection (d);
3 and

4 “(II) the challenges referred to in
5 subclause (I) have negatively affected the
6 successful implementation of positive train
7 control systems;

8 “(ii) is demonstrating due diligence in
9 its effort to implement a positive train con-
10 trol system;

11 “(iii) has included in its plan mile-
12 stones or metrics that demonstrate the
13 railroad carrier or other entity intends to
14 make sustained and substantial progress
15 toward positive train control system imple-
16 mentation; and

17 “(iv) has set an implementation
18 schedule in its plan that complies with
19 paragraph (7).

20 “(C) MODIFICATION OF UPDATED
21 PLANS.—(i) If the Secretary has not approved
22 an updated plan under subparagraph (B) with-
23 in 60 days of receiving the updated plan under
24 subparagraph (A), the Secretary shall imme-
25 diately—

1 “(I) provide a written response to the
2 railroad carrier or other entity that identi-
3 fies the reason for not approving the up-
4 dated plan and explains any incomplete or
5 deficient items;

6 “(II) allow the railroad carrier or
7 other entity to submit, within 30 days of
8 receiving the written response under sub-
9 clause (I), a modified updated plan for the
10 Secretary’s review; and

11 “(III) approve or disapprove a modi-
12 fied updated plan submitted under sub-
13 clause (II) not later than 30 days after re-
14 ceipt.

15 “(ii) If the Secretary does not approve an
16 updated plan not later than 60 days after re-
17 ceiving the updated plan under subparagraph
18 (A) and does not provide a written response to
19 the railroad carrier or other entity at the end
20 of the 60-day period described in clause (i), the
21 updated plan is deemed to have been approved
22 by the Secretary.

23 “(D) PUBLIC AVAILABILITY.—Not later
24 than 30 days after approving an updated plan
25 under this paragraph, the Secretary shall make

1 the updated plan available on the website of the
2 Federal Railroad Administration.

3 “(E) PENDING REVIEWS.—For an appli-
4 cant that submits an updated plan under sub-
5 paragraph (A), the Secretary shall extend the
6 deadline for implementing a positive train con-
7 trol system at least until the date the Secretary
8 approves or issues final disapproval for the up-
9 dated plan with an updated implementation
10 schedule (as described in paragraph (4)(B)).

11 “(4) CONTENTS OF UPDATED PLAN.—

12 “(A) MILESTONES OR METRICS.—Each up-
13 dated plan submitted under paragraph (3) shall
14 show that the Class I railroad carrier or other
15 entity subject to paragraph (1) is making sus-
16 tained and substantial progress toward positive
17 train control system implementation by describ-
18 ing the following milestones or metrics:

19 “(i) The total number of components
20 that will be installed, equipped, or deployed
21 with positive train control by the end of
22 each calendar year until positive train con-
23 trol is fully implemented, with totals sepa-
24 rated by each component category.

1 “(ii) The number of employees that
2 will receive the training, as required under
3 the applicable positive train control system
4 regulations, by the end of each calendar
5 year until positive train control is fully im-
6 plemented.

7 “(iii) The calendar year or years in
8 which spectrum will be acquired and will
9 be available for use in all areas that it is
10 needed for positive train control implemen-
11 tation, if such spectrum is not already ac-
12 quired and ready for use.

13 “(B) IMPLEMENTATION SCHEDULE.—Each
14 updated plan submitted under paragraph (3)
15 shall include an implementation schedule that
16 identifies the dates by which the railroad carrier
17 or other entity will—

18 “(i) fully implement a positive train
19 control system;

20 “(ii) complete all component installa-
21 tion, consistent with the milestones or
22 metrics described in subparagraph (A)(i);

23 “(iii) complete all employee training
24 required under the applicable positive train
25 control system regulations, consistent with

1 the milestones or metrics described in sub-
2 paragraph (A)(ii);

3 “(iv) acquire all necessary spectrum,
4 consistent with the milestones or metrics in
5 subparagraph (A)(iii); and

6 “(v) complete system testing.

7 “(C) ADDITIONAL INFORMATION.—Each
8 updated plan submitted under paragraph (3)
9 shall include—

10 “(i) the total number of positive train
11 control components required for implemen-
12 tation, with totals separated by each major
13 component category;

14 “(ii) the total number of employees
15 requiring training under the applicable
16 positive train control system regulations;
17 and

18 “(iii) a summary of the remaining
19 challenges to positive train control system
20 implementation, including—

21 “(I) testing issues;

22 “(II) interoperability challenges;

23 “(III) permitting issues; and

24 “(IV) certification challenges.

1 “(D) DEFINED TERM.—In this paragraph,
2 the term ‘component’ means a locomotive appa-
3 ratus, a wayside interface unit (including any
4 associated legacy signal system replacements),
5 switches in non-signaled positive train control
6 territory, a base station radio, a wayside radio,
7 or a locomotive radio.

8 “(5) PLAN IMPLEMENTATION.—The Class I
9 railroad carrier or other entity subject to paragraph
10 (1) shall implement a positive train control system
11 in accordance with its plan, including any amend-
12 ments made to the plan by its updated plan ap-
13 proved by the Secretary under paragraph (3).

14 “(6) PROGRESS REPORT.—Each Class I rail-
15 road carrier or other entity with an approved up-
16 dated plan shall submit an annual report to the Sec-
17 retary that describes the progress made on positive
18 train control implementation, including—

19 “(A) the extent to which the railroad car-
20 rier or other entity met or exceeded the metrics
21 or milestones described in paragraph (4)(A);

22 “(B) the extent to which the railroad car-
23 rier or other entity complied with its implemen-
24 tation schedule under paragraph (4)(B); and

1 “(C) any update to the information pro-
2 vided under paragraph (4)(C).

3 “(7) CONSTRAINT.—The Secretary may not ap-
4 prove an updated plan that includes a date for the
5 completion of component installation or a date for
6 the completion of spectrum acquisition that is later
7 than December 31, 2018.”.

8 (b) ENFORCEMENT.—Section 20157(e) is amended
9 to read as follows:

10 “(e) ENFORCEMENT.—The Secretary is authorized to
11 assess civil penalties pursuant to chapter 213 for the fail-
12 ure to submit or comply with a plan for implementing
13 positive train control under subsection (a), including any
14 amendments to the plan made by an updated plan (includ-
15 ing milestones or metrics and an updated implementation
16 schedule) approved by the Secretary under paragraph (3)
17 of such subsection.”.

18 (c) CONFORMING AMENDMENT.—Section 20157(g) is
19 amended—

20 (1) by striking “The Secretary” and inserting
21 the following:

22 “(1) IN GENERAL.—The Secretary”; and

23 (2) by adding at the end the following:

24 “(2) CONFORMING REGULATORY AMEND-
25 MENTS.—Immediately after the date of the enact-

1 ment of the Comprehensive Transportation and Con-
2 sumer Protection Act of 2015, the Secretary—

3 “(A) shall remove or revise any references
4 to specified dates in the regulations or orders
5 implementing this section to the extent nec-
6 essary to conform with the amendments made
7 by such Act; and

8 “(B) may not enforce any such date-spe-
9 cific deadlines or requirements that are incon-
10 sistent with the amendments made by such
11 Act.”.

12 (d) SAVINGS PROVISIONS.—

13 (1) RESUBMISSION OF INFORMATION.—Nothing
14 in the amendments made by this section may be con-
15 strued to require a Class I railroad carrier or other
16 entity subject to paragraph (1) of section 20157(a)
17 of title 49, United States Code, to resubmit in its
18 updated plan information from its initial implemen-
19 tation plan that is not changed or affected by the
20 updated plan. The Secretary shall consider an up-
21 dated plan submitted pursuant to paragraph (3) of
22 such section to be an addendum to the initial imple-
23 mentation plan.

24 (2) SUBMISSION OF NEW PLAN.—Nothing in
25 the amendments made by this section may be con-

1 strued to require a Class I railroad carrier or other
2 entity subject to section 20157(a)(1) of title 49,
3 United States Code, to submit a new implementation
4 plan pursuant to the deadline set forth in such sec-
5 tion.

6 **SEC. 5443. EARLY ADOPTION AND INTEROPERABILITY.**

7 (a) **EARLY ADOPTION.**—During the 1-year period be-
8 ginning on the date on which the last railroad carrier’s
9 or other entity’s positive train control system, subject to
10 section 20157(a) of title 49, United States Code, is cer-
11 tified by the Secretary under subsection (h) of such section
12 and implemented on all of that railroad carrier’s or other
13 entity’s lines required to have operations governed by a
14 positive train control system, any railroad carrier or other
15 entity that has been certified by the Secretary under such
16 subsection shall not be subject to the operational restric-
17 tions set forth in subpart I of part 236 of title 49, Code
18 of Federal Regulations, that would otherwise apply in the
19 event of a positive train control system component failure.

20 (b) **INTEROPERABILITY PROCEDURE.**—If multiple
21 railroad carriers operate on a single railroad line through
22 a trackage or haulage agreement, each railroad carrier op-
23 erating on the railroad line shall not be subject to the op-
24 erating restrictions set forth in subpart I of part 236 of

1 title 49, Code of Federal Regulations, with respect to the
2 railroad line, until the Secretary certifies that—

3 (1) each Class I railroad carrier and each entity
4 providing regularly scheduled intercity or commuter
5 rail passenger transportation that operates on the
6 railroad line is in compliance with its positive train
7 control requirements under section 20157(a) of title
8 49, United States Code;

9 (2) each Class II or Class III railroad that op-
10 erates on the railroad line is in compliance with the
11 applicable regulatory requirements to equip loco-
12 motives operating in positive train control territory;
13 and

14 (3) the implementation of any and all positive
15 train control systems are interoperable and oper-
16 ational on the railroad line in conformance with each
17 approved implementation plan so that each freight
18 and passenger railroad can operate on the line with
19 that freight or passenger railroad's positive train
20 control equipment.

21 (c) SMALL RAILROADS.—Not later than 120 days
22 after the date of the enactment of this Act, the Secretary
23 shall amend section 236.1006(b)(4)(iii)(B) of title 49,
24 Code of Federal Regulations (relating to equipping loco-
25 motives for applicable Class II and Class III railroads op-

1 erating in positive train control territory), to extend each
2 deadline by 3 years.

3 **SEC. 5444. POSITIVE TRAIN CONTROL AT GRADE CROSS-**
4 **INGS EFFECTIVENESS STUDY.**

5 (a) STUDY.—After the Secretary certifies that each
6 Class I railroad carrier and each entity providing regularly
7 scheduled intercity or commuter rail passenger transpor-
8 tation is in compliance with the positive train control re-
9 quirements under section 20157(a) of title 49, United
10 States Code, the Secretary shall enter into an agreement
11 with the National Cooperative Rail Research Program
12 Board—

13 (1) to conduct a study of the possible effective-
14 ness of positive train control and related tech-
15 nologies on reducing collisions at highway-rail grade
16 crossings; and

17 (2) to submit a report containing the results of
18 the study conducted under paragraph (1) to the
19 Committee on Commerce, Science, and Transpor-
20 tation of the Senate and the Committee on Trans-
21 portation and Infrastructure of the House of Rep-
22 resentatives.

23 (b) FUNDING.—The Secretary may require, as part
24 of the agreement under subsection (a), that the National
25 Cooperative Rail Research Program Board fund the study

1 required under this section using such sums as may be
2 necessary out of the amounts made available under section
3 24910 of title 49, United States Code.

4 **Subtitle E—Project Delivery**

5 **SEC. 5501. SHORT TITLE.**

6 This subtitle may be cited as the “Track, Railroad,
7 and Infrastructure Network Act”.

8 **SEC. 5502. PRESERVATION OF PUBLIC LANDS.**

9 (a) HIGHWAYS.—Section 138 of title 23, United
10 States Code, is amended—

11 (1) in subsection (b)(2)(A)(i), by inserting “,
12 taking into consideration any avoidance, minimiza-
13 tion, and mitigation or enhancement measures incor-
14 porated into the program or project” after “historic
15 site”; and

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

17 “(c) RAIL AND TRANSIT.—Improvements to, or the
18 maintenance, rehabilitation, or operation of, railroad or
19 rail transit lines or elements of such lines, with the excep-
20 tion of stations, that are in use or were historically used
21 for the transportation of goods or passengers, shall not
22 be considered a use of a historic site under subsection (a),
23 regardless of whether the railroad or rail transit line or
24 element of such line is listed on, or eligible for listing on,
25 the National Register of Historic Places.”.

1 (b) TRANSPORTATION PROJECTS.—Section 303 is
2 amended—

3 (1) in subsection (c), by striking “subsection
4 (d)” and inserting “subsections (d) and (e)”;

5 (2) in subsection (d)(2)(A)(i), by inserting “,
6 taking into consideration any avoidance, minimiza-
7 tion, and mitigation or enhancement measures incor-
8 porated into the program or project” after “historic
9 site”; and

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

11 “(e) RAIL AND TRANSIT.—Improvements to, or the
12 maintenance, rehabilitation, or operation of, railroad or
13 rail transit lines or elements of such lines, with the excep-
14 tion of stations, that are in use or were historically used
15 for the transportation of goods or passengers, shall not
16 be considered a use of a historic site under subsection (c),
17 regardless of whether the railroad or rail transit line or
18 element of such line is listed on, or eligible for listing on,
19 the National Register of Historic Places.”.

20 **SEC. 5503. EFFICIENT ENVIRONMENTAL REVIEWS.**

21 (a) IN GENERAL.—Section 304 is amended—

22 (1) in the heading, by striking “**for**
23 **multimodal projects**” and inserting “**and in-**
24 **creasing the efficiency of environmental**
25 **reviews**”; and

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

2 “(e) EFFICIENT ENVIRONMENTAL REVIEWS.—

3 “(1) IN GENERAL.—The Secretary of Transpor-
4 tation shall apply the project development proce-
5 dures, to the greatest extent feasible, described in
6 section 139 of title 23, United States Code, to any
7 rail project that requires the approval of the Sec-
8 retary of Transportation under the National Envi-
9 ronmental Policy Act of 1969 (42 U.S.C. 4321 et
10 seq.).

11 “(2) REGULATIONS AND PROCEDURES.—The
12 Secretary of Transportation shall incorporate such
13 project development procedures into the agency reg-
14 ulations and procedures pertaining to rail projects.

15 “(f) APPLICABILITY OF NEPA DECISIONS.—

16 “(1) IN GENERAL.—A Department of Trans-
17 portation operating administration may apply a cat-
18 egorical exclusion designated by another Department
19 of Transportation operating administration under
20 the National Environmental Policy Act of 1969 (42
21 U.S.C. 4321 et seq.).

22 “(2) FINDINGS.—A Department of Transpor-
23 tation operating administration may adopt, in whole
24 or in part, another Department of Transportation
25 operating administration’s Record of Decision, Find-

1 ing of No Significant Impact, and any associated
 2 evaluations, determinations, or findings dem-
 3 onstrating compliance with any law related to envi-
 4 ronmental review or historic preservation.”.

5 **SEC. 5504. ADVANCE ACQUISITION.**

6 (a) IN GENERAL.—Chapter 241 is amended by in-
 7 serting after section 24105 the following:

8 **“§ 24106. Advance acquisition**

9 “(a) RAIL CORRIDOR PRESERVATION.—The Sec-
 10 retary may assist a recipient of funding in acquiring right-
 11 of-way and adjacent real property interests before or dur-
 12 ing the completion of the environmental reviews for any
 13 project receiving funding under subtitle V of title 49,
 14 United States Code, that may use such property interests
 15 if the acquisition is otherwise permitted under Federal
 16 law, and the recipient requesting Federal funding for the
 17 acquisition certifies, with the concurrence of the Secretary,
 18 that—

19 “(1) the recipient has authority to acquire the
 20 right-of-way or adjacent real property interest; and

21 “(2) the acquisition of the right-of-way or adja-
 22 cent real property interest—

23 “(A) is for a transportation or transpor-
 24 tation-related purpose;

1 “(B) will not cause significant adverse en-
2 vironmental impact;

3 “(C) will not limit the choice of reasonable
4 alternatives for the proposed project or other-
5 wise influence the decision of the Secretary on
6 any approval required for the proposed project;

7 “(D) does not prevent the lead agency for
8 the review process from making an impartial
9 decision as to whether to accept an alternative
10 that is being considered;

11 “(E) complies with other applicable Fed-
12 eral law, including regulations;

13 “(F) will be acquired through negotiation
14 and without the threat of condemnation; and

15 “(G) will not result in the elimination or
16 reduction of benefits or assistance to a dis-
17 placed person under the Uniform Relocation
18 Assistance and Real Property Acquisition Poli-
19 cies Act of 1970 (42 U.S.C. 4601 et seq.) and
20 title VI of the Civil Rights Act of 1964 (42
21 U.S.C. 2000d et seq.).

22 “(b) ENVIRONMENTAL REVIEWS.—

23 “(1) COMPLETION OF NEPA REVIEW.—Before
24 authorizing any Federal funding for the acquisition
25 of a real property interest that is the subject of a

1 grant or other funding under this subtitle, the Sec-
 2 retary shall complete, if required, the review process
 3 under the National Environmental Policy Act of
 4 1969 (42 U.S.C. 4321 et seq.) with respect to the
 5 acquisition.

6 “(2) COMPLETION OF SECTION 106.—An acqui-
 7 sition of a real property interest involving a historic
 8 site shall not occur unless the section 106 process,
 9 if required, under the National Historic Preservation
 10 Act (54 U.S.C. 306108) is complete.

11 “(3) TIMING OF ACQUISITIONS.—A real prop-
 12 erty interest acquired under subsection (a) may not
 13 be developed in anticipation of the proposed project
 14 until all required environmental reviews for the
 15 project have been completed.”.

16 (b) CONFORMING AMENDMENT.—The table of con-
 17 tents of chapter 241 is amended by inserting after the
 18 item relating to section 24105 the following:

“24106. Advance acquisition.”.

19 **SEC. 5505. RAILROAD RIGHTS-OF-WAY.**

20 Section 306108 of title 54, United States Code, is
 21 amended—

22 (1) by inserting “(b) OPPORTUNITY TO COM-
 23 MENT.—” before “The head of the Federal agency
 24 shall afford” and indenting accordingly;

1 (2) in the matter before subsection (b), by in-
2 serting “(a) IN GENERAL.—” before “The head of
3 any Federal agency having direct” and indenting ac-
4 cordingly; and

5 (3) by adding at the end the following:

6 “(c) EXEMPTION FOR RAILROAD RIGHTS-OF-WAY.—

7 “(1) IN GENERAL.—Not later than 1 year after
8 the date of enactment of the Track, Railroad, and
9 Infrastructure Network Act, the Secretary of Trans-
10 portation shall submit a proposed exemption of rail-
11 road rights-of-way from the review under this chap-
12 ter to the Council for its consideration, consistent
13 with the exemption for interstate highways approved
14 on March 10, 2005 (70 Fed. Reg. 11,928).

15 “(2) FINAL EXEMPTION.—Not later than 180
16 days after the date that the Secretary submits the
17 proposed exemption under paragraph (1) to the
18 Council, the Council shall issue a final exemption of
19 railroad rights-of-way from review under this chap-
20 ter, consistent with the exemption for interstate
21 highways approved on March 10, 2005 (70 Fed.
22 Reg. 11,928).”.

1 **SEC. 5506. IMPROVING STATE AND FEDERAL AGENCY EN-**
2 **GAGEMENT IN ENVIRONMENTAL REVIEWS.**

3 (a) IN GENERAL.—Chapter 3 is amended by insert-
4 ing after section 306 the following:

5 **“§ 307. Improving State and Federal agency engage-**
6 **ment in environmental reviews**

7 “(a) IN GENERAL.—An entity receiving financial as-
8 sistance from the Secretary of Transportation for 1 or
9 more projects or for a program of projects, may request
10 that the Secretary allow the entity to provide funds to any
11 Federal agency, including the Department of Transpor-
12 tation, State agency, or Indian tribe (as defined in section
13 102 of the Federally Recognized Indian Tribe List Act
14 of 1994 (25 U.S.C. 479a)) participating in the environ-
15 mental planning and review process for the project,
16 projects, or program. The funds may be provided only to
17 support activities that directly and meaningfully con-
18 tribute to expediting and improving permitting and review
19 processes, including planning, approval, and consultation
20 processes for the project, projects, or program.

21 “(b) ACTIVITIES ELIGIBLE FOR FUNDING.—Activi-
22 ties for which funds may be provided under subsection (a)
23 include transportation planning activities that precede the
24 initiation of the environmental review process, activities
25 directly related to the environmental review process, dedi-
26 cated staffing, training of agency personnel, information

1 gathering and mapping, and development of programmatic
2 agreements.

3 “(c) AMOUNTS.—Requests under subsection (a) may
4 be approved only for the additional amounts that the Sec-
5 retary determines are necessary for the Federal agencies,
6 State agencies, or Indian tribes participating in the envi-
7 ronmental planning and review process to timely conduct
8 the reviews in an expedited manner.

9 “(d) AGREEMENTS.—Prior to providing funds ap-
10 proved by the Secretary for dedicated staffing at an af-
11 fected Federal agency under subsections (a) and (b), the
12 affected Federal agency, State agency or Indian tribe, as
13 appropriate, and the requesting entity shall enter into an
14 agreement that establishes a process to identify the
15 projects or priorities to be addressed by the use of the
16 funds.

17 “(e) RULE OF CONSTRUCTION.—Nothing in this sec-
18 tion shall be construed to be inconsistent with or to inter-
19 fere with section 139(j) of title 23.”.

20 (b) CONFORMING AMENDMENT.—The table of con-
21 tents of chapter 3 is amended by inserting after the item
22 relating to section 306 the following:

“307. Improving State and Federal agency engagement in environmental re-
views.”.

1 **SEC. 5507. SAVINGS CLAUSE.**

2 Nothing in this title, or any amendment made by this
3 title, shall be construed as superceding, amending, or
4 modifying the National Environmental Policy Act of 1969
5 (42 U.S.C. 4321 et seq.) or affect the responsibility of any
6 Federal officer to comply with or enforce any such statute.

7 **SEC. 5508. TRANSITION.**

8 Nothing in this title, or any amendment made by this
9 title, shall affect any existing environmental review proc-
10 ess, program, agreement, or funding arrangement ap-
11 proved by the Secretary under title 49, United States
12 Code, as that title was in effect on the day preceding the
13 date of enactment of this subtitle.

14 **Subtitle F—Financing**

15 **SEC. 5601. SHORT TITLE; REFERENCES.**

16 (a) **SHORT TITLE.**—This subtitle may be cited as the
17 “Railroad Infrastructure Financing Improvement Act”.

18 (b) **REFERENCES TO THE RAILROAD REVITALIZA-**
19 **TION AND REGULATORY REFORM ACT OF 1976.**—Except
20 as otherwise expressly provided, wherever in this subtitle
21 an amendment or repeal is expressed in terms of an
22 amendment to, or repeal of, a section or other provision,
23 the reference shall be considered to be made to a section
24 or other provision of the Railroad Revitalization and Regu-
25 latory Reform Act of 1976, as amended (45 U.S.C. 801
26 et seq.).

1 **SEC. 5602. DEFINITIONS.**

2 Section 501 (45 U.S.C. 821) is amended—

3 (1) by redesignating paragraph (8) as para-
4 graph (10);

5 (2) by redesignating paragraphs (6) and (7) as
6 paragraphs (7) and (8), respectively;

7 (3) by inserting after paragraph (5) the fol-
8 lowing:

9 “(6) The term ‘investment-grade rating’ means
10 a rating of BBB minus, Baa 3, bbb minus,
11 BBB(low), or higher assigned by a rating agency.”;

12 (4) by inserting after paragraph (8), as redesign-
13 nated, the following:

14 “(9) The term ‘master credit agreement’ means
15 an agreement to make 1 or more direct loans or loan
16 guarantees at future dates for a program of related
17 projects on terms acceptable to the Secretary.”; and

18 (5) by adding at the end the following:

19 “(11) The term ‘obligor’ means a party that—

20 “(A) is primarily liable for payment of the
21 principal of or interest on a direct loan or loan
22 guarantee under this section; and

23 “(B) may be a corporation, limited liability
24 company, partnership, joint venture, trust, or
25 governmental entity, agency, or instrumentality.

1 “(12) The term ‘project obligation’ means a
 2 note, bond, debenture, or other debt obligation
 3 issued by a borrower in connection with the financ-
 4 ing of a project, other than a direct loan or loan
 5 guarantee under this title.

6 “(13) The term ‘railroad’ has the meaning
 7 given the term ‘railroad carrier’ in section 20102 of
 8 title 49, United States Code.

9 “(14) The term ‘rating agency’ means a credit
 10 rating agency registered with the Securities and Ex-
 11 change Commission as a nationally recognized statis-
 12 tical rating organization (as defined in section 3(a)
 13 of the Securities Exchange Act of 1934 (15 U.S.C.
 14 78c(a))).

15 “(15) The term ‘substantial completion’
 16 means—

17 “(A) the opening of a project to passenger
 18 or freight traffic; or

19 “(B) a comparable event, as determined by
 20 the Secretary and specified in the direct loan.”.

21 **SEC. 5603. ELIGIBLE APPLICANTS.**

22 Section 502(a) (45 U.S.C. 822(a)) is amended—

23 (1) in paragraph (5), by striking “one railroad;
 24 and” and inserting “1 of the entities described in
 25 paragraph (1), (2), (3), (4), or (6);”;

1 (2) by amending paragraph (6) to read as fol-
 2 lows:

3 “(6) solely for the purpose of constructing a
 4 rail connection between a plant or facility and a rail
 5 carrier, limited option freight shippers that own or
 6 operate a plant or other facility; and”; and

7 (3) by adding at the end the following:

8 “(7) any obligor, as designated by an entity
 9 otherwise eligible to receive a direct loan or loan
 10 guarantee under this section, including a special
 11 purpose entity receiving user fees or other payments
 12 or revenues from dedicated sources for debt service
 13 and maintenance of the equipment or facilities to be
 14 acquired or improved; and

15 “(8) a public-private or private partnership be-
 16 tween at least 1 other entity listed in any of para-
 17 graphs (1) through (7) and a consortium that spe-
 18 cializes in real estate development.”.

19 **SEC. 5604. ELIGIBLE PURPOSES.**

20 Section 502(b)(1) (45 U.S.C. 822(b)(1)) is amend-
 21 ed—

22 (1) in subparagraph (A), by inserting “, and
 23 costs related to these activities, including pre-con-
 24 struction costs” after “shops”;

1 (2) in subparagraph (B), by striking “subpara-
2 graph (A); or” and inserting “subparagraph (A) or
3 (C);”;

4 (3) in subparagraph (C), by striking the period
5 at the end and inserting a semicolon; and

6 (4) by adding at the end the following:

7 “(D) reimburse planning and design ex-
8 penses relating to projects described in subpara-
9 graph (A) or (C); or

10 “(E) finance economic development, in-
11 cluding commercial and residential development,
12 and related infrastructure and activities, that—

13 “(i) incorporates private investment;

14 “(ii) is physically or functionally re-
15 lated to a passenger rail station or
16 multimodal station that includes rail serv-
17 ice;

18 “(iii) has a high probability of the ap-
19 plicant commencing the contracting proc-
20 ess for construction not later than 90 days
21 after the date on which the direct loan or
22 loan guarantee is obligated for the project
23 under this title; and

24 “(iv) has a high probability of reduc-
25 ing the need for financial assistance under

1 any other Federal program for the relevant
 2 passenger rail station or service by increas-
 3 ing ridership, tenant lease payments, or
 4 other activities that generate revenue ex-
 5 ceeding costs.”.

6 **SEC. 5605. PROGRAM ADMINISTRATION.**

7 (a) APPLICATION PROCESSING PROCEDURES.—Sec-
 8 tion 502(i) (45 U.S.C. 822(i)) is amended to read as fol-
 9 lows:

10 “(i) APPLICATION PROCESSING PROCEDURES.—

11 “(1) APPLICATION STATUS NOTICES.—Not later
 12 than 30 days after the date that the Secretary re-
 13 ceives an application under this section, the Sec-
 14 retary shall provide the applicant written notice as
 15 to whether the application is complete or incomplete.

16 “(2) INCOMPLETE APPLICATIONS.—If the Sec-
 17 retary determines that an application is incomplete,
 18 the Secretary shall—

19 “(A) provide the applicant with a descrip-
 20 tion of all of the specific information or mate-
 21 rial that is needed to complete the application;
 22 and

23 “(B) allow the applicant to resubmit the
 24 information and material described under sub-
 25 paragraph (A) to complete the application.

1 “(3) APPLICATION APPROVALS AND DIS-
2 APPROVALS.—

3 “(A) IN GENERAL.—Not later than 60
4 days after the date the Secretary notifies an ap-
5 plicant that an application is complete under
6 paragraph (1), the Secretary shall provide the
7 applicant written notice as to whether the Sec-
8 retary has approved or disapproved the applica-
9 tion.

10 “(B) ACTIONS BY THE OFFICE OF MAN-
11 AGEMENT AND BUDGET.—In order to enable
12 compliance with the time limit under subpara-
13 graph (A), the Office of Management and
14 Budget shall take any action required with re-
15 spect to the application within that 60-day pe-
16 riod.

17 “(4) EXPEDITED PROCESSING.—The Secretary
18 shall implement procedures and measures to econo-
19 mize the time and cost involved in obtaining an ap-
20 proval or a disapproval of credit assistance under
21 this title.

22 “(5) DASHBOARD.—The Secretary shall post on
23 the Department of Transportation’s public Web site
24 a monthly report that includes for each applica-
25 tion—

1 “(A) the name of the applicant or appli-
2 cants;

3 “(B) the location of the project;

4 “(C) a brief description of the project, in-
5 cluding its purpose;

6 “(D) the requested direct loan or loan
7 guarantee amount;

8 “(E) the date on which the Secretary pro-
9 vided application status notice under paragraph
10 (1); and

11 “(F) the date that the Secretary provided
12 notice of approval or disapproval under para-
13 graph (3).”.

14 (b) ADMINISTRATION OF DIRECT LOANS AND LOAN
15 GUARANTEES.—Section 503 (45 U.S.C. 823) is amend-
16 ed—

17 (1) in subsection (a), by striking the period at
18 the end and inserting “, including a program guide
19 and standard term sheet and specific timetables.”;

20 (2) by redesignating subsections (c) through (l)
21 as subsections (d) through (m), respectively;

22 (3) by striking “(b) ASSIGNMENT OF LOAN
23 GUARANTEES.—” and inserting “(c) ASSIGNMENT
24 OF LOAN GUARANTEES.—”;

25 (4) in subsection (d), as redesignated—

1 (A) in paragraph (1), by striking “; and”
2 and inserting a semicolon;

3 (B) in paragraph (2), by striking the pe-
4 riod at the end and inserting “; and”; and

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

6 “(3) the modification cost has been covered
7 under section 502(f).”; and

8 (5) by amending subsection (l), as redesignated,
9 to read as follows:

10 “(l) CHARGES AND LOAN SERVICING.—

11 “(1) PURPOSES.—The Secretary may collect
12 and spend from each applicant, obligor, or loan
13 party a reasonable charge for—

14 “(A) the cost of evaluating the application,
15 amendments, modifications, and waivers, in-
16 cluding for evaluating project viability, appli-
17 cant creditworthiness, and the appraisal of the
18 value of the equipment or facilities for which
19 the direct loan or loan guarantee is sought, and
20 for making necessary determinations and find-
21 ings;

22 “(B) the cost of award management and
23 project management oversight;

24 “(C) the cost of services from expert firms,
25 including counsel, and independent financial ad-

visors to assist in the underwriting, auditing, servicing, and exercise of rights with respect to direct loans and loan guarantees; and

“(D) the cost of all other expenses incurred as a result of a breach of any term or condition or any event of default on a direct loan or loan guarantee.

“(2) STANDARDS.—The Secretary may charge different amounts under this subsection based on the different costs incurred under paragraph (1).

“(3) SERVICER.—

“(A) IN GENERAL.—The Secretary may appoint a financial entity to assist the Secretary in servicing a direct loan or loan guarantee under this section.

“(B) DUTIES.—A servicer appointed under subparagraph (A) shall act as the agent of the Secretary in serving a direct loan or loan guarantee under this section.

“(C) FEES.—A servicer appointed under subparagraph (A) shall receive a servicing fee from the obligor or other loan party, subject to approval by the Secretary.

“(4) USE OF OTHER FEDERAL FUNDS.—Notwithstanding any other provision of law, an appli-

1 cant may use grants under chapter 244 of title 49,
 2 United States Code, to pay any charge under this
 3 subsection.

4 “(5) SAFETY AND OPERATIONS ACCOUNT.—
 5 Amounts collected under this subsection shall—

6 “(A) be credited directly to the Safety and
 7 Operations account of the Federal Railroad Ad-
 8 ministration; and

9 “(B) remain available until expended to
 10 pay for the costs described in this subsection.”.

11 **SEC. 5606. LOAN TERMS AND REPAYMENT.**

12 (a) PREREQUISITES FOR ASSISTANCE.—Section
 13 502(g)(1) (45 U.S.C. 822(g)(1)) is amended by striking
 14 “35 years from the date of its execution” and inserting
 15 “the lesser of 35 years after the date of substantial com-
 16 pletion of the project or the estimated useful life of the
 17 rail equipment or facilities to be acquired, rehabilitated,
 18 improved, developed, or established”.

19 (b) REPAYMENT SCHEDULES.—Section 502(j) (45
 20 U.S.C. 822(j)) is amended—

21 (1) in paragraph (1), by striking “the sixth an-
 22 niversary date of the original loan disbursement”
 23 and inserting “5 years after the date of substantial
 24 completion”; and

25 (2) by adding at the end the following:

1 “(3) DEFERRED PAYMENTS.—

2 “(A) IN GENERAL.—If at any time after
3 the date of substantial completion the project is
4 unable to generate sufficient revenues to pay
5 the scheduled loan repayments of principal and
6 interest on the direct loan, the Secretary, sub-
7 ject to subparagraph (B), may allow, for a max-
8 imum aggregate time of 1 year over the dura-
9 tion of the direct loan, the obligor to add un-
10 paid principal and interest to the outstanding
11 balance of the direct loan.

12 “(B) INTEREST.—A payment deferred
13 under subparagraph (A) shall—

14 “(i) continue to accrue interest under
15 paragraph (2) until the loan is fully repaid;
16 and

17 “(ii) be scheduled to be amortized
18 over the remaining term of the loan.

19 “(4) PREPAYMENTS.—

20 “(A) USE OF EXCESS REVENUES.—Any
21 excess revenues that remain after satisfying
22 scheduled debt service requirements on the
23 project obligations and direct loan and all de-
24 posit requirements under the terms of any trust
25 agreement, bond resolution, or similar agree-

1 ment securing project obligations may be ap-
 2 plied annually to prepay the direct loan without
 3 penalty.

4 “(B) USE OF PROCEEDS OF REFI-
 5 NANCING.—The direct loan may be prepaid at
 6 any time without penalty from the proceeds of
 7 refinancing from non-Federal funding
 8 sources.”.

9 (c) SALE OF DIRECT LOANS.—Section 502 (45
 10 U.S.C. 822) is amended by adding at the end the fol-
 11 lowing:

12 “(k) SALE OF DIRECT LOANS.—

13 “(1) IN GENERAL.—Subject to paragraph (2)
 14 and as soon as practicable after substantial comple-
 15 tion of a project, the Secretary, after notifying the
 16 obligor, may sell to another entity or reoffer into the
 17 capital markets a direct loan for the project if the
 18 Secretary determines that the sale or reoffering has
 19 a high probability of being made on favorable terms.

20 “(2) CONSENT OF OBLIGOR.—In making a sale
 21 or reoffering under paragraph (1), the Secretary
 22 may not change the original terms and conditions of
 23 the secured loan without the prior written consent of
 24 the obligor.”.

1 (d) NONSUBORDINATION.—Section 502 (45 U.S.C.
2 822), as amended in subsection (c), is further amended
3 by adding at the end the following:

4 “(l) NONSUBORDINATION.—

5 “(1) IN GENERAL.—Except as provided in para-
6 graph (2)(B), a direct loan shall not be subordinated
7 to the claims of any holder of project obligations in
8 the event of bankruptcy, insolvency, or liquidation of
9 the obligor.

10 “(2) PREEXISTING INDENTURES.—

11 “(A) IN GENERAL.—The Secretary may
12 waive the requirement under paragraph (1) for
13 a public agency borrower that is financing on-
14 going capital programs and has outstanding
15 senior bonds under a preexisting indenture if—

16 “(i) the direct loan is rated in the A
17 category or higher;

18 “(ii) the direct loan is secured and
19 payable from pledged revenues not affected
20 by project performance, such as a tax-
21 based revenue pledge or a system-backed
22 pledge of project revenues; and

23 “(iii) the program share, under this
24 title, of eligible project costs is 50 percent
25 or less.

1 “(B) LIMITATION.—The Secretary may
 2 impose limitations for the waiver of the non-
 3 subordination requirement under this para-
 4 graph if the Secretary determines that such
 5 limitations would be in the financial interest of
 6 the Federal Government.”.

7 **SEC. 5607. CREDIT RISK PREMIUMS.**

8 Section 502(f) (45 U.S.C. 822(f)) is amended—

9 (1) in paragraph (1), by amending the first sen-
 10 tence to read as follows: “In lieu of or in combina-
 11 tion with appropriations of budget authority to cover
 12 the costs of direct loans and loan guarantees as re-
 13 quired under section 504(b)(1) of the Federal Credit
 14 Reform Act of 1990 (2 U.S.C. 661c(b)(1)), includ-
 15 ing the cost of a modification thereof, the Secretary
 16 may accept on behalf of an applicant for assistance
 17 under this section a commitment from a non-Federal
 18 source, including a State or local government or
 19 agency or public benefit corporation or public au-
 20 thority thereof, to fund in whole or in part credit
 21 risk premiums and modification costs with respect to
 22 the loan that is the subject of the application or
 23 modification.”;

24 (2) in paragraph (2)—

1 (A) in subparagraph (D), by adding “and”
 2 after the semicolon;

3 (B) by striking subparagraph (E); and

4 (C) by redesignating subparagraph (F) as
 5 subparagraph (E);

6 (3) by striking paragraph (4);

7 (4) by redesignating paragraph (3) as para-
 8 graph (4);

9 (5) by inserting after paragraph (2) the fol-
 10 lowing:

11 “(3) CREDITWORTHINESS.—An applicant may
 12 propose and the Secretary may accept as a basis for
 13 determining the amount of the credit risk premium
 14 under paragraph (2) any of the following in addition
 15 to the value of any tangible asset:

16 “(A) The net present value of a future
 17 stream of State or local subsidy income or other
 18 dedicated revenues to secure the direct loan or
 19 loan guarantee.

20 “(B) Adequate coverage requirements to
 21 ensure repayment, on a non-recourse basis,
 22 from cash flows generated by the project or any
 23 other dedicated revenue source, including—

24 “(i) tolls;

25 “(ii) user fees; or

1 “(iii) payments owing to the obligor
2 under a public-private partnership.

3 “(C) An investment-grade rating on the di-
4 rect loan or loan guarantee, as applicable, ex-
5 cept that if the total amount of the direct loan
6 or loan guarantee is greater than \$75,000,000,
7 the applicant shall have an investment-grade
8 rating from at least 2 rating agencies on the di-
9 rect loan or loan guarantee.”;

10 (6) in paragraph (4), as redesignated, by strik-
11 ing “amounts” and inserting “amounts (and in the
12 case of a modification, before the modification is ex-
13 ecuted), to the extent appropriations are not avail-
14 able to the Secretary to meet the costs of direct
15 loans and loan guarantees, including costs of modi-
16 fications thereof”; and

17 (7) by adding at the end the following:

18 “(5) USE OF OTHER FEDERAL FUNDS.—Not-
19 withstanding any other provision of law, an appli-
20 cant may use grants under chapter 244 of title 49,
21 United States Code, to pay part or all of a credit
22 risk premium or modification cost under this sub-
23 section.”.

1 **SEC. 5608. MASTER CREDIT AGREEMENTS.**

2 Section 502 (45 U.S.C. 822), as amended by sub-
3 sections (c) and (d) of section 5606 of this Act, is further
4 amended by adding at the end the following:

5 “(m) MASTER CREDIT AGREEMENTS.—

6 “(1) IN GENERAL.—Subject to section 502(d)
7 and paragraph (2) of this subsection, the Secretary
8 may enter into a master credit agreement that pro-
9 vides for all of the conditions for the provision of a
10 direct loan or loan guarantee, as applicable, under
11 this title and other applicable requirements to be
12 satisfied prior to the issuance of the direct loan or
13 loan guarantee.

14 “(2) CONDITIONS.—Each master credit agree-
15 ment shall—

16 “(A) establish the maximum amount and
17 general terms and conditions of each applicable
18 direct loan or loan guarantee;

19 “(B) identify 1 or more dedicated non-
20 Federal revenue sources that will secure the re-
21 payment of each applicable direct loan or loan
22 guarantee;

23 “(C) provide for the obligation of funds for
24 the direct loans or loan guarantees after all re-
25 quirements have been met for the projects sub-
26 ject to the master credit agreement; and

1 “(D) provide 1 or more dates, as deter-
 2 mined by the Secretary, before which the mas-
 3 ter credit agreement results in each of the di-
 4 rect loans or loan guarantees or in the release
 5 of the master credit agreement.”.

6 **SEC. 5609. PRIORITIES AND CONDITIONS.**

7 (a) **PRIORITY PROJECTS.**—Section 502(c) (45 U.S.C.
 8 822(c)) is amended—

9 (1) in paragraph (1), by inserting “, including
 10 projects for the installation of a positive train con-
 11 trol system (as defined in section 20157(i) of title
 12 49, United States Code)” after “public safety”;

13 (2) by redesignating paragraphs (2) and (3) as
 14 paragraphs (3) and (2), respectively;

15 (3) in paragraph (5), by inserting “or chapter
 16 227 of title 49” after “section 135 of title 23”;

17 (4) by redesignating paragraphs (6) through
 18 (8) as paragraphs (7) through (9), respectively; and

19 (5) by inserting after paragraph (5) the fol-
 20 lowing:

21 “(6) improve railroad stations and passenger
 22 facilities and increase transit-oriented develop-
 23 ment;”.

24 (b) **CONDITIONS OF ASSISTANCE.**—Section 502(h)
 25 (45 U.S.C. 822(h)) is amended—

1 (1) in paragraph (2), by inserting “, if applica-
2 ble” after “project”; and

3 (2) by adding at the end the following:

4 “(4) For a project described in subsection
5 (b)(1)(E), the Secretary shall require the applicant,
6 obligor, or other loan party, in addition to the inter-
7 est required under subsection (e), to provide the
8 sponsor of the intercity passenger rail service or its
9 designee, a fee or payment in an amount determined
10 appropriate by the Secretary to provide an equitable
11 share of project revenue to support the capital or op-
12 erating costs of the routes serving the passenger rail
13 station or multimodal station where the development
14 is located.”.

15 **SEC. 5610. SAVINGS PROVISION.**

16 (a) IN GENERAL.—Except as provided in subsection
17 (b), this subtitle, and the amendments made by this sub-
18 title, shall not affect any direct loan (or direct loan obliga-
19 tion) or an outstanding loan guarantee (or loan guarantee
20 commitment) that was in effect prior to the date of enact-
21 ment of this Act. Any such transaction entered into before
22 the date of enactment of this Act shall be administered
23 until completion under its terms as if this Act were not
24 enacted.

1 (b) MODIFICATION COSTS.—At the discretion of the
2 Secretary, the authority to accept modification costs on
3 behalf of an applicant under section 502(f) of the Railroad
4 Revitalization and Regulatory Reform Act of 1976 (45
5 U.S.C. 822(f)), as amended by section 5607 of this Act,
6 may apply with respect to any direct loan (or direct loan
7 obligation) or an outstanding loan guarantee (or loan
8 guarantee commitment) that was in effect prior to the
9 date of enactment of this Act.

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