

AMENDMENT NO. _____ Calendar No. _____

Purpose: To amend titles I through V of the bill.

IN THE SENATE OF THE UNITED STATES—114th Cong., 1st Sess.

S. 1732

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

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by _____

Viz:

1 Strike titles I through V and insert the following:

2 **TITLE I—OFFICE OF THE**
3 **SECRETARY**

4 **Subtitle A—Transportation Trust**
5 **Fund**

6 **SEC. 1101. SENSE OF CONGRESS.**

7 It is the sense of Congress that a Transportation
8 Trust Fund should be established to provide predictable,
9 dedicated funding for all surface transportation projects,
10 including projects under the freight investment grant pro-
11 gram under section 5410 of title 49, United States Code
12 (as added by section 1202 of this Act), projects under sub-
13 title E, and passenger rail projects.

1 ronmental Quality and shall be comprised of Dep-
2 uty-level representatives from the following depart-
3 ments and agencies:

4 “(A) The Department of Defense.

5 “(B) The Department of the Interior.

6 “(C) The Department of Agriculture.

7 “(D) The Department of Commerce.

8 “(E) The Department of Transportation.

9 “(F) The Department of Energy.

10 “(G) The Department of Homeland Secu-
11 rity.

12 “(H) The Environmental Protection Agen-
13 cy.

14 “(I) The Advisory Council on Historic
15 Preservation.

16 “(J) The Department of the Army.

17 “(K) The Department of Housing and
18 Urban Development.

19 “(L) Other agencies the Chair of the
20 Steering Committee invites to participate.

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

24 “(A) Coordinate and support implementa-
25 tion of priority reform actions for Federal agen-

1 cy permitting and reviews for areas as defined
2 and identified by the Steering Committee.

3 “(B) Support modernization efforts at
4 Federal agencies and interagency pilots for in-
5 novative approaches to the permitting and re-
6 view of infrastructure projects.

7 “(C) Provide technical assistance and
8 training to field and headquarters staff of Fed-
9 eral agencies on policy changes, innovative ap-
10 proaches to project delivery, and other topics as
11 appropriate.

12 “(D) Identify, develop, and track metrics
13 for timeliness of permit reviews, permit deci-
14 sions, and project outcomes.

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

17 “(i) tracking and reporting of metrics;

18 “(ii) development and posting of
19 schedules for permit reviews and permit
20 decisions; and

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

23 “(F) Provide reporting to the President on
24 progress toward achieving greater efficiency in
25 permitting decisions and review of infrastruc-

1 ture projects and progress toward achieving
2 better outcomes for communities and the envi-
3 ronment.

4 “(4) INFRASTRUCTURE SECTORS COVERED.—

5 The Center shall support process improvements in
6 the permitting and review of infrastructure projects
7 in the following sectors:

8 “(A) Surface transportation.

9 “(B) Aviation.

10 “(C) Ports and waterways.

11 “(D) Water resource projects.

12 “(E) Renewable energy generation.

13 “(F) Electricity transmission.

14 “(G) Broadband.

15 “(H) Pipelines.

16 “(I) Other sectors, as determined by the
17 Steering Committee.

18 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
19 is authorized to be appropriated to carry out this section,
20 \$4,000,000 for each of fiscal years 2016 through 2021.”.

21 (b) CONFORMING AMENDMENT.—The table of con-
22 tents of chapter 3, as amended by sections 1105 and 1106
23 of this Act, is further amended by inserting after the item
24 relating to section 311 the following:

 “312. Interagency Infrastructure Permitting Improvement Center.”.

1 **SEC. 1103. ACCELERATED DECISION-MAKING IN ENVIRON-**
2 **MENTAL REVIEWS.**

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

5 **“§ 304a. Accelerated decision-making in environ-**
6 **mental reviews**

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

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

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

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

1 “(1) the final environmental impact statement
2 makes substantial changes to the proposed action
3 that are relevant to environmental or safety con-
4 cerns; or

5 “(2) there are significant new circumstances or
6 information relevant to environmental concerns and
7 that bear on the proposed action or the impacts of
8 the proposed action.”.

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

 “304a. Accelerated decision-making in environmental reviews.”.

12 **SEC. 1104. 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 **“§ 310. Aligning Federal environmental reviews**

2 “(a) COORDINATED AND CONCURRENT ENVIRON-
3 MENTAL REVIEWS.—Not later than 1 year after the date
4 of enactment of the Comprehensive Transportation and
5 Consumer Protection Act of 2015, the Department of
6 Transportation, in coordination with the Steering Com-
7 mittee described in section 312 of this title, shall develop
8 a coordinated and concurrent environmental review and
9 permitting process for transportation projects when initi-
10 ating an environmental impact statement under the Na-
11 tional Environmental Policy Act of 1969 (42 U.S.C. 4321
12 et seq.) (referred to in this section as ‘NEPA’). The co-
13 ordinated and concurrent environmental review and per-
14 mitting process shall—

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

24 “(2) achieve early concurrence or issue resolu-
25 tion during the NEPA scoping process on the De-
26 partment of Transportation’s statement of a

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

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

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

1 “(1) to identify agencies of jurisdiction and co-
2 operating agencies,

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

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

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

1 relevant stakeholders and Federal, tribal, State, and local
2 representatives early in permitting processes.

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

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

“310. Aligning Federal environmental reviews.”.

14 **SEC. 1106. IMPROVING TRANSPARENCY IN ENVIRON-**
15 **MENTAL REVIEWS.**

16 (a) IN GENERAL.—Subchapter I of chapter 3, as
17 amended by section 1105 of this Act, is further amended
18 by inserting after section 310 the following:

19 **“§ 311. Improving transparency in environmental re-**
20 **views**

21 “(a) IN GENERAL.—Not later than 2 years after the
22 date of enactment of the Comprehensive Transportation
23 and Consumer Protection Act of 2015, the Secretary of
24 Transportation shall establish an online platform and, in
25 coordination with Federal agencies described in subsection

1 (b), issue reporting standards to make publicly available
2 the status and progress with respect to compliance with
3 applicable requirements under the National Environ-
4 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and
5 any other Federal approval required under applicable laws
6 for projects and activities requiring an environmental as-
7 sessment or an environmental impact statement.

8 “(b) FEDERAL AGENCY PARTICIPATION.—A Federal
9 agency of jurisdiction over an approval required for a
10 project under applicable laws shall provide information re-
11 garding the status and progress of the approval to the on-
12 line platform, consistent with the standards established
13 under subsection (a).

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

20 (b) CONFORMING AMENDMENT.—The table of con-
21 tents of subchapter I of chapter 3, as amended by section
22 1105 of this Act, is further amended by inserting after
23 the item relating to section 310, the following:

“311. Improving transparency in environmental reviews.”.

1 **Subtitle C—Freight**

2 **SEC. 1201. SHORT TITLE.**

3 This subtitle may be cited as the “National
4 Multimodal Freight Policy and Investment Act”.

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

6 (a) ESTABLISHMENT.—Subtitle III of title 49,
7 United States Code, is amended by inserting after chapter
8 53 the following:

9 **“CHAPTER 54—FREIGHT**

10 **“§ 5401. Definitions**

11 “In this chapter:

12 “(1) FREIGHT TRANSPORTATION MODES.—The
13 term ‘freight transportation modes’ means any mode
14 of transportation that moves freight, including air-
15 ports, highways, ports and waterways, rail, and pipe-
16 line.

17 “(2) NATIONAL MULTIMODAL FREIGHT NET-
18 WORK.—The term ‘national multimodal freight net-
19 work’ means the network established under section
20 5403.

21 “(3) NATIONAL MULTIMODAL FREIGHT STRA-
22 TEGIC PLAN.—The term ‘national multimodal
23 freight strategic plan’ means the strategic plan de-
24 veloped under section 5404.

1 “(4) SECRETARY.—The term ‘Secretary’ means
2 the Secretary of Transportation.

3 “(5) STATE.—The term ‘State’ means a State
4 of the United States, the District of Columbia, Puer-
5 to Rico, the Northern Mariana Islands, Guam,
6 American Samoa, and the Virgin Islands.

7 **“§ 5402. National multimodal freight policy**

8 “(a) POLICY.—It is the policy of the United States
9 to support investment in the condition and performance
10 of the national multimodal freight network to ensure the
11 United States maximizes its competitiveness in the global
12 economy and achieves each goal described in subsection
13 (b).

14 “(b) GOALS.—The goals of the national multimodal
15 freight policy are to enhance the economic competitiveness
16 of the United States and improve quality of life—

17 “(1) by increasing the overall productivity and
18 connectivity of the national freight system;

19 “(2) by improving the safety, security, and re-
20 siliency of freight transportation;

21 “(3) by reducing the congestion of freight
22 transportation;

23 “(4) by improving the reliability of freight
24 transportation; and

1 “(5) by reducing, eliminating, or reversing ad-
2 verse environmental and local community impacts of
3 freight projects and freight movement in the United
4 States.

5 “(c) STRATEGY.—The strategies that the United
6 States may use to achieve the goals set forth in subsection
7 (b) include—

8 “(1) dedicated funding to maintain and improve
9 freight infrastructure facilities and operations;

10 “(2) appropriate safety, environmental, energy
11 and other transportation policies;

12 “(3) advanced technology and innovation;

13 “(4) workforce development; and

14 “(5) use of performance management.

15 “(d) DEFINITION OF ECONOMIC COMPETITIVE-
16 NESS.—In this section, the term ‘economic competitive-
17 ness’ means the ability of the economy to more efficiently
18 move freight and people, produce goods, and deliver serv-
19 ices, including—

20 “(1) reductions in the travel time of freight and
21 people;

22 “(2) reductions in the congestion caused by the
23 movement of freight and people;

24 “(3) improvements to travel time reliability; and

1 “(4) reductions in freight transportation costs
2 due to congestion and insufficient infrastructure.

3 **“§ 5403. National multimodal freight network**

4 “(a) ESTABLISHMENT.—The Secretary shall estab-
5 lish a national multimodal freight network in accordance
6 with this section—

7 “(1) to inform public and private planning;

8 “(2) to assist in the prioritization of Federal in-
9 vestment;

10 “(3) to direct the use of Federal resources
11 under section 5404;

12 “(4) to assess and support Federal investments
13 to achieve the national multimodal freight policy
14 goals described in section 5402(b); and

15 “(5) to help States define and prioritize local
16 community impacts of freight movement.

17 “(b) NETWORK COMPONENTS.—The national
18 multimodal freight network shall consist of all connectors,
19 corridors, and facilities in all freight transportation modes
20 that are the most critical to the current and future move-
21 ment of freight to achieve the national multimodal freight
22 policy goals described in section 5402(b).

23 “(c) DESIGNATION OF THE NATIONAL MULTIMODAL
24 FREIGHT NETWORK.—

1 “(1) INITIAL DESIGNATION.—Not later than 3
2 years after the date of enactment of the National
3 Multimodal Freight Policy and Investment Act, the
4 Secretary shall designate a national multimodal
5 freight network—

6 “(A) using measurable data, including
7 measurable data provided by States, to assess
8 the significance of freight movement, including
9 consideration of points of origin, destination,
10 and linking components of domestic and inter-
11 national supply chains;

12 “(B) improving network and intermodal
13 connectivity; and

14 “(C) reflecting input from stakeholders, in-
15 cluding multimodal freight system users, trans-
16 port providers, metropolitan planning organiza-
17 tions, local governments, seaports, airports,
18 railroads, and States, through a public process
19 to identify critical freight facilities and cor-
20 ridors that are vital to achieve the national
21 multimodal freight policy goals described in sec-
22 tion 5402(b).

23 “(2) REDESIGNATION.—Beginning 5 years
24 after the date of the initial designation of the na-
25 tional multimodal freight network under paragraph

1 (1), and every 5 years thereafter, using the designa-
2 tion factors described in paragraph (3), the Sec-
3 retary shall redesignate the national multimodal
4 freight network.

5 “(3) FACTORS.—In designating or redesign-
6 ating the national multimodal freight network, the
7 Secretary shall consider—

8 “(A) origins and destinations of freight
9 movement within, to, and from the United
10 States;

11 “(B) volume of freight, including value and
12 tonnage;

13 “(C) population centers;

14 “(D) border crossings, airports, and sea-
15 ports;

16 “(E) economic factors;

17 “(F) freight chokepoints and other impedi-
18 ments contributing to significant measurable
19 congestion, delay in freight movement, or ineffi-
20 cient modal connections;

21 “(G) facilities of future freight importance
22 based on input from stakeholders and analysis
23 of projections for future growth and changes to
24 the national freight system;

1 “(H) impacts on all freight transportation
2 modes and modes that share significant freight
3 infrastructure;

4 “(I) elements and transportation corridors
5 identified by a multi-State coalition, State,
6 State advisory committee, or metropolitan plan-
7 ning organization using national or local data
8 as having critical freight importance to the re-
9 gion; and

10 “(J) intermodal connectors, major distribu-
11 tion centers, inland intermodal facilities, and
12 first- and last-mile facilities.

13 **“§ 5404. National multimodal freight strategic plan**

14 “(a) INITIAL DEVELOPMENT.—Not later than 3
15 years after the date of enactment of the National
16 Multimodal Freight Policy and Investment Act, the Sec-
17 retary, in consultation with State departments of trans-
18 portation, metropolitan planning organizations, local gov-
19 ernments, and other appropriate public and private freight
20 transportation stakeholders, shall develop, maintain, and
21 post on the Department of Transportation public website
22 a national multimodal freight strategic plan.

23 “(b) REQUIREMENTS.—The initial and each revised
24 national multimodal freight strategic plan shall include—

1 “(1) an assessment of the current condition and
2 performance of the national multimodal freight net-
3 work, and the ability of the network to meet the pol-
4 icy and goals described in section 5402;

5 “(2) an assessment of statutory, regulatory,
6 technological, institutional, financial, and other bar-
7 riers to improved freight transportation perform-
8 ance, including opportunities for overcoming the bar-
9 riers;

10 “(3) an analysis of emerging and long-term pro-
11 jected trends in economic and national trade policies,
12 public health, workforce availability, and environ-
13 mental conditions that will impact the performance,
14 needs, safety, and uses of the national transpor-
15 tation system to move freight;

16 “(4) an identification of freight chokepoints on
17 the national multimodal freight network that create
18 significant freight congestion problems, based on a
19 quantitative methodology developed by the Secretary
20 and using the analysis under paragraph (3);

21 “(5) an identification of major international
22 and domestic trade gateways and corridors that con-
23 nect major population centers and ports of entry;

1 “(6) a projection of current and forecasted traf-
2 fic and freight volumes on the gateways and cor-
3 ridors identified under paragraph (5);

4 “(7) an identification of major agricultural and
5 energy rural production areas and other major in-
6 land freight generators;

7 “(8) an identification of the gateways and cor-
8 ridors that connect the major inland freight genera-
9 tors identified in paragraph (7) to ports of entry;

10 “(9) the best practices for improving the oper-
11 ational and safety performance of the national
12 multimodal freight network;

13 “(10) the best practices to reduce, minimize,
14 and mitigate the environmental and other impacts of
15 freight movement on communities;

16 “(11) a process for addressing multistate
17 projects and encouraging jurisdictions to collaborate;

18 “(12) strategies to improve freight intermodal
19 connectivity, including bulk transloading facilities;

20 “(13) the development of more consistent and
21 accurate data to measure freight movement domesti-
22 cally and internationally; and

23 “(14) the identification of federally designated
24 strategic defense ports and nearby freight
25 chokepoints that create significant congestion which

1 could hamper the flow of military equipment and
2 personnel to those ports.

3 “(c) UPDATES.—

4 “(1) IN GENERAL.—Not later than 5 years
5 after the date the initial national multimodal freight
6 strategic plan under subsection (a) is complete, and
7 every 10 years thereafter, the Secretary shall update
8 and repost on the Department of Transportation
9 public website a revised national multimodal freight
10 strategic plan.

11 “(2) MAJOR INTERNATIONAL AND DOMESTIC
12 TRADE GATEWAYS AND CORRIDORS.—The identifica-
13 tion of major international and domestic trade gate-
14 ways and corridors that connect major population
15 centers and ports of entry under subsection (b)(5)
16 shall be updated, as appropriate, in each revised na-
17 tional multimodal freight strategic plan.

18 **“§ 5405. National multimodal freight advisory com-**
19 **mittee**

20 “(a) ESTABLISHMENT.—The Secretary shall estab-
21 lish a national multimodal freight advisory committee in
22 the Department of Transportation consisting of a bal-
23 anced cross-section of public and private freight stake-
24 holders representative of all freight transportation modes,
25 including—

1 “(1) airports, highways, ports and waterways,
2 rail, and pipeline;

3 “(2) shippers;

4 “(3) carriers;

5 “(4) freight-related associations;

6 “(5) the freight industry workforce;

7 “(6) State departments of transportation;

8 “(7) local governments;

9 “(8) metropolitan planning organizations;

10 “(9) regional or local transportation authorities,
11 such as port authorities;

12 “(10) freight safety organizations; and

13 “(11) university research centers.

14 “(b) PURPOSE.—The purpose of the committee is to
15 help promote a safe, economically efficient, and environ-
16 mentally sustainable national freight system.

17 “(c) DUTIES.—The committee, in consultation with
18 State departments of transportation and metropolitan
19 planning organizations, shall provide advice and rec-
20 ommendations to the Secretary on matters related to
21 freight transportation in the United States, including—

22 “(1) the implementation of freight transpor-
23 tation requirements;

24 “(2) the establishment of a national multimodal
25 freight network under section 5403;

1 “(3) the development of the national
2 multimodal freight strategic plan under section
3 5404;

4 “(4) the development of measures of conditions
5 and performance in freight transportation;

6 “(5) the development of freight transportation
7 investment, data, and planning tools; and

8 “(6) recommendations for Federal legislation.

9 “(d) QUALIFICATIONS.—Each member of the com-
10 mittee shall have qualifications sufficient to represent the
11 interests of the member’s specific stakeholder group, such
12 as—

13 “(1) general business and financial experience;

14 “(2) experience or qualifications in the areas of
15 freight transportation and logistics;

16 “(3) experience in transportation planning,
17 safety, technology, or workforce issues;

18 “(4) experience representing employees of the
19 freight industry;

20 “(5) experience representing State or local gov-
21 ernments or metropolitan planning organizations in
22 transportation-related issues; or

23 “(6) experience in trade economics relating to
24 freight flows.

1 “(e) SUPPORT STAFF, INFORMATION, AND SERV-
2 ICES.—The Secretary shall provide support staff for the
3 committee. On request of the committee, the Secretary
4 shall provide information, administrative services, and
5 supplies that the Secretary considers necessary for the
6 committee to carry out its duties.

7 “(f) NONAPPLICATION OF FACCA.—Section 14 of the
8 Federal Advisory Committee Act (5 App. U.S.C.) does not
9 apply to the committee.

10 **“§ 5406. State freight plans**

11 “(a) IN GENERAL.—Each State that receives a grant
12 under this chapter shall develop a freight plan that pro-
13 vides a comprehensive plan for the immediate and long-
14 range planning activities and investments of the State
15 with respect to freight.

16 “(b) CONTENTS.—Each State freight plan shall in-
17 clude—

18 “(1) an identification of significant freight sys-
19 tem trends, needs, and issues with respect to the
20 State and each neighboring State with which high
21 levels of trade occurs or logistical dependence exists;

22 “(2) a description of the freight policies, strate-
23 gies, and performance measures that will guide the
24 freight-related transportation investment decisions of

1 the State to achieve a reasonable balance in freight
2 transportation modes;

3 “(3) a description of how the plan will improve
4 the ability of the State to meet the goals of the na-
5 tional multimodal freight policy described in section
6 5402(b) and any relevant State multimodal freight
7 policy;

8 “(4) evidence that the State will consider inno-
9 vative technologies and operational strategies, in-
10 cluding intelligent transportation systems, that im-
11 prove the safety and efficiency of freight movement
12 and provide multimodal transportation systems inte-
13 gration for information sharing;

14 “(5) in the case of routes on public infrastruc-
15 ture on which heavy vehicles travel (including min-
16 ing, agricultural, energy cargo or equipment, and
17 timber vehicles) or other conditions exist that are
18 projected to substantially deteriorate the condition of
19 those routes, a description of improvements that
20 may be required to reduce or impede the deteriora-
21 tion, including the use of alternate freight transpor-
22 tation modes;

23 “(6) an inventory of facilities and corridors
24 with freight mobility or accessibility issues, such
25 freight chokepoints, within the State, and a descrip-

1 tion of the strategies the State will employ to ad-
2 dress those freight mobility or accessibility issues;

3 “(7) consideration of any significant congestion
4 or delay caused by freight movements and any strat-
5 egies to mitigate that congestion or delay; and

6 “(8) a priority freight investment plan that in-
7 cludes a list of priority projects, a methodology to
8 prioritize future projects, and an explanation of how
9 those investments achieve the goals of the national
10 multimodal freight policy described in section
11 5402(b) and any relevant State multimodal freight
12 policy.

13 “(c) RELATIONSHIP TO STATEWIDE STRATEGIC
14 LONG-RANGE TRANSPORTATION PLAN.—

15 “(1) IN GENERAL.—A State may develop its
16 State freight plan with, and incorporate the plan
17 into, its statewide strategic long-range transpor-
18 tation plan. The State freight plan may be separate
19 from the long-range transportation plan, but shall be
20 consistent with the long-range transportation plan.
21 The State freight plan shall be consistent with the
22 State rail plan under section 22702 for that State.

23 “(2) FISCAL CONSTRAINTS.—The priority
24 freight investment plan of a State freight plan under
25 subsection (b)(8) shall include a project, or an iden-

1 tified phase of a project, only if funding for comple-
2 tion of the project can reasonably be anticipated to
3 be available for the project within the time period
4 identified in the priority freight investment plan.

5 “(3) PLANNING PERIOD.—Each State freight
6 plan shall address a 10-year forecast period.

7 “(4) UPDATES.—

8 “(A) IN GENERAL.—A State shall update
9 its State freight plan as frequently as the State
10 determines necessary, but not less frequently
11 than once every 10 years.

12 “(B) PRIORITY FREIGHT INVESTMENT
13 PLAN.—A State shall update its priority freight
14 investment plan as frequently as the State de-
15 termines necessary, but at least once every 5
16 years.

17 “(d) CONSULTATION.—Each State shall consult with
18 applicable Federal, State, and local agencies relevant to
19 land use and programming processes when developing a
20 State freight plan under this section, including the State’s
21 freight advisory committee under section 5407.

22 **“§ 5407. State freight advisory committees**

23 “(a) ESTABLISHMENT.—As a condition of, and prior
24 to, receiving a grant under this chapter, a State shall es-
25 tablish and maintain a freight advisory committee con-

1 sisting of a balanced cross-section of public and private
2 freight stakeholders representative of all freight transpor-
3 tation modes, including—

4 “(1) as applicable, airports, highways, ports
5 and waterways, rail, and pipeline;

6 “(2) shippers;

7 “(3) carriers;

8 “(4) freight-related associations;

9 “(5) the freight industry workforce;

10 “(6) the State department of transportation;

11 “(7) local governments;

12 “(8) metropolitan planning organizations;

13 “(9) local transportation authorities, such as
14 port authorities;

15 “(10) freight safety organizations; and

16 “(11) university research centers.

17 “(b) QUALIFICATIONS.—Each member of the advi-
18 sory committee shall have qualifications sufficient to rep-
19 resent the interests of the member’s specific stakeholder
20 group, such as—

21 “(1) general business and financial experience;

22 “(2) experience or qualifications in the areas of
23 freight transportation and logistics;

24 “(3) experience in transportation planning,
25 safety, or workforce issues;

1 “(4) experience representing employees of the
2 freight industry;

3 “(5) experience representing State or local gov-
4 ernments, or metropolitan planning organizations in
5 transportation-related issues; or

6 “(6) experience in trade economics relating to
7 freight flows.

8 “(c) DUTIES.—A freight advisory committee of a
9 State described in subsection (a) shall—

10 “(1) advise the State on freight-related prior-
11 ities, issues, projects, and funding needs;

12 “(2) serve as a forum for discussion for State
13 transportation decisions affecting freight movement;

14 “(3) communicate and coordinate regional pri-
15 orities with other freight-related organizations;

16 “(4) promote the sharing of information be-
17 tween the private and public sectors on freight
18 issues; and

19 “(5) participate in the development of the State
20 freight plan under section 5406, including advising
21 on the development of a priority freight investment
22 plan under subsection (b)(8) of that section.

23 **“§ 5408. Conditions and performance reports**

24 “(a) IN GENERAL.—Not later than 3 years after the
25 date of enactment of the National Multimodal Freight

1 Policy and Investment Act, and biennially thereafter, the
2 Secretary shall prepare and submit to Congress a report
3 that describes the conditions and performance of the na-
4 tional multimodal freight network.

5 “(b) CONTENTS.—The report shall contain, at a min-
6 imum, the following—

7 “(1) an assessment of the ability, including the
8 current performance, of the national multimodal
9 freight network to make significant progress toward
10 and achieve the policy and goals described in section
11 5402; and

12 “(2) a description of impediments to improving
13 the conditions and performance of the national
14 multimodal freight network.

15 **“§ 5409. Transportation investment data and plan-**
16 **ning tools**

17 “(a) IN GENERAL.—Not later than 1 year after the
18 date of enactment of National Multimodal Freight Policy
19 and Investment Act, the Secretary shall begin to develop
20 new tools, and improve existing tools, to support an out-
21 come-oriented, performance-based approach by Federal,
22 State, local, and private decisionmakers when evaluating
23 proposed freight-related and other transportation projects,
24 including—

1 “(1) methodologies for systematic analysis of
2 benefits and costs on a national, regional, and local
3 basis;

4 “(2) tools for ensuring that the evaluation of
5 freight-related and other transportation projects
6 would consider safety, economic competitiveness, en-
7 vironmental sustainability, innovation, and system
8 condition in the project selection process;

9 “(3) improved methods for data collection and
10 trend analysis;

11 “(4) freight forecasting models; and

12 “(5) other tools to assist in effective freight
13 transportation planning.

14 “(b) FREIGHT DATA.—In support of the tools de-
15 scribed in subsection (a), and to support a broad range
16 of evaluation methods to assist Federal, State, local, and
17 private decisionmakers in making transportation invest-
18 ment decisions, the Secretary shall—

19 “(1) direct the collection of appropriate freight
20 data and supply chain data, including more con-
21 sistent and accurate data to measure the condition
22 and performance of the national multimodal freight
23 network; and

24 “(2) consider any improvements to existing
25 freight data collection, including the Commodity

1 Flow Survey and Freight Analysis Framework, that
2 could reduce identified freight data deficiencies and
3 improve forecasts of freight transportation demand,
4 both domestic and international.

5 “(c) CONSULTATION.—The Secretary shall consult
6 with Federal, State, and other public and private freight
7 transportation stakeholders to develop, improve, and im-
8 plement the tools described in subsection (a) and collect
9 the freight data and supply chain data described in sub-
10 section (b).

11 “(d) MULTIMODAL FREIGHT PERFORMANCE MEAS-
12 URES.—The Secretary shall establish freight performance
13 measures to develop a framework for assessing the de-
14 mand, efficiency, condition, safety, and investment in the
15 national multimodal freight network.

16 **“§ 5410. Freight investment grant program**

17 “(a) DEFINITIONS.—In this section:

18 “(1) ELIGIBLE APPLICANT.—The term ‘eligible
19 applicant’ means—

20 “(A) a State;

21 “(B) a political subdivision of a State;

22 “(C) a metropolitan planning organization;

23 “(D) a regional or local transportation au-
24 thority, including a port authority;

1 “(E) a tribal government or a consortium
2 of tribal governments; or

3 “(F) 2 or more of the entities described in
4 subparagraphs (A) through (E).

5 “(2) ELIGIBLE PROJECT.—The term ‘eligible
6 project’ means a capital investment in a project, or
7 a project phase with independent utility, for—

8 “(A) a transportation infrastructure facil-
9 ity; or

10 “(B) an intelligent transportation system
11 project primarily for freight benefit that re-
12 duces congestion or improves safety.

13 “(3) FACILITY.—The term ‘facility’ includes—

14 “(A) a road facility;

15 “(B) a rail facility;

16 “(C) a marine highway facility;

17 “(D) a maritime, land border, or inland
18 port facility;

19 “(E) a freight intermodal facility, includ-
20 ing an intermodal facility serving a seaport, an
21 intermodal or cargo access facility serving an
22 airport, an intermodal facility serving a port on
23 the inland waterways, a bulk intermodal/
24 transload facility, or a road/rail intermodal fa-
25 cility; or

1 “(F) a facility related to an international
2 border crossing.

3 “(4) MARINE HIGHWAY.—The term ‘marine
4 highway’ means all of the marine transportation
5 routes designated by the Secretary that—

6 “(A) serve as extensions of the surface
7 transportation system; and

8 “(B) promote short sea transportation.

9 “(5) TRANSPORTATION INFRASTRUCTURE FA-
10 CILITY.—The term ‘transportation infrastructure fa-
11 cility’ means a facility that is significantly used for
12 the movement of freight.

13 “(b) ESTABLISHMENT.—The Secretary shall estab-
14 lish and implement a freight investment grant program
15 in accordance with the policy, goals, and strategies de-
16 scribed in section 5402.

17 “(c) APPLICATIONS.—

18 “(1) IN GENERAL.—An eligible applicant shall
19 submit to the Secretary an application in such form
20 and in accordance with such requirements as the
21 Secretary shall establish.

22 “(2) GROUPS OF ENTITIES.—A group described
23 in subsection (a)(1)(F) shall submit an application
24 through a lead applicant that qualifies under sub-
25 paragraph (A), (B), (C), (D) or (E) of subsection

1 (a)(1). Public-private partnerships are eligible if the
2 lead applicant qualifies under subparagraph (A),
3 (B), (C), (D), or (E) of subsection (a)(1).

4 “(d) CRITERIA FOR SELECTION.—The Secretary
5 shall select eligible projects for funding based on the fol-
6 lowing criteria:

7 “(1) The eligible project will help achieve the
8 goals and strategies described in section 5402.

9 “(2) Funding committed by State and local
10 governments and other public and private partners,
11 along with the Federal funding requested, will be
12 sufficient to complete the capital investment.

13 “(3) The extent to which the eligible project
14 leverages Federal funds by securing commitments of
15 State, local, tribal, or private funds in addition to
16 the Federal funding requested under this section.

17 “(4) The likely benefits of the eligible project
18 relative to its costs.

19 “(5) The extent to which the eligible project
20 demonstrates the use of innovative technology, strat-
21 egies, and practices or involves collaboration among
22 States or political subdivisions.

23 “(6) The likely effect of the eligible project to
24 support the movement of freight internationally or

1 to efficiently move freight and people interstate or
2 intrastate.

3 “(7) The eligible project’s support of freight op-
4 erations in a nationally significant place, as deter-
5 mined by the Secretary.

6 “(8) The consistency of the eligible project with
7 the national multimodal freight strategic plan devel-
8 oped under section 5404.

9 “(9) Inclusion of the eligible project in a State
10 freight plan under section 5406 or, if the State
11 freight plan is not complete, a regional transpor-
12 tation plan.

13 “(10) The extent to which the eligible project
14 will reduce the adverse impacts of freight transpor-
15 tation on a local community.

16 “(11) The ability of the eligible project to in-
17 crease throughput and reduce congestion at freight
18 chokepoints.

19 “(e) FEDERAL SHARE.—The Federal share for a
20 project funded under this section shall not exceed—

21 “(1) 80 percent of the total capital cost of the
22 eligible project; or

23 “(2) \$50,000,000.

24 “(f) GRANT ANALYSIS.—A grant agreement under
25 this section between the Federal Government and a grant-

1 ee shall specify that the grantee will collect data and re-
2 port to the Secretary, at such times as the Secretary speci-
3 fies, on—

4 “(1) the actual cost of constructing the eligible
5 project;

6 “(2) the time required to complete and imple-
7 ment the eligible project;

8 “(3) the level of usage of the transportation in-
9 frastructure facility built or improved by the eligible
10 project;

11 “(4) the benefits of the eligible project, meas-
12 ured in a way that is consistent with the benefits
13 that were estimated in the application under sub-
14 section (c); and

15 “(5) any costs resulting from the eligible
16 project in addition to the projected costs estimated
17 in the application under subsection (c).

18 “(g) TERMS AND CONDITIONS.—The Secretary may
19 require such additional terms and conditions of a grant
20 under this section as the Secretary considers necessary.

21 “(h) ADMINISTRATION.—For the purpose of admin-
22 istering a grant under this section, funds authorized for
23 this section may be transferred within the Department of
24 Transportation and administered in accordance with this

1 title or title 23, as applicable, and any other laws applica-
2 ble to the eligible project.

3 “(i) ADMINISTRATIVE AND OVERSIGHT COSTS.—

4 “(1) IN GENERAL.—The Secretary may retain
5 up to one-half of 1 percent of the amounts author-
6 ized for each fiscal year under this section for—

7 “(A) administration of the freight invest-
8 ment grant program; and

9 “(B) oversight of eligible projects funded
10 under this section.

11 “(2) ADMINISTRATION EXPENSES.—In order to
12 carry out the administration and oversight of grants
13 under this section, the Secretary may transfer por-
14 tions of the funds retained under this subsection
15 to—

16 “(A) the Administrator of the Federal
17 Highway Administration;

18 “(B) the Administrator of the Federal
19 Railroad Administration;

20 “(C) the Administrator of the Federal
21 Aviation Administration;

22 “(D) the Administrator of the Federal
23 Maritime Administration;

24 “(E) the Assistant Secretary for Research
25 and Technology; and

1 “(F) the Assistant Secretary of Freight
2 Planning, Permitting, and Development.

3 “(j) AUTHORIZATION OF APPROPRIATIONS.—

4 “(1) IN GENERAL.—There are authorized to be
5 appropriated to carry out this section—

6 “(A) \$2,000,000,000 for fiscal year 2016;

7 “(B) \$2,000,000,000 for fiscal year 2017;

8 “(C) \$2,000,000,000 for fiscal year 2018;

9 “(D) \$2,000,000,000 for fiscal year 2019;

10 “(E) \$2,000,000,000 for fiscal year 2020;

11 and

12 “(F) \$2,000,000,000 for fiscal year 2021.

13 “(2) ADMINISTRATION OF FUNDS.—The funds
14 appropriated for this program shall be available for
15 obligation until expended.”.

16 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

17 The table of contents for subtitle III of title 49, United
18 States Code, is amended by adding after the item relating
19 to section 5340 the following:

“CHAPTER 54. FREIGHT.

“5401. Definitions.

“5402. National multimodal freight policy.

“5403. National multimodal freight network.

“5404. National multimodal freight strategic plan.

“5405. National multimodal freight advisory committee.

“5406. State freight plans.

“5407. State freight advisory committees.

“5408. Conditions and performance reports.

“5409. Transportation investment data and planning tools.

“5410. Freight investment grant program.”.

1 **SEC. 1203. OFFICE OF FREIGHT PLANNING, PERMITTING,**
2 **AND DEVELOPMENT.**

3 (a) IN GENERAL.—Section 102 of title 49, United
4 States Code, is amended—

5 (1) by redesignating subsection (h) as sub-
6 section (i); and

7 (2) by inserting after subsection (g) the fol-
8 lowing:

9 “(h) OFFICE OF FREIGHT PLANNING, PERMITTING,
10 AND DEVELOPMENT.—

11 “(1) ESTABLISHMENT.—There is established,
12 in the Office of the Secretary, an Office of Freight
13 Planning, Permitting, and Development (referred to
14 in this subsection as the ‘Office’).

15 “(2) RESPONSIBILITIES.—The Office shall—

16 “(A) coordinate the investment of Federal
17 funding to improve the efficiency of the national
18 multimodal freight network (as defined in sec-
19 tion 5401) to move freight in accordance with
20 the policy, goals, and strategies described in
21 section 5402;

22 “(B) for projects that involve multiple
23 Federal agencies, designate a lead Federal
24 agency or a modal administrator within the De-
25 partment of Transportation—

1 “(i) to serve as the primary point of
2 contact; and

3 “(ii) to actively monitor and identify
4 the progress of the permitting process;

5 “(C) establish a process to give priority
6 consideration to the freight projects receiving
7 freight investment grants under section 5410
8 when—

9 “(i) coordinating and facilitating the
10 permit review process; and

11 “(ii) advancing project delivery objec-
12 tives if there is duplication of processes;

13 “(D) facilitate communication among gov-
14 ernment, public, and private freight transpor-
15 tation stakeholders;

16 “(E) support the Secretary in the develop-
17 ment of the national multimodal freight stra-
18 tegic plan (as defined in section 5401);

19 “(F) provide guidance or best practices on
20 the development of the State freight plans
21 under section 5406; and

22 “(G) carry out other duties, as prescribed
23 by the Secretary.

24 “(3) ORGANIZATION.—The Office shall—

1 “(A) be headed by the Assistant Secretary
2 of Freight Planning, Permitting, and Develop-
3 ment;

4 “(B) be structured out of existing re-
5 sources and funding within the Department of
6 Transportation, to the extent feasible; and

7 “(C) serve to consolidate freight staffing
8 from all modal administrations to improve col-
9 laboration between freight transportation modes
10 (as defined in section 5401), especially in per-
11 mitting oversight, and otherwise support the ef-
12 ficiency of the national multimodal freight net-
13 work.”.

14 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

15 (1) ASSISTANT SECRETARIES.—Section
16 102(e)(1) of title 49, United States Code, is amend-
17 ed—

18 (A) in the matter preceding subparagraph
19 (A), by striking “5” and inserting “6”;

20 (B) in subparagraph (C), by striking “;
21 and” and inserting a semicolon;

22 (C) by redesignating subparagraph (D) as
23 subparagraph (E); and

24 (D) by inserting after subparagraph (C)
25 the following:

1 “(D) an Assistant Secretary of Freight
2 Planning, Permitting, and Development, who
3 shall be appointed by the Secretary, with the
4 approval of the President; and”.

5 (2) EXECUTIVE SCHEDULE PAY RATES.—Sec-
6 tion 5316 of title 5, United States Code, is amended
7 by inserting “Assistant Secretary of Freight Plan-
8 ning, Permitting, and Development, Department of
9 Transportation.” after “Assistant Secretary for Ad-
10 ministration, Department of Transportation.”.

11 **SEC. 1204. CAPITAL GRANTS FOR SHORTLINE FREIGHT**
12 **RAILROAD STATE OF GOOD REPAIR.**

13 (a) DEFINITIONS.—In this section:

14 (1) CAPITAL PROJECT.—The term “capital
15 project” means acquiring, constructing, improving,
16 or inspecting shortline or regional railroad infra-
17 structure, such as equipment, track and track struc-
18 tures, or a facility, including—

19 (A) bringing that infrastructure to a state
20 of good repair;

21 (B) bond costs and other costs relating to
22 the issuance of bonds or other debt financing
23 instruments;

24 (C) evaluating and assessing project imple-
25 mentation and outcomes;

1 (D) expenses incidental to the activities de-
2 scribed in subparagraph (C), including design-
3 ing, engineering, location surveying, mapping,
4 and environmental studies;

5 (E) installing, restoring, and rehabilitating
6 track;

7 (F) preserving and acquiring rights-of-way;

8 (G) relocation assistance, including—

9 (i) acquiring replacement housing
10 sites, and acquiring, constructing, relo-
11 cating, and rehabilitating replacement
12 housing; and

13 (ii) the lateral relocation of any por-
14 tion of a rail line;

15 (H) eliminating obstacles and relocating
16 utilities;

17 (I) payments for the maintenance responsi-
18 bility of rail trackage rights agreements;

19 (J) mitigating adverse impacts on safety,
20 motor vehicle traffic flow, quality of life, envi-
21 ronment, or economic development;

22 (K) highway-rail grade crossing improve-
23 ments, including the safety of and elimination
24 of hazards at a highway-rail grade crossing;

1 (L) communication and signalization im-
2 provements;

3 (M) subsidy and administrative costs of
4 projects eligible for Federal credit assistance
5 under the Railroad Revitalization and Regu-
6 latory Reform Act of 1976 (45 U.S.C. 801 et
7 seq.) for a capital project to improve shortline
8 or regional railroad infrastructure;

9 (N) improving or replacing locomotives op-
10 erated by a shortline or regional railroad;

11 (O) on-dock or near-dock projects at sea-
12 ports;

13 (P) resolving critical freight chokepoints
14 and addressing capacity constraints; and

15 (Q) such other construction, improvement
16 or inspection-related activities as determined
17 appropriate by the Secretary.

18 (2) ELIGIBLE RECIPIENT.—The term “eligible
19 recipient” means—

20 (A) a State;

21 (B) a political subdivision of a State;

22 (C) a metropolitan planning organization;

23 (D) a regional or local transportation au-
24 thority, including a port authority;

1 (E) a tribal government or a consortium of
2 tribal governments;

3 (F) a public entity responsible for pro-
4 viding rail freight transportation service;

5 (G) solely for the purpose of constructing
6 a rail connection between a plant or facility and
7 a rail carrier, a limited option freight shipper
8 that owns or operates a plant or facility;

9 (H) 2 or more of the entities described in
10 subparagraphs (A) through (G); and

11 (I) if the capital project is a public-private
12 partnership with 1 or more of the entities de-
13 scribed in subparagraphs (A) through (H), a
14 shortline or regional railroad or a holding com-
15 pany of a shortline or regional railroad.

16 (3) RAILROAD CARRIER.—The term “railroad
17 carrier” has the meaning given the term in section
18 20102 of title 49, United States Code.

19 (4) SECRETARY.—The term “Secretary” means
20 the Secretary of Transportation.

21 (5) SHORTLINE OR REGIONAL RAILROAD.—The
22 term “shortline or regional railroad” means a rail-
23 road carrier that has annual carrier operating reve-
24 nues that meet the threshold amount for Class II
25 carriers or Class III carriers, as determined by the

1 Surface Transportation Board under section
2 1201.1–1 of title 49, Code of Federal Regulations,
3 on which not less than 80 percent of the volume of
4 rail traffic is freight traffic.

5 (6) STATE OF GOOD REPAIR.—The term “state
6 of good repair” means a condition in which the ex-
7 isting physical assets, both individually and as a sys-
8 tem, are functioning as designed within their useful
9 lives and are sustained through regular maintenance
10 and replacement programs.

11 (b) GRANTS AUTHORIZED.—

12 (1) IN GENERAL.—The Secretary shall establish
13 a competitive grant program to provide financial as-
14 sistance to eligible recipients for capital projects
15 that—

16 (A) help accomplish the goals of a State
17 rail plan under section 22702 of title 49,
18 United States Code, or, if a State freight plan
19 under section 5406 of that title is complete, the
20 goals of the State freight plan; and

21 (B) either—

22 (i) improve shortline or regional rail-
23 road infrastructure by improving the effi-
24 cient and safe movement of freight; or

1 (ii) mitigate the adverse impacts of
2 shortline or regional railroad infrastructure
3 or operations on a local community.

4 (2) ELIGIBILITY AND CONSIDERATIONS FOR AP-
5 PROVAL.—In determining whether to award a grant
6 to an eligible recipient under this section, the Sec-
7 retary shall consider the following, listed by priority:

8 (A) The extent to which a capital project—

9 (i) will contribute to the efficient
10 movement of freight, including multimodal
11 freight;

12 (ii) will benefit the efficient movement
13 of freight at or accessing a port, or agri-
14 cultural or manufacturing cluster;

15 (iii) will contribute to increasing the
16 economic competitiveness and state of good
17 repair of a shortline or regional railroad;

18 (iv) will alleviate the impacts of a
19 shortline or regional railroad’s operations
20 on local communities, including impacts on
21 safety, motor vehicle traffic flow, commu-
22 nity quality of life, environment, or eco-
23 nomic development;

24 (v) will enhance safety;

1 (vi) is not capable of being fully fund-
2 ed without Federal grant funding;

3 (vii) complies with the limitation re-
4 lating to the allocation of grant funds set
5 forth in subsection (c);

6 (viii) will contribute to the equitable
7 treatment of the various regions of the
8 United States;

9 (ix) includes equitable participation
10 from other beneficiaries in the project's fi-
11 nancing, including the extent to which the
12 project will leverage financial contributions
13 or commitments from private entities in-
14 volved with the project in proportion to the
15 expected benefits that accrue to such enti-
16 ties from the project;

17 (x) is compatible with local land use,
18 economic development, and transportation
19 plans and objectives; and

20 (xi) will increase the reliability and re-
21 siliience of the Nation's multimodal freight
22 system.

23 (B) The past performance of the eligible
24 recipient and other beneficiaries of the capital

1 project in developing and delivering 1 or more
2 capital projects.

3 (C) Such other factors as the Secretary
4 considers relevant.

5 (e) ALLOCATION LIMITATION.—Not less than 50 per-
6 cent of all grant funds awarded under this section out of
7 funds appropriated for a fiscal year shall be provided to
8 publicly owned shortline railroads.

9 (d) PROJECT COST SHARING.—

10 (1) BASIS.—The Secretary shall estimate the
11 total cost of each eligible project based on—

12 (A) engineering studies;

13 (B) studies of economic feasibility;

14 (C) environmental analyses; and

15 (D) information on the expected use of the
16 shortline or regional railroad infrastructure,
17 such as equipment, track, track structure, or
18 facility.

19 (2) FEDERAL SHARE.—A Federal grant for an
20 eligible project under this section may not exceed—

21 (A) 90 percent of the total capital cost of
22 the eligible project; or

23 (B) \$6,000,000.

24 (3) NON-FEDERAL SHARE.—

1 (A) IN GENERAL.—An eligible recipient
2 shall pay, or arrange for the payment from non-
3 Federal sources, including financing, not less
4 than 10 percent of the shared costs of an eligi-
5 ble project that is funded in part by a grant
6 awarded under this section.

7 (B) FORMS OF CONTRIBUTIONS.—The
8 shared costs under subparagraph (A) may be
9 paid in cash or in-kind contributions.

10 (C) IN-KIND CONTRIBUTIONS.—

11 (i) IN GENERAL.—The non-Federal
12 in-kind contributions under subparagraph
13 (B) may consist of—

14 (I) real property;

15 (II) tangible personal property;

16 (III) services of employees of the
17 eligible recipient or non-Federal
18 source; and

19 (IV) payments made by an eligi-
20 ble recipient or other non-Federal
21 source for costs incurred for the eligi-
22 ble project before the filing of an ap-
23 plication for a grant under this sec-
24 tion, and any in-kind contributions
25 that were made for the project before

1 the filing of the application, to the ex-
2 tent that such costs were incurred or
3 in-kind contributions were made to
4 comply with a legal requirement nec-
5 essary to carry out the eligible project.

6 (ii) CALCULATIONS.—The value of an
7 in-kind contribution under clause (i)(III)
8 shall be calculated—

9 (I) by including the costs in-
10 curred by the eligible recipient or
11 other non-Federal source for the pay
12 and benefits of an employee described
13 in clause (i)(III); and

14 (II) by excluding any overhead or
15 general administrative costs.

16 (e) REPORTING REQUIREMENT.—As part of the
17 grant application process, each eligible recipient shall sub-
18 mit a description of the anticipated public and private ben-
19 efits (as those terms are defined in section 22701 of title
20 49, United States Code) associated with the eligible
21 project.

22 (f) AGREEMENTS TO COMBINE AMOUNTS.—Two or
23 more eligible recipients may agree to combine any part
24 of the amounts provided through grants for an eligible
25 project under this section if—

1 (1) the eligible project will benefit each eligible
2 recipient entering into the agreement; and

3 (2) the agreement does not violate any Federal
4 law or any law of any State in which an eligible re-
5 cipient is located.

6 (g) STATE COOPERATION.—The Secretary shall en-
7 courage each shortline or regional railroad applicant for
8 a grant under this section to utilize the expertise and as-
9 sistance of 1 or more State transportation agencies in ap-
10 plying for and administering the grant. The Secretary
11 shall encourage each applicable State transportation agen-
12 cy to provide its expertise and assistance to the shortline
13 or regional railroad.

14 (h) RULEMAKING.—Not later than July 1, 2016, the
15 Secretary shall issue final regulations for implementing
16 the grant program authorized under this section.

17 (i) AUTHORIZATION OF APPROPRIATIONS.—There is
18 authorized to be appropriated to the Secretary to carry
19 out this section \$50,000,000 for each of fiscal years 2016
20 through 2021.

21 **SEC. 1205. CAPITAL GRANTS FOR GRADE SEPARATION**
22 **PROJECTS.**

23 (a) DEFINITIONS.—In this section:

24 (1) ELIGIBLE APPLICANT.—The term “eligible
25 applicant” means—

- 1 (A) a State;
- 2 (B) a political subdivision of a State;
- 3 (C) a metropolitan planning organization;
- 4 (D) a regional or local transportation au-
- 5 thority, including a port authority;
- 6 (E) a tribal government or a consortium of
- 7 tribal governments; or
- 8 (F) 2 or more of the entities described in
- 9 subparagraphs (A) through (E).

10 (2) HIGHWAY-RAIL VERTICAL GRADE SEPARA-

11 TION PROJECT.—The term “highway-rail vertical

12 grade separation project” means a project that sepa-

13 rates the grade of a road-rail crossing to eliminate

14 the conflict between those freight transportation

15 modes.

16 (3) HOST RAILROAD.—The term “host rail-

17 road” means—

18 (A) a Class I railroad, Class II railroad, or

19 Class III railroad (as defined in section 20102

20 of title 49, United States Code); and

21 (B) the public or private owner of rail in-

22 frastructure over which a Class I railroad, Class

23 II railroad, or Class III railroad operates.

24 (4) SECRETARY.—The term “Secretary” means

25 the Secretary of Transportation.

1 (b) GRANTS AUTHORIZED.—The Secretary shall es-
2 tablish a competitive capital grant program to provide fi-
3 nancial assistance to eligible applicants for highway-rail
4 vertical grade separation projects intended to reduce high-
5 way and rail congestion and improve safety.

6 (c) ELIGIBLE PROJECTS.—An eligible applicant may
7 apply for a grant under this section for the purpose of—

8 (1) constructing a highway-rail vertical grade
9 separation project; or

10 (2) planning, preparing, or designing a project
11 described in paragraph (1).

12 (d) PROJECT SELECTION CRITERIA.—In determining
13 whether to award a grant to an eligible applicant under
14 this section, the Secretary shall consider the following fac-
15 tors, listed by priority:

16 (1) Whether the highway-rail vertical grade sep-
17 aration project will cost-effectively reduce national,
18 regional, or local truck and rail freight network
19 delays.

20 (2) The extent to which the highway-rail
21 vertical grade separation project includes equitable
22 financial participation from other beneficiaries of the
23 project, including the extent to which the project will
24 leverage financial contributions or commitments
25 from private entities involved with the project in pro-

1 portion with or greater to the proportion of the ex-
2 pected benefits that accrue to such entities from the
3 project.

4 (3) The truck freight and train volumes at the
5 crossing.

6 (4) The traffic delays caused by trains traveling
7 through the crossing.

8 (5) The history at the crossing of incidents with
9 fatal or severe injuries.

10 (6) The safety hazards, including sightlines,
11 along the crossing approaches.

12 (7) The angle of the tracks to the roadway.

13 (8) The highway-rail vertical grade separation
14 project readiness.

15 (9) The benefit to railroad operations as a re-
16 sult of the project.

17 (10) Such other factors as the Secretary con-
18 siders relevant.

19 (e) REPORTING REQUIREMENT.—As part of the
20 grant application process, each eligible applicant shall sub-
21 mit a description of the anticipated public and private ben-
22 efits associated with the highway-rail vertical grade sepa-
23 ration project. The eligible applicant shall describe the an-
24 ticipated public and private benefits in consultation with
25 the host railroad involved in the project.

1 (f) PROJECT COST SHARING.—

2 (1) BASIS.—The Secretary shall estimate the
3 total cost of each highway-rail vertical grade separa-
4 tion project based on—

5 (A) engineering studies;

6 (B) studies of economic feasibility; and

7 (C) information on the expected use of
8 equipment or facilities.

9 (2) FEDERAL SHARE.—A Federal grant for a
10 highway-rail vertical grade separation project under
11 this section may not exceed—

12 (A) 60 percent of the total capital cost of
13 the highway-rail vertical grade separation
14 project; or

15 (B) \$15,000,000.

16 (3) NON-FEDERAL SHARE.—

17 (A) IN GENERAL.—The eligible applicant
18 shall pay, or arrange for the payment from non-
19 Federal sources, including financing, not less
20 than 40 percent of the shared costs of a high-
21 way-rail vertical grade separation project that is
22 funded in part by a grant awarded under this
23 section.

1 (B) FORMS OF CONTRIBUTIONS.—The
2 costs required under subparagraph (A) may be
3 paid in cash or in-kind contributions.

4 (C) IN-KIND CONTRIBUTIONS.—

5 (i) IN GENERAL.—The non-Federal
6 in-kind contributions under subparagraph
7 (B) may consist of—

8 (I) real property;

9 (II) tangible personal property;

10 (III) services of employees of the
11 eligible applicant or other non-Federal
12 source; and

13 (IV) payments made by the eligi-
14 ble applicant or other non-Federal
15 source for costs incurred for the high-
16 way-rail vertical grade separation
17 project before the filing of an applica-
18 tion for a grant for the project under
19 this section, and any in-kind contribu-
20 tions that were made for the project
21 before the filing of the application, to
22 the extent that such costs were in-
23 curred or in-kind contributions were
24 made to comply with a legal require-

1 ment necessary to carry out the
2 project.

3 (ii) CONTRIBUTIONS.—The value of
4 an in-kind contribution under clause
5 (i)(III) shall be calculated—

6 (I) by including the costs in-
7 curred by the eligible applicant or
8 other non-Federal source for the pay
9 and benefits of an employee described
10 in clause (i)(III); and

11 (II) by excluding any overhead or
12 general administrative costs.

13 (g) GRANT CONDITIONS.—The Secretary shall re-
14 quire as a condition of making any grant under this sec-
15 tion that a written agreement exist between an eligible ap-
16 plicant and a host railroad concerning construction, main-
17 tenance, railroad contribution, and such other factors as
18 the Secretary considers relevant.

19 (h) RULEMAKING.—Not later than July 1, 2016, the
20 Secretary shall issue final regulations for implementing
21 the grant program authorized under this section.

22 (i) GUIDANCE.—The Secretary may update existing
23 or issue new guidance to assist an eligible applicant in de-
24 termining whether a highway-rail crossing should be grade
25 separated, including by identifying relevant criteria that

1 should be considered and evaluating the benefits and costs
2 of grade separations compared to other safety approaches
3 within a risk analysis framework.

4 (j) AUTHORIZATION OF APPROPRIATIONS.—There is
5 authorized to be appropriated to the Secretary to carry
6 out this section \$150,000,000 for each of fiscal years 2016
7 through 2021.

8 **Subtitle D—Research**

9 **SEC. 1301. FINDINGS.**

10 Congress makes the followings findings:

11 (1) Federal transportation research planning
12 and coordination—

13 (A) should occur within the Office of the
14 Secretary; and

15 (B) should be, to the extent practicable,
16 multi-modal and not occur solely within the
17 subagencies of the Department of Transpor-
18 tation.

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

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

23 (B) prevent duplication of efforts and
24 waste of limited Federal resources.

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

3 (A) give stakeholders a formal opportunity
4 to address concerns;

5 (B) ensure unbiased research; and

6 (C) improve the overall research products
7 of the Department.

8 (4) Increasing transparency of transportation
9 research efforts will—

10 (A) build stakeholder confidence in the
11 final product; and

12 (B) lead to the improved implementation
13 of research findings.

14 **SEC. 1302. MODAL RESEARCH PLANS.**

15 (a) IN GENERAL.—Not later than June 15 of the
16 year preceding the research fiscal year, the head of each
17 modal administration and joint program office of the De-
18 partment of Transportation shall submit a comprehensive
19 annual modal research plan to the Assistant Secretary for
20 Research and Technology of the Department of Transpor-
21 tation (referred to in this subtitle as the “Assistant Sec-
22 retary”).

23 (b) REVIEW.—

1 (1) IN GENERAL.—Not later than October 1 of
2 each year, the Assistant Secretary, for each plan
3 submitted pursuant to subsection (a), shall—

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

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

6 (ii) request that the plan be revised.

7 (2) PUBLICATIONS.—Not later than January
8 30 of each year, the Secretary shall publish each
9 plan that has been approved under paragraph
10 (1)(B)(i) on a public website.

11 (3) REJECTION OF DUPLICATIVE RESEARCH EF-
12 FORTS.—The Assistant Secretary may not approve
13 any plan submitted by the head of a modal adminis-
14 tration or joint program office pursuant to sub-
15 section (a) if such plan duplicates the research ef-
16 forts of any other modal administration.

17 (c) FUNDING LIMITATIONS.—No funds may be ex-
18 pended by the Department of Transportation on research
19 that has not previously been approved as part of a modal
20 research plan approved by the Assistant Secretary un-
21 less—

22 (1) such research is required by an Act of Con-
23 gress;

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

4 (3) the Secretary of Transportation certifies to
5 Congress that such research is necessary before the
6 approval of a modal research plan.

7 (d) DUPLICATIVE RESEARCH.—

8 (1) IN GENERAL.—Except as provided in para-
9 graph (2), no funds may be expended by the Depart-
10 ment of Transportation on research projects that the
11 Secretary identifies as duplicative under subsection
12 (b)(3).

13 (2) EXCEPTIONS.—Paragraph (1) shall not
14 apply to—

15 (A) updates to previously commissioned re-
16 search;

17 (B) research commissioned to carry out an
18 Act of Congress; or

19 (C) research commissioned before the date
20 of enactment of this Act.

21 (e) CERTIFICATION.—

22 (1) IN GENERAL.—The Secretary shall annually
23 certify to Congress that—

24 (A) each modal research plan has been re-
25 viewed; and

1 (B) there is no duplication of study for re-
2 search directed, commissioned, or conducted by
3 the Department of Transportation.

4 (2) CORRECTIVE ACTION PLAN.—If the Sec-
5 retary, after submitting a certification under para-
6 graph (1), identifies duplication of research within
7 the Department of Transportation, the Secretary
8 shall—

9 (A) notify Congress of the duplicative re-
10 search; and

11 (B) submit a corrective action plan to Con-
12 gress that will eliminate such duplicative re-
13 search.

14 **SEC. 1303. CONSOLIDATED RESEARCH PROSPECTUS AND**
15 **STRATEGIC PLAN.**

16 (a) PROSPECTUS.—

17 (1) IN GENERAL.—The Secretary shall annually
18 publish, on a public website, a comprehensive pro-
19 spectus on all research projects conducted by the
20 Department of Transportation, including, to the ex-
21 tent practicable, research funded through University
22 Transportation Centers.

23 (2) CONTENTS.—The prospectus published
24 under paragraph (1) shall—

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

3 (B) describe the research objectives,
4 progress, and allocated funds for each research
5 project;

6 (C) identify research projects with multi-
7 modal applications;

8 (D) specify how relevant modal administra-
9 tions have assisted, will contribute to, or plan
10 to use the findings from the research projects
11 identified under paragraph (1);

12 (E) identify areas in which multiple modal
13 administrations are conducting research
14 projects on similar subjects or subjects which
15 have bearing on multiple modes;

16 (F) describe the interagency and cross
17 modal communication and coordination that has
18 occurred to prevent duplication of research ef-
19 forts within the Department of Transportation;

20 (G) indicate how research is being dissemi-
21 nated to improve the efficiency and safety of
22 transportation systems;

23 (H) describe how agencies developed their
24 research plans; and

1 (I) describe the opportunities for public
2 and stakeholder input.

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

8 (1) the amount spent in the last completed fis-
9 cal year on transportation research and develop-
10 ment; and

11 (2) the amount proposed in the current budget
12 for transportation research and development.

13 (c) PERFORMANCE PLANS AND REPORTS.—In the
14 plans and reports submitted under sections 1115 and
15 1116 of title 31, United States Code, the Secretary shall
16 include—

17 (1) a summary of the Federal transportation
18 research and development activities for the previous
19 fiscal year in each topic area;

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

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

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

1 (d) TRANSPORTATION RESEARCH AND DEVELOP-
2 MENT STRATEGIC PLAN.—

3 (1) IN GENERAL.—The Secretary shall develop
4 a 5-year transportation research and development
5 strategic plan to guide future Federal transportation
6 research and development activities.

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

9 (A) section 306 of title 5, United States
10 Code;

11 (B) sections 1115 and 1116 of title 31,
12 United States Code; and

13 (C) any other research and development
14 plan within the Department of Transportation.

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

17 (A) describe the primary purposes of the
18 transportation research and development pro-
19 gram, which shall include—

20 (i) promoting safety;

21 (ii) reducing congestion;

22 (iii) improving mobility;

23 (iv) preserving the existing transpor-
24 tation system;

1 (v) improving the durability and ex-
2 tending the life of transportation infra-
3 structure; and

4 (vi) improving goods movement;

5 (B) for each of the purposes referred to in
6 subparagraph (A), list the primary research and
7 development topics that the Department of
8 Transportation intends to pursue to accomplish
9 that purpose, which may include—

10 (i) fundamental research in the phys-
11 ical and natural sciences;

12 (ii) applied research;

13 (iii) technology research; and

14 (iv) social science research intended
15 for each topic; and

16 (C) for each research and development
17 topic—

18 (i) identify the anticipated annual
19 funding levels for the period covered by the
20 strategic plan; and

21 (ii) include any additional information
22 the Department of Transportation expects
23 to discover at the end of the period covered
24 by the strategic plan as a result of the re-
25 search and development in that topic area.

1 (4) CONSIDERATIONS.—The Secretary shall en-
2 sure that the strategic plan developed under this sec-
3 tion—

4 (A) reflects input from a wide range of
5 stakeholders;

6 (B) includes and integrates the research
7 and development programs of all the Depart-
8 ment of Transportation’s modal administra-
9 tions, including aviation, transit, rail, and mari-
10 time; and

11 (C) takes into account how research and
12 development by other Federal, State, private
13 sector, and nonprofit institutions—

14 (i) contributes to the achievement of
15 the purposes identified under paragraph
16 (3)(A); and

17 (ii) avoids unnecessary duplication of
18 such efforts.

19 (e) TECHNICAL AND CONFORMING AMENDMENTS.—

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

22 (A) by striking section 508;

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

25 (C) in section 502—

1 (i) in subsection (a)(9), by striking
2 “transportation research and technology
3 development strategic plan developed under
4 section 508” and inserting “transportation
5 research and development strategic plan
6 under section 1303 of the Comprehensive
7 Transportation and Consumer Protection
8 Act of 2015”; and

9 (ii) in subsection (b)(4), by striking
10 “transportation research and development
11 strategic plan of the Secretary developed
12 under section 508” and inserting “trans-
13 portation research and development stra-
14 tegic plan under section 1303 of the Com-
15 prehensive Transportation and Consumer
16 Protection Act of 2015”; and

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

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

24 (A) in subsection (b), by striking “as part
25 of the Surface Transportation Research and

1 Development Strategic Plan developed under
2 section 508 of title 23, United States Code”
3 and inserting “as part of the transportation re-
4 search and development strategic plan under
5 section 1303 of the Comprehensive Transpor-
6 tation and Consumer Protection Act of 2015”;
7 and

8 (B) in subsection (e)(2)(A), by striking “or
9 the Surface Transportation Research and De-
10 velopment Strategic Plan developed under sec-
11 tion 508 of title 23, United States Code” and
12 inserting “or the transportation research and
13 development strategic plan under section 1303
14 of the Comprehensive Transportation and Con-
15 sumer Protection Act of 2015”.

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

21 (A) in section 5305(h)(3)(A), by striking
22 “the strategic plan under section 508 of title
23 23, United States Code” and inserting “the 5-
24 year transportation research and development
25 strategic plan under section 1303 of the Com-

1 prehensive Transportation and Consumer Pro-
2 tection Act of 2015”; and

3 (B) in section 5307(c)(2)(A), by striking
4 “or the surface transportation research and de-
5 velopment strategic plan developed under sec-
6 tion 508 of title 23, United States Code” and
7 inserting “or the 5-year transportation research
8 and development strategic plan under section
9 1303 of the Comprehensive Transportation and
10 Consumer Protection Act of 2015”.

11 **SEC. 1304. RESEARCH OMBUDSMAN.**

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

14 **“CHAPTER 65—RESEARCH OMBUDSMAN**

 “Sec.
 “6501. Research ombudsman.

15 **“§ 6501. Research ombudsman**

16 “(a) ESTABLISHMENT.—The Assistant Secretary for
17 Research and Technology shall appoint a career Federal
18 employee to serve as Research Ombudsman. This appoint-
19 ment shall not diminish the authority of peer review of
20 research.

21 “(b) QUALIFICATIONS.—The Research Ombudsman
22 appointed under subsection (a), to the extent prac-
23 ticable—

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

4 “(2) shall develop a working knowledge of the
5 stakeholder communities and research needs of the
6 transportation field; and

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

9 “(c) RESPONSIBILITIES.—

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

12 “(A) receive complaints and questions
13 about—

14 “(i) significant alleged omissions, im-
15 proprieties, and systemic problems; and

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

18 “(B) evaluate and address the complaints
19 and questions described in subparagraph (A).

20 “(2) PETITIONS.—

21 “(A) REVIEW.—The Research Ombudsman
22 shall review petitions relating to—

23 “(i) conflicts of interest;

24 “(ii) the study design and method-
25 ology;

1 “(iii) assumptions and potential bias;
2 “(iv) the length of the study; and
3 “(v) the composition of any data sam-
4 pled.

5 “(B) RESPONSE TO PETITIONS.—The Re-
6 search Ombudsman shall—

7 “(i) respond to relevant petitions
8 within a reasonable period;

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

11 “(iii) propose a remedy for such defi-
12 ciencies to the administrator of the modal
13 administration responsible for completing
14 the research project.

15 “(C) RESPONSE TO PROPOSED REMEDY.—
16 The administrator of the modal administration
17 charged with completing the research project
18 shall respond to the proposed research remedy.

19 “(3) REQUIRED REVIEWS.—The Research Om-
20 budsman shall evaluate the study plan for all statu-
21 torily required studies and reports before the com-
22 mencement of such studies to ensure that the re-
23 search plan has an appropriate sample size and com-
24 position to address the stated purpose of the study.

25 “(d) REPORTS.—

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

4 “(A) submit a report containing the results
5 of such review to—

6 “(i) the Secretary;

7 “(ii) the head of the relevant modal
8 administration; and

9 “(iii) the study or research leader;
10 and

11 “(B) publish such results on a public
12 website, with the modal administration response
13 required under subsection (c)(2)(C).

14 “(2) INDEPENDENCE.—Each report required
15 under this section shall be provided directly to the
16 individuals described in paragraph (1) without any
17 comment or amendment from the Secretary, the
18 Deputy Secretary of Transportation, the head of any
19 modal administration of the Department, or any
20 other officer or employee of the Department or the
21 Office of Management and Budget.

22 “(e) REPORT TO INSPECTOR GENERAL.—The Re-
23 search Ombudsman shall submit any evidence of misfea-
24 sance, malfeasance, waste, fraud, or abuse uncovered dur-

1 ing a review under this section to the Inspector General
2 for further review.

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

7 (b) TECHNICAL AND CONFORMING AMENDMENT.—
8 The table of chapters for subtitle III is amended by insert-
9 ing after the item relating to chapter 63 the following:
“65. Research ombudsman 6501”.

10 **SEC. 1305. SMART CITIES TRANSPORTATION PLANNING**
11 **STUDY.**

12 (a) IN GENERAL.—The Secretary shall conduct a
13 study of digital technologies and information technologies,
14 including shared mobility, data, transportation network
15 companies, and on-demand transportation services—

16 (1) to understand the degree to which cities are
17 adopting these technologies;

18 (2) to assess future planning, infrastructure
19 and investment needs; and

20 (3) to provide best practices to plan for smart
21 cities in which information and technology are
22 used—

23 (A) to improve city operations;

24 (B) to grow the local economy;

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

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

4 (b) COMPONENTS.—The study conducted under sub-
5 section (a) shall—

6 (1) identify broad issues that influence the abil-
7 ity of the United States to plan for and invest in
8 smart cities, including barriers to collaboration and
9 access to scientific information; and

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

12 (A) enhance the efficiency and effective-
13 ness of existing transportation networks;

14 (B) optimize demand management serv-
15 ices;

16 (C) impact low-income and other disadvan-
17 taged communities;

18 (D) assess opportunities to share, collect,
19 and use data;

20 (E) change current planning and invest-
21 ment strategies; and

22 (F) provide opportunities for enhanced co-
23 ordination and planning.

24 (c) REPORTING.—Not later than 18 months after the
25 date of enactment of this Act, the Secretary shall publish

1 the report containing the results of the study required
2 under subsection (a) to a public website.

3 **SEC. 1306. CONFORMING AMENDMENTS.**

4 (a) TITLE 49 AMENDMENTS.—

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

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

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

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

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

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

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

23 (B) in subsection (a), by inserting “IN
24 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 1 and a half percent of the
21 amounts authorized to be appropriated for necessary ex-
22 penses for administration and operations of the Office of
23 the Assistant Secretary for Research and Technology for
24 the coordination, evaluation, and oversight of the pro-
25 grams administered 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. 1307. AUTHORIZATION OF APPROPRIATIONS.**

13 There is hereby authorized to be appropriated to
14 carry out this subtitle and the amendments made by this
15 subtitle, such sums as may be necessary for each of fiscal
16 years 2016 through 2021.

17 **Subtitle E—Transportation**
18 **Infrastructure Grants**

19 **SEC. 1401. SHORT TITLE.**

20 This subtitle may be cited as the “Transportation In-
21 frastructure Grants and Economic Reinvestment Act”.

22 **SEC. 1402. DEFINITIONS.**

23 In this subtitle:

24 (1) ELIGIBLE ENTITY.—The term “eligible enti-
25 ty” means—

- 1 (A) a State;
- 2 (B) an Indian tribe;
- 3 (C) the District of Columbia;
- 4 (D) a territory of the United States;
- 5 (E) a local government;
- 6 (F) a port authority;
- 7 (G) a metropolitan planning organization;
- 8 (H) a transit agency;
- 9 (I) another political subdivision of a State
- 10 or local government; and
- 11 (J) 2 or more of the entities described in
- 12 subparagraphs (A) through (I), working in col-
- 13 laboration.

14 (2) ELIGIBLE PROJECT.—

15 (A) IN GENERAL.—The term “eligible

16 project” means a transportation project that, as

17 determined by the Secretary, would have a sig-

18 nificant beneficial impact on a State, a metro-

19 politan area, a region, or the United States.

20 (B) INCLUSIONS.—The term “eligible

21 project” includes—

- 22 (i) a highway or bridge project eligible
- 23 for funding under chapter 1 of title 23,
- 24 United States Code (including a project re-
- 25 lated to bicycles or pedestrians);

1 (ii) a public transportation project eli-
2 gible for funding under chapter 53 of title
3 49, United States Code;

4 (iii) a passenger or freight rail trans-
5 portation project;

6 (iv) a port infrastructure project; and

7 (v) an intermodal project.

8 (3) ELIGIBLE PROJECT COSTS.—

9 (A) IN GENERAL.—The term “eligible
10 project costs” means costs relating to an eligi-
11 ble project, such as the costs of—

12 (i) development phase activities, in-
13 cluding planning, feasibility analysis, rev-
14 enue forecasting, environmental review,
15 permitting, preliminary engineering and
16 design work, and other preconstruction ac-
17 tivities;

18 (ii) construction, reconstruction, reha-
19 bilitation, replacement, and acquisition of
20 real property (including land related to the
21 eligible project and improvements to land),
22 environmental mitigation, construction con-
23 tingencies, and acquisition of equipment;
24 and

1 (iii) capitalized interest necessary to
2 meet market requirements, reasonably re-
3 quired reserve funds, capital issuance ex-
4 penses, and other carrying costs during
5 construction.

6 (B) DREDGING ACTIVITIES.—The term
7 “eligible project costs”—

8 (i) includes the costs of dredging ac-
9 tivities that are part of a berth reconstruc-
10 tion or rehabilitation project; and

11 (ii) does not include the costs of
12 dredging activities that are the responsi-
13 bility of the Army Corps of Engineers.

14 (4) RURAL AREA.—The term “rural area”
15 means any area not in an urbanized area (as that
16 term is defined by the Census Bureau).

17 (5) SECRETARY.—The term “Secretary” means
18 the Secretary of Transportation.

19 (6) STATE.—The term “State” means—

20 (A) any of the 50 States; or

21 (B) the District of Columbia.

22 (7) SUBSTANTIAL COMPLETION.—The term
23 “substantial completion” means the opening of an
24 eligible project to vehicular or passenger traffic.

1 **SEC. 1403. NATIONAL INFRASTRUCTURE INVESTMENT PRO-**
2 **GRAM.**

3 (a) PROGRAM.—Not later than 1 year after the date
4 of the enactment of this Act, the Secretary shall by regula-
5 tion establish a program under which the Secretary shall
6 provide competitive grants to eligible entities for use in
7 carrying out eligible projects.

8 (b) GRANT REQUIREMENTS.—

9 (1) AMOUNT.—Except as provided in paragraph
10 (5)(B)(i), a grant under this subtitle shall be in an
11 amount that is not less than \$10,000,000 and not
12 greater than \$200,000,000.

13 (2) GEOGRAPHICAL DISTRIBUTION; BALANCE;
14 INVESTMENT.—In providing grants under this sub-
15 title, the Secretary shall take such measures as are
16 necessary to ensure, to the maximum extent prac-
17 ticable—

18 (A) an equitable geographical distribution
19 of funds;

20 (B) an appropriate balance in addressing
21 the needs of urban and rural areas; and

22 (C) investment in a variety of transpor-
23 tation modes.

24 (3) MAXIMUM PERCENTAGE PER STATE.—Not
25 more than 25 percent of the amounts made available

1 to provide grants under this subtitle for a fiscal year
2 may be provided for eligible projects in a State.

3 (4) FEDERAL SHARE.—

4 (A) IN GENERAL.—Except as provided in
5 paragraph (5)(B)(ii), the Federal share of the
6 cost of carrying out any eligible project funded
7 by a grant under this subtitle shall be, at the
8 option of the eligible entity receiving the grant,
9 up to 80 percent.

10 (B) PRIORITY.—In providing grants under
11 this subtitle, the Secretary shall give priority to
12 eligible projects that require a contribution of
13 Federal funds in order to complete an overall fi-
14 nancing package for the eligible projects.

15 (5) ELIGIBLE PROJECTS IN RURAL AREAS.—

16 (A) IN GENERAL.—Not less than 20 per-
17 cent of the amounts made available to provide
18 grants under this subtitle for a fiscal year shall
19 be provided for eligible projects located in rural
20 areas.

21 (B) MINIMUM GRANT AMOUNT; FEDERAL
22 SHARE.—With respect to an eligible project lo-
23 cated in a rural area—

1 (i) the minimum amount of a grant
2 under this subtitle shall be \$1,000,000;
3 and

4 (ii) the Secretary may increase the
5 Federal share of the cost of carrying out
6 the eligible project up to 100 percent.

7 (6) SET-ASIDES FOR CERTAIN COSTS,
8 PROJECTS, AND TRANSFERS.—Of the amounts made
9 available under this subtitle for a fiscal year, the
10 Secretary may—

11 (A) use an amount not to exceed
12 \$20,000,000 for grants that pay for the plan-
13 ning, preparation, or design of eligible projects;
14 and

15 (B) use an amount not to exceed
16 \$20,000,000 to fund the provision and over-
17 sight of grants under this subtitle, including
18 transfers of funds from that amount to the Ad-
19 ministrators of the Federal Highway Adminis-
20 tration, the Federal Transit Administration, the
21 Federal Railroad Administration, and the Mari-
22 time Administration to fund the provision and
23 oversight of grants under this subtitle for eligi-
24 ble projects under the administrative jurisdic-
25 tion of those agencies.

1 (c) SELECTION AMONG ELIGIBLE PROJECTS.—

2 (1) ESTABLISHMENT.—The Secretary shall es-
3 tablish criteria for use in selecting among eligible
4 projects to receive funding under this subtitle.

5 (2) SELECTION CRITERIA.—

6 (A) PRIMARY SELECTION CRITERIA.—The
7 Secretary shall select among eligible projects by
8 evaluating the extent to which an eligible
9 project provides significant benefits to a State,
10 a metropolitan area, a region, or the United
11 States, including the extent to which an eligible
12 project—

13 (i) improves the safety of transpor-
14 tation facilities and systems;

15 (ii) improves the condition of existing
16 transportation facilities and systems;

17 (iii) contributes to economic competi-
18 tiveness over the medium- to long-term;

19 (iv) improves the environment, im-
20 proves energy efficiency, reduces depend-
21 ence on oil, or reduces greenhouse gas
22 emissions; and

23 (v) improves access to transportation
24 facilities and systems.

1 (B) SECONDARY SELECTION CRITERIA.—

2 In addition to considering the primary selection
3 criteria described in subparagraph (A), the Sec-
4 retary shall consider the extent to which a
5 project—

6 (i) uses innovative strategies or tech-
7 nologies to pursue any of those primary se-
8 lection criteria; and

9 (ii) demonstrates strong collaboration
10 among a broad range of participants, or
11 the integration of transportation with
12 other public service efforts.

13 (d) APPLICATION REQUIREMENT.—The Secretary
14 shall require an analysis of project benefits and costs in
15 each application for a construction grant under this sub-
16 title.

17 (e) FEDERAL REQUIREMENTS.—The following provi-
18 sions of law shall apply to funds made available under this
19 subtitle and eligible projects carried out using those funds:

20 (1) Subchapter IV of chapter 31 of title 40,
21 United States Code.

22 (2) Title VI of the Civil Rights Act of 1964 (42
23 U.S.C. 2000d et seq.).

24 (3) The National Environmental Policy Act of
25 1969 (42 U.S.C. 4321 et seq.).

1 (4) The Uniform Relocation Assistance and
2 Real Property Acquisition Policies Act of 1970 (42
3 U.S.C. 4601 et seq.).

4 (f) TRANSPARENCY.—

5 (1) IN GENERAL.—The Secretary shall include
6 in any notice of funding availability a full descrip-
7 tion of how applications will be evaluated against all
8 selection criteria.

9 (2) CONSULTATIONS ON DECISIONS.—After
10 provision of grants and credit assistance under this
11 subtitle for a fiscal year, the Secretary (or a des-
12 ignee) shall be available to meet with any applicant,
13 at a time and place that is mutually acceptable to
14 the Secretary and the applicant, to review the appli-
15 cation of the applicant.

16 **SEC. 1404. TIFIA SUBSIDY AND ADMINISTRATIVE COSTS.**

17 The Secretary may use up to 20 percent of the
18 amounts appropriated pursuant to the authorization under
19 section 1406 to pay the subsidy and administrative costs
20 of projects eligible for Federal credit assistance under
21 chapter 6 of title 23, United States Code, if the Secretary
22 determines that such use of funds would advance the pur-
23 poses of this subtitle.

1 **SEC. 1405. STATE AND LOCAL PERMITS.**

2 Financial assistance under this subtitle with respect
3 to an eligible project shall not—

4 (1) relieve any recipient of the assistance of any
5 obligation to obtain any required State or local per-
6 mit or approval with respect to the eligible project;

7 (2) limit the right of any unit of State or local
8 government to approve or regulate any rate of re-
9 turn on private equity invested in the eligible
10 project; or

11 (3) otherwise supersede any State or local law
12 (including any regulation) applicable to the construc-
13 tion or operation of the eligible project.

14 **SEC. 1406. AUTHORIZATION OF APPROPRIATIONS.**

15 (a) IN GENERAL.—There are authorized to be appro-
16 priated to carry out this subtitle, \$1,250,000,000 for each
17 of the fiscal years 2016 through 2021.

18 (b) AVAILABILITY.—Amounts appropriated for a fis-
19 cal year pursuant to this section shall be available for obli-
20 gation during the 3-year period beginning on the first day
21 of such fiscal year.

1 **Subtitle F—Other Matters**

2 **SEC. 1501. SAFETY OF THE SURFACE TRANSPORTATION**
3 **NETWORK FOR MOTORIZED AND NON-**
4 **MOTORIZED USERS.**

5 (a) IN GENERAL.—Subchapter I of chapter 3, as
6 amended by section 1102 of this Act, is further amended
7 by adding at the end the following new section:

8 **“§ 313. Safety of the surface transportation network**
9 **for motorized and nonmotorized users**

10 “(a) IN GENERAL.—Not later than 2 years after the
11 date of enactment of this section and subject to subsection
12 (b), the Secretary of Transportation shall establish stand-
13 ards to ensure that the design of Federal surface transpor-
14 tation projects provides for the safe and adequate accom-
15 modation, in all phases of project planning, development,
16 and operation, of all users of the transportation network,
17 including motorized and nonmotorized users.

18 “(b) WAIVER FOR STATE LAW OR POLICY.—The Sec-
19 retary may waive the application of standards established
20 under subsection (a) to a State that has adopted a law
21 or policy that provides for the safe and adequate accom-
22 modation as certified by the State (or other grantee), in
23 all phases of project planning and development, of users
24 of the transportation network on Federally funded surface
25 transportation projects, as determined by the Secretary.

1 “(c) COMPLIANCE.—

2 “(1) IN GENERAL.—Each State department of
3 transportation shall submit to the Secretary, at such
4 time, in such manner, and containing such informa-
5 tion as the Secretary shall require, a report describ-
6 ing the implementation by the State of measures to
7 achieve compliance with this section.

8 “(2) DETERMINATION BY SECRETARY.—On re-
9 ceipt of a report under paragraph (1), the Secretary
10 shall determine whether the applicable State has
11 achieved compliance with this section.”.

12 (b) CONFORMING AMENDMENT.—The table of con-
13 tents of chapter 3, as so amended, is further amended by
14 inserting after the item relating to section 312 the fol-
15 lowing new item:

“313. Safety of the surface transportation network for motorized and non-
motorized users.”.

16 **TITLE II—COMMERCIAL MOTOR**
17 **VEHICLE AND DRIVER PRO-**
18 **GRAMS**

19 **Subtitle A—Compliance, Safety,**
20 **and Accountability Reform**

21 **PART I—COMPLIANCE, SAFETY, AND**
22 **ACCOUNTABILITY**

23 **SEC. 2001. SHORT TITLE.**

24 This part may be cited as the “Truck Safety Act”.

1 **SEC. 2002. MINIMUM AMOUNTS.**

2 (a) TRANSPORTING PROPERTY.—

3 (1) IN GENERAL.—Section 31139(b) is amend-
4 ed—

5 (A) in paragraph (2), by striking
6 “\$750,000” and inserting “\$1,500,000”; and

7 (B) by adding at the end the following:

8 “(3) The minimum level of financial responsi-
9 bility under paragraph (2) shall be adjusted annually
10 by the Secretary to reflect changes in the Consumer
11 Price Index-All Urban Consumers.”.

12 (2) EFFECTIVE DATE.—The amendments made
13 by paragraph (1) shall take effect 1 year after the
14 date of enactment of this Act.

15 (b) RULEMAKING.—The Secretary, by regulation,
16 shall increase any minimum level of financial responsibility
17 required under section 31138 or section 31139 if, after
18 an opportunity for notice and comment, the Secretary de-
19 termines that the current amount is insufficient to satisfy
20 liability amounts covering the claims described in section
21 31138 or section 31139, as applicable.

22 **SEC. 2003. COLLISION AVOIDANCE TECHNOLOGIES.**

23 (a) IN GENERAL.—Not later than 24 months after
24 the date of enactment of this Act, the Secretary shall ini-
25 tiate a rulemaking to establish a Federal motor vehicle
26 safety standard requiring a motor vehicle with a gross ve-

1 hicle weight rating greater than 26,000 pounds be
2 equipped with crash avoidance and mitigation systems,
3 such as forward collision warning systems, forward colli-
4 sion automatic braking systems, and lane departure warn-
5 ing systems.

6 (b) PERFORMANCE AND STANDARDS.—The regula-
7 tions prescribed under subsection (a) shall establish per-
8 formance requirements and standards to prevent collisions
9 with moving vehicles and stopped vehicles.

10 (c) EFFECTIVE DATE.—The Secretary shall issue a
11 final rule not later than 2 years after the date of enact-
12 ment of this Act, and the regulations prescribed by the
13 Secretary under this section shall take effect 2 years after
14 the date of publication of the final rule.

15 **SEC. 2004. SPEED LIMITING DEVICES.**

16 Not later than 1 year after the date of enactment
17 of this Act, the Secretary shall finalize regulations to re-
18 quire a motor vehicle with a gross vehicle weight rating
19 greater than 26,000 pounds to be equipped with an elec-
20 tronic control module requiring the speed to be set at no
21 more than 70 miles per hour by the manufacturer.

22 **SEC. 2005. HIGH RISK CARRIER COMPLIANCE REVIEWS.**

23 (a) HIGH RISK CARRIER COMPLIANCE REVIEWS.—
24 Section 31104(b) is amended by adding at the end the
25 following: “From the funds authorized by this subsection,

1 the Secretary shall ensure that a review is completed on
2 each motor carrier that demonstrates through perform-
3 ance data that it poses the highest safety risk. At a min-
4 imum, a review shall be conducted whenever a motor car-
5 rier is among the highest risk carriers for 2 consecutive
6 months.”.

7 (b) REPORT.—Not later than 180 days after the date
8 of enactment of this Act, the Secretary shall transmit to
9 Congress a report on the actions the Secretary has taken
10 to comply with the review requirement under section
11 31104(b) of title 49, United States Code, as amended, in-
12 cluding the number of high risk motor carriers identified
13 and the high risk motor carriers reviewed.

14 (c) CONFORMING AMENDMENT.—Section 4138 of the
15 Safe, Accountable, Flexible, Efficient Transportation Eq-
16 uity Act: A Legacy for Users (49 U.S.C. 31144 note) is
17 repealed.

18 **SEC. 2006. DRIVER COMPENSATION.**

19 (a) IN GENERAL.—Chapter 311 is amended by in-
20 serting after section 31139 the following:

21 **“§ 31140. Driver compensation**

22 “(a) IN GENERAL.—The Secretary of Transportation
23 by regulation shall require that a motor carrier—

24 “(1) track the on-duty (not driving) time of an
25 employee whose base compensation is calculated in a

1 manner other than an hourly wage and who is re-
2 quired to keep a record of duty status under the
3 hours of service regulations prescribed by the Sec-
4 retary; and

5 “(2) separately compensate the employee for
6 any on-duty (not driving) time period at an hourly
7 rate not less than the Federal minimum wage rate
8 under section 6 of the Fair Labor Standards Act of
9 1938 (29 U.S.C. 206).

10 “(b) LIMITATION.—This section shall not apply to an
11 employee whose employment is governed by a collective
12 bargaining agreement, negotiated by employee representa-
13 tives certified as bona fide by the National Labor Rela-
14 tions Board, if the agreement governs, and compensates
15 the employee for all hours of on-duty (not driving) time.

16 “(c) RULE OF CONSTRUCTION.—Nothing in this sec-
17 tion or regulations adopted under this section shall affect
18 an employer’s obligations under the Fair Labor Standards
19 Act of 1938 (29 U.S.C. 201 et seq.). Compensation of em-
20 ployees under this section and regulations promulgated
21 under this section shall be in addition to other compensa-
22 tion calculated for purposes of determining compliance
23 with the Fair Labor Standards Act of 1938 (29 U.S.C.
24 201 et seq.).”.

1 (b) CONFORMING AMENDMENT.—The table of con-
2 tents of chapter 311 is amended by inserting after the
3 item relating to section 31139 the following:

“31140. Driver compensation.”.

4 **SEC. 2007. STUDY ON COMMERCIAL MOTOR VEHICLE DRIV-**
5 **ER COMMUTING.**

6 (a) EFFECTS OF EXCESSIVE COMMUTING.—The Ad-
7 ministrator of the Federal Motor Carrier Safety Adminis-
8 tration shall conduct a study of the effects of excessive
9 commuting on safety and commercial motor vehicle driver
10 fatigue.

11 (b) STUDY.—In conducting the study, the Adminis-
12 trator shall consider—

13 (1) the prevalence of excessive driver com-
14 muting in the commercial motor vehicle industry, in-
15 cluding the number and percentage of drivers who
16 commute;

17 (2) the distances traveled, time zones crossed,
18 time spent commuting, and methods of transpor-
19 tation used;

20 (3) research on the impact of excessive com-
21 muting on safety and commercial motor vehicle driv-
22 er fatigue;

23 (4) the commuting practices of commercial
24 motor vehicle drivers and policies of motor carriers;

1 (c) EFFECTIVE DATA MANAGEMENT.—The Adminis-
2 trator shall ensure that internal systems and databases
3 accept and effectively manage data using uniform stand-
4 ards.

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

11 **SEC. 2012. POST-ACCIDENT REPORT REVIEW.**

12 (a) IN GENERAL.—Not later than 120 days after the
13 date of enactment of this Act, the Secretary shall convene
14 a working group—

15 (1) to review the data elements of post-accident
16 reports, for tow-away accidents involving commercial
17 motor vehicles, that are reported to the Federal Gov-
18 ernment; and

19 (2) to report to the Secretary its findings and
20 any recommendations, including best practices for
21 State post-accident reports to achieve the data ele-
22 ments described in subsection (c).

23 (b) COMPOSITION.—Not less than 51 percent of the
24 working group should be composed of individuals rep-
25 resenting the States or State law enforcement officials.

1 The remaining members of the working group shall rep-
2 resent industry, labor, safety advocates, and other inter-
3 ested parties.

4 (c) CONSIDERATIONS.—The working group shall con-
5 sider requiring additional data elements, including—

6 (1) the primary cause of the accident, if the pri-
7 mary cause can be determined;

8 (2) the physical characteristics of the commer-
9 cial motor vehicle and any other vehicle involved in
10 the accident, including—

11 (A) the vehicle configuration;

12 (B) the gross vehicle weight if the weight
13 can be readily determined;

14 (C) the number of axles; and

15 (D) the distance between axles, if the dis-
16 tance can be readily determined; and

17 (3) any data elements that could contribute to
18 the appropriate consideration of requests under sec-
19 tion 2005.

20 (d) REPORT.—Not later than 1 year after the date
21 of enactment of this Act, the Secretary shall—

22 (1) review the findings of the working group;

23 (2) identify the best practices for State post-ac-
24 cident reports that are reported to the Federal Gov-
25 ernment, including identifying the data elements

1 that should be collected following a tow-away com-
2 mercial motor vehicle accident; and

3 (3) recommend to the States the adoption of
4 new data elements to be collected following report-
5 able commercial motor vehicle accidents.

6 **Subtitle B—Transparency and** 7 **Accountability**

8 **SEC. 2201. INSPECTOR STANDARDS.**

9 Not later than 90 days after the date of enactment
10 of this Act, the Administrator of the Federal Motor Car-
11 rier Safety Administration shall revise the regulations
12 under part 385 of title 49, Code of Federal Regulations,
13 as necessary, to incorporate by reference the certification
14 standards for roadside inspectors issued by the Commer-
15 cial Vehicle Safety Alliance.

16 **SEC. 2202. TECHNOLOGY IMPROVEMENTS.**

17 (a) **IN GENERAL.**—Not later than 1 year after the
18 date of enactment of this Act, the Government Account-
19 ability Office shall conduct a comprehensive analysis on
20 the Federal Motor Carrier Safety Administration’s infor-
21 mation technology and data collection and management
22 systems.

23 (b) **REQUIREMENTS.**—The study conducted under
24 subsection (a) shall—

1 (1) evaluate the efficacy of the existing infor-
2 mation technology, data collection, processing sys-
3 tems, and data management systems and programs,
4 including their interaction with each other and their
5 efficacy in meeting user needs;

6 (2) identify any redundancies among the sys-
7 tems and programs described in paragraph (1);

8 (3) explore the feasibility of consolidating data
9 collection and processing systems;

10 (4) evaluate the ability of the systems and pro-
11 grams described in paragraph (1) to meet the needs
12 of—

13 (A) the Federal Motor Carrier Safety Ad-
14 ministration, at both the headquarters and
15 State level;

16 (B) the State agencies that implement the
17 Motor Carrier Safety Assistance Program under
18 section 31102 of title 49, United States Code;
19 and

20 (C) other users;

21 (5) evaluate the adaptability of the systems and
22 programs described in paragraph (1), in order to
23 make necessary future changes to ensure user needs
24 are met in an easier, timely, and more cost efficient
25 manner;

1 (6) investigate and make recommendations re-
2 garding—

3 (A) deficiencies in existing data sets im-
4 pacting program effectiveness; and

5 (B) methods to improve any and all user
6 interfaces; and

7 (7) evaluate the appropriate role the Federal
8 Motor Carrier Safety Administration should take
9 with respect to software and information systems de-
10 sign, development, and maintenance for the purpose
11 of improving the efficacy of the systems and pro-
12 grams described in paragraph (1).

13 **Subtitle C—Trucking Rules Up-**
14 **dated by Comprehensive and**
15 **Key Safety Reform**

16 **SEC. 2301. UPDATE ON STATUTORY REQUIREMENTS.**

17 (a) IN GENERAL.—Not later than 90 days after the
18 date of enactment of this Act, and every 90 days there-
19 after until a final rule has been issued for each of the
20 requirements described under paragraphs (1) through (5),
21 the Administrator of the Federal Motor Carrier Safety Ad-
22 ministration shall submit to the Committee on Commerce,
23 Science, and Transportation of the Senate and the Com-
24 mittee on Transportation and Infrastructure of the House

1 of Representatives a report on the status of a final rule
2 for—

3 (1) the minimum entry-level training require-
4 ments for an individual operating a commercial
5 motor vehicle under section 31305(e) of title 49,
6 United States Code;

7 (2) motor carrier safety fitness determinations;

8 (3) visibility of agricultural equipment under
9 section 31601 of division C of the Moving Ahead for
10 Progress in the 21st Century Act (49 U.S.C. 30111
11 note);

12 (4) regulations to require commercial motor ve-
13 hicles in interstate commerce and operated by a
14 driver subject to the hours of service and record of
15 duty status requirements under part 395 of title 49,
16 Code of Federal Regulations, be equipped with an
17 electronic control module capable of limiting the
18 maximum speed of the vehicle; and

19 (5) any outstanding commercial motor vehicle
20 safety regulation required by law and incomplete for
21 more than 2 years.

22 (b) CONTENTS.—Each report under subsection (a)
23 shall include a description of the work plan, an updated
24 rulemaking timeline, current staff allocations, any re-

1 source constraints, and any other details associated with
2 the development of the rulemaking.

3 **SEC. 2302. GUIDANCE REFORM.**

4 (a) GUIDANCE.—

5 (1) POINT OF CONTACT.—Each guidance docu-
6 ment, other than a regulatory action, issued by the
7 Federal Motor Carrier Safety Administration shall
8 have a date of publication or a date of revision, as
9 applicable, and the name and contact information of
10 a point of contact at the Federal Motor Carrier
11 Safety Administration who can respond to questions
12 regarding the general applicability of the guidance.

13 (2) PUBLIC ACCESSIBILITY.—

14 (A) IN GENERAL.—Each guidance docu-
15 ment and interpretation issued by the Federal
16 Motor Carrier Safety Administration shall be
17 published on the Department of Transpor-
18 tation's public website on the date of issuance.

19 (B) REDACTION.—The Administrator of
20 the Federal Motor Carrier Safety Administra-
21 tion may redact from a guidance document or
22 interpretation under subparagraph (A) any in-
23 formation that would reveal investigative tech-
24 niques that would compromise Federal Motor

1 Carrier Safety Administration enforcement ef-
2 forts.

3 (3) RULEMAKING.—Not later than 5 years after
4 the date that a guidance document is published
5 under paragraph (2) or during the comprehensive
6 review under subsection (c), whichever is earlier, the
7 Secretary, in consultation with the Administrator,
8 shall revise the applicable regulations to incorporate
9 the guidance document to the extent practicable.

10 (4) REISSUANCE.—If a guidance document is
11 not incorporated into the applicable regulations
12 under paragraph (3), the Secretary shall—

13 (A) reissue an updated guidance document;
14 and

15 (B) review and reissue an updated guid-
16 ance document every 5 years during the com-
17 prehensive review process under subsection (c)
18 until the date that the guidance document is re-
19 moved or incorporated into the applicable regu-
20 lations under paragraph (3) of this subsection.

21 (b) UPDATE.—Not later than 1 year after the date
22 of enactment of this Act, the Secretary shall review regula-
23 tions, guidance, and enforcement policies published on the
24 Department of Transportation's public website to ensure
25 the regulations, guidance, and enforcement policies are

1 current, readily accessible to the public, and meet the
2 standards under subsection (c)(1).

3 (c) REVIEW.—

4 (1) IN GENERAL.—Subject to paragraph (2),
5 not less than once every 5 years, the Administrator
6 of the Federal Motor Carrier Safety Administration
7 shall conduct a comprehensive review of its guidance
8 and enforcement policies to determine whether—

9 (A) the guidance and enforcement policies
10 are consistent and clear;

11 (B) the guidance is uniformly and consist-
12 ently enforceable; and

13 (C) the guidance is still necessary.

14 (2) NOTICE AND COMMENT.—Prior to begin-
15 ning the review, the Administrator shall publish in
16 the Federal Register a notice and request for com-
17 ment soliciting input from stakeholders on which
18 regulations should be updated or eliminated.

19 (3) REPORT.—Not later than 60 days after the
20 date that a review under paragraph (1) is complete,
21 the Administrator shall publish on the Department
22 of Transportation’s public website a report detailing
23 the review and a full inventory of guidance and en-
24 forcement policies.

1 **SEC. 2303. PETITIONS.**

2 (a) IN GENERAL.—The Administrator of the Federal
3 Motor Carrier Safety Administration shall—

4 (1) publish in the Federal Register or on the
5 Department of Transportation’s public website all
6 petitions for regulatory action submitted;

7 (2) prioritize stakeholder petitions based on the
8 likelihood of providing safety improvements;

9 (3) formally respond to each petition by indi-
10 cating whether the Administrator will accept, deny,
11 or further review, the petition not later than 180
12 days after the date the petition is published under
13 paragraph (1);

14 (4) prioritize resulting actions consistent with
15 an action’s potential to reduce crashes, improve en-
16 forcement, and reduce unnecessary burdens; and

17 (5) publish, and update as necessary, on the
18 Department of Transportation’s public website an
19 inventory of each petition described in paragraph
20 (1), including any applicable disposition information
21 for that petition.

22 (b) DEFINITION OF PETITION.—In this section, the
23 term “petition” means a request for new regulations, reg-
24 ulatory interpretations or clarifications, or retrospective
25 review of regulations to eliminate or modify obsolete, inef-
26 fective, or overly-burdensome rules.

1 **Subtitle D—Motor Carrier Safety**
2 **Grant Consolidation**

3 **SEC. 2401. DEFINITIONS.**

4 (a) IN GENERAL.—Section 31101 is amended—

5 (1) by redesignating paragraph (4) as para-
6 graph (5); and

7 (2) by inserting after paragraph (3) the fol-
8 lowing:

9 “(4) ‘Secretary’ means the Secretary of Trans-
10 portation.”.

11 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

12 Section 31101, as amended by subsection (a), is amend-
13 ed—

14 (1) in paragraph (1)(B), by inserting a comma
15 after “passengers”; and

16 (2) in paragraph (1)(C), by striking “of Trans-
17 portation”.

18 **SEC. 2402. GRANTS TO STATES.**

19 (a) MOTOR CARRIER SAFETY ASSISTANCE PRO-
20 GRAM.—Section 31102 is amended to read as follows:

21 **“§ 31102. Motor Carrier Safety Assistance Program**

22 “(a) IN GENERAL.—The Secretary shall administer
23 a motor carrier safety assistance program funded under
24 section 31104.

1 “(b) GOAL.—The goal of the program is to ensure
2 that the Secretary, States, local governments, other polit-
3 ical jurisdictions, federally-recognized Indian tribes, and
4 other persons work in partnership to establish programs
5 to improve motor carrier, commercial motor vehicle, and
6 driver safety to support a safe and efficient surface trans-
7 portation system—

8 “(1) by making targeted investments to pro-
9 mote safe commercial motor vehicle transportation,
10 including the transportation of passengers and haz-
11 ardous materials;

12 “(2) by investing in activities likely to generate
13 maximum reductions in the number and severity of
14 commercial motor vehicle crashes and fatalities re-
15 sulting from such crashes;

16 “(3) by adopting and enforcing effective motor
17 carrier, commercial motor vehicle, and driver safety
18 regulations and practices consistent with Federal re-
19 quirements; and

20 “(4) by assessing and improving statewide per-
21 formance by setting program goals and meeting per-
22 formance standards, measures, and benchmarks.

23 “(c) STATE PLANS.—

24 “(1) IN GENERAL.—The Secretary shall pre-
25 scribe procedures for a State to submit a multiple-

1 year plan, and annual updates thereto, under which
2 the State agrees to assume responsibility for improv-
3 ing motor carrier safety, adopting and enforcing
4 compatible regulations, standards, and orders of the
5 Federal Government on commercial motor vehicle
6 safety and hazardous materials transportation safe-
7 ty.

8 “(2) CONTENTS.—The Secretary shall approve
9 a plan if the Secretary determines that the plan is
10 adequate to comply with the requirements of this
11 section, and the plan—

12 “(A) implements performance-based activi-
13 ties, including deployment and maintenance of
14 technology to enhance the efficiency and effec-
15 tiveness of commercial motor vehicle safety pro-
16 grams;

17 “(B) designates a lead State commercial
18 motor vehicle safety agency responsible for ad-
19 ministering the plan throughout the State;

20 “(C) contains satisfactory assurances that
21 the lead State commercial motor vehicle safety
22 agency has or will have the legal authority, re-
23 sources, and qualified personnel necessary to
24 enforce the regulations, standards, and orders;

1 “(D) contains satisfactory assurances that
2 the State will devote adequate resources to the
3 administration of the plan and enforcement of
4 the regulations, standards, and orders;

5 “(E) provides a right of entry and inspec-
6 tion to carry out the plan;

7 “(F) provides that all reports required
8 under this section be available to the Secretary
9 on request;

10 “(G) provides that the lead State commer-
11 cial motor vehicle safety agency will adopt the
12 reporting requirements and use the forms for
13 recordkeeping, inspections, and investigations
14 that the Secretary prescribes;

15 “(H) requires all registrants of commercial
16 motor vehicles to demonstrate knowledge of ap-
17 plicable safety regulations, standards, and or-
18 ders of the Federal Government and the State;

19 “(I) provides that the State will grant
20 maximum reciprocity for inspections conducted
21 under the North American Inspection Stand-
22 ards through the use of a nationally-accepted
23 system that allows ready identification of pre-
24 viously inspected commercial motor vehicles;

1 “(J) ensures that activities described in
2 subsection (h), if financed through grants to
3 the State made under this section, will not di-
4 minish the effectiveness of the development and
5 implementation of the programs to improve
6 motor carrier, commercial motor vehicle, and
7 driver safety as described in subsection (b);

8 “(K) ensures that the lead State commer-
9 cial motor vehicle safety agency will coordinate
10 the plan, data collection, and information sys-
11 tems with the State highway safety improve-
12 ment program required under section 148(e) of
13 title 23;

14 “(L) ensures participation in appropriate
15 Federal Motor Carrier Safety Administration
16 information technology and data systems and
17 other information systems by all appropriate ju-
18 risdictions receiving Motor Carrier Safety As-
19 sistance Program funding;

20 “(M) ensures that information is ex-
21 changed among the States in a timely manner;

22 “(N) provides satisfactory assurances that
23 the State will undertake efforts that will em-
24 phasize and improve enforcement of State and

1 local traffic safety laws and regulations related
2 to commercial motor vehicle safety;

3 “(O) provides satisfactory assurances in
4 the plan that the State will address national
5 priorities and performance goals, including—

6 “(i) activities aimed at removing im-
7 paired commercial motor vehicle drivers
8 from the highways of the United States
9 through adequate enforcement of regula-
10 tions on the use of alcohol and controlled
11 substances and by ensuring ready roadside
12 access to alcohol detection and measuring
13 equipment;

14 “(ii) activities aimed at providing an
15 appropriate level of training to State motor
16 carrier safety assistance program officers
17 and employees on recognizing drivers im-
18 paired by alcohol or controlled substances;
19 and

20 “(iii) when conducted with an appro-
21 priate commercial motor vehicle inspection,
22 criminal interdiction activities, and appro-
23 priate strategies for carrying out those
24 interdiction activities, including interdic-
25 tion activities that affect the transpor-

1 tation of controlled substances (as defined
2 under section 102 of the Comprehensive
3 Drug Abuse Prevention and Control Act of
4 1970 (21 U.S.C. 802) and listed in part
5 1308 of title 21, Code of Federal Regula-
6 tions, as updated and republished from
7 time to time) by any occupant of a com-
8 mercial motor vehicle;

9 “(P) provides that the State has estab-
10 lished and dedicated sufficient resources to a
11 program to ensure that—

12 “(i) the State collects and reports to
13 the Secretary accurate, complete, and
14 timely motor carrier safety data; and

15 “(ii) the State participates in a na-
16 tional motor carrier safety data correction
17 system prescribed by the Secretary;

18 “(Q) ensures that the State will cooperate
19 in the enforcement of financial responsibility re-
20 quirements under sections 13906, 31138, and
21 31139 of this title, and regulations issued
22 under these sections;

23 “(R) ensures consistent, effective, and rea-
24 sonable sanctions;

1 “(S) ensures that roadside inspections will
2 be conducted at locations that are adequate to
3 protect the safety of drivers and enforcement
4 personnel;

5 “(T) provides that the State will include in
6 the training manuals for the licensing examina-
7 tion to drive both noncommercial motor vehicles
8 and commercial motor vehicles information on
9 best practices for driving safely in the vicinity
10 of noncommercial and commercial motor vehi-
11 cles;

12 “(U) provides that the State will enforce
13 the registration requirements of sections 13902
14 and 31134 of this title by prohibiting the oper-
15 ation of any vehicle discovered to be operated
16 by a motor carrier without a registration issued
17 under those sections or to be operated beyond
18 the scope of the motor carrier’s registration;

19 “(V) provides that the State will conduct
20 comprehensive and highly visible traffic enforce-
21 ment and commercial motor vehicle safety in-
22 spection programs in high-risk locations and
23 corridors;

24 “(W) except in the case of an imminent
25 hazard or obvious safety hazard, ensures that

1 an inspection of a vehicle transporting pas-
2 sengers for a motor carrier of passengers is
3 conducted at a station, terminal, border cross-
4 ing, maintenance facility, destination, or other
5 location where adequate food, shelter, and sani-
6 tation facilities are available for passengers,
7 and reasonable accommodations are available
8 for passengers with disabilities;

9 “(X) ensures that the State will transmit
10 to its roadside inspectors the notice of each
11 Federal exemption granted under section
12 31315(b) of this title and sections 390.23 and
13 390.25 of title 49 of the Code of Federal Regu-
14 lations and provided to the State by the Sec-
15 retary, including the name of the person grant-
16 ed the exemption and any terms and conditions
17 that apply to the exemption;

18 “(Y) except as provided in subsection (d),
19 provides that the State—

20 “(i) will conduct safety audits of
21 interstate and, at the State’s discretion,
22 intrastate new entrant motor carriers
23 under section 31144(g) of this title; and

24 “(ii) if the State authorizes a third
25 party to conduct safety audits under sec-

1 tion 31144(g) on its behalf, the State
2 verifies the quality of the work conducted
3 and remains solely responsible for the
4 management and oversight of the activi-
5 ties;

6 “(Z) provides that the State agrees to fully
7 participate in the performance and registration
8 information system management under section
9 31106(b) not later than October 1, 2020, by
10 complying with the conditions for participation
11 under paragraph (3) of that section;

12 “(AA) provides that a State that shares a
13 land border with another country—

14 “(i) will conduct a border commercial
15 motor vehicle safety program focusing on
16 international commerce that includes en-
17 forcement and related projects; or

18 “(ii) will forfeit all funds calculated by
19 the Secretary based on border-related ac-
20 tivities if the State declines to conduct the
21 program described in clause (i) in its plan;
22 and

23 “(BB) provides that a State that meets the
24 other requirements of this section and agrees to
25 comply with the requirements established in

1 subsection (l)(3) may fund operation and main-
2 tenance costs associated with innovative tech-
3 nology deployment under subsection (l)(3) with
4 Motor Carrier Safety Assistance Program funds
5 authorized under section 31104(a)(1).

6 “(3) PUBLICATION.—

7 “(A) IN GENERAL.—Subject to subpara-
8 graph (B), the Secretary shall publish each ap-
9 proved State multiple-year plan, and each an-
10 nual update thereto, on the Department of
11 Transportation’s public website not later than
12 30 days after the date the Secretary approves
13 the plan or update.

14 “(B) LIMITATION.—Before posting an ap-
15 proved State multiple-year plan or annual up-
16 date under subparagraph (A), the Secretary
17 shall redact any information identified by the
18 State that, if disclosed—

19 “(i) would reasonably be expected to
20 interfere with enforcement proceedings; or

21 “(ii) would reveal enforcement tech-
22 niques or procedures that would reasonably
23 be expected to risk circumvention of the
24 law.

1 “(d) EXCLUSION OF U.S. TERRITORIES.—The re-
2 quirement that a State conduct safety audits of new en-
3 trant motor carriers under subsection (c)(2)(Y) does not
4 apply to a territory of the United States unless required
5 by the Secretary.

6 “(e) INTRASTATE COMPATIBILITY.—The Secretary
7 shall prescribe regulations specifying tolerance guidelines
8 and standards for ensuring compatibility of intrastate
9 commercial motor vehicle safety laws, including regula-
10 tions, with Federal motor carrier safety regulations to be
11 enforced under subsections (b) and (c). To the extent
12 practicable, the guidelines and standards shall allow for
13 maximum flexibility while ensuring a degree of uniformity
14 that will not diminish motor vehicle safety.

15 “(f) MAINTENANCE OF EFFORT.—

16 “(1) BASELINE.—Except as provided under
17 paragraphs (2) and (3) and in accordance with sec-
18 tion 2508 of the Comprehensive Transportation and
19 Consumer Protection Act of 2015, a State plan
20 under subsection (c) shall provide that the total ex-
21 penditure of amounts of the lead State commercial
22 motor vehicle safety agency responsible for admin-
23 istering the plan will be maintained at a level each
24 fiscal year at least equal to—

1 “(A) the average level of that expenditure
2 for fiscal years 2004 and 2005; or

3 “(B) the level of that expenditure for the
4 year in which the Secretary implements a new
5 allocation formula under section 2508 of the
6 Comprehensive Transportation and Consumer
7 Protection Act of 2015.

8 “(2) ADJUSTED BASELINE AFTER FISCAL YEAR
9 2017.—At the request of a State, the Secretary may
10 evaluate additional documentation related to the
11 maintenance of effort and may make reasonable ad-
12 justments to the maintenance of effort baseline after
13 fiscal year 2017, and this adjusted baseline will re-
14 place the maintenance of effort requirement under
15 paragraph (1).

16 “(3) WAIVERS.—At the request of a State, the
17 Secretary may waive or modify the requirements of
18 this subsection for 1 fiscal year if the Secretary de-
19 termines that a waiver or modification is reasonable,
20 based on circumstances described by the State, to
21 ensure the continuation of commercial motor vehicle
22 enforcement activities in the State.

23 “(4) LEVEL OF STATE EXPENDITURES.—In es-
24 timating the average level of State expenditure
25 under paragraph (1), the Secretary—

1 “(A) may allow the State to exclude State
2 expenditures for Federally-sponsored dem-
3 onstration and pilot programs and strike forces;

4 “(B) may allow the State to exclude ex-
5 penditures for activities related to border en-
6 forcement and new entrant safety audits; and

7 “(C) shall require the State to exclude
8 State matching amounts used to receive Federal
9 financing under section 31104.

10 “(g) USE OF UNIFIED CARRIER REGISTRATION FEES
11 AGREEMENT.—Amounts generated under section 14504a
12 of this title and received by a State and used for motor
13 carrier safety purposes may be included as part of the
14 State’s match required under section 31104 of this title
15 or maintenance of effort required by subsection (f) of this
16 section.

17 “(h) USE OF GRANTS TO ENFORCE OTHER LAWS.—
18 When approved in the States’ plan under subsection (e),
19 a State may use Motor Carrier Safety Assistance Program
20 funds received under this section—

21 “(1) if the activities are carried out in conjunc-
22 tion with an appropriate inspection of a commercial
23 motor vehicle to enforce Federal or State commercial
24 motor vehicle safety regulations, for—

1 “(A) enforcement of commercial motor ve-
2 hicle size and weight limitations at locations,
3 excluding fixed weight facilities, such as near
4 steep grades or mountainous terrains, where
5 the weight of a commercial motor vehicle can
6 significantly affect the safe operation of the ve-
7 hicle, or at ports where intermodal shipping
8 containers enter and leave the United States;
9 and

10 “(B) detection of and enforcement actions
11 taken as a result of criminal activity, including
12 the trafficking of human beings, in a commer-
13 cial motor vehicle or by any occupant, including
14 the operator, of the commercial motor vehicle;

15 “(2) for documented enforcement of State traf-
16 fic laws and regulations designed to promote the
17 safe operation of commercial motor vehicles, includ-
18 ing documented enforcement of such laws and regu-
19 lations relating to noncommercial motor vehicles
20 when necessary to promote the safe operation of
21 commercial motor vehicles, if—

22 “(A) the number of motor carrier safety
23 activities, including roadside safety inspections,
24 conducted in the State is maintained at a level
25 at least equal to the average level of such activi-

1 ties conducted in the State in fiscal years 2004
2 and 2005; and

3 “(B) the State does not use more than 10
4 percent of the basic amount the State receives
5 under a grant awarded under section
6 31104(a)(1) for enforcement activities relating
7 to noncommercial motor vehicles necessary to
8 promote the safe operation of commercial motor
9 vehicles unless the Secretary determines that a
10 higher percentage will result in significant in-
11 creases in commercial motor vehicle safety; and

12 “(3) for the enforcement of household goods
13 regulations on intrastate and interstate carriers if
14 the State has adopted laws or regulations compatible
15 with the Federal household goods regulations.

16 “(i) EVALUATION OF PLANS AND AWARD OF
17 GRANTS.—

18 “(1) AWARDS.—The Secretary shall establish
19 criteria for the application, evaluation, and approval
20 of State plans under this section. Subject to sub-
21 section (j), the Secretary may allocate the amounts
22 made available under section 31104(a)(1) among the
23 States.

24 “(2) OPPORTUNITY TO CURE.—If the Secretary
25 disapproves a plan under this section, the Secretary

1 shall give the State a written explanation of the rea-
2 sons for disapproval and allow the State to modify
3 and resubmit the plan for approval.

4 “(j) ALLOCATION OF FUNDS.—

5 “(1) IN GENERAL.—The Secretary, by regula-
6 tion, shall prescribe allocation criteria for funds
7 made available under section 31104(a)(1).

8 “(2) ANNUAL ALLOCATIONS.—On October 1 of
9 each fiscal year, or as soon as practicable thereafter,
10 and after making a deduction under section
11 31104(c), the Secretary shall allocate amounts made
12 available in section 31104(a)(1) to carry out this
13 section for the fiscal year among the States with
14 plans approved under this section in accordance with
15 the criteria under paragraph (1).

16 “(3) ELECTIVE ADJUSTMENTS.—Subject to the
17 availability of funding and notwithstanding fluctua-
18 tions in the data elements used by the Secretary to
19 calculate the annual allocation amounts, after the
20 creation of a new allocation formula under section
21 2508 of the Comprehensive Transportation and Con-
22 sumer Protection Act of 2015 the Secretary may not
23 make elective adjustments to the allocation formula
24 that decrease a State’s Federal funding levels by
25 more than 3 percent in a fiscal year. The 3 percent

1 limit shall not apply to the withholding provisions of
2 subsection (k).

3 “(k) PLAN MONITORING.—

4 “(1) IN GENERAL.—On the basis of reports
5 submitted by the lead State agency responsible for
6 administering an approved State plan and an inves-
7 tigation by the Secretary, the Secretary shall peri-
8 odically evaluate State implementation of and com-
9 pliance with the State plan.

10 “(2) WITHHOLDING OF FUNDS.—

11 “(A) DISAPPROVAL.—If, after notice and
12 an opportunity to be heard, the Secretary finds
13 that the State plan previously approved is not
14 being followed or has become inadequate to en-
15 sure enforcement of the regulations, standards,
16 or orders, or the State is otherwise not in com-
17 pliance with the requirements of this section,
18 the Secretary may withdraw approval of the
19 plan and notify the State. The plan is no longer
20 in effect once the State receives notice, and the
21 Secretary shall withhold all funding under this
22 section.

23 “(B) NONCOMPLIANCE WITHHOLDING.—In
24 lieu of withdrawing approval of the plan, the
25 Secretary may, after providing notice and an

1 opportunity to be heard, withhold funding from
2 the State to which the State would otherwise be
3 entitled under this section for the period of the
4 State's noncompliance. In exercising this op-
5 tion, the Secretary may withhold—

6 “(i) up to 5 percent of funds during
7 the fiscal year that the Secretary notifies
8 the State of its noncompliance;

9 “(ii) up to 10 percent of funds for the
10 first full fiscal year of noncompliance;

11 “(iii) up to 25 percent of funds for
12 the second full fiscal year of noncompli-
13 ance; and

14 “(iv) not more than 50 percent of
15 funds for the third and any subsequent full
16 fiscal year of noncompliance.

17 “(3) JUDICIAL REVIEW.—A State adversely af-
18 fected by a determination under paragraph (2) may
19 seek judicial review under chapter 7 of title 5. Not-
20 withstanding the disapproval of a State plan under
21 paragraph (2)(A) or the withholding under para-
22 graph (2)(B), the State may retain jurisdiction in an
23 administrative or a judicial proceeding that com-
24 menced before the notice of disapproval or with-

1 holding if the issues involved are not related directly
2 to the reasons for the disapproval or withholding.

3 “(1) HIGH PRIORITY FINANCIAL ASSISTANCE PRO-
4 GRAM.—

5 “(1) IN GENERAL.—The Secretary shall admin-
6 ister a high priority financial assistance program
7 funded under section 31104 for the purposes de-
8 scribed in paragraphs (2) and (3).

9 “(2) ACTIVITIES RELATED TO MOTOR CARRIER
10 SAFETY.—The purpose of this paragraph is to make
11 discretionary grants to and cooperative agreements
12 with States, local governments, federally-recognized
13 Indian tribes, other political jurisdictions as nec-
14 essary, and any person to carry out high priority ac-
15 tivities and projects that augment motor carrier
16 safety activities and projects planned in accordance
17 with subsections (b) and (c), including activities and
18 projects that—

19 “(A) increase public awareness and edu-
20 cation on commercial motor vehicle safety;

21 “(B) target unsafe driving of commercial
22 motor vehicles and non-commercial motor vehi-
23 cles in areas identified as high risk crash cor-
24 ridors;

1 “(C) support the enforcement of State
2 household goods regulations on intrastate and
3 interstate carriers if the State has adopted laws
4 or regulations compatible with the Federal
5 household good laws;

6 “(D) improve the safe and secure move-
7 ment of hazardous materials;

8 “(E) improve safe transportation of goods
9 and persons in foreign commerce;

10 “(F) demonstrate new technologies to im-
11 prove commercial motor vehicle safety;

12 “(G) support participation in performance
13 and registration information systems manage-
14 ment under section 31106(b)—

15 “(i) for entities not responsible for
16 submitting the plan under subsection (c);
17 or

18 “(ii) for entities responsible for sub-
19 mitting the plan under subsection (c)—

20 “(I) before October 1, 2020, to
21 achieve compliance with the require-
22 ments of participation; and

23 “(II) beginning on October 1,
24 2020, or once compliance is achieved,
25 whichever is sooner, for special initia-

1 tives or projects that exceed routine
2 operations required for participation;

3 “(H) conduct safety data improvement
4 projects—

5 “(i) that complete or exceed the re-
6 quirements under subsection (c)(2)(P) for
7 entities not responsible for submitting the
8 plan under subsection (c); or

9 “(ii) that exceed the requirements
10 under subsection (c)(2)(P) for entities re-
11 sponsible for submitting the plan under
12 subsection (c); and

13 “(I) otherwise improve commercial motor
14 vehicle safety and compliance with commercial
15 motor vehicle safety regulations.

16 “(3) INNOVATIVE TECHNOLOGY DEPLOYMENT
17 GRANT PROGRAM.—

18 “(A) IN GENERAL.—The Secretary shall
19 establish an innovative technology deployment
20 grant program to make discretionary grants
21 funded under section 31104(a)(2) to eligible
22 States for the innovative technology deployment
23 of commercial motor vehicle information sys-
24 tems and networks.

1 “(B) PURPOSES.—The purposes of the
2 program shall be—

3 “(i) to advance the technological capa-
4 bility and promote the deployment of intel-
5 ligent transportation system applications
6 for commercial motor vehicle operations,
7 including commercial motor vehicle, com-
8 mercial driver, and carrier-specific infor-
9 mation systems and networks; and

10 “(ii) to support and maintain com-
11 mercial motor vehicle information systems
12 and networks—

13 “(I) to link Federal motor carrier
14 safety information systems with State
15 commercial motor vehicle systems;

16 “(II) to improve the safety and
17 productivity of commercial motor vehi-
18 cles and drivers; and

19 “(III) to reduce costs associated
20 with commercial motor vehicle oper-
21 ations and Federal and State commer-
22 cial vehicle regulatory requirements.

23 “(C) ELIGIBILITY.—To be eligible for a
24 grant under this paragraph, a State shall—

1 “(i) have a commercial motor vehicle
2 information systems and networks program
3 plan approved by the Secretary that de-
4 scribes the various systems and networks
5 at the State level that need to be refined,
6 revised, upgraded, or built to accomplish
7 deployment of commercial motor vehicle in-
8 formation systems and networks capabili-
9 ties;

10 “(ii) certify to the Secretary that its
11 commercial motor vehicle information sys-
12 tems and networks deployment activities,
13 including hardware procurement, software
14 and system development, and infrastruc-
15 ture modifications—

16 “(I) are consistent with the na-
17 tional intelligent transportation sys-
18 tems and commercial motor vehicle in-
19 formation systems and networks ar-
20 chitectures and available standards;
21 and

22 “(II) promote interoperability
23 and efficiency to the extent prac-
24 ticable; and

1 “(iii) agree to execute interoperability
2 tests developed by the Federal Motor Car-
3 rier Safety Administration to verify that
4 its systems conform with the national intel-
5 ligent transportation systems architecture,
6 applicable standards, and protocols for
7 commercial motor vehicle information sys-
8 tems and networks.

9 “(D) USE OF FUNDS.—Grant funds may
10 be used—

11 “(i) for deployment activities and ac-
12 tivities to develop new and innovative ad-
13 vanced technology solutions that support
14 commercial motor vehicle information sys-
15 tems and networks;

16 “(ii) for planning activities, including
17 the development or updating of program or
18 top level design plans in order to become
19 eligible or maintain eligibility under sub-
20 paragraph (C); and

21 “(iii) for the operation and mainte-
22 nance costs associated with innovative
23 technology.

24 “(E) SECRETARY AUTHORIZATION.—The
25 Secretary is authorized to award a State fund-

1 “(1) MOTOR CARRIER SAFETY ASSISTANCE PRO-
2 GRAM.—Subject to paragraph (2) of this subsection
3 and subsection (c) of this section, to carry out sec-
4 tion 31102—

5 “(A) \$309,081,000 for fiscal year 2017;

6 “(B) \$332,081,000 for fiscal year 2018;

7 “(C) \$342,081,000 for fiscal year 2019;

8 “(D) \$351,081,000 for fiscal year 2020;

9 and

10 “(E) \$359,081,000 for fiscal year 2021.

11 “(2) HIGH PRIORITY ACTIVITIES FINANCIAL AS-
12 SISTANCE PROGRAM.—Subject to subsection (c), to
13 make grants and cooperative agreements under sec-
14 tion 31102(l) of this title, the Secretary may set
15 aside from amounts made available under paragraph
16 (1) of this subsection up to—

17 “(A) \$42,323,000 for fiscal year 2017;

18 “(B) \$43,212,000 for fiscal year 2018;

19 “(C) \$44,119,000 for fiscal year 2019;

20 “(D) \$45,046,000 for fiscal year 2020;

21 and

22 “(E) \$45,992,000 for fiscal year 2021.

23 “(3) COMMERCIAL MOTOR VEHICLE OPERATORS
24 GRANT PROGRAM.—To carry out section 31103—

25 “(A) \$1,000,000 for fiscal year 2017;

1 “(B) \$1,000,000 for fiscal year 2018;

2 “(C) \$1,000,000 for fiscal year 2019;

3 “(D) \$1,000,000 for fiscal year 2020; and

4 “(E) \$1,000,000 for fiscal year 2021.

5 “(4) COMMERCIAL DRIVER’S LICENSE PROGRAM
6 IMPLEMENTATION FINANCIAL ASSISTANCE PRO-
7 GRAM.—Subject to subsection (c), to carry out sec-
8 tion 31313, \$39,196,000 for each of fiscal years
9 2017 through 2021.

10 “(b) REIMBURSEMENT AND PAYMENT TO RECIPI-
11 ENTS FOR GOVERNMENT SHARE OF COSTS.—

12 “(1) IN GENERAL.—Amounts made available
13 under subsection (a) shall be used to reimburse fi-
14 nancial assistance recipients proportionally for the
15 Federal Government’s share of the costs incurred.

16 “(2) REIMBURSEMENT AMOUNTS.—The Sec-
17 retary shall reimburse a recipient, in accordance
18 with a financial assistance agreement made under
19 section 31102, 31103, or 31313, an amount that is
20 at least 85 percent of the costs incurred by the re-
21 cipient in a fiscal year in developing and imple-
22 menting programs under these sections. The Sec-
23 retary shall pay the recipient an amount not more
24 than the Federal Government share of the total
25 costs approved by the Federal Government in the fi-

1 nancial assistance agreement. The Secretary shall
2 include a recipient's in-kind contributions in deter-
3 mining the reimbursement.

4 “(3) VOUCHERS.—Each recipient shall submit
5 vouchers at least quarterly for costs the recipient in-
6 curs in developing and implementing programs
7 under section 31102, 31103, or 31313.

8 “(c) DEDUCTIONS FOR PARTNER TRAINING AND
9 PROGRAM SUPPORT.—On October 1 of each fiscal year,
10 or as soon after that date as practicable, the Secretary
11 may deduct from amounts made available under para-
12 graphs (1), (2), and (4) of subsection (a) for that fiscal
13 year not more than 1.50 percent of those amounts for
14 partner training and program support in that fiscal year.
15 The Secretary shall use at least 75 percent of those de-
16 ducted amounts to train non-Federal Government employ-
17 ees and to develop related training materials in carrying
18 out these programs.

19 “(d) GRANTS AND COOPERATIVE AGREEMENTS AS
20 CONTRACTUAL OBLIGATIONS.—The approval of a finan-
21 cial assistance agreement by the Secretary under section
22 31102, 31103, or 31313 is a contractual obligation of the
23 Federal Government for payment of the Federal Govern-
24 ment's share of costs in carrying out the provisions of the
25 grant or cooperative agreement.

1 “(e) ELIGIBLE ACTIVITIES.—The Secretary shall es-
2 tablish criteria for eligible activities to be funded with fi-
3 nancial assistance agreements under this section and pub-
4 lish those criteria in a notice of funding availability before
5 the financial assistance program application period.

6 “(f) PERIOD OF AVAILABILITY OF FINANCIAL AS-
7 SISTANCE AGREEMENT FUNDS FOR RECIPIENT EXPENDI-
8 TURES.—

9 “(1) IN GENERAL.—The period of availability
10 for a recipient to expend a grant or cooperative
11 agreement authorized under subsection (a) is as fol-
12 lows:

13 “(A) For grants made for carrying out sec-
14 tion 31102, other than section 31102(1), for the
15 fiscal year in which it is obligated and for the
16 next fiscal year.

17 “(B) For grants or cooperative agreements
18 made for carrying out section 31102(1)(2), for
19 the fiscal year in which it is obligated and for
20 the next 2 fiscal years.

21 “(C) For grants made for carrying out sec-
22 tion 31102(1)(3), for the fiscal year in which it
23 is obligated and for the next 4 fiscal years.

1 “(D) For grants made for carrying out
2 section 31103, for the fiscal year in which it is
3 obligated and for the next fiscal year.

4 “(E) For grants or cooperative agreements
5 made for carrying out 31313, for the fiscal year
6 in which it is obligated and for the next 4 fiscal
7 years.

8 “(2) REOBLIGATION.—Amounts not expended
9 by a recipient during the period of availability shall
10 be released back to the Secretary for reobligation for
11 any purpose under sections 31102, 31103, 31104,
12 and 31313 in accordance with subsection (i) of this
13 section.

14 “(g) CONTRACT AUTHORITY; INITIAL DATE OF
15 AVAILABILITY.—Amounts authorized from the Highway
16 Trust Fund by this section shall be available for obligation
17 on the date of their apportionment or allocation or on Oc-
18 tober 1 of the fiscal year for which they are authorized,
19 whichever occurs first.

20 “(h) AVAILABILITY OF FUNDING.—Amounts made
21 available under this section shall remain available until ex-
22 pended.

23 “(i) TRANSFER OF OBLIGATION AUTHORITY.—

24 “(1) IN GENERAL.—Of the contract authority
25 authorized in this section, the Secretary shall have

1 authority to transfer available unobligated contract
2 authority and associated liquidating cash within or
3 between Federal financial assistance programs au-
4 thorized under this section and make new Federal fi-
5 nancial assistance awards under this section.

6 “(2) COST ESTIMATES.—Of the funds trans-
7 ferred, the contract authority and associated liqui-
8 dating cash or obligations and expenditures stem-
9 ming from Federal financial assistance awards made
10 with this contract authority shall not be scored as
11 new obligations by the Congressional Budget Office
12 or by the Secretary.

13 “(3) NO LIMITATION ON TOTAL OF OBLIGA-
14 TIONS.—Notwithstanding any other provision of law,
15 no limitation on the total of obligations for Federal
16 financial assistance programs carried out by the
17 Federal Motor Carrier Safety Administration under
18 this section shall apply to unobligated funds trans-
19 ferred under this subsection.”.

20 (d) TECHNICAL AND CONFORMING AMENDMENTS.—

21 (1) SAFETY FITNESS OF OWNERS AND OPER-
22 ATOR; SAFETY REVIEWS OF NEW OPERATORS.—Sec-
23 tion 31144(g) is amended by striking paragraph (5).

1 (2) INFORMATION SYSTEMS; PERFORMANCE
2 AND REGISTRATION INFORMATION PROGRAM.—Sec-
3 tion 31106(b) is amended by striking paragraph (4).

4 (3) BORDER ENFORCEMENT GRANTS.—Section
5 31107 is repealed.

6 (4) PERFORMANCE AND REGISTRATION INFOR-
7 MATION SYSTEM MANAGEMENT.—Section 31109 is
8 repealed.

9 (5) TABLE OF CONTENTS.—The table of con-
10 tents of chapter 311 is amended—

11 (A) by striking the items relating to 31107
12 and 31109; and

13 (B) by striking the items relating to sec-
14 tions 31102, 31103, and 31104 and inserting
15 the following:

“31102. Motor Carrier Safety Assistance Program.

“31103. Commercial Motor Vehicle Operators Grant Program.

“31104. Authorization of appropriations.”.

16 (6) GRANTS FOR COMMERCIAL DRIVER’S LI-
17 CENSE PROGRAM IMPLEMENTATION.—Section
18 31313(a), as amended by section 2506 of this Act,
19 is further amended by striking “The Secretary of
20 Transportation shall administer a financial assist-
21 ance program for commercial driver’s license pro-
22 gram implementation for the purposes described in
23 paragraphs (1) and (2)” and inserting “The Sec-
24 retary of Transportation shall administer a financial

1 assistance program for commercial driver’s license
2 program implementation funded under section
3 31104 of this title for the purposes described in
4 paragraphs (1) and (2)’’.

5 (7) COMMERCIAL VEHICLE INFORMATION SYS-
6 TEMS AND NETWORKS DEPLOYMENT.—Section 4126
7 of SAFETEA-LU (49 U.S.C. 31106 note) is re-
8 pealed.

9 (8) SAFETY DATA IMPROVEMENT PROGRAM.—
10 Section 4128 of SAFETEA-LU (49 U.S.C. 31100
11 note) is repealed.

12 (9) GRANT PROGRAM FOR COMMERCIAL MOTOR
13 VEHICLE OPERATORS.—Section 4134 of SAFETEA-
14 LU (49 U.S.C. 31301 note) is repealed.

15 (10) WINTER HOME HEATING OIL DELIVERY
16 STATE FLEXIBILITY PROGRAM.—Section 346 of Na-
17 tional Highway System Designation Act of 1995 (49
18 U.S.C. 31166 note) is repealed.

19 (11) MAINTENANCE OF EFFORT AS CONDITION
20 ON GRANTS TO STATES.—Section 103(c) of the
21 Motor Carrier Safety Improvement Act of 1999 (49
22 U.S.C. 31102 note) is repealed.

23 (12) STATE COMPLIANCE WITH CDL REQUIRE-
24 MENTS.—Section 103(e) of the Motor Carrier Safety

1 Improvement Act of 1999 (49 U.S.C. 31102 note) is
2 repealed.

3 (13) BORDER STAFFING STANDARDS.—Section
4 218(d) of the Motor Carrier Safety Improvement
5 Act of 1999 (49 U.S.C. 31133 note) is amended—

6 (A) in paragraph (1), by striking “under
7 section 31104(f)(2)(B) of title 49, United
8 States Code” and inserting “section
9 31104(a)(1) of title 49, United States Code”;
10 and

11 (B) by striking paragraph (3).

12 (e) EFFECTIVE DATE.—The amendments made by
13 this section shall take effect on October 1, 2016.

14 (f) TRANSITION.—Notwithstanding the amendments
15 made by this section, the Secretary shall carry out sections
16 31102, 31103, 31104, and any sections repealed under
17 subsection (d) of this section, as necessary, as those sec-
18 tions were in effect on the day before October 1, 2016,
19 with respect to applications for grants, cooperative agree-
20 ments, or contracts under those sections submitted before
21 October 1, 2016.

22 **SEC. 2403. NEW ENTRANT SAFETY REVIEW PROGRAM**
23 **STUDY.**

24 (a) IN GENERAL.—Not later than 1 year after the
25 date of enactment of this Act, the Office of Inspector Gen-

1 eral of the Department of Transportation shall report to
2 the Committee on Commerce, Science, and Transportation
3 of the Senate and the Committee on Transportation and
4 Infrastructure in the House of Representatives on its as-
5 sessment of the new operator safety review program, re-
6 quired under section 31144(g) of title 49, United States
7 Code, including the program's effectiveness in reducing
8 commercial motor vehicles involved in crashes, fatalities,
9 and injuries, and in improving commercial motor vehicle
10 safety.

11 (b) REPORT.—Not later than 90 days after comple-
12 tion of the report under subsection (a), the Secretary shall
13 submit to the Committee on Commerce, Science, and
14 Transportation of the Senate and the Committee on
15 Transportation and Infrastructure in the House of Rep-
16 resentatives a report on the actions the Secretary will take
17 to address any recommendations included in the study
18 under subsection (a).

19 (c) PAPERWORK REDUCTION ACT OF 1995; EXCEP-
20 TION.—The study and the Office of the Inspector General
21 assessment shall not be subject to section 3506 or section
22 3507 of title 44, United States Code.

1 **SEC. 2404. PERFORMANCE AND REGISTRATION INFORMA-**
2 **TION SYSTEMS MANAGEMENT.**

3 Section 31106(b) is amended in the heading by strik-
4 ing “PROGRAM” and inserting “SYSTEMS MANAGEMENT”.

5 **SEC. 2405. AUTHORIZATION OF APPROPRIATIONS.**

6 (a) IN GENERAL.—Subchapter I of chapter 311 is
7 amended by adding at the end the following:

8 **“§ 31110. Authorization of appropriations**

9 “(a) ADMINISTRATIVE EXPENSES.—There are au-
10 thorized to be appropriated from the Highway Trust Fund
11 (other than the Mass Transit Account) for the Secretary
12 of Transportation to pay administrative expenses of the
13 Federal Motor Carrier Safety Administration—

14 “(1) \$329,180,000 for fiscal year 2016;

15 “(2) \$375,823,000 for fiscal year 2017;

16 “(3) \$399,723,000 for fiscal year 2018;

17 “(4) \$391,723,000 for fiscal year 2019;

18 “(5) \$399,723,000 for fiscal year 2020; and

19 “(6) \$406,712,000 for fiscal year 2021.

20 “(b) USE OF FUNDS.—The funds authorized by this
21 section shall be used—

22 “(1) for personnel costs;

23 “(2) for administrative infrastructure;

24 “(3) for rent;

25 “(4) for information technology;

1 “(5) for programs for research and technology,
2 information management, regulatory development,
3 the administration of the performance and registra-
4 tion information systems management;

5 “(6) for programs for outreach and education
6 under subsection (d);

7 “(7) to fund the motor carrier safety facility
8 working capital fund established under subsection
9 (c);

10 “(8) for other operating expenses;

11 “(9) to conduct safety reviews of new operators;
12 and

13 “(10) for such other expenses as may from time
14 to time become necessary to implement statutory
15 mandates of the Federal Motor Carrier Safety Ad-
16 ministration not funded from other sources.

17 “(c) MOTOR CARRIER SAFETY FACILITY WORKING
18 CAPITAL FUND.—

19 “(1) IN GENERAL.—The Secretary may estab-
20 lish a motor carrier safety facility working capital
21 fund.

22 “(2) PURPOSE.—Amounts in the fund shall be
23 available for modernization, construction, leases, and
24 expenses related to vacating, occupying, maintaining,

1 and expanding motor carrier safety facilities, and as-
2 sociated activities.

3 “(3) AVAILABILITY.—Amounts in the fund shall
4 be available without regard to fiscal year limitation.

5 “(4) FUNDING.—Amounts may be appropriated
6 to the fund from the amounts made available in sub-
7 section (a).

8 “(5) FUND TRANSFERS.—The Secretary may
9 transfer funds to the working capital fund from the
10 amounts made available in subsection (a) or from
11 other funds as identified by the Secretary.

12 “(d) OUTREACH AND EDUCATION PROGRAM.—

13 “(1) IN GENERAL.—The Secretary may con-
14 duct, through any combination of grants, contracts,
15 cooperative agreements, or other activities, an inter-
16 nal and external outreach and education program to
17 be administered by the Administrator of the Federal
18 Motor Carrier Safety Administration.

19 “(2) FEDERAL SHARE.—The Federal share of
20 an outreach and education program for which a
21 grant, contract, or cooperative agreement is made
22 under this subsection may be up to 100 percent of
23 the cost of the grant, contract, or cooperative agree-
24 ment.

1 “(3) FUNDING.—From amounts made available
2 in subsection (a), the Secretary shall make available
3 such sums as are necessary to carry out this sub-
4 section each fiscal year.

5 “(e) CONTRACT AUTHORITY; INITIAL DATE OF
6 AVAILABILITY.—Amounts authorized from the Highway
7 Trust Fund by this section shall be available for obligation
8 on the date of their apportionment or allocation or on Oc-
9 tober 1 of the fiscal year for which they are authorized,
10 whichever occurs first.

11 “(f) FUNDING AVAILABILITY.—Amounts made avail-
12 able under this section shall remain available until ex-
13 pended.

14 “(g) CONTRACTUAL OBLIGATION.—The approval of
15 funds by the Secretary under this section is a contractual
16 obligation of the Federal Government for payment of the
17 Federal Government’s share of costs.”.

18 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

19 (1) ADMINISTRATIVE EXPENSES; AUTHORIZA-
20 TION OF APPROPRIATIONS.—Section 31104 is
21 amended—

22 (A) by striking subsection (i); and

23 (B) by redesignating subsections (j) and

24 (k) and subsections (i) and (j), respectively.

1 (2) USE OF AMOUNTS MADE AVAILABLE UNDER
2 SUBSECTION (I).—Section 4116(d) of SAFETEA-
3 LU (49 U.S.C. 31104 note) is amended by striking
4 “section 31104(i)” and inserting “section 31110”.

5 (3) INTERNAL COOPERATION.—Section 31161
6 is amended by striking “31104(i)” and inserting
7 “31110”.

8 (4) SAFETEA-LU; OUTREACH AND EDU-
9 CATION.—Section 4127 of SAFETEA-LU (119
10 Stat. 1741; Public Law 109–59) is repealed.

11 (5) TABLE OF CONTENTS.—The table of con-
12 tents of subchapter I of chapter 311 is amended by
13 adding at the end the following:

“31110. Authorization of appropriations.”.

14 **SEC. 2406. COMMERCIAL DRIVER’S LICENSE PROGRAM IM-**
15 **PLEMENTATION.**

16 (a) IN GENERAL.—Section 31313 is amended to read
17 as follows:

18 **“§ 31313. Commercial driver’s license program imple-**
19 **mentation financial assistance program**

20 “(a) IN GENERAL.—The Secretary of Transportation
21 shall administer a financial assistance program for com-
22 mercial driver’s license program implementation for the
23 purposes described in paragraphs (1) and (2).

24 “(1) STATE COMMERCIAL DRIVER’S LICENSE
25 PROGRAM IMPROVEMENT GRANTS.—The Secretary

1 of Transportation may make a grant to a State
2 agency in a fiscal year—

3 “(A) to comply with the requirements of
4 section 31311;

5 “(B) in the case of a State that is making
6 a good faith effort toward substantial compli-
7 ance with the requirements of section 31311, to
8 improve its implementation of its commercial
9 driver’s license program, including expenses—

10 “(i) for computer hardware and soft-
11 ware;

12 “(ii) for publications, testing, per-
13 sonnel, training, and quality control;

14 “(iii) for commercial driver’s license
15 program coordinators; and

16 “(iv) to implement or maintain a sys-
17 tem to notify an employer of an operator
18 of a commercial motor vehicle of the sus-
19 pension or revocation of the operator’s
20 commercial driver’s license consistent with
21 the standards developed under section
22 32303(b) of the Commercial Motor Vehicle
23 Safety Enhancement Act of 2012 (49
24 U.S.C. 31304 note).

1 “(2) PRIORITY ACTIVITIES.—The Secretary
2 may make a grant or cooperative agreement in a fis-
3 cal year to a State agency, local government, or any
4 person for research, development or testing, dem-
5 onstration projects, public education, or other special
6 activities and projects relating to commercial driver’s
7 licensing and motor vehicle safety that—

8 “(A) benefit all jurisdictions of the United
9 States;

10 “(B) address national safety concerns and
11 circumstances;

12 “(C) address emerging issues relating to
13 commercial driver’s license improvements;

14 “(D) support innovative ideas and solu-
15 tions to commercial driver’s license program
16 issues; or

17 “(E) address other commercial driver’s li-
18 cense issues, as determined by the Secretary.

19 “(b) PROHIBITIONS.—A recipient may not use finan-
20 cial assistance funds awarded under this section to rent,
21 lease, or buy land or buildings.

22 “(c) REPORT.—The Secretary shall issue an annual
23 report on the activities carried out under this section.

24 “(d) APPORTIONMENT.—All amounts made available
25 to carry out this section for a fiscal year shall be appor-

1 tioned to a State or recipient described in subsection
2 (a)(2) according to criteria prescribed by the Secretary.”.

3 (b) **TECHNICAL AND CONFORMING AMENDMENTS.**—

4 The table of contents of chapter 313 is amended by strik-
5 ing the item relating to section 31313 and inserting the
6 following:

“31313. Commercial driver’s license program implementation financial assist-
ance program.”.

7 **SEC. 2407. EXTENSION OF FEDERAL MOTOR CARRIER SAFE-**
8 **TY PROGRAMS FOR FISCAL YEAR 2016.**

9 (a) **MOTOR CARRIER SAFETY ASSISTANCE PROGRAM**
10 **GRANT EXTENSION.**—Section 31104(a) is amended—

11 (1) in paragraph (9), by striking “and” at the
12 end; and

13 (2) by striking paragraph (10) and inserting
14 the following:

15 “(10) \$218,000,000 for fiscal year 2015; and

16 “(11) \$218,000,000 for fiscal year 2016.”.

17 (b) **EXTENSION OF GRANT PROGRAMS.**—Section
18 4101(c) **SAFETEA-LU** (119 Stat. 1715; Public Law
19 109–59), is amended to read as follows:

20 “(c) **GRANT PROGRAMS FUNDING.**—There are au-
21 thorized to be appropriated from the Highway Trust Fund
22 the following sums for the following Federal Motor Carrier
23 Safety Administration programs:

1 “(1) COMMERCIAL DRIVER’S LICENSE PROGRAM
2 IMPROVEMENT GRANTS.—For carrying out the com-
3 mercial driver’s license program improvement grants
4 program under section 31313 of title 49, United
5 States Code, \$30,000,000 for fiscal year 2016.

6 “(2) BORDER ENFORCEMENT GRANTS.—From
7 amounts made available under section 31104(a) of
8 title 49, United States Code, for border enforcement
9 grants under section 31107 of that title,
10 \$32,000,000 for fiscal year 2016.

11 “(3) PERFORMANCE AND REGISTRATION INFOR-
12 MATION SYSTEMS MANAGEMENT GRANT PRO-
13 GRAMS.—From amounts made available under sec-
14 tion 31104(a) of title 49, United States Code, for
15 the performance and registration information sys-
16 tems management grant program under section
17 31109 of that title, \$5,000,000 for fiscal year 2016.

18 “(4) COMMERCIAL VEHICLE INFORMATION SYS-
19 TEMS AND NETWORKS DEPLOYMENT.—For carrying
20 out the commercial vehicle information systems and
21 networks deployment program under section 4126 of
22 this Act (the information technology deployment pro-
23 gram), \$25,000,000, for fiscal year 2016.

24 “(5) SAFETY DATA IMPROVEMENT GRANTS.—
25 From amounts made available under section

1 31104(a) of title 49, United States Code, for safety
2 data improvement grants under section 4128 of this
3 Act, \$3,000,000 for fiscal year 2016.”.

4 (c) HIGH-PRIORITY ACTIVITIES.—Section
5 31104(j)(2), as redesignated by section 2605 of this Act
6 is amended by striking “2014 and up to \$12,493,151 for
7 the period beginning on October 1, 2014, and ending on
8 July 31, 2015,,” and inserting “2016”.

9 (d) NEW ENTRANT AUDITS.—Section
10 31144(g)(5)(B) is amended to read as follows:

11 “(B) SET ASIDE.—The Secretary shall set
12 aside from amounts made available by section
13 31104(a) up to \$32,000,000 for fiscal year
14 2016 for audits of new entrant motor carriers
15 conducted under this paragraph.”.

16 (e) GRANT PROGRAM FOR COMMERCIAL MOTOR VE-
17 HICLE OPERATORS.—Section 4134(c) of SAFETEA-LU
18 (49 U.S.C. 31301 note) is amended to read as follows:

19 “(c) FUNDING.—From amounts made available
20 under section 31110 of title 49, United States Code, the
21 Secretary shall make available, \$1,000,000 for fiscal year
22 2016 to carry out the commercial motor vehicle operators
23 grant program.”.

24 (f) COMMERCIAL VEHICLE INFORMATION SYSTEMS
25 AND NETWORKS DEPLOYMENT.—

1 (1) IN GENERAL.—Section 4126 of SAFETEA-
2 LU (49 U.S.C. 31106 note; 119 Stat. 1738; Public
3 Law 109–59) is amended—

4 (A) in subsection (c)—

5 (i) in paragraph (2), by adding at the
6 end the following: “Funds deobligated by
7 the Secretary from previous year grants
8 shall not be counted towards the
9 \$2,500,000 maximum aggregate amount
10 for core deployment.”; and

11 (ii) in paragraph (3), by adding at the
12 end the following: “Funds may also be
13 used for planning activities, including the
14 development or updating of program or top
15 level design plans.”; and

16 (B) in subsection (d)(4), by adding at the
17 end the following: “Funds may also be used for
18 planning activities, including the development
19 or updating of program or top level design
20 plans.”.

21 (2) INFORMATION TECHNOLOGY DEPLOYMENT
22 PROGRAM.—For fiscal year 2016, the commercial ve-
23 hicle information systems and networks deployment
24 program under section 4126 of SAFETEA-LU (119
25 Stat. 1738; Public Law 109—59) may also be re-

1 ferred to as the information technology deployment
2 program.

3 **SEC. 2408. MOTOR CARRIER SAFETY ASSISTANCE PRO-**
4 **GRAM ALLOCATION.**

5 (a) WORKING GROUP.—

6 (1) ESTABLISHMENT.—Not later than 180 days
7 after the date of enactment of this Act, the Sec-
8 retary shall establish a motor carrier safety assist-
9 ance program formula working group (referred to in
10 this section as the “working group”).

11 (2) MEMBERSHIP.—

12 (A) IN GENERAL.—Subject to subpara-
13 graph (B), the working group shall consist of
14 representatives of the following:

15 (i) The Federal Motor Carrier Safety
16 Administration.

17 (ii) The lead State commercial motor
18 vehicle safety agencies responsible for ad-
19 ministering the plan required by section
20 31102 of title 49, United States Code.

21 (iii) An organization representing
22 State agencies responsible for enforcing a
23 program for inspection of commercial
24 motor vehicles.

1 (iv) Such other persons as the Sec-
2 retary considers necessary.

3 (B) COMPOSITION.—Representatives of
4 State commercial motor vehicle safety agencies
5 shall comprise at least 51 percent of the mem-
6 bership.

7 (3) NEW ALLOCATION FORMULA.—The working
8 group shall analyze requirements and factors for a
9 new motor carrier safety assistance program alloca-
10 tion formula.

11 (4) RECOMMENDATION.—Not later than 1 year
12 after the date the working group is established
13 under paragraph (1), the working group shall make
14 a recommendation to the Secretary regarding a new
15 Motor Carrier Safety Assistance Program allocation
16 formula.

17 (5) FACA EXEMPTION.—The Federal Advisory
18 Committee Act (5 U.S.C. App.) shall not apply to
19 the working group established under this subsection.

20 (6) PUBLICATION.—The Administrator of the
21 Federal Motor Carrier Safety Administration shall
22 publish on a public website summaries of its meet-
23 ings, and the final recommendation provided to the
24 Secretary.

1 (b) NOTICE OF PROPOSED RULEMAKING.—After re-
2 ceiving the recommendation under subsection (a)(4), the
3 Secretary shall publish in the Federal Register a notice
4 seeking public comment on a new allocation formula for
5 the motor carrier safety assistance program under section
6 31102 of title 49, United States Code.

7 (c) BASIS FOR FORMULA.—The Secretary shall en-
8 sure that the new allocation formula is based on factors
9 that reflect, at a minimum—

10 (1) the relative needs of the States to comply
11 with section 31102 of title 49, United States Code;

12 (2) the relative administrative capacities of and
13 challenges faced by States in complying with section
14 31102 of title 49, United States Code;

15 (3) the average of each State’s new entrant
16 motor carrier inventory for the 3-year period prior
17 to the date of enactment of this Act;

18 (4) the number of international border inspec-
19 tion facilities and border crossings by commercial ve-
20 hicles in each State; and

21 (5) any other factors the Secretary considers
22 appropriate.

23 (d) FUNDING AMOUNTS PRIOR TO DEVELOPMENT OF
24 A NEW ALLOCATION FORMULA.—

1 (1) INTERIM FORMULA.—Prior to the develop-
2 ment of the new allocation formula, the Secretary
3 may calculate the interim funding amounts for the
4 motor carrier safety assistance program in fiscal
5 year 2017 (and later fiscal years, as necessary)
6 under section 31104(a)(1) of title 49, United States
7 Code, as amended by section 2502 of this Act, by
8 the following methodology:

9 (A) The Secretary shall calculate the fund-
10 ing amount using the allocation formula the
11 Secretary used to award motor carrier safety
12 assistance program funding in fiscal year 2016
13 under section 2507 of this Act.

14 (B) The Secretary shall average the fund-
15 ing awarded or other equitable amounts to a
16 State in fiscal years 2013, 2014, and 2015 for
17 border enforcement grants awarded under sec-
18 tion 32603(c) of MAP-21 (126 Stat. 807; Pub-
19 lic Law 112—141) and new entrant audit
20 grants awarded under that section, or other eq-
21 uitable amounts.

22 (C) The Secretary shall add the amounts
23 calculated in subparagraphs (A) and (B).

24 (2) ADJUSTMENTS.—Subject to the availability
25 of funding and notwithstanding fluctuations in the

1 data elements used by the Secretary, the initial
2 amounts resulting from the calculation described in
3 paragraph (1) shall be adjusted to ensure that, for
4 each State, the amount shall not be less than 97
5 percent of the average amount of funding received or
6 other equitable amounts in fiscal years 2013, 2014,
7 and 2015 for—

8 (A) motor carrier safety assistance pro-
9 gram funds awarded under section 32603(a) of
10 MAP-21 (126 Stat. 807; Public Law 112–141);

11 (B) border enforcement grants awarded
12 under section 32603(a) of MAP-21 (126 Stat.
13 807; Public Law 112–141); and

14 (C) new entrant audit grants awarded
15 under section 32603(a) of MAP-21 (126 Stat.
16 807; Public Law 112–141).

17 (3) IMMEDIATE RELIEF.—In developing the
18 new allocation formula, the Secretary shall provide
19 immediate relief for at least 3 fiscal years to all
20 States currently subject to the withholding provi-
21 sions of Motor Carrier Safety Assistance Program
22 funds for matters of noncompliance.

23 (4) FUTURE WITHHOLDINGS.—Beginning on
24 the date that the new allocation formula is imple-
25 mented, the Secretary shall impose all future

1 withholdings in accordance with section 31102(k) of
2 title 49, United States Code, as amended by section
3 2502 of this Act.

4 (e) TERMINATION OF EFFECTIVENESS.—This section
5 expires upon the implementation of a new Motor Carrier
6 Safety Assistance Program Allocation Formula.

7 **SEC. 2409. MAINTENANCE OF EFFORT CALCULATION.**

8 (a) BEFORE NEW ALLOCATION FORMULA.—

9 (1) FISCAL YEAR 2017.—If a new allocation for-
10 mula has not been established for fiscal year 2017,
11 then, for fiscal year 2017, the Secretary of Trans-
12 portation shall calculate the maintenance of effort
13 required under section 31102(f) of title 49, United
14 States Code, as amended by section 2502 of this
15 Act, by averaging the expenditures for fiscal years
16 2004 and 2005 required by section 32601(a)(5) of
17 MAP-21 (Public Law 112—141), as that section
18 was in effect on the day before the date of enact-
19 ment of this Act.

20 (2) SUBSEQUENT FISCAL YEARS.—The Sec-
21 retary may use the methodology for calculating the
22 maintenance of effort for fiscal year 2017 and each
23 fiscal year thereafter if a new allocation formula has
24 not been established.

1 (b) BEGINNING WITH NEW ALLOCATION FORMA-
2 TION.—

3 (1) IN GENERAL.—Subject to paragraphs (2)
4 and (3)(B), beginning on the date that a new alloca-
5 tion formula is established under section 2508, upon
6 the request of a State, the Secretary may modify the
7 baseline maintenance of effort required by section
8 31102(e) of title 49, United States Code, as amend-
9 ed by section 2502 of this Act, for the purpose of
10 establishing a new baseline maintenance of effort if
11 the Secretary determines that a waiver or modifica-
12 tion—

13 (A) is equitable due to reasonable cir-
14 cumstances;

15 (B) will ensure the continuation of com-
16 mercial motor vehicle enforcement activities in
17 the State; and

18 (C) is necessary to ensure that the total
19 amount of State maintenance of effort and
20 matching expenditures required under sections
21 31102 and 31104 of title 49, United States
22 Code, as amended by section 2502 of this Act,
23 does not exceed a sum greater than the average
24 of the total amount of State maintenance of ef-

1 fort and matching expenditures for the 3 fiscal
2 years prior to the date of enactment of this Act.

3 (2) ADJUSTMENT METHODOLOGY.—If re-
4 quested by a State, the Secretary may modify the
5 maintenance of effort baseline according to the fol-
6 lowing methodology:

7 (A) The Secretary shall establish the main-
8 tenance of effort using the average of fiscal
9 years 2004 and 2005, as required by section
10 32601(a)(5) of MAP-21 (Public Law 112—
11 141).

12 (B) The Secretary shall calculate the aver-
13 age required match by a lead State commercial
14 motor vehicle safety agency for fiscal years
15 2013, 2014, and 2015 for motor carrier safety
16 assistance grants established at 20 percent by
17 section 31103 of title 49, United States Code,
18 as that section was in effect on the day before
19 the date of enactment of this Act.

20 (C) The Secretary shall calculate the esti-
21 mated match required under section 31104(b)
22 of title 49, United States Code, as amended by
23 section 2502 of this Act.

1 (D) The Secretary will subtract the
2 amount in subparagraph (B) from the amount
3 in subparagraph (C) and—

4 (i) if the number is greater than 0,
5 then the Secretary shall subtract the num-
6 ber from the amount in subparagraph (A);
7 or

8 (ii) if the number is not greater than
9 0, then the Secretary shall calculate the
10 maintenance of effort using the method-
11 ology in subparagraph (A).

12 (3) MAINTENANCE OF EFFORT AMOUNT.—

13 (A) IN GENERAL.—The Secretary shall use
14 the amount calculated in paragraph (2) as the
15 baseline maintenance of effort required in sec-
16 tion 31102(f) of title 49, United States Code,
17 as amended by section 2502 of this Act.

18 (B) DEADLINE.—If a State does not re-
19 quest a waiver or modification under this sub-
20 section before September 30 during the first
21 fiscal year that the Secretary implements the
22 new allocation formula under section 2508, the
23 Secretary shall calculate the maintenance of ef-
24 fort using the methodology in paragraph (2)(A)
25 of this subsection.

1 (4) MAINTENANCE OF EFFORT DESCRIBED.—

2 The maintenance of effort calculated under this sec-
3 tion is the amount required under section 31102(f)
4 of title 49, United States Code, as amended by sec-
5 tion 2502 of this Act.

6 (c) TERMINATION OF EFFECTIVENESS.—The author-
7 ity under this section terminates effective on the date that
8 the new maintenance of effort is calculated based on the
9 new allocation formula implemented under section 2508.

10 **Subtitle E—Miscellaneous**
11 **Provisions**

12 **SEC. 2501. LAPSE OF REQUIRED FINANCIAL SECURITY; SUS-**
13 **PENSION OF REGISTRATION.**

14 Section 13906(e) is amended by inserting “or sus-
15 pend” after “revoke”.

16 **SEC. 2502. ACCESS TO NATIONAL DRIVER REGISTER.**

17 Section 30305(b) is amended by adding at the end
18 the following:

19 “(13) The Administrator of the Federal Motor
20 Carrier Safety Administration may request the chief
21 driver licensing official of a State to provide infor-
22 mation under subsection (a) of this section about an
23 individual in connection with a safety investigation
24 under the Administrator’s jurisdiction.”.

1 **SEC. 2503. STUDY ON COMMERCIAL MOTOR VEHICLE DRIV-**
2 **ER COMMUTING.**

3 (a) EFFECTS OF COMMUTING.—The Administrator
4 of the Federal Motor Carrier Safety Administration shall
5 conduct a study of the effects of motor carrier operator
6 commutes exceeding 150 minutes commuting time on safe-
7 ty and commercial motor vehicle driver fatigue.

8 (b) STUDY.—In conducting the study, the Adminis-
9 trator shall consider—

10 (1) the prevalence of driver commuting in the
11 commercial motor vehicle industry, including the
12 number and percentage of drivers who commute;

13 (2) the distances traveled, time zones crossed,
14 time spent commuting, and methods of transpor-
15 tation used;

16 (3) research on the impact of excessive com-
17 muting on safety and commercial motor vehicle driv-
18 er fatigue;

19 (4) the commuting practices of commercial
20 motor vehicle drivers and policies of motor carriers;

21 (5) the Federal Motor Carrier Safety Adminis-
22 tration regulations, policies, and guidance regarding
23 driver commuting; and

24 (6) any other matters the Administrator con-
25 siders appropriate.

1 (c) REPORT.—Not later than 18 months after the
2 date of enactment of this Act, the Administrator shall sub-
3 mit to Congress a report containing the findings under
4 the study and any recommendations for legislative action
5 concerning driver commuting.

6 **SEC. 2504. HOUSEHOLD GOODS CONSUMER PROTECTION**
7 **WORKING GROUP.**

8 (a) WORKING GROUP.—The Secretary shall establish
9 a working group for the purpose of developing rec-
10 ommendations on how to best convey to inexperienced con-
11 sumers the information such consumers need to know with
12 respect to the Federal laws concerning the interstate
13 transportation of household goods by motor carrier.

14 (b) MEMBERSHIP.—The Secretary shall ensure that
15 the working group is comprised of individuals with exper-
16 tise in consumer affairs, educators with expertise in how
17 people learn most effectively, and representatives of the
18 household goods moving industry.

19 (c) RECOMMENDATIONS.—

20 (1) CONTENTS.—The recommendations devel-
21 oped by the working group shall include, at a min-
22 imum, recommendations on—

23 (A) condensing publication ESA 03005 of
24 the Federal Motor Carrier Safety Administra-

1 tion into a format that is more easily used by
2 consumers;

3 (B) using state-of-the-art education tech-
4 niques and technologies, including optimizing
5 the use of the Internet as an educational tool;
6 and

7 (C) reducing and simplifying the paper-
8 work required of motor carriers and shippers in
9 interstate transportation.

10 (2) DEADLINE.—Not later than one year after
11 the date of enactment of this Act, the working group
12 shall make the recommendations described in para-
13 graph (1) which the Secretary shall publish on a
14 public website.

15 (d) REPORT.—Not later than 1 year after the date
16 on which the working group makes its recommendations,
17 the Secretary shall issue a report to Congress on the im-
18 plementation of such recommendations.

19 (e) FEDERAL ADVISORY COMMITTEE ACT EXEMP-
20 TION.—The Federal Advisory Committee Act (5 U.S.C.
21 App.) shall not apply to the working group established
22 under this section.

23 (f) TERMINATION.—The working group shall termi-
24 nate 2 years after the date of enactment of this Act.

1 **TITLE III—HAZARDOUS**
2 **MATERIALS**

3 **SEC. 3101. ENHANCED REPORTING.**

4 Section 5121(h) is amended by striking “transmit to
5 the Committee on Transportation and Infrastructure of
6 the House of Representatives and the Committee on Com-
7 merce, Science, and Transportation of the Senate” and
8 inserting “post on the Department of Transportation pub-
9 lic website”.

10 **SEC. 3102. HAZARDOUS MATERIAL INFORMATION.**

11 (a) DERAILMENT DATA.—

12 (1) IN GENERAL.—Not later than 180 days
13 after the date of enactment of this Act, the Sec-
14 retary shall revise the form for reporting a rail
15 equipment accident or incident under section 225.21
16 of title 49, Code of Federal Regulations (Form FRA
17 F 6180.54, Rail Equipment Accident/Incident Re-
18 port), including to its instructions, to require addi-
19 tional data concerning rail cars carrying crude oil or
20 ethanol that are involved in a reportable rail equip-
21 ment accident or incident under part 225 of that
22 title.

23 (2) CONTENTS.—The data under subsection (a)
24 shall include—

1 (A) the number of rail cars carrying crude
2 oil or ethanol;

3 (B) the number of rail cars carrying crude
4 oil or ethanol damaged or derailed; and

5 (C) the number of rail cars releasing crude
6 oil or ethanol.

7 (3) DIFFERENTIATION.—The data described in
8 paragraph (2) shall be reported separately for crude
9 oil and for ethanol.

10 (b) DATABASE CONNECTIVITY.—

11 (1) IN GENERAL.—Not later than 180 days
12 after the date of enactment of this Act, the Sec-
13 retary shall implement information management
14 practices to ensure that the Pipeline and Hazardous
15 Materials Safety Administration Hazardous Mate-
16 rials Incident Reports Database (referred to in this
17 section as “Incident Reports Database”) and the
18 Federal Railroad Administration Railroad Safety In-
19 formation System contain accurate and consistent
20 data on a reportable rail equipment accident or inci-
21 dent under part 225 of title 49, Code of Federal
22 Regulations, involving the release of hazardous ma-
23 terials.

24 (2) IDENTIFIERS.—The Secretary shall ensure
25 that the Incident Reports Database uses a search-

1 able Federal Railroad Administration report num-
2 ber, or other applicable unique identifier that is
3 linked to the Federal Railroad Safety Information
4 System, for each reportable rail equipment accident
5 or incident under part 225 of title 49, Code of Fed-
6 eral Regulations, involving the release of hazardous
7 materials.

8 (c) EVALUATION.—

9 (1) IN GENERAL.—The Department of Trans-
10 portation Inspector General shall—

11 (A) evaluate the accuracy of information in
12 the Incident Reports Database, including deter-
13 mining whether any inaccuracies exist in—

14 (i) the type of hazardous materials re-
15 leased;

16 (ii) the quantity of hazardous mate-
17 rials released;

18 (iii) the location of hazardous mate-
19 rials released;

20 (iv) the damages or effects of haz-
21 ardous materials released; and

22 (v) any other data contained in the
23 database; and

24 (B) considering the requirements in sub-
25 section (b), evaluate the consistency and accu-

1 racy of data involving accidents or incidents re-
2 reportable to both the Pipeline and Hazardous
3 Materials Safety Administration and the Fed-
4 eral Railroad Administration, including whether
5 the Incident Reports Database uses a search-
6 able identifier described in subsection (b)(2).

7 (2) REPORT.—Not later than 18 months after
8 the date of enactment of this Act, the Department
9 of Transportation Inspector General shall submit to
10 the Committee on Commerce, Science, and Trans-
11 portation of the Senate and the Committee on
12 Transportation and Infrastructure of the House of
13 Representatives a report of the findings under sub-
14 paragraphs (A) and (B) of paragraph (1) and rec-
15 ommendations for resolving any inconsistencies or
16 inaccuracies.

17 (d) SAVINGS CLAUSE.—Nothing in this section may
18 be construed to prohibit the Secretary from requiring
19 other commodity-specific information for any reportable
20 rail equipment accident or incident under part 225 of title
21 49, Code of Federal Regulations.

22 **SEC. 3103. HAZARDOUS MATERIALS TRAINING REQUIRE-**
23 **MENTS AND GRANTS.**

24 Section 5107(e) is amended to read as follows:

25 “(e) TRAINING GRANTS.—

1 “(1) IN GENERAL.—Subject to the availability
2 of funds under section 5128(c), the Secretary shall
3 make grants under this subsection—

4 “(A) for training instructors to train—

5 “(i) hazmat employees;

6 “(ii) employees who enforce the haz-
7 arduous materials regulations;

8 “(iii) employees who respond to haz-
9 arduous materials incidents; or

10 “(iv) a combination of the employees
11 described in clauses (i) through (iii); and

12 “(B) to the extent the Secretary considers
13 appropriate, for such instructors to train—

14 “(i) hazmat employees;

15 “(ii) employees who enforce the haz-
16 arduous materials regulations;

17 “(iii) employees who respond to haz-
18 arduous materials incidents; or

19 “(iv) a combination of the employees
20 described in clauses (i) through (iii).

21 “(2) ELIGIBILITY.—Grants under this sub-
22 section shall be made on a competitive basis to orga-
23 nizations that—

24 “(A) train on a not-for-profit basis—

25 “(i) hazmat employees;

1 “(ii) employees who enforce the haz-
2 arduous materials regulations;

3 “(iii) employees who respond to haz-
4 arduous materials incidents; or

5 “(iv) a combination of the employees
6 described in clauses (i) through (iii); and

7 “(B) demonstrate—

8 “(i) expertise in conducting a training
9 program for 1 or more of the groups of
10 employees described in clauses (i) through
11 (iii) of subparagraph (A); and

12 “(ii) the ability to reach and involve in
13 a training program a target population of
14 1 or more of the groups of employees de-
15 scribed in clauses (i) through (iii) of sub-
16 paragraph (A).”.

17 **SEC. 3104. NATIONAL EMERGENCY AND DISASTER RE-**
18 **SPONSE.**

19 (a) **PURPOSE.**—Section 5101 is amended by inserting
20 and “and to facilitate the safe movement of hazardous ma-
21 terials during national emergencies” after “commerce”.

22 (b) **GENERAL REGULATORY AUTHORITY.**—Section
23 5103 is amended—

24 (1) by redesignating subsections (c) and (d) as
25 subsections (d) and (e), respectively; and

1 (2) by inserting after subsection (b) the fol-
2 lowing:

3 “(c) **FEDERALLY DECLARED DISASTER AND EMER-**
4 **GENCY AREAS.**—The Secretary, in consultation with the
5 Secretary of Homeland Security, may prescribe standards
6 to facilitate the safe movement of hazardous materials
7 into, from, and within a federally declared disaster area
8 or a national emergency area.”.

9 **SEC. 3105. AUTHORIZATION OF APPROPRIATIONS.**

10 Section 5128 is amended to read as follows:

11 **“§ 5128. Authorization of appropriations**

12 “(a) **IN GENERAL.**—There is authorized to be appro-
13 priated to the Secretary to carry out this chapter (except
14 sections 5107(e), 5108(g)(2), 5113, 5115, 5116, and
15 5119) \$64,254,000 for fiscal year 2016 and such sums
16 as may be necessary for fiscal years 2017 through 2021.

17 “(b) **HAZARDOUS MATERIALS EMERGENCY PRE-**
18 **PAREDNESS FUND.**—From the Hazardous Materials
19 Emergency Preparedness Fund established under section
20 5116(i), the Secretary may expend, during each of fiscal
21 years 2016 through 2021—

22 “(1) \$188,000 to carry out section 5115;

23 “(2) \$21,800,000 to carry out subsections (a)
24 and (b) of section 5116, of which not less than

1 \$13,650,000 shall be available to carry out section
2 5116(b);

3 “(3) \$150,000 to carry out section 5116(f);

4 “(4) \$625,000 to publish and distribute the
5 Emergency Response Guidebook under section
6 5116(i)(3); and

7 “(5) \$5,000,000 to carry out section 5116(j).

8 “(c) HAZARDOUS MATERIALS TRAINING GRANTS.—

9 From the Hazardous Materials Emergency Preparedness
10 Fund established pursuant to section 5116(i), the Sec-
11 retary may expend \$4,000,000 for each of the fiscal years
12 2016 through 2021 to carry out section 5107(e).

13 “(d) CREDITS TO APPROPRIATIONS.—

14 “(1) EXPENSES.—In addition to amounts oth-
15 erwise made available to carry out this chapter, the
16 Secretary may credit amounts received from a State,
17 Indian tribe, or other public authority or private en-
18 tity for expenses the Secretary incurs in providing
19 training to the State, authority, or entity.

20 “(2) AVAILABILITY OF AMOUNTS.—Amounts
21 made available under this section shall remain avail-
22 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. 4111. 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) \$241,146,000 for fiscal year 2016;

13 (B) \$248,380,380 for fiscal year 2017;

14 (C) \$255,831,791 for fiscal year 2018;

15 (D) \$263,506,745 for fiscal year 2019;

16 (E) \$271,411,947 for fiscal year 2020; and

17 (F) \$279,554,306 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) \$152,000,000 for fiscal year 2016;

22 (B) \$158,840,000 for fiscal year 2017;

23 (C) \$166,146,640 for fiscal year 2018;

24 (D) \$173,457,092 for fiscal year 2019;

25 (E) \$181,783,033 for fiscal year 2020; and

1 (F) \$190,145,052 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) \$278,705,000 for fiscal year 2016;

6 (B) \$287,066,150 for fiscal year 2017;

7 (C) \$295,678,135 for fiscal year 2018;

8 (D) \$304,548,479 for fiscal year 2019;

9 (E) \$313,684,933 for fiscal year 2020; and

10 (F) \$323,095,481 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) \$5,000,000 for fiscal year 2016;

16 (B) \$5,225,000 for fiscal year 2017;

17 (C) \$5,465,350 for fiscal year 2018;

18 (D) \$5,705,825 for fiscal year 2019;

19 (E) \$5,979,705 for fiscal year 2020; and

20 (F) \$6,254,771 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) \$29,000,000 for fiscal year 2016;

25 (B) \$29,870,000 for fiscal year 2017;

- 1 (C) \$30,766,100 for fiscal year 2018;
2 (D) \$31,689,083 for fiscal year 2019;
3 (E) \$32,639,755 for fiscal year 2020; and
4 (F) \$33,618,948 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 title—

- 10 (A) \$28,149,000 for fiscal year 2016;
11 (B) \$28,993,470 for fiscal year 2017;
12 (C) \$29,863,274 for fiscal year 2018;
13 (D) \$30,759,172 for fiscal year 2019;
14 (E) \$31,681,947 for fiscal year 2020; and
15 (F) \$32,632,406 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 or allocated under chapter 1 of
7 title 23, United 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 REQUIREMENT.—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 **SEC. 4112. HIGHWAY SAFETY PROGRAMS.**

4 (a) UNIFORM GUIDELINES.—Section 402(a)(2)(A) of
5 title 23, United States Code, is amended—

6 (1) by striking “and” at the end of clause (vi);

7 (2) by redesignating clause (vii) as clause (ix);

8 and

9 (3) by inserting after clause (vi) the following:

10 “(vii) to reduce injuries and deaths to
11 older drivers;

12 “(viii) to improve emergency medical
13 services response to crash sites; and”.

14 (b) ADMINISTRATION OF STATE PROGRAMS.—Sec-
15 tion 402(b)(1)(F) of title 23, United States Code, is
16 amended—

17 (1) by redesignating clauses (iii) through (v) as
18 clauses (iv) through (vi), respectively; and

19 (2) by inserting after clause (ii) the following:

20 “(iii) countermeasures designed to de-
21 crease deaths and injuries to pedestrians
22 and bicyclists traveling in the roadways;”.

23 (c) RESTRICTION.—Section 402(g) of title 23, United
24 States Code, is amended to read as follows:

1 “(g) RESTRICTION.—Nothing in this section may be
2 construed to authorize the appropriation or expenditure
3 of funds for highway construction, maintenance, or design
4 (other than design of safety features of highways to be
5 incorporated into guidelines).”.

6 **SEC. 4113. IGNITION INTERLOCK GRANT CRITERIA.**

7 Section 405(d)(6) of title 23, United States Code, is
8 amended by amending subparagraph (A) to read as fol-
9 lows:

10 “(A) IN GENERAL.—The Secretary shall
11 make a separate grant under this subsection to
12 each State that adopts and is enforcing a law
13 that requires any individual convicted of driving
14 under the influence of alcohol or of driving
15 while intoxicated to receive a restriction on driv-
16 ing privileges that limits the individual to oper-
17 ating only motor vehicles with an ignition inter-
18 lock installed. The State may provide limited
19 exceptions for circumstances when—

20 “(i) a State-certified ignition interlock
21 provider is not available within 100 miles
22 of the individual’s residence;

23 “(ii) the individual is required to oper-
24 ate an employer’s motor vehicle in the
25 course and scope of employment and the

1 business entity that owns the vehicle is not
2 owned or controlled by the individual; or
3 “(iii) the individual is certified by a
4 medical doctor as being unable to provide
5 a deep lung breath sample for analysis by
6 an ignition interlock device.”.

7 **SEC. 4114. HIGHWAY RESEARCH AND DEVELOPMENT.**

8 Section 403 of title 23, United States Code, is
9 amended by inserting at the end the following:

10 “(i) FEDERAL SHARE.—The Federal share of the
11 cost of any project or activity carried out under this sec-
12 tion may be up to 100 percent if so specified in the project
13 agreement.”.

14 **SEC. 4115. MISCELLANEOUS AND TECHNICAL AMEND-**
15 **MENTS.**

16 (a) HIGHWAY SAFETY PROGRAMS.—Section 402 of
17 title 23, United States Code, is amended—

18 (1) in subsection (b)(1)(C), by striking “except
19 as provided in paragraph (3)” and inserting “except
20 as provided in paragraph (2)”;

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”;

10 (2) by striking subsection (f)(2), and inserting
11 the following:

12 “(2) GRANT AMOUNT.—The allocation of grant
13 funds to a State under this subsection for a fiscal
14 year shall be in proportion to the State’s apporportion-
15 ment under section 402 for fiscal year 2009, except
16 that the amount of a grant awarded to a State for
17 a fiscal year may not exceed 25 percent of the
18 amount apportioned to the State under section 402
19 for fiscal year 2009.”; and

20 (3) in subsection (f)(4)(A)(iv), by striking “de-
21 veloped under subsection (g)”.

22 **PART II—IMPROVING DRIVER SAFETY**

23 **SEC. 4121. DISTRACTED DRIVING INCENTIVE GRANTS.**

24 Section 405(e) of title 23, United States Code, is
25 amended—

1 (1) in paragraph (1), by inserting “includes dis-
2 tracted driving issues as part of the State’s driver’s
3 license examination and” after “any State that”;

4 (2) in paragraph (2)—

5 (A) in subparagraph (B), by striking
6 “and” at the end;

7 (B) in subparagraph (C)(ii), by striking
8 the period at the end and inserting “; and”;
9 and

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

11 “(D) does not provide for an exception
12 that specifically allows a driver to text through
13 a personal wireless communication device while
14 stopped in traffic.”;

15 (3) in paragraph (3)—

16 (A) by striking subparagraph (C);

17 (B) by redesignating subparagraph (D) as
18 subparagraph (C);

19 (C) in subparagraph (C)(ii), as redesign-
20 ated, by striking the period at the end and in-
21 serting “; and”; and

22 (D) by adding at the end the following:

23 “(D) does not provide for an exception
24 that specifically allows a driver younger than 18

1 years of age to use a personal wireless commu-
2 nication device while stopped in traffic.”;

3 (4) in paragraph (4)(C), by striking “section
4 31152” and inserting “section 31136”;

5 (5) by amending paragraph (6) to read as fol-
6 lows:

7 “(6) DISTRACTED DRIVING ENFORCEMENT
8 GRANTS.—

9 “(A) IN GENERAL.—The Secretary may
10 use up to 50 percent of the amounts available
11 for grants under this subsection to award
12 grants to any State that—

13 “(i) in fiscal year 2016—

14 “(I) has a basic text messaging
15 statute, as determined by the Sec-
16 retary, that—

17 “(aa) is applicable to drivers
18 of all ages; and

19 “(bb) makes violation of the
20 basic text messaging statute a
21 primary offense;

22 “(II) participates in the annual
23 distracted driving law enforcement
24 mobilization coordinated by the Sec-
25 retary; and

1 “(III) is otherwise ineligible for a
2 grant under this subsection;

3 “(ii) in fiscal year 2017—

4 “(I) meets the requirements
5 under clause (i);

6 “(II) imposes increased fines for
7 repeat violations; and

8 “(III) has a statute that pro-
9 hibits drivers who are younger than
10 18 years of age from using a personal
11 wireless communications device while
12 driving.

13 “(B) USE OF GRANT FUNDS.—

14 “(i) IN GENERAL.—Subject to clauses
15 (ii) and (iii), amounts received by a State
16 under subparagraph (A) may be used for
17 activities related to the enforcement of dis-
18 tracted driving laws.

19 “(ii) FISCAL YEAR 2016.—In fiscal
20 year 2016, up to 15 percent of the
21 amounts received by a State under sub-
22 paragraph (A) may be used for any eligible
23 project or activity under section 402.

24 “(iii) FISCAL YEAR 2017.—In fiscal
25 year 2017, up to 25 percent of the

1 amounts received by a State under sub-
2 paragraph (A) may be used for any eligible
3 project or activity under section 402.”; and
4 (6) in paragraph (9)(A)(i), by striking “, in-
5 cluding operation while temporarily stationary be-
6 cause of traffic, a traffic light or stop sign, or other-
7 wise”.

8 **SEC. 4122. BARRIERS TO DATA COLLECTION REPORT.**

9 Not later than 180 days after the date of the enact-
10 ment of this Act, the Administrator of the National High-
11 way Traffic Safety Administration shall submit a report
12 to the Committee on Commerce, Science, and Transpor-
13 tation of the Senate, the Committee on Energy and Com-
14 merce of the House of Representatives, and the Committee
15 on Transportation and Infrastructure of the House of
16 Representatives that—

17 (1) identifies any legal and technical barriers to
18 capturing adequate data on the prevalence of wire-
19 less communications devices while driving; and

20 (2) provides recommendations on how to ad-
21 dress such barriers.

1 **Subtitle B—Vehicle Safety**

2 **SEC. 4201. EXTENSION OF TIME PERIOD FOR REMEDY OF**
3 **TIRE DEFECTS.**

4 Section 30120(b) of title 49, United States Code, is
5 amended—

6 (1) in paragraph (1), by striking “60 days” and
7 inserting “180 days”; and

8 (2) in paragraph (2), by striking “60-day” each
9 place it appears and inserting “180-day”.

10 **SEC. 4202. TRANSFER TO HIGHWAY TRUST FUND OF CER-**
11 **TAIN MOTOR VEHICLE SAFETY PENALTIES.**

12 (a) **IN GENERAL.**—Paragraph (5) of section 9503(b)
13 of the Internal Revenue Code of 1986 is amended—

14 (1) by striking “There are hereby” and insert-
15 ing the following:

16 “(A) **IN GENERAL.**—There are hereby”,

17 and

18 (2) by adding at the end the following:

19 “(B) **PENALTIES RELATED TO MOTOR VE-**
20 **HICLE SAFETY.**—

21 “(i) **IN GENERAL.**—There are hereby
22 appropriated to the Highway Trust Fund
23 amounts equivalent to covered motor vehi-
24 cle safety penalty collections.

1 “(ii) COVERED MOTOR VEHICLE SAFE-
2 TY PENALTY COLLECTIONS.—For purposes
3 of this subparagraph, the term ‘covered
4 motor vehicle safety penalty collections’
5 means any amount collected in connection
6 with a civil penalty under section 30165 of
7 title 49, United States Code, reduced by
8 any award authorized by the Secretary of
9 Transportation to be paid to any person in
10 connection with information provided by
11 such person related to a violation of chap-
12 ter 301 of such title which is a predicate
13 to such civil penalty.”.

14 (b) EFFECTIVE DATE.—The amendments made by
15 this section shall apply to amounts collected after the date
16 of enactment of this Act.

17 **Subtitle C—Miscellaneous**
18 **Provisions**

19 **PART I—DRIVER PRIVACY ACT OF 2015**

20 **SEC. 4311. SHORT TITLE.**

21 This part may be cited as the “Driver Privacy Act
22 of 2015”.

1 **SEC. 4312. LIMITATIONS ON DATA RETRIEVAL FROM VEHI-**
2 **CLE EVENT DATA RECORDERS.**

3 (a) OWNERSHIP OF DATA.—Any data retained by an
4 event data recorder (as defined in section 563.5 of title
5 49, Code of Federal Regulations), regardless of when the
6 motor vehicle in which it is installed was manufactured,
7 is the property of the owner, or, in the case of a leased
8 vehicle, the lessee of the motor vehicle in which the event
9 data recorder is installed.

10 (b) PRIVACY.—Data recorded or transmitted by an
11 event data recorder described in subsection (a) may not
12 be accessed by a person other than an owner or a lessee
13 of the motor vehicle in which the event data recorder is
14 installed unless—

15 (1) a court or other judicial or administrative
16 authority having jurisdiction—

17 (A) authorizes the retrieval of the data;
18 and

19 (B) to the extent that there is retrieved
20 data, the data is subject to the standards for
21 admission into evidence required by that court
22 or other administrative authority;

23 (2) an owner or a lessee of the motor vehicle
24 provides written, electronic, or recorded audio con-
25 sent to the retrieval of the data for any purpose, in-
26 cluding the purpose of diagnosing, servicing, or re-

1 pairing the motor vehicle, or by agreeing to a sub-
2 scription that describes how data will be retrieved
3 and used;

4 (3) the data is retrieved pursuant to an inves-
5 tigation or inspection authorized under section
6 1131(a) or 30166 of title 49, United States Code,
7 and the personally identifiable information of an
8 owner or a lessee of the vehicle and the vehicle iden-
9 tification number is not disclosed in connection with
10 the retrieved data, except that the vehicle identifica-
11 tion number may be disclosed to the certifying man-
12 ufacturer;

13 (4) the data is retrieved for the purpose of de-
14 termining the need for, or facilitating, emergency
15 medical response in response to a motor vehicle
16 crash; or

17 (5) the data is retrieved for traffic safety re-
18 search, and the personally identifiable information of
19 an owner or a lessee of the vehicle and the vehicle
20 identification number is not disclosed in connection
21 with the retrieved data.

22 **SEC. 4313. VEHICLE EVENT DATA RECORDER STUDY.**

23 (a) IN GENERAL.—Not later than 1 year after the
24 date of enactment of this Act, the Administrator of the
25 National Highway Traffic Safety Administration shall

1 submit to Congress a report that contains the results of
2 a study conducted by the Administrator to determine the
3 amount of time event data recorders installed in passenger
4 motor vehicles should capture and record for retrieval ve-
5 hicle-related data in conjunction with an event in order
6 to provide sufficient information to investigate the cause
7 of motor vehicle crashes.

8 (b) RULEMAKING.—Not later than 2 years after sub-
9 mitting the report required under subsection (a), the Ad-
10 ministrator of the National Highway Traffic Safety Ad-
11 ministration shall promulgate regulations to establish the
12 appropriate period during which event data recorders in-
13 stalled in passenger motor vehicles may capture and
14 record for retrieval vehicle-related data to the time nec-
15 essary to provide accident investigators with vehicle-re-
16 lated information pertinent to crashes involving such
17 motor vehicles.

18 **PART II—SAFETY THROUGH INFORMED**

19 **CONSUMERS ACT OF 2015**

20 **SEC. 4321. SHORT TITLE.**

21 This part may be cited as the “Safety Through In-
22 formed Consumers Act of 2015”.

23 **SEC. 4322. PASSENGER MOTOR VEHICLE INFORMATION.**

24 Section 32302 is amended by inserting after sub-
25 section (b) the following:

1 “(c) CRASH AVOIDANCE.—Not later than 1 year after
2 the date of enactment of the Safety Through Informed
3 Consumers Act of 2015, the Secretary shall promulgate
4 a rule to ensure that crash avoidance information is indi-
5 cated next to crashworthiness information on stickers
6 placed on motor vehicles by their manufacturers.”.

7 **PART III—TIRE EFFICIENCY, SAFETY, AND**
8 **REGISTRATION ACT OF 2015**

9 **SEC. 4331. SHORT TITLE.**

10 This part may be cited as the “Tire Efficiency, Safe-
11 ty, and Registration Act of 2015” or the “TESR Act”.

12 **SEC. 4332. TIRE FUEL EFFICIENCY MINIMUM PERFORM-**
13 **ANCE STANDARDS.**

14 Section 32304A is amended—

15 (1) in the section heading, by inserting “**AND**
16 **STANDARDS**” after “**CONSUMER TIRE INFORMA-**
17 **TION**”;

18 (2) in subsection (a)—

19 (A) in the heading, by striking “**RULE-**
20 **MAKING**” and inserting “**CONSUMER TIRE IN-**
21 **FORMATION**”; and

22 (B) in paragraph (1), by inserting “(re-
23 ferred to in this section as the ‘Secretary’)”
24 after “Secretary of Transportation”;

1 (3) by redesignating subsections (b) through (e)
2 as subsections (e) through (h), respectively; and

3 (4) by inserting after subsection (a) the fol-
4 lowing:

5 “(b) PROMULGATION OF REGULATIONS FOR TIRE
6 FUEL EFFICIENCY MINIMUM PERFORMANCE STAND-
7 ARDS.—

8 “(1) IN GENERAL.—The Secretary, after con-
9 sultation with the Secretary of Energy and the Ad-
10 ministrators of the Environmental Protection Agency,
11 shall promulgate regulations for tire fuel efficiency
12 minimum performance standards for—

13 “(A) passenger car tires with a maximum
14 speed capability equal to or less than 149 miles
15 per hour or 240 kilometers per hour; and

16 “(B) passenger car tires with a maximum
17 speed capability greater than 149 miles per
18 hour or 240 kilometers per hour.

19 “(2) TIRE FUEL EFFICIENCY MINIMUM PER-
20 FORMANCE STANDARDS.—

21 “(A) STANDARD BASIS AND TEST PROCE-
22 DURES.—The minimum performance standards
23 promulgated under paragraph (1) shall be ex-
24 pressed in terms of the rolling resistance coeffi-
25 cient measured using the test procedure speci-

1 fied in section 575.106 of title 49, Code of Fed-
2 eral Regulations (as in effect on the date of en-
3 actment of this Act).

4 “(B) NO DISPARATE EFFECT ON HIGH
5 PERFORMANCE TIRES.—The Secretary shall en-
6 sure that the minimum performance standards
7 promulgated under paragraph (1) will not have
8 a disproportionate effect on passenger car high
9 performance tires with a maximum speed capa-
10 bility greater than 149 miles per hour or 240
11 kilometers per hour.

12 “(C) APPLICABILITY.—

13 “(i) IN GENERAL.—This subsection
14 applies to new pneumatic tires for use on
15 passenger cars.

16 “(ii) EXCEPTIONS.—This subsection
17 does not apply to light truck tires, deep
18 tread tires, winter-type snow tires, space-
19 saver or temporary use spare tires, or tires
20 with nominal rim diameters of 12 inches or
21 less.

22 “(c) PROMULGATION OF REGULATIONS FOR TIRE
23 WET TRACTION MINIMUM PERFORMANCE STANDARDS.—

24 “(1) IN GENERAL.—The Secretary shall pro-
25 mulgate regulations for tire wet traction minimum

1 performance standards to ensure that passenger tire
2 wet traction capability is not reduced to achieve im-
3 proved tire fuel efficiency.

4 “(2) TIRE WET TRACTION MINIMUM PERFORM-
5 ANCE STANDARDS.—

6 “(A) BASIS OF STANDARD.—The minimum
7 performance standards promulgated under
8 paragraph (1) shall be expressed in terms of
9 peak coefficient of friction.

10 “(B) TEST PROCEDURES.—Any test proce-
11 dure promulgated under this subsection shall be
12 consistent with any test procedure promulgated
13 under subsection (a).

14 “(C) BENCHMARKING.—The Secretary
15 shall conduct testing to benchmark the wet
16 traction performance of tire models available
17 for sale in the United States as of the date of
18 enactment of this Act to ensure that the min-
19 imum performance standards promulgated
20 under paragraph (1) are tailored to—

21 “(i) tires sold in the United States;

22 and

23 “(ii) the needs of consumers in the
24 United States.

25 “(D) APPLICABILITY.—

1 “(i) IN GENERAL.—This subsection
2 applies to new pneumatic tires for use on
3 passenger cars.

4 “(ii) EXCEPTIONS.—This subsection
5 does not apply to light truck tires, deep
6 tread tires, winter-type snow tires, space-
7 saver or temporary use spare tires, or tires
8 with nominal rim diameters of 12 inches or
9 less.

10 “(d) COORDINATION AMONG REGULATIONS.—

11 “(1) COMPATIBILITY.—The Secretary shall en-
12 sure that the test procedures and requirements pro-
13 mulgated under subsections (a), (b), and (c) are
14 compatible and consistent.

15 “(2) COMBINED EFFECT OF RULES.—The Sec-
16 retary shall evaluate the regulations promulgated
17 subsections (b) and (c) to ensure that compliance
18 with the minimum performance standards promul-
19 gated under subsection (b) will not diminish wet
20 traction performance of affected tires.

21 “(3) RULEMAKING DEADLINES.—The Secretary
22 shall promulgate —

23 “(A) the regulations under subsections (b)
24 and (c) not later than 24 months after the date
25 of enactment of this Act; and

1 “(B) the regulations under subsection (c)
2 not later than the date of promulgation of the
3 regulations under subsection (b).”.

4 **SEC. 4333. TIRE REGISTRATION BY INDEPENDENT SELL-**
5 **ERS.**

6 Section 30117(b) is amended by striking paragraph
7 (3) and inserting the following:

8 “(3) RULEMAKING.—

9 “(A) IN GENERAL.—The Secretary shall
10 initiate a rulemaking to require a distributor or
11 dealer of tires that is not owned or controlled
12 by a manufacturer of tires to maintain records
13 of—

14 “(i) the name and address of tire pur-
15 chasers and lessors and information identi-
16 fying the tire that was purchased or leased;
17 and

18 “(ii) any additional records the Sec-
19 retary considers appropriate.

20 “(B) ELECTRONIC TRANSMISSION.—The
21 rulemaking carried out under subparagraph (A)
22 shall require a distributor or dealer of tires that
23 is not owned or controlled by a manufacturer of
24 tires to electronically transmit the records de-
25 scribed in clauses (i) and (ii) of subparagraph

1 (A) to the manufacturer of the tires or the des-
2 ignee of the manufacturer by secure means at
3 no cost to tire purchasers or lessors.

4 “(C) SATISFACTION OF REQUIREMENTS.—
5 A regulation promulgated under subparagraph
6 (A) may be considered to satisfy the require-
7 ments of paragraph (2)(B).”.

8 **SEC. 4334. TIRE RECALL DATABASE.**

9 (a) IN GENERAL.—The Secretary shall establish a
10 publicly available and searchable electronic database of
11 tire recall information that is reported to the Adminis-
12 trator of the National Highway Traffic Safety Administra-
13 tion.

14 (b) TIRE IDENTIFICATION NUMBER.—The database
15 established under subsection (a) shall be searchable by
16 Tire Identification Number (TIN) and any other criteria
17 that assists consumers in determining whether a tire is
18 subject to a recall.

19 **TITLE V—RAILROAD REFORM,**
20 **ENHANCEMENT, AND EFFI-**
21 **CIENCY**

22 **SEC. 5001. SHORT TITLE.**

23 This title may be cited as the “Rail Reform, En-
24 hancement, and Efficiency Act”.

1 **SEC. 5002. PASSENGER TRANSPORTATION; DEFINITIONS.**

2 Section 24102 is amended—

3 (1) by redesignating paragraphs (5) through
4 (9) as paragraphs (6) through (10), respectively;

5 (2) by inserting after paragraph (4), the fol-
6 lowing:

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

9 (3) by amending paragraph (6)(A), as redesign-
10 nated, to read as follows:

11 “(A) the Northeast Corridor main line be-
12 tween Boston, Massachusetts and the Virginia
13 Avenue interlocking in the District of Columbia,
14 and the facilities and services used to operate
15 and maintain that line;”;

16 (4) in paragraph (7), as redesignated, by strik-
17 ing the period at the end and inserting “, except
18 that the term ‘Northeast Corridor’ for the purposes
19 of chapter 243 means the main line between Boston,
20 Massachusetts and the Virginia Avenue interlocking
21 in the District of Columbia, and the facilities and
22 services used to operate and maintain that line.”;
23 and

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

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

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

9 “(B) sustained through regular mainte-
10 nance and replacement programs.

11 “(12) ‘State-supported route’ means a route de-
12 scribed in paragraph (6)(B) or paragraph (6)(D), or
13 in section 24702(a).”.

14 **Subtitle A—Authorization of**
15 **Appropriations**

16 **SEC. 5101. AUTHORIZATION OF GRANTS TO AMTRAK.**

17 (a) IN GENERAL.—There are authorized to be appro-
18 priated to the Secretary for the use of Amtrak for deposit
19 into the accounts established under section 24319(a) of
20 title 49, United States Code, the following amounts:

21 (1) For fiscal year 2016, \$1,450,000,000.

22 (2) For fiscal year 2017, \$1,550,000,000.

23 (3) For fiscal year 2018, \$1,700,000,000.

24 (4) For fiscal year 2019, \$1,900,000,000.

1 (b) PROJECT MANAGEMENT OVERSIGHT.—The Sec-
2 retary may withhold up to one half of 1 percent of the
3 amount appropriated under subsection (a) for the costs
4 of management oversight of Amtrak.

5 (c) COMPETITION.—In administering grants to Am-
6 trak under section 24318 of title 49, United States Code,
7 the Secretary may withhold, from amounts that would oth-
8 erwise be made available to Amtrak, such sums as are nec-
9 essary from the amount appropriated under subsection (a)
10 of this section to cover the operating subsidy described in
11 section 24711(b)(1)(E)(ii) of title 49, United States Code.

12 (d) STATE-SUPPORTED ROUTE COMMITTEE.—The
13 Secretary may withhold up to \$2,000,000 from the
14 amount appropriated in each fiscal year under subsection
15 (a) of this section for the use of the State-Supported
16 Route Committee established under section 24712 of title
17 49, United States Code.

18 (e) NORTHEAST CORRIDOR COMMISSION.—The Sec-
19 retary may withhold up to \$5,000,000 from the amount
20 appropriated in each fiscal year under subsection (a) of
21 this section for the use of the Northeast Corridor Commis-
22 sion established under section 24905 of title 49, United
23 States Code.

1 **SEC. 5102. NATIONAL INFRASTRUCTURE AND SAFETY IN-**
2 **VESTMENTS.**

3 (a) IN GENERAL.—There are authorized to be appro-
4 priated to the Secretary for grants under chapter 244 of
5 title 49, United States Code, the following amounts:

6 (1) For fiscal year 2016, \$350,000,000.

7 (2) For fiscal year 2017, \$430,000,000.

8 (3) For fiscal year 2018, \$600,000,000.

9 (4) For fiscal year 2019, \$900,000,000.

10 (b) PROJECT MANAGEMENT OVERSIGHT.—The Sec-
11 retary may withhold up to 1 percent from the amount ap-
12 propriated under subsection (a) of this section for the
13 costs of project management oversight of grants carried
14 out under chapter 244 of title 49, United States Code.

15 **SEC. 5103. AUTHORIZATION OF APPROPRIATIONS FOR NA-**
16 **TIONAL TRANSPORTATION SAFETY BOARD**
17 **RAIL INVESTIGATIONS.**

18 (a) IN GENERAL.—Notwithstanding any other provi-
19 sion of law, there are authorized to be appropriated to the
20 National Transportation Safety Board to carry out rail-
21 road accident investigations under section 1131(a)(1)(C)
22 of title 49, United States Code, the following amounts:

23 (1) For fiscal year 2016, \$6,300,000.

24 (2) For fiscal year 2017, \$6,400,000.

25 (3) For fiscal year 2018, \$6,500,000.

26 (4) For fiscal year 2019, \$6,600,000.

1 (b) INVESTIGATION PERSONNEL.—Amounts appro-
2 priated under subsection (a) of this section shall be avail-
3 able to the National Transportation Safety Board for per-
4 sonnel, in regional offices and in Washington, DC, whose
5 duties involve railroad accident investigations.

6 **SEC. 5104. AUTHORIZATION OF APPROPRIATIONS FOR AM-**
7 **TRAK OFFICE OF INSPECTOR GENERAL.**

8 There are authorized to be appropriated to the Office
9 of Inspector General of Amtrak the following amounts:

- 10 (1) For fiscal year 2016, \$20,000,000.
11 (2) For fiscal year 2017, \$20,500,000.
12 (3) For fiscal year 2018, \$21,000,000.
13 (4) For fiscal year 2019, \$21,500,000.

14 **SEC. 5105. NATIONAL COOPERATIVE RAIL RESEARCH PRO-**
15 **GRAM.**

16 (a) IN GENERAL.—Section 24910 is amended—

17 (1) in subsection (b)—

18 (A) in paragraph (12), by striking “and”;

19 (B) in paragraph (13), by striking the pe-
20 riod at the end and inserting “; and”; and

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

22 “(14) to improve the overall safety of intercity
23 passenger and freight rail operations.”; and

24 (2) by amending subsection (e) to read as fol-
25 lows:

1 “(e) ALLOCATION.—At least \$5,000,000 of the
2 amounts appropriated to the Secretary for a fiscal year
3 to carry out railroad research and development programs
4 shall be available to carry out this section.”.

5 **Subtitle B—Amtrak Reform**

6 **SEC. 5201. AMTRAK GRANT PROCESS.**

7 (a) REQUIREMENTS AND PROCEDURES.—Chapter
8 243 is amended by adding at the end the following:

9 **“§ 24317. Costs and revenues**

10 “(a) ALLOCATION.—Not later than 180 days after
11 the date of enactment of the Rail Reform, Enhancement,
12 and Efficiency Act, Amtrak shall establish and maintain
13 internal controls to ensure Amtrak’s costs, revenues, and
14 other compensation are appropriately and proportionally
15 allocated to its Northeast Corridor train services or infra-
16 structure, its State-supported routes, its long-distance
17 routes, and its other national network activities.

18 “(b) RULE OF CONSTRUCTION.—Nothing in this sec-
19 tion shall be construed to limit the ability of Amtrak to
20 enter into an agreement with 1 or more States to allocate
21 operating and capital costs under section 209 of the Pas-
22 senger Rail Investment and Improvement Act of 2008 (49
23 U.S.C. 24101 note).

1 **“§ 24318. Grant process**

2 “(a) PROCEDURES FOR GRANT REQUESTS.—Not
3 later than 90 days after the date of enactment of the Rail
4 Reform, Enhancement, and Efficiency Act, the Secretary
5 of Transportation shall establish and transmit to the Com-
6 mittee on Commerce, Science, and Transportation and the
7 Committee on Appropriations of the Senate and the Com-
8 mittee on Transportation and Infrastructure and the
9 Committee on Appropriations of the House of Representa-
10 tives substantive and procedural requirements, including
11 schedules, for grant requests under this section.

12 “(b) GRANT REQUESTS.—Amtrak shall transmit
13 grant requests for Federal funds appropriated to the Sec-
14 retary of Transportation for the use of Amtrak to—

15 “(1) the Secretary; and

16 “(2) the Committee on Commerce, Science, and
17 Transportation, the Committee on Appropriations,
18 and the Committee on the Budget of the Senate and
19 the Committee on Transportation and Infrastruc-
20 ture, the Committee on Appropriations, and the
21 Committee on the Budget of the House of Rep-
22 resentatives.

23 “(c) CONTENTS.—A grant request under subsection
24 (b) shall—

25 “(1) describe projected operating and capital
26 costs for the upcoming fiscal year for Northeast Cor-

1 ridor train services and infrastructure, Amtrak’s
2 State-supported routes, and Amtrak’s long-distance
3 routes, and Amtrak’s other national network activi-
4 ties, as applicable, in comparison to prior fiscal year
5 actual financial performance;

6 “(2) describe the capital projects to be funded,
7 with cost estimates and an estimated timetable for
8 completion of the projects covered by the request;

9 “(3) assess Amtrak’s financial condition;

10 “(4) be displayed on Amtrak’s Web site within
11 a reasonable timeframe following its transmission
12 under subsection (b); and

13 “(5) describe how the funding requested in a
14 grant will be allocated to the accounts established
15 under section 24319(a), considering the projected
16 operating losses or capital costs for services and ac-
17 tivities associated with such accounts over the time
18 period intended to be covered by the grants.

19 “(d) REVIEW AND APPROVAL.—

20 “(1) THIRTY-DAY APPROVAL PROCESS.—

21 “(A) IN GENERAL.—Not later than 30
22 days after the date that Amtrak submits a
23 grant request under this section, the Secretary
24 of Transportation shall complete a review of the
25 request and provide notice to Amtrak that—

1 “(i) the request is approved; or

2 “(ii) the request is disapproved, in-
3 cluding the reason for the disapproval and
4 an explanation of any incomplete or defi-
5 cient items.

6 “(B) GRANT AGREEMENT.—If a grant re-
7 quest is approved, the Secretary shall enter into
8 a grant agreement with Amtrak that allocates
9 the grant funding to 1 of the 4 accounts estab-
10 lished under section 24319(a).

11 “(2) FIFTEEN-DAY MODIFICATION PERIOD.—
12 Not later than 15 days after the date of the notice
13 under paragraph (1)(A)(ii), Amtrak shall submit a
14 modified request for the Secretary’s review.

15 “(3) MODIFIED REQUESTS.—Not later than 15
16 days after the date that Amtrak submits a modified
17 request under paragraph (2), the Secretary shall ei-
18 ther approve the modified request, or, if the Sec-
19 retary finds that the request is still incomplete or
20 deficient, the Secretary shall identify in writing to
21 the Committee on Commerce, Science, and Trans-
22 portation, the Committee on Appropriations, and the
23 Committee on the Budget of the Senate and the
24 Committee on Transportation and Infrastructure,
25 the Committee on Appropriations, and the Com-

1 mittee on the Budget of the House of Representa-
2 tives the remaining deficiencies and recommend a
3 process for resolving the outstanding portions of the
4 request.

5 “(e) PAYMENTS TO AMTRAK.—

6 “(1) IN GENERAL.—A grant agreement entered
7 into under subsection (d) shall specify the oper-
8 ations, services, and other activities to be funded by
9 the grant. The grant agreement shall include provi-
10 sions, consistent with the requirements of this chap-
11 ter, to measure Amtrak’s performance and ensure
12 accountability in delivering the operations, services,
13 or activities to be funded by the grant.

14 “(2) SCHEDULE.—Except as provided in para-
15 graph (3), in each fiscal year for which amounts are
16 appropriated to the Secretary for the use of Amtrak,
17 and for which the Secretary and Amtrak have en-
18 tered into a grant agreement under subsection (d),
19 the Secretary shall disburse grant funds to Amtrak
20 on the following schedule:

21 “(A) 50 percent on October 1.

22 “(B) 25 percent on January 1.

23 “(C) 25 percent on April 1.

24 “(3) EXCEPTIONS.—The Secretary may make a
25 payment to Amtrak of appropriated funds—

1 “(A) more frequently than the schedule
2 under paragraph (2) if Amtrak, for good cause,
3 requests more frequent payment before the end
4 of a payment period; or

5 “(B) with a different frequency or in dif-
6 ferent percentage allocations in the event of a
7 continuing resolution or in the absence of an
8 appropriations Act for the duration of a fiscal
9 year.

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

16 “(g) LIMITATIONS ON USE.—Amounts appropriated
17 to the Secretary for the use of Amtrak may not be used
18 to cross-subsidize operating losses or capital costs of com-
19 muter rail passenger or freight rail transportation.

20 “§ 24319. **Accounts**

21 “(a) ESTABLISHMENT OF ACCOUNTS.—Beginning
22 not later than October 1, 2016, Amtrak, in consultation
23 with the Secretary of Transportation, shall define and es-
24 tablish—

1 “(1) a Northeast Corridor investment account,
2 including subaccounts for Amtrak train services and
3 infrastructure;

4 “(2) a State-supported account;

5 “(3) a long-distance account; and

6 “(4) an other national network activities ac-
7 count.

8 “(b) NORTHEAST CORRIDOR INVESTMENT AC-
9 COUNT.—

10 “(1) DEPOSITS.—Amtrak shall deposit in the
11 Northeast Corridor investment account established
12 under subsection (a)(1)—

13 “(A) a portion of the grant funds appro-
14 priated under the authorization in section
15 5101(a) of the Rail Reform, Enhancement, and
16 Efficiency Act, or any subsequent Act appro-
17 priating funds for the use of Amtrak, as speci-
18 fied in a grant agreement entered into under
19 section 24318;

20 “(B) any compensation received from com-
21 muter rail passenger transportation providers
22 for such providers’ share of capital costs on the
23 Northeast Corridor provided to Amtrak under
24 section 24905(c);

1 “(C) any operating surplus of the North-
2 east Corridor train services or infrastructure, as
3 allocated under section 24317; and

4 “(D) any other net revenue received in as-
5 sociation with the Northeast Corridor, including
6 freight access fees, electric propulsion, and com-
7 mercial development.

8 “(2) USE OF NORTHEAST CORRIDOR INVEST-
9 MENT ACCOUNT.—Except as provided in subsection
10 (f), amounts deposited in the Northeast Corridor in-
11 vestment account shall be made available for the use
12 of Amtrak for its share of—

13 “(A) capital projects described in section
14 24904(a)(2)(E)(i), and developed under the
15 planning process established under that section,
16 to bring Northeast Corridor infrastructure to a
17 state-of-good-repair;

18 “(B) capital projects described in clauses
19 (ii) and (iv) of section 24904(a)(2)(E) that are
20 developed under the planning process estab-
21 lished under that section intended to increase
22 corridor capacity, improve service reliability,
23 and reduce travel time on the Northeast Cor-
24 ridor;

1 “(C) capital projects to improve safety and
2 security;

3 “(D) capital projects to improve customer
4 service and amenities;

5 “(E) acquiring, rehabilitating, manufac-
6 turing, remanufacturing, overhauling, or im-
7 proving equipment and associated facilities used
8 for intercity rail passenger transportation by
9 Northeast Corridor train services;

10 “(F) retirement of principal and payment
11 of interest on loans for capital projects de-
12 scribed in this paragraph or for capital leases
13 for equipment and related to the Northeast
14 Corridor;

15 “(G) participation in public-private part-
16 nerships, joint ventures, and other mechanisms
17 or arrangements that result in the completion
18 of capital projects described in this paragraph;
19 and

20 “(H) indirect, common, corporate, or other
21 costs directly incurred by or allocated to the
22 Northeast Corridor.

23 “(c) STATE-SUPPORTED ACCOUNT.—

1 “(1) DEPOSITS.—Amtrak shall deposit in the
2 State-supported account established under sub-
3 section (a)(2)—

4 “(A) a portion of the grant funds appro-
5 priated under the authorization in section
6 5101(a) of the Rail Reform, Enhancement, and
7 Efficiency Act, or any subsequent Act appro-
8 priating funds for the use of Amtrak, as speci-
9 fied in a grant agreement entered into under
10 section 24318;

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

15 “(C) any operating surplus from its State-
16 supported routes, as allocated under section
17 24317.

18 “(2) USE OF STATE-SUPPORTED ACCOUNT.—
19 Except as provided in subsection (f), amounts depos-
20 ited in the State-supported account shall be made
21 available for the use of Amtrak for capital expenses
22 and operating costs, including indirect, common, cor-
23 porate, or other costs directly incurred by or allo-
24 cated to State-supported routes, of its State-sup-
25 ported routes and retirement of principal and pay-

1 ment of interest on loans or capital leases attrib-
2 utable to its State-supported routes.

3 “(d) LONG-DISTANCE ACCOUNT.—

4 “(1) DEPOSITS.—Amtrak shall deposit in the
5 long-distance account established under subsection
6 (a)(3)—

7 “(A) a portion of the grant funds appro-
8 priated under the authorization in section
9 5101(a) of the Rail Reform, Enhancement, and
10 Efficiency Act, or any subsequent Act appro-
11 priating funds for the use of Amtrak, as speci-
12 fied in a grant agreement entered into under
13 section 24318;

14 “(B) any compensation received from
15 States provided to Amtrak for costs associated
16 with its long-distance routes; and

17 “(C) any operating surplus from its long-
18 distance routes, as allocated under section
19 24317.

20 “(2) USE OF LONG-DISTANCE ACCOUNT.—Ex-
21 cept as provided in subsection (f), amounts deposited
22 in the long-distance account shall be made available
23 for the use of Amtrak for capital expenses and oper-
24 ating costs, including indirect, common, corporate,
25 or other costs directly incurred by or allocated to

1 long-distance routes, of its long-distance routes and
2 retirement of principal and payment of interest on
3 loans or capital leases attributable to the long-dis-
4 tance routes.

5 “(e) OTHER NATIONAL NETWORK ACTIVITIES AC-
6 COUNT.—

7 “(1) DEPOSITS.—Amtrak shall deposit in the
8 other national network activities account established
9 under subsection (a)(4)—

10 “(A) a portion of the grant funds appro-
11 priated under the authorization in section
12 101(a) of the Railroad Reform, Enhancement,
13 and Efficiency Act, or any subsequent Act ap-
14 propriating funds for the use of Amtrak, as
15 specified in a grant agreement entered into
16 under section 24318;

17 “(B) any compensation received from
18 States provided to Amtrak for costs associated
19 with its other national network activities; and

20 “(C) any operating surplus from its other
21 national network activities.

22 “(2) USE OF OTHER NATIONAL NETWORK AC-
23 TIVITIES ACCOUNT.—Except as provided in sub-
24 section (f), amounts deposited into the other na-
25 tional network activities account shall be made avail-

1 able for the use of Amtrak for capital and operating
2 costs not allocated to the Northeast Corridor invest-
3 ment account, State-supported account, or long-dis-
4 tance account, and retirement of principal and pay-
5 ment of interest on loans or capital leases attrib-
6 utable to other national network activities.

7 “(f) TRANSFER AUTHORITY.—

8 “(1) AUTHORITY.—Amtrak may transfer any
9 funds appropriated under the authorization in sec-
10 tion 5101(a) of the Rail Reform, Enhancement, and
11 Efficiency Act, or any subsequent Act appropriating
12 funds for the use of Amtrak for deposit into the ac-
13 counts described in that section, or any surplus gen-
14 erated by operations, between the Northeast Cor-
15 ridor, State-supported, long-distance, and other na-
16 tional network activities accounts—

17 “(A) upon the expiration of 10 days after
18 the date that Amtrak notifies the Amtrak
19 Board of Directors, including the Secretary, of
20 the planned transfer; and

21 “(B) with the approval of the Secretary.

22 “(2) REPORT.—Not later than 5 days after the
23 date that Amtrak notifies the Amtrak Board of Di-
24 rectors of a planned transfer under paragraph (1),
25 Amtrak shall transmit to the Committee on Com-

1 merce, Science, and Transportation and the Com-
2 mittee on Appropriations of the Senate and the
3 Committee on Transportation and Infrastructure
4 and the Committee on Appropriations of the House
5 of Representatives a report that includes—

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

7 “(B) a detailed explanation of the reason
8 for the transfer, including—

9 “(i) the effects on Amtrak services
10 funded by the account from which the
11 transfer is drawn, in comparison to a sce-
12 nario in which no transfer was made; and

13 “(ii) the effects on Amtrak services
14 funded by the account receiving the trans-
15 fer, in comparison to a scenario in which
16 no transfer was made.

17 “(3) NOTIFICATIONS.—

18 “(A) STATE-SUPPORTED ACCOUNT.—Not
19 later than 5 days after the date that Amtrak
20 notifies the Amtrak Board of Directors of a
21 planned transfer under paragraph (1) of funds
22 to or from the State-supported account, Amtrak
23 shall transmit to each State that sponsors a
24 State-supported route a letter that includes the

1 information described under subparagraphs (A)
2 and (B) of paragraph (2).

3 “(B) NORTHEAST CORRIDOR ACCOUNT.—

4 Not later than 5 days after the date that Am-
5 trak notifies the Amtrak Board of Directors of
6 a planned transfer under paragraph (1) of
7 funds to or from the Northeast Corridor ac-
8 count, Amtrak shall transmit to the Northeast
9 Corridor Commission a letter that includes the
10 information described under subparagraphs (A)
11 and (B) of paragraph (2).

12 “(g) ENFORCEMENT.—The Secretary shall enforce
13 the provisions of each grant agreement under section
14 24318(d), including any deposit into an account under
15 this section.

16 “(h) LETTERS OF INTENT.—

17 “(1) REQUIREMENT.—The Secretary may issue
18 a letter of intent to Amtrak announcing an intention
19 to obligate, for a major capital project described in
20 clauses (ii) and (iv) of section 24904(a)(2)(E), an
21 amount from future available budget authority speci-
22 fied in law that is not more than the amount stipu-
23 lated as the financial participation of the Secretary
24 in the project.

1 “(2) NOTICE TO CONGRESS.—At least 30 days
2 before issuing a letter under paragraph (1), the Sec-
3 retary shall notify in writing the Committee on Com-
4 merce, Science, and Transportation and the Com-
5 mittee on Appropriations of the Senate and the
6 Committee on Transportation and Infrastructure
7 and the Committee on Appropriations of the House
8 of Representatives of the proposed letter. The Sec-
9 retary shall include with the notice a copy of the
10 proposed letter, the criteria used for selecting the
11 project for a grant award, and a description of how
12 the project meets the criteria under this section.

13 “(3) CONTINGENT NATURE OF OBLIGATION OR
14 COMMITMENT.—An obligation or administrative
15 commitment may be made only when amounts are
16 appropriated. The letter of intent shall state that the
17 contingent commitment is not an obligation of the
18 Federal Government, and is subject to the avail-
19 ability of appropriations under Federal law and to
20 Federal laws in force or enacted after the date of
21 the contingent commitment.”.

22 (b) CONFORMING AMENDMENTS.—The table of con-
23 tents for chapter 243 is amended by adding at the end
24 the following:

“24317. Costs and revenues.

“24318. Grant process.

“24319. Accounts.”.

1 (c) REPEALS.—

2 (1) ESTABLISHMENT OF GRANT PROCESS.—

3 Section 206 of the Passenger Rail Investment and
4 Improvement Act of 2008 (49 U.S.C. 24101 note)
5 and the item relating to that section in the table of
6 contents of that Act are repealed.

7 (2) AUTHORIZATION OF APPROPRIATIONS.—

8 Section 24104 and the item relating to that section
9 in the table of contents of chapter 241 are repealed.

10 **SEC. 5202. 5-YEAR BUSINESS LINE AND ASSETS PLANS.**

11 (a) AMTRAK 5-YEAR BUSINESS LINE AND ASSET
12 PLANS.—Chapter 243, as amended by section 5201 of this
13 Act, is further amended by inserting after section 24319
14 the following:

15 **“§ 24320. Amtrak 5-year business line and asset plans**

16 **“(a) IN GENERAL.—**

17 **“(1) FINAL PLANS.—**Not later than February
18 15 of each year, Amtrak shall submit to Congress
19 and the Secretary final 5-year business line plans
20 and 5-year asset plans prepared in accordance with
21 this section. These final plans shall form the basis
22 for Amtrak’s general and legislative annual report to
23 the President and Congress required by section
24 24315(b).

1 “(2) FISCAL CONSTRAINT.—Each plan prepared
2 under this section shall be based on funding levels
3 authorized or otherwise available to Amtrak in a fis-
4 cal year. In the absence of an authorization or ap-
5 propriation of funds for a fiscal year, the plans shall
6 be based on the amount of funding available in the
7 previous fiscal year, plus inflation. Amtrak may in-
8 clude an appendix to the asset plan required in sub-
9 section (c) that describes any capital funding re-
10 quirements in excess of amounts authorized or oth-
11 erwise available to Amtrak in a fiscal year for cap-
12 ital investment.

13 “(b) AMTRAK 5-YEAR BUSINESS LINE PLANS.—

14 “(1) AMTRAK BUSINESS LINES.—Amtrak shall
15 prepare a 5-year business line plan for each of the
16 following business lines and services:

17 “(A) Northeast Corridor train services.

18 “(B) State-supported routes operated by
19 Amtrak.

20 “(C) Long-distance routes operated by
21 Amtrak.

22 “(D) Ancillary services operated by Am-
23 trak, including commuter operations and other
24 revenue generating activities as determined by
25 the Secretary in consultation with Amtrak.

1 “(2) CONTENTS OF 5-YEAR BUSINESS LINE
2 PLANS.—The 5-year business line plan for each busi-
3 ness line shall include, at a minimum—

4 “(A) a statement of Amtrak’s vision, goals,
5 and service plan for the business line, coordi-
6 nated with any entities that are contributing
7 capital or operating funding to support pas-
8 senger rail services within those business lines,
9 and aligned with Amtrak’s Strategic Plan and
10 5-year asset plans under subsection (c);

11 “(B) all projected revenues and expendi-
12 tures for the business line, including identifica-
13 tion of revenues and expenditures incurred by—

14 “(i) passenger operations;

15 “(ii) non-passenger operations that
16 are directly related to the business line;
17 and

18 “(iii) governmental funding sources,
19 including revenues and other funding re-
20 ceived from States;

21 “(C) projected ridership levels for all pas-
22 senger operations;

23 “(D) estimates of long-term and short-
24 term debt and associated principal and interest
25 payments (both current and forecasts);

1 “(E) annual profit and loss statements and
2 forecasts and balance sheets;

3 “(F) annual cash flow forecasts;

4 “(G) a statement describing the meth-
5 odologies and significant assumptions under-
6 lying estimates and forecasts;

7 “(H) specific performance measures that
8 demonstrate year over year changes in the re-
9 sults of Amtrak’s operations;

10 “(I) financial performance for each route
11 within each business line, including descriptions
12 of the cash operating loss or contribution and
13 labor productivity for each route;

14 “(J) specific costs and savings estimates
15 resulting from reform initiatives;

16 “(K) prior fiscal year and projected equip-
17 ment reliability statistics; and

18 “(L) an identification and explanation of
19 any major adjustments made from previously-
20 approved plans.

21 “(3) 5-YEAR BUSINESS LINE PLANS PROCESS.—

22 In meeting the requirements of this section, Amtrak
23 shall—

24 “(A) coordinate the development of the
25 business line plans with the Secretary;

1 “(B) for the Northeast Corridor business
2 line plan, coordinate with the Northeast Cor-
3 ridor Commission and transmit to the Commis-
4 sion the final plan under subsection (a)(1), and
5 consult with other entities, as appropriate;

6 “(C) for the State-supported route busi-
7 ness line plan, coordinate with the State-Sup-
8 ported Route Committee established under sec-
9 tion 24712;

10 “(D) for the long-distance route business
11 line plan, coordinate with any States or Inter-
12 state Compacts that provide funding for such
13 routes, as appropriate;

14 “(E) ensure that Amtrak’s annual budget
15 request to Congress is consistent with the infor-
16 mation in the 5-year business line plans; and

17 “(F) identify the appropriate Amtrak offi-
18 cials that are responsible for each business line.

19 “(4) STANDARDS TO PROMOTE FINANCIAL STA-
20 BILITY.—In meeting the requirements under this
21 subsection, Amtrak shall use the categories specified
22 in the financial accounting and reporting system de-
23 veloped under section 203 of the Passenger Rail In-
24 vestment and Improvement Act of 2008 (49 U.S.C.

1 24101 note) when preparing its 5-year business line
2 plans.

3 “(c) AMTRAK 5-YEAR ASSET PLANS.—

4 “(1) ASSET CATEGORIES.—Amtrak shall pre-
5 pare a 5-year asset plan for each of the following
6 asset categories:

7 “(A) Infrastructure, including all Amtrak-
8 controlled Northeast Corridor assets and other
9 Amtrak-owned infrastructure, and the associ-
10 ated facilities that support the operation, main-
11 tenance, and improvement of those assets.

12 “(B) Passenger rail equipment, including
13 all Amtrak-controlled rolling stock, locomotives,
14 and mechanical shop facilities that are used to
15 overhaul equipment.

16 “(C) Stations, including all Amtrak-con-
17 trolled passenger rail stations and elements of
18 other stations for which Amtrak has legal re-
19 sponsibility or intends to make capital invest-
20 ments.

21 “(D) National assets, including national
22 reservations, security, training and training
23 centers, and other assets associated with Am-
24 trak’s national passenger rail transportation
25 system.

1 “(2) CONTENTS OF 5-YEAR ASSET PLANS.—

2 Each asset plan shall include, at a minimum—

3 “(A) a summary of Amtrak’s 5-year stra-
4 tegic plan for each asset category, including
5 goals, objectives, any relevant performance
6 metrics, and statutory or regulatory actions af-
7 fecting the assets;

8 “(B) an inventory of existing Amtrak cap-
9 ital assets, to the extent practicable, including
10 information regarding shared use or ownership,
11 if applicable;

12 “(C) a prioritized list of proposed capital
13 investments that—

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

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

18 “(II) backlog capital replace-
19 ment;

20 “(III) improvements to support
21 service enhancements or growth;

22 “(IV) strategic initiatives that
23 will improve overall operational per-
24 formance, lower costs, or otherwise

1 improve Amtrak’s corporate efficiency;

2 or

3 “(V) statutory, regulatory, or
4 other legal mandates;

5 “(ii) identifies each project or pro-
6 gram that is associated with more than 1
7 category described in clause (i); and

8 “(iii) describes the anticipated busi-
9 ness outcome of each project or program
10 identified under this subparagraph, includ-
11 ing an assessment of—

12 “(I) the potential effect on pas-
13 senger operations, safety, reliability,
14 and resilience;

15 “(II) the potential effect on Am-
16 trak’s ability to meet regulatory re-
17 quirements if the project or program
18 is not funded; and

19 “(III) the benefits and costs; and

20 “(D) annual profit and loss statements
21 and forecasts and balance sheets for each asset
22 category.

23 “(3) 5-YEAR ASSET PLAN PROCESS.—In meet-
24 ing the requirements of this subsection, Amtrak
25 shall—

1 “(A) coordinate with each business line de-
2 scribed in subsection (b)(1) in the preparation
3 of each 5-year asset plan and ensure integration
4 of each 5-year asset plan with the 5-year busi-
5 ness line plans;

6 “(B) as applicable, coordinate with the
7 Northeast Corridor Commission, the State-Sup-
8 ported Route Committee, and owners of assets
9 affected by 5-year asset plans; and

10 “(C) identify the appropriate Amtrak offi-
11 cials that are responsible for each asset cat-
12 egory.

13 “(4) EVALUATION OF NATIONAL ASSETS
14 COSTS.—The Secretary shall—

15 “(A) evaluate the costs and scope of all na-
16 tional assets; and

17 “(B) determine the activities and costs
18 that are—

19 “(i) required in order to ensure the ef-
20 ficient operations of a national passenger
21 rail system;

22 “(ii) appropriate for allocation to 1 of
23 the other Amtrak business lines; and

24 “(iii) extraneous to providing an effi-
25 cient national passenger rail system or are

1 too costly relative to the benefits or per-
2 formance outcomes they provide.

3 “(5) DEFINITION OF NATIONAL ASSETS.—In
4 this section, the term ‘national assets’ means the
5 Nation’s core rail assets shared among Amtrak serv-
6 ices, including national reservations, security, train-
7 ing and training centers, and other assets associated
8 with Amtrak’s national passenger rail transportation
9 system.

10 “(6) RESTRUCTURING OF NATIONAL ASSETS.—
11 Not later than 1 year after the date of completion
12 of the evaluation under section 24320(c)(4), the Ad-
13 ministrator of the Federal Railroad Administration,
14 in consultation with the Amtrak Board of Directors,
15 the governors of each relevant State, and the Mayor
16 of the District of Columbia, or their designees, shall
17 restructure or reallocate, or both, the national assets
18 costs in accordance with the determination under
19 that section, including making appropriate updates
20 to Amtrak’s cost accounting methodology and sys-
21 tem.”.

22 (b) EFFECTIVE DATE.—The requirements for Am-
23 trak to submit final 5-year business line plans and 5-year
24 asset plans under section 24320 of title 49, United States

1 Code, shall take effect 1 year after the date of enactment
2 of this Act.

3 (c) CONFORMING AMENDMENTS.—The table of con-
4 tents for chapter 243, as amended by section 5201 of this
5 Act, is further amended by adding at the end the fol-
6 lowing:

“24320. Amtrak 5-year business line and asset plans.”.

7 (d) REPEAL OF 5-YEAR FINANCIAL PLAN.—Section
8 204 of the Passenger Rail Investment and Improvement
9 Act of 2008 (49 U.S.C. 24101 note), and the item relating
10 to that section in the table of contents of that Act, are
11 repealed.

12 (e) IDENTIFICATION OF DUPLICATIVE REPORTING
13 REQUIREMENTS.—Not later than 1 year after the date of
14 enactment of this Act, the Secretary shall—

15 (1) review existing Amtrak reporting require-
16 ments and identify where the existing requirements
17 are duplicative with the business line and capital
18 plans required by section 24320 of title 49, United
19 States Code;

20 (2) if the duplicative reporting requirements are
21 administrative, the Secretary shall eliminate the du-
22 plicative requirements; and

23 (3) submit to Congress a report with any rec-
24 ommendations for repealing any other duplicative
25 Amtrak reporting requirements.

1 **SEC. 5203. STATE-SUPPORTED ROUTE COMMITTEE.**

2 (a) AMENDMENT.—Chapter 247 is amended by add-
3 ing at the end the following:

4 **“§ 24712. State-supported routes operated by Amtrak**

5 “(a) STATE-SUPPORTED ROUTE COMMITTEE.—

6 “(1) ESTABLISHMENT.—Not later than 180
7 days after the date of enactment of the Rail Reform,
8 Enhancement, and Efficiency Act, the Secretary of
9 Transportation shall establish the State-Supported
10 Route Committee (referred to in this section as the
11 ‘Committee’) to promote mutual cooperation and
12 planning pertaining to the rail operations of Amtrak
13 and related activities of trains operated by Amtrak
14 on State-supported routes and to further implement
15 section 209 of the Passenger Rail Investment and
16 Improvement Act of 2008 (49 U.S.C. 24101 note).

17 “(2) MEMBERSHIP.—

18 “(A) IN GENERAL.—The Committee shall
19 consist of—

20 “(i) members representing Amtrak;

21 “(ii) members representing the De-
22 partment of Transportation, including the
23 Federal Railroad Administration; and

24 “(iii) members representing States,
25 including other public entities that sponsor
26 the operation of trains by Amtrak on a

1 State-supported route, designated by, and
2 serving at the pleasure of, the chief execu-
3 tive officer thereof.

4 “(B) NON-VOTING MEMBERS.—The Com-
5 mittee may invite and accept other non-voting
6 members to participate in Committee activities,
7 as appropriate.

8 “(3) DECISIONMAKING.—The Committee shall
9 establish a bloc voting system under which, at a
10 minimum—

11 “(A) there are 3 separate voting blocs to
12 represent the Committee’s voting members, in-
13 cluding—

14 “(i) 1 voting bloc to represent the
15 members described in paragraph (2)(A)(i);

16 “(ii) 1 voting bloc to represent the
17 members described in paragraph (2)(A)(ii);
18 and

19 “(iii) 1 voting bloc to represent the
20 members described in paragraph
21 (2)(A)(iii);

22 “(B) each voting bloc has 1 vote;

23 “(C) the vote of the voting bloc rep-
24 resenting the members described in paragraph

1 (2)(A)(iii) requires the support of at least two-
2 thirds of that voting bloc's members; and

3 “(D) the Committee makes decisions by
4 unanimous consent of the 3 voting blocs.

5 “(4) MEETINGS; RULES AND PROCEDURES.—
6 The Committee shall convene a meeting and shall
7 define and implement the rules and procedures gov-
8 erning the Committee's proceedings not later than
9 180 days after the date of establishment of the Com-
10 mittee by the Secretary. The rules and procedures
11 shall—

12 “(A) incorporate and further describe the
13 decisionmaking procedures to be used in accord-
14 ance with paragraph (3); and

15 “(B) be adopted in accordance with such
16 decisionmaking procedures.

17 “(5) COMMITTEE DECISIONS.—Decisions made
18 by the Committee in accordance with the Commit-
19 tee's rules and procedures, once established, are
20 binding on all Committee members.

21 “(6) COST ALLOCATION METHODOLOGY.—

22 “(A) IN GENERAL.—Subject to subpara-
23 graph (B), the Committee may amend the cost
24 allocation methodology required and previously
25 approved under section 209 of the Passenger

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

3 “(B) PROCEDURES FOR CHANGING METH-
4 ODOLOGY.—The rules and procedures imple-
5 mented under paragraph (4) shall include pro-
6 cedures for changing the cost allocation meth-
7 odology.

8 “(C) REQUIREMENTS.—The cost allocation
9 methodology shall—

10 “(i) ensure equal treatment in the
11 provision of like services of all States and
12 groups of States; and

13 “(ii) allocate to each route the costs
14 incurred only for the benefit of that route
15 and a proportionate share, based upon fac-
16 tors that reasonably reflect relative use, of
17 costs incurred for the common benefit of
18 more than 1 route.

19 “(b) INVOICES AND REPORTS.—Not later than Feb-
20 ruary 15, 2016, and monthly thereafter, Amtrak shall pro-
21 vide to each State that sponsors a State-supported route
22 a monthly invoice of the cost of operating such route, in-
23 cluding fixed costs and third-party costs. The Committee
24 shall determine the frequency and contents of the financial
25 and performance reports that Amtrak shall provide to the

1 States, as well as the planning and demand reports that
2 the States shall provide to Amtrak.

3 “(c) DISPUTE RESOLUTION.—

4 “(1) REQUEST FOR DISPUTE RESOLUTION.—If
5 a dispute arises with respect to the rules and proce-
6 dures implemented under subsection (a)(4), an in-
7 voice or a report provided under subsection (b), im-
8 plementation or compliance with the cost allocation
9 methodology developed under section 209 of the Pas-
10 senger Rail Investment and Improvement Act of
11 2008 (49 U.S.C. 24101 note) or amended under
12 subsection (a)(6) of this section, either Amtrak or
13 the State may request that the Surface Transpor-
14 tation Board conduct dispute resolution under this
15 subsection.

16 “(2) PROCEDURES.—The Surface Transpor-
17 tation Board shall establish procedures for resolu-
18 tion of disputes brought before it under this sub-
19 section, which may include provision of professional
20 mediation services.

21 “(3) BINDING EFFECT.—A decision of the Sur-
22 face Transportation Board under this subsection
23 shall be binding on the parties to the dispute.

1 “(4) OBLIGATION.—Nothing in this subsection
2 shall affect the obligation of a State to pay an
3 amount not in dispute.

4 “(d) ASSISTANCE.—

5 “(1) IN GENERAL.—The Secretary may provide
6 assistance to the parties in the course of negotia-
7 tions for a contract for operation of a State-sup-
8 ported route.

9 “(2) FINANCIAL ASSISTANCE.—From among
10 available funds, the Secretary shall—

11 “(A) provide financial assistance to Am-
12 trak or 1 or more States to perform requested
13 independent technical analysis of issues before
14 the Committee; and

15 “(B) reimburse Members for travel ex-
16 penses, including per diem in lieu of subsist-
17 ence, in accordance with section 5703 of title 5.

18 “(e) PERFORMANCE METRICS.—In negotiating a con-
19 tract for operation of a State-supported route, Amtrak
20 and the State or States that sponsor the route shall con-
21 sider including provisions that provide penalties and incen-
22 tives for performance.

23 “(f) STATEMENT OF GOALS AND OBJECTIVES.—

24 “(1) IN GENERAL.—The Committee shall de-
25 velop a statement of goals, objectives, and associated

1 recommendations concerning the future of State-
2 supported routes operated by Amtrak. The state-
3 ment shall identify the roles and responsibilities of
4 Committee members and any other relevant entities,
5 such as host railroads, in meeting the identified
6 goals and objectives, or carrying out the rec-
7 ommendations. The Committee may consult with
8 such relevant entities, as the Committee considers
9 appropriate, when developing the statement.

10 “(2) TRANSMISSION OF STATEMENT OF GOALS
11 AND OBJECTIVES.—Not later than 2 years after the
12 date of enactment of the Rail Reform, Enhance-
13 ment, and Efficiency Act the Committee shall trans-
14 mit the statement developed under paragraph (1) to
15 the Committee on Commerce, Science, and Trans-
16 portation of the Senate and the Committee on
17 Transportation and Infrastructure of the House of
18 Representatives.

19 “(g) RULE OF CONSTRUCTION.—The decisions of the
20 Committee—

21 “(1) shall pertain to the rail operations of Am-
22 trak and related activities of trains operated by Am-
23 trak on State-sponsored routes; and

1 to use in determining what intercity rail passenger trans-
2 portation routes and services it should provide, including
3 the establishment of new routes, the elimination of exist-
4 ing routes, and the contraction or expansion of services
5 or frequencies over such routes.

6 “(b) CONSIDERATIONS.—Amtrak shall require the
7 independent entity, in developing the methodologies de-
8 scribed in subsection (a), to consider—

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

14 “(2) the connectivity of a route with other
15 routes;

16 “(3) the transportation needs of communities
17 and populations that are not well served by intercity
18 rail passenger transportation service or by other
19 forms of intercity transportation;

20 “(4) the methodologies of Amtrak and major
21 intercity rail passenger transportation service pro-
22 viders in other countries for determining intercity
23 passenger rail routes and services;

1 “(5) the financial and operational effects on the
2 overall network, including the effects on indirect
3 costs;

4 “(6) the views of States and the recommenda-
5 tions described in State rail plans, rail carriers that
6 own infrastructure over which Amtrak operates,
7 Interstate Compacts established by Congress and
8 States, Amtrak employee representatives, stake-
9 holder organizations, and other interested parties;
10 and

11 “(7) the funding levels that will be available
12 under authorization levels that have been enacted
13 into law.

14 “(c) RECOMMENDATIONS.—Not later than 1 year
15 after the date of enactment of the Rail Reform, Enhance-
16 ment, and Efficiency Act, Amtrak shall transmit to the
17 Committee on Commerce, Science, and Transportation of
18 the Senate and the Committee on Transportation and In-
19 frastructure of the House of Representatives recommenda-
20 tions developed by the independent entity under subsection
21 (a).

22 “(d) CONSIDERATION OF RECOMMENDATIONS.—Not
23 later than 90 days after the date the recommendations are
24 transmitted under subsection (c), Amtrak shall consider
25 the adoption of each recommendation and transmit to the

1 Committee on Commerce, Science, and Transportation of
2 the Senate and the Committee on Transportation and In-
3 frastructure of the House of Representatives a report ex-
4 plaining the reasons for adopting or not adopting each rec-
5 ommendation.”.

6 **SEC. 5205. COMPETITION.**

7 (a) ALTERNATE PASSENGER RAIL SERVICE PILOT
8 PROGRAM.—Section 24711 is amended to read as follows:

9 **“§ 24711. Alternate passenger rail service pilot pro-**
10 **gram**

11 “(a) IN GENERAL.—Not later than 18 months after
12 the date of enactment of the Rail Reform, Enhancement,
13 and Efficiency Act, the Secretary of Transportation shall
14 promulgate a rule to implement a pilot program for com-
15 petitive selection of rail carriers for long-distance routes
16 (as defined in section 24102).

17 “(b) PILOT PROGRAM REQUIREMENTS.—

18 “(1) IN GENERAL.—The pilot program shall—

19 “(A) allow a party described in paragraph

20 (2) to petition the Secretary to provide intercity

21 rail passenger transportation over a long-dis-

22 tance route in lieu of Amtrak for an operations

23 period of 4 years from the date of commence-

24 ment of service by the winning bidder and, at

25 the option of the Secretary, consistent with the

1 rule promulgated under subsection (a), allow
2 the contract to be renewed for an additional op-
3 erations period of 4 years, but not to exceed a
4 total of 3 operations periods;

5 “(B) require the Secretary to—

6 “(i) notify the petitioner and Amtrak
7 of receipt of the petition under subpara-
8 graph (A) and to publish in the Federal
9 Register a notice of receipt not later than
10 30 days after the date of receipt; and

11 “(ii) establish a deadline, of not more
12 than 120 days after the notice of receipt is
13 published in the Federal Register under
14 clause (i), by which both the petitioner and
15 Amtrak, if Amtrak chooses to do so, would
16 be required to submit a complete bid to
17 provide intercity rail passenger transpor-
18 tation over the applicable route;

19 “(C) require that each bid—

20 “(i) describe the capital needs, finan-
21 cial projections, and operational plans, in-
22 cluding staffing plans, for the service, and
23 such other factors as the Secretary con-
24 siders appropriate; and

1 “(ii) be made available by the winning
2 bidder to the public after the bid award;

3 “(D) for a route that receives funding
4 from a State or States, require that for each
5 bid received from a party described in para-
6 graph (2), other than a State, the Secretary
7 have the concurrence of the State or States that
8 provide funding for that route;

9 “(E) for a winning bidder that is not or
10 does not include Amtrak, require the Secretary
11 to execute a contract not later than 270 days
12 after the deadline established under subpara-
13 graph (B)(ii) and award to the winning bid-
14 der—

15 “(i) subject to paragraphs (3) and
16 (4), the right and obligation to provide
17 intercity rail passenger transportation over
18 that route subject to such performance
19 standards as the Secretary may require;
20 and

21 “(ii) an operating subsidy, as deter-
22 mined by the Secretary, for—

23 “(I) the first year at a level that
24 does not exceed 90 percent of the level
25 in effect for that specific route during

1 the fiscal year preceding the fiscal
2 year in which the petition was re-
3 ceived, adjusted for inflation; and

4 “(II) any subsequent years at the
5 level calculated under subclause (I),
6 adjusted for inflation; and

7 “(F) for a winning bidder that is or in-
8 cludes Amtrak, award to that bidder an oper-
9 ating subsidy, as determined by the Secretary,
10 over the applicable route that will not change
11 during the fiscal year in which the bid was sub-
12 mitted solely as a result of the winning bid.

13 “(2) ELIGIBLE PETITIONERS.—The following
14 parties are eligible to submit petitions under para-
15 graph (1):

16 “(A) A rail carrier or rail carriers that own
17 the infrastructure over which Amtrak operates
18 a long-distance route.

19 “(B) A rail passenger carrier with a writ-
20 ten agreement with the rail carrier or rail car-
21 riers that own the infrastructure over which
22 Amtrak operates a long-distance route and that
23 host or would host the intercity rail passenger
24 transportation.

1 “(C) A State, group of States, or State-
2 supported joint powers authority or other sub-
3 State governance entity responsible for provi-
4 sion of intercity rail passenger transportation
5 with a written agreement with the rail carrier
6 or rail carriers that own the infrastructure over
7 which Amtrak operates a long-distance route
8 and that host or would host the intercity rail
9 passenger transportation.

10 “(D) A State, group of States, or State-
11 supported joint powers authority or other sub-
12 State governance entity responsible for provi-
13 sion of intercity rail passenger transportation
14 and a rail passenger carrier with a written
15 agreement with the rail carrier or rail carriers
16 that own the infrastructure over which Amtrak
17 operates a long-distance route and that host or
18 would host the intercity rail passenger transpor-
19 tation.

20 “(3) PERFORMANCE STANDARDS.—If the win-
21 ning bidder under paragraph (1)(E)(i) is not or does
22 not include Amtrak, the performance standards shall
23 be consistent with the performance required of or
24 achieved by Amtrak on the applicable route during
25 the last fiscal year.

1 “(4) AGREEMENT GOVERNING ACCESS
2 ISSUES.—Unless the winning bidder already has ap-
3 plicable access agreements in place or includes a rail
4 carrier that owns the infrastructure used in the op-
5 eration of the route, the winning bidder under para-
6 graph (1)(E)(i) shall enter into a written agreement
7 governing access issues between the winning bidder
8 and the rail carrier or rail carriers that own the in-
9 frastructure over which the winning bidder would
10 operate and that host or would host the intercity rail
11 passenger transportation.

12 “(c) ACCESS TO FACILITIES; EMPLOYEES.—If the
13 Secretary awards the right and obligation to provide rail
14 passenger transportation over a route under this section
15 to an entity in lieu of Amtrak—

16 “(1) the Secretary shall require Amtrak to pro-
17 vide access to the Amtrak-owned reservation system,
18 stations, and facilities directly related to operations
19 of the awarded routes to the rail passenger carrier
20 awarded a contract under this section, in accordance
21 with subsection (g), as necessary to carry out the
22 purposes of this section;

23 “(2) an employee of any person, except for a
24 freight railroad or a person employed or contracted
25 by a freight railroad, used by such rail passenger

1 carrier in the operation of a route under this section
2 shall be considered an employee of that rail pas-
3 senger carrier and subject to the applicable Federal
4 laws and regulations governing similar crafts or
5 classes of employees of Amtrak; and

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

11 “(d) CESSATION OF SERVICE.—If a rail passenger
12 carrier awarded a route under this section ceases to oper-
13 ate the service or fails to fulfill an obligation under the
14 contract required under subsection (b)(1)(E), the Sec-
15 retary shall take any necessary action consistent with this
16 title to enforce the contract and ensure the continued pro-
17 vision of service, including—

18 “(1) the installment of an interim rail pas-
19 senger carrier;

20 “(2) providing to the interim rail passenger car-
21 rier under paragraph (1) an operating subsidy nec-
22 essary to provide service; and

23 “(3) rebidding the contract to operate the rail
24 passenger transportation.

25 “(e) BUDGET AUTHORITY.—

1 “(1) IN GENERAL.—The Secretary shall provide
2 to a winning bidder that is not or does not include
3 Amtrak and that is selected under this section any
4 appropriations withheld under section 5101(c) of the
5 Rail Reform, Enhancement, and Efficiency Act, or
6 any subsequent appropriation for the same purpose,
7 necessary to cover the operating subsidy described in
8 subsection (b)(1)(E)(ii).

9 “(2) AMTRAK.—If the Secretary selects a win-
10 ning bidder that is not or does not include Amtrak,
11 the Secretary may provide to Amtrak an appropriate
12 portion of the appropriations under section 5101(a)
13 of the Rail Reform, Enhancement, and Efficiency
14 Act, or any subsequent appropriation for the same
15 purpose, to cover any cost directly attributable to
16 the termination of Amtrak service on the route and
17 any indirect costs to Amtrak imposed on other Am-
18 trak routes as a result of losing service on the route
19 operated by the winning bidder. Any amount pro-
20 vided by the Secretary to Amtrak under this para-
21 graph shall not be deducted from or have any effect
22 on the operating subsidy described in subsection
23 (b)(1)(E)(ii).

24 “(f) DEADLINE.—If the Secretary does not promul-
25 gate the final rule and implement the program before the

1 deadline under subsection (a), the Secretary shall submit
2 to the Committee on Commerce, Science, and Transpor-
3 tation of the Senate and the Committee on Transportation
4 and Infrastructure of the House of Representatives a let-
5 ter, signed by the Secretary and Administrator of the Fed-
6 eral Railroad Administration, each month until the rule
7 is complete, including—

8 “(1) the reasons why the rule has not been
9 issued;

10 “(2) an updated staffing plan for completing
11 the rule as soon as feasible;

12 “(3) the contact information of the official that
13 will be overseeing the execution of the staffing plan;
14 and

15 “(4) the estimated date of completion of the
16 rule.

17 “(g) DISPUTES.—If Amtrak and the rail passenger
18 carrier awarded a route under this section cannot agree
19 upon terms to carry out subsection (c)(1), and the Surface
20 Transportation Board finds that access to Amtrak’s facili-
21 ties or equipment, or the provision of services by Amtrak,
22 is necessary under subsection (c)(1) and that the oper-
23 ation of Amtrak’s other services will not be impaired
24 thereby, the Surface Transportation Board shall issue an
25 order that the facilities and equipment be made available,

1 and that services be provided, by Amtrak, and shall deter-
2 mine reasonable compensation, liability, and other terms
3 for use of the facilities and equipment and provision of
4 the services.

5 “(h) LIMITATION.—Not more than 3 long-distance
6 routes may be selected under this section for operation by
7 a winning bidder that is not or does not include Amtrak.

8 “(i) PRESERVATION OF RIGHT TO COMPETITION ON
9 STATE-SUPPORTED ROUTES.—Nothing in this section
10 shall be construed as prohibiting a State from introducing
11 competition for intercity rail passenger transportation or
12 services on its State-supported route or routes.”

13 (b) REPORT.—Not later than 4 years after the date
14 of implementation of the pilot program under section
15 24711 of title 49, United States Code, and quadrennially
16 thereafter until the pilot program is discontinued, the Sec-
17 retary shall submit to the Committee on Commerce,
18 Science, and Transportation of the Senate and the Com-
19 mittee on Transportation and Infrastructure of the House
20 of Representatives a report on the results on the pilot pro-
21 gram to date and any recommendations for further action.

22 **SEC. 5206. ROLLING STOCK PURCHASES.**

23 (a) IN GENERAL.—Prior to entering into any con-
24 tract in excess of \$100,000,000 for rolling stock and loco-
25 motive procurements Amtrak shall submit a business case

1 analysis to the Secretary, the Committee on Commerce,
2 Science, and Transportation and the Committee on Appro-
3 priations of the Senate and the Committee on Transpor-
4 tation and Infrastructure and the Committee on Appro-
5 priations of the House of Representatives, on the utility
6 of such procurements.

7 (b) CONTENTS.—The business case analysis shall—

8 (1) include a cost and benefit comparison that
9 describes the total lifecycle costs and the anticipated
10 benefits related to revenue, operational efficiency, re-
11 liability, and other factors;

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

13 (3) identify the specific source and amounts of
14 funding for each payment, including Federal funds,
15 State funds, Amtrak profits, Federal, State, or pri-
16 vate loans or loan guarantees, and other funding;

17 (4) include an explanation of whether any pay-
18 ment under the contract will increase Amtrak's
19 grant request, as required under section 24318 of
20 title 49, United States Code, in that particular fiscal
21 year; and

22 (5) describe how Amtrak will adjust the pro-
23 curement if future funding is not available.

24 (c) RULE OF CONSTRUCTION.—Nothing in this sec-
25 tion shall be construed as requiring Amtrak to disclose

1 confidential information regarding a potential vendor's
2 proposed pricing or other sensitive business information
3 prior to contract execution.

4 **SEC. 5207. FOOD AND BEVERAGE POLICY.**

5 (a) IN GENERAL.—Chapter 243, as amended in sec-
6 tion 5202 of this Act, is further amended by adding after
7 section 24320 the following:

8 **“§ 24321. Food and beverage reform**

9 “(a) PLAN.—Not later than 90 days after the date
10 of enactment of the Rail Reform, Enhancement, and Effi-
11 ciency Act, Amtrak shall develop and begin implementing
12 a plan to eliminate, not later than 4 years after the date
13 of enactment of that Act, the operating loss associated
14 with providing food and beverage service on board Amtrak
15 trains.

16 “(b) CONSIDERATIONS.—In developing and imple-
17 menting the plan under subsection (a), Amtrak shall con-
18 sider a combination of cost management and revenue gen-
19 eration initiatives, including—

20 “(1) scheduling optimization;

21 “(2) onboard logistics;

22 “(3) product development and supply chain effi-
23 ciency;

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

1 “(5) technology enhancements and process im-
2 provements; and

3 “(6) ticket revenue allocation.

4 “(c) SAVINGS CLAUSE.—Amtrak shall ensure that no
5 Amtrak employee holding a position as of the date of en-
6 actment of the Rail Reform, Enhancement, and Efficiency
7 Act is involuntarily separated because of—

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

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

12 “(d) NO FEDERAL FUNDING FOR OPERATING
13 LOSSES.—Beginning on the date that is 4 years after the
14 date of enactment of the Rail Reform, Enhancement, and
15 Efficiency Act, no Federal funds may be used to cover any
16 operating loss associated with providing food and beverage
17 service on a route operated by Amtrak or an alternative
18 passenger rail service provider that operates a route in lieu
19 of Amtrak under section 24711.

20 “(e) REPORT.—Not later than 120 days after the
21 date of enactment of the Rail Reform, Enhancement, and
22 Efficiency Act, and annually thereafter for a period of 4
23 years, Amtrak shall transmit to the Committee on Com-
24 merce, Science, and Transportation of the Senate and the
25 Committee on Transportation and Infrastructure of the

1 House of Representatives a report on the plan developed
2 under subsection (a) and a description of progress in the
3 implementation of the plan.”.

4 (b) CONFORMING AMENDMENT.—The table of con-
5 tents for chapter 243, as amended in section 5202 of this
6 Act, is amended by adding at the end the following:

“24321. Food and beverage reform.”.

7 **SEC. 5208. LOCAL PRODUCTS AND PROMOTIONAL EVENTS.**

8 (a) IN GENERAL.—Not later than 6 months after the
9 date of enactment of this Act, Amtrak shall establish a
10 pilot program for a State or States that sponsor a State-
11 supported route operated by Amtrak to facilitate—

12 (1) onboard purchase and sale of local food and
13 beverage products; and

14 (2) partnerships with local entities to hold pro-
15 motional events on trains or in stations.

16 (b) PROGRAM DESIGN.—The pilot program under
17 paragraph (1) shall allow a State or States—

18 (1) to nominate and select a local food and bev-
19 erage products supplier or suppliers or local pro-
20 motional event partner;

21 (2) to charge a reasonable price or fee for local
22 food and beverage products or promotional events
23 and related activities to help defray the costs of pro-
24 gram administration and State-supported routes;
25 and

1 (3) a mechanism to ensure that State products
2 can effectively be handled and integrated into exist-
3 ing food and beverage services, including compliance
4 with all applicable regulations and standards gov-
5 erning such services.

6 (c) PROGRAM ADMINISTRATION.—The pilot program
7 shall—

8 (1) for local food and beverage products, ensure
9 the products are integrated into existing food and
10 beverage services, including compliance with all ap-
11 plicable regulations and standards;

12 (2) for promotional events, ensure the events
13 are held in compliance with all applicable regulations
14 and standards, including terms to address insurance
15 requirements; and

16 (3) require an annual report that documents
17 revenues and costs and indicates whether the prod-
18 ucts or events resulted in a reduction in the financial
19 contribution of a State or States to the applicable
20 State-supported route.

21 (d) REPORT.—Not later than 4 years after the date
22 of establishment of the pilot programs under this section,
23 Amtrak shall report 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 on which States have participated in
2 the pilot programs under this section. The report shall
3 summarize the financial and operational outcomes of the
4 pilot programs.

5 (e) **RULE OF CONSTRUCTION.**—Nothing in this sub-
6 section shall be construed as limiting Amtrak’s ability to
7 operate special trains in accordance with section 216 of
8 the Passenger Rail Investment and Improvement Act of
9 2008 (49 U.S.C. 24308 note).

10 **SEC. 5209. RIGHT-OF-WAY LEVERAGING.**

11 (a) **REQUEST FOR PROPOSALS.**—

12 (1) **IN GENERAL.**—Not later than 1 year after
13 the date of enactment of this Act, Amtrak shall
14 issue a Request for Proposals seeking qualified per-
15 sons or entities to utilize right-of-way and real estate
16 owned, controlled, or managed by Amtrak for tele-
17 communications systems, energy distribution sys-
18 tems, and other activities considered appropriate by
19 Amtrak.

20 (2) **CONTENTS.**—The Request for Proposals
21 shall provide sufficient information on the right-of-
22 way and real estate assets to enable respondents to
23 propose an arrangement that will monetize or gen-
24 erate additional revenue from such assets through

1 revenue sharing or leasing agreements with Amtrak,
2 to the extent possible.

3 (b) CONSIDERATION OF PROPOSALS.—Not later than
4 180 days following the deadline for the receipt of pro-
5 posals under subsection (a), Amtrak shall review and con-
6 sider each qualified proposal. Amtrak may enter into such
7 agreements as are necessary to implement any qualified
8 proposal.

9 (c) REPORT.—Not later than 270 days following the
10 deadline for the receipt of proposals under subsection (a),
11 Amtrak shall transmit to the Committee on Commerce,
12 Science, and Transportation of the Senate and the Com-
13 mittee on Transportation and Infrastructure of the House
14 of Representatives a report on the Request for Proposals
15 required by this section, including summary information
16 of any proposals submitted to Amtrak and any proposals
17 accepted by Amtrak.

18 (d) SAVINGS CLAUSE.—Nothing in this section shall
19 be construed to limit Amtrak's ability to utilize right-of-
20 way or real estate assets that it currently owns, controls,
21 or manages or constrain Amtrak's ability to enter into
22 agreements with other parties to utilize such assets.

23 **SEC. 5210. STATION DEVELOPMENT.**

24 (a) REPORT ON DEVELOPMENT OPTIONS.—Not later
25 than 1 year after the date of the enactment of this Act,

1 Amtrak shall submit a report to the Committee on Com-
2 merce, Science, and Transportation of the Senate and the
3 Committee on Transportation and Infrastructure of the
4 House of Representatives that describes—

5 (1) options to enhance economic development
6 and accessibility of and around Amtrak stations and
7 terminals, for the purposes of—

8 (A) improving station condition,
9 functionality, capacity, and customer amenities;

10 (B) generating additional investment cap-
11 ital and development-related revenue streams;

12 (C) increasing ridership and revenue;

13 (D) complying with the applicable sections
14 of the Americans with Disabilities Act of 1990
15 (42 U.S.C. 12101 et seq.) and the Rehabilita-
16 tion Act of 1973 (29 U.S.C. 701 et seq.); and

17 (E) strengthening multimodal connections,
18 including transit, intercity buses, roll-on and
19 roll-off bicycles, and airports, as appropriate;
20 and

21 (2) options for additional Amtrak stops that
22 would have a positive incremental financial impact to
23 Amtrak, based on Amtrak feasibility studies that
24 demonstrate a financial benefit to Amtrak by gener-

1 ating additional revenue that exceeds any incre-
2 mental costs.

3 (b) REQUEST FOR INFORMATION.—Not later than 90
4 days after the date the report is transmitted under sub-
5 section (a), Amtrak shall issue a Request of Information
6 for 1 or more owners of stations served by Amtrak to for-
7 mally express an interest in completing the requirements
8 of this section.

9 (c) PROPOSALS.—

10 (1) REQUEST FOR PROPOSALS.—Not later than
11 180 days after the date the Request for Information
12 is issued under subsection (a), Amtrak shall issue a
13 Request for Proposals from qualified persons, in-
14 cluding small business concerns owned and con-
15 trolled by socially and economically disadvantaged
16 individuals and veteran-owned small businesses, to
17 lead, participate, or partner with Amtrak, a station
18 owner that responded under subsection (b), and
19 other entities in enhancing development in and
20 around such stations and terminals using applicable
21 options identified under subsection (a) at facilities
22 selected by Amtrak.

23 (2) CONSIDERATION OF PROPOSALS.—Not later
24 than 1 year after the date the Request for Proposals
25 are issued under paragraph (1), Amtrak shall review

1 and consider qualified proposals submitted under
2 paragraph (1). Amtrak or a station owner that re-
3 sponded under subsection (b) may enter into such
4 agreements as are necessary to implement any quali-
5 fied proposal.

6 (d) REPORT.—Not later than 3 years after the date
7 of enactment of this Act, Amtrak shall transmit to the
8 Committee on Commerce, Science, and Transportation of
9 the Senate and the Committee on Transportation and In-
10 frastructure of the House of Representatives a report on
11 the Request for Proposals process required under this sec-
12 tion, including summary information of any qualified pro-
13 posals submitted to Amtrak and any proposals acted upon
14 by Amtrak or a station owner that responded under sub-
15 section (b).

16 (e) DEFINITIONS.—In this section, the terms “small
17 business concern”, “socially and economically disadvan-
18 taged individual”, and “veteran-owned small business”
19 have the meanings given the terms in section 304(c) of
20 this Act.

21 (f) SAVINGS CLAUSE.—Nothing in this section shall
22 be construed to limit Amtrak’s ability to develop its sta-
23 tions, terminals, or other assets, to constrain Amtrak’s
24 ability to enter into and carry out agreements with other
25 parties to enhance development at or around Amtrak sta-

1 tions or terminals, or to affect any station development
2 initiatives ongoing as of the date of enactment of this Act.

3 **SEC. 5211. AMTRAK DEBT.**

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

7 (1) by striking “as of the date of enactment of
8 this Act” each place it appears;

9 (2) in subsection (a)—

10 (A) by inserting “, to the extent provided
11 in advance in appropriations Acts” after “Am-
12 trak’s indebtedness”; and

13 (B) by striking the second sentence;

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

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

22 (5) in subsection (e)—

23 (A) in paragraph (1), by striking “by sec-
24 tion 102 of this division”; and

1 (B) in paragraph (2), by striking “by sec-
2 tion 102” and inserting “for Amtrak”;

3 (6) in subsection (g), by inserting “, unless that
4 debt receives credit assistance, including direct loans
5 and loan guarantees, under chapter 6 of title 23,
6 United States Code or title V of the Railroad Revi-
7 talization and Regulatory Act of 1976 (45 U.S.C.
8 821 et seq.)” after “Secretary”; and

9 (7) by striking subsection (h).

10 **SEC. 5212. AMTRAK PILOT PROGRAM FOR PASSENGERS**

11 **TRANSPORTING DOMESTICATED CATS AND**

12 **DOGS.**

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

17 (b) **PET POLICY.**—In developing the pilot program
18 required under subsection (a), Amtrak shall—

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

24 (A) the cat or dog is contained in a pet
25 kennel;

1 (B) the pet kennel complies with Amtrak
2 size requirements for carriage of carry-on bag-
3 gage;

4 (C) the passenger is traveling on a train
5 operating on a route described in subparagraph
6 (A), (B), or (D) of section 24102(6) of title 49,
7 United States Code; and

8 (D) the passenger pays a fee described in
9 paragraph (3);

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

13 (A) the cat or dog is contained in a pet
14 kennel;

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

17 (C) the passenger is traveling on a train
18 operating on a route described in subparagraph
19 (A), (B), or (D) of section 24102(6) of title 49,
20 United States Code;

21 (D) the cargo area is temperature con-
22 trolled in a manner protective of cat and dog
23 safety and health; and

24 (E) the passenger pays a fee described in
25 paragraph (3); and

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

5 (c) REPORT.—Not later than 1 year after the pilot
6 program required under subsection (a) is first imple-
7 mented, Amtrak shall transmit to the Committee on Com-
8 merce, Science, and Transportation of the Senate and the
9 Committee on Transportation and Infrastructure of the
10 House of Representatives a report containing an evalua-
11 tion of the pilot program.

12 (d) LIMITATION ON STATUTORY CONSTRUCTION.—

13 (1) SERVICE ANIMALS.—The pilot program
14 under subsection (a) shall be separate from and in
15 addition to the policy governing Amtrak passengers
16 traveling with service animals. Nothing in this sec-
17 tion may be interpreted to limit or waive the rights
18 of passengers to transport service animals.

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

22 (3) FEDERAL FUNDS.—No Federal funds may
23 be used to implement the pilot program required
24 under this section.

1 **SEC. 5213. AMTRAK BOARD OF DIRECTORS.**

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

4 “(a) COMPOSITION AND TERMS.—

5 “(1) IN GENERAL.—The Amtrak Board of Di-
6 rectors (referred to in this section as the ‘Board’) is
7 composed of the following 9 directors, each of whom
8 must be a citizen of the United States:

9 “(A) The Secretary of Transportation.

10 “(B) The President of Amtrak.

11 “(C) 7 individuals appointed by the Presi-
12 dent of the United States, by and with the ad-
13 vice and consent of the Senate, with general
14 business and financial experience, experience or
15 qualifications in transportation, freight and
16 passenger rail transportation, travel, hospi-
17 tality, or passenger air transportation busi-
18 nesses, or representatives of employees or users
19 of passenger rail transportation or a State gov-
20 ernment.

21 “(2) SELECTION.—In selecting individuals de-
22 scribed in paragraph (1)(C) for nominations for ap-
23 pointments to the Board, the President shall consult
24 with the Speaker of the House of Representatives,
25 the minority leader of the House of Representatives,
26 the majority leader of the Senate, and the minority

1 leader of the Senate. The individuals appointed to
2 the Board under paragraph (1)(C) shall be com-
3 posed of the following;

4 “(A) 2 individuals from the Northeast Cor-
5 ridor.

6 “(B) 4 individuals from regions of the
7 country outside of the Northeast Corridor and
8 geographically distributed with—

9 “(i) 2 individuals from States with
10 long-distance routes operated by Amtrak;
11 and

12 “(ii) 2 individuals from States with
13 State-supported routes operated by Am-
14 trak.

15 “(C) 1 individual from the Northeast Cor-
16 ridor or a State with long-distance or State-
17 supported routes.

18 “(3) TERM.—An individual appointed under
19 paragraph (1)(C) shall be appointed for a term of 5
20 years. The term may be extended until the individ-
21 ual’s successor is appointed and qualified. Not more
22 than 4 individuals appointed under paragraph (1)(C)
23 may be members of the same political party.

24 “(4) CHAIRPERSON AND VICE CHAIRPERSON.—
25 The Board shall elect a chairperson and vice chair-

1 person, other than the President of Amtrak, from
2 among its membership. The vice chairperson shall
3 serve as chairperson in the absence of the chair-
4 person.

5 “(5) SECRETARY’S DESIGNEE.—The Secretary
6 may be represented at Board meetings by the Sec-
7 retary’s designee.”.

8 (b) RULE OF CONSTRUCTION.—Nothing in this sec-
9 tion shall be construed as affecting the term of any direc-
10 tor serving on the Amtrak Board of Directors under sec-
11 tion 24302(a)(1)(C) of title 49, United States Code, on
12 the day preceding the date of enactment of this Act.

13 **Subtitle C—Intercity Passenger** 14 **Rail Policy**

15 **SEC. 5301. COMPETITIVE OPERATING GRANTS.**

16 (a) IN GENERAL.—Chapter 244 is amended—

17 (1) by striking section 24406; and

18 (2) by inserting after section 24405 the fol-
19 lowing:

20 **“§ 24406. Competitive operating grants**

21 “(a) APPLICANT DEFINED.—In this section, the term
22 ‘applicant’ means—

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 transportation or commuter rail passenger transpor-
5 tation;

6 “(5) a political subdivision of a State;

7 “(6) Amtrak or another rail passenger carrier
8 that provides intercity rail passenger transportation;

9 “(7) Any rail carrier in partnership with at
10 least 1 of the entities described in paragraphs (1)
11 through (5); and

12 “(8) any combination of the entities described
13 in paragraphs (1) through (7).

14 “(b) GRANTS AUTHORIZED.—The Secretary of
15 Transportation shall develop and implement a program for
16 issuing 3-year operating assistance grants to applicants,
17 on a competitive basis, for the purpose of initiating, re-
18 storing, or enhancing intercity rail passenger service.

19 “(c) APPLICATION.—An applicant for a grant under
20 this section shall submit to the Secretary—

21 “(1) a capital and mobilization plan that—

22 “(A) describes any capital investments,
23 service planning actions (such as environmental
24 reviews), and mobilization actions (such as

1 qualification of train crews) required for initi-
2 ation of service; and

3 “(B) includes the timeline for undertaking
4 and completing each of the investments and ac-
5 tions referred to in subparagraph (A);

6 “(2) an operating plan that describes the
7 planned operation of the service, including—

8 “(A) the identity and qualifications of the
9 train operator;

10 “(B) the identity and qualifications of any
11 other service providers;

12 “(C) service frequency;

13 “(D) the planned routes and schedules;

14 “(E) the station facilities that will be uti-
15 lized;

16 “(F) projected ridership, revenues, and
17 costs;

18 “(G) descriptions of how the projections
19 under subparagraph (F) were developed;

20 “(H) the equipment that will be utilized,
21 how such equipment will be acquired or refur-
22 bished, and where such equipment will be main-
23 tained; and

1 “(I) a plan for ensuring safe operations
2 and compliance with applicable safety regula-
3 tions;

4 “(3) a funding plan that—

5 “(A) describes the funding of initial capital
6 costs and operating costs for the first 3 years
7 of operation;

8 “(B) includes a commitment by the appli-
9 cant to provide the funds described in subpara-
10 graph (A) to the extent not covered by Federal
11 grants and revenues; and

12 “(C) describes the funding of operating
13 costs and capital costs, to the extent necessary,
14 after the first 3 years of operation; and

15 “(4) a description of the status of negotiations
16 and agreements with—

17 “(A) each of the railroads or regional
18 transportation authorities whose tracks or fa-
19 cilities would be utilized by the service;

20 “(B) the anticipated rail passenger carrier,
21 if such entity is not part of the applicant group;
22 and

23 “(C) any other service providers or entities
24 expected to provide services or facilities that
25 will be used by the service, including any re-

1 required access to Amtrak systems, stations, and
2 facilities if Amtrak is not part of the applicant
3 group.

4 “(d) PRIORITIES.—In awarding grants under this
5 section, the Secretary shall give priority to applications—

6 “(1) for which planning, design, any environ-
7 mental reviews, negotiation of agreements, acquisi-
8 tion of equipment, construction, and other actions
9 necessary for initiation of service have been com-
10 pleted or nearly completed;

11 “(2) that would restore service over routes for-
12 merly operated by Amtrak, including routes with
13 international connections;

14 “(3) that would provide daily or daytime service
15 over routes where such service did not previously
16 exist;

17 “(4) that include private funding (including
18 funding from railroads), and funding or other sig-
19 nificant participation by State, local, and regional
20 governmental and private entities;

21 “(5) that include a funding plan that dem-
22 onstrates the intercity rail passenger service will be
23 financially sustainable beyond the 3-year grant pe-
24 riod;

1 “(6) that would provide service to regions and
2 communities that are underserved or not served by
3 other intercity public transportation;

4 “(7) that would foster economic development,
5 particularly in rural communities and for disadvan-
6 taged populations;

7 “(8) that would provide other non-transpor-
8 tation benefits; and

9 “(9) that would enhance connectivity and geo-
10 graphic coverage of the existing national network of
11 intercity passenger rail service.

12 “(e) LIMITATIONS.—

13 “(1) DURATION.—Federal operating assistance
14 grants authorized under this section for any indi-
15 vidual intercity rail passenger transportation route
16 may not provide funding for more than 3 years and
17 may not be renewed.

18 “(2) LIMITATION.—Not more than 6 of the op-
19 erating assistance grants awarded pursuant to sub-
20 section (b) may be simultaneously active.

21 “(3) MAXIMUM FUNDING.—Grants described in
22 paragraph (1) may not exceed—

23 “(A) 80 percent of the projected net oper-
24 ating costs for the first year of service;

1 “(B) 60 percent of the projected net oper-
2 ating costs for the second year of service; and

3 “(C) 40 percent of the projected net oper-
4 ating costs for the third year of service.

5 “(f) USE WITH CAPITAL GRANTS AND OTHER FED-
6 ERAL FUNDING.—A recipient of an operating assistance
7 grant under subsection (b) may use that grant in combina-
8 tion with other grants awarded under this chapter or any
9 other Federal funding that would benefit the applicable
10 service.

11 “(g) AVAILABILITY.—Amounts appropriated for car-
12 rying out this section shall remain available until ex-
13 pended.

14 “(h) COORDINATION WITH AMTRAK.—If the Sec-
15 retary awards a grant under this section to a rail pas-
16 senger carrier other than Amtrak, Amtrak may be re-
17 quired under section 24711(c)(1) of this title to provide
18 access to its reservation system, stations, and facilities
19 that are directly related to operations to such carrier, to
20 the extent necessary to carry out the purposes of this sec-
21 tion. The Secretary may award an appropriate portion of
22 the grant to Amtrak as compensation for this access.

23 “(i) CONDITIONS.—

24 “(1) GRANT AGREEMENT.—The Secretary shall
25 require grant recipients under this section to enter

1 into a grant agreement that requires them to pro-
2 vide similar information regarding the route per-
3 formance, financial, and ridership projections, and
4 capital and business plans that Amtrak is required
5 to provide, and such other data and information as
6 the Secretary deems necessary.

7 “(2) INSTALLMENTS; TERMINATION.—The Sec-
8 retary may—

9 “(A) award grants under this section in in-
10 stallments, as the Secretary considers appro-
11 priate; and

12 “(B) terminate any grant agreement
13 upon—

14 “(i) the cessation of service; or

15 “(ii) the violation of any other term of
16 the grant agreement.

17 “(3) GRANT CONDITIONS.—Except as specifi-
18 cally provided in this section, the use of any
19 amounts appropriated for grants under this section
20 shall be subject to the requirements under this chap-
21 ter.

22 “(j) REPORT.—Not later than 4 years after the date
23 of enactment of the Rail Reform, Enhancement, and Effi-
24 ciency Act, the Secretary, after consultation with grant re-

1 cipients under this section, shall submit a report to Con-
2 gress that describes—

3 “(1) the implementation of this section;

4 “(2) the status of the investments and oper-
5 ations funded by such grants;

6 “(3) the performance of the routes funded by
7 such grants;

8 “(4) the plans of grant recipients for continued
9 operation and funding of such routes; and

10 “(5) any legislative recommendations.”.

11 (b) CONFORMING AMENDMENTS.—Chapter 244 is
12 amended—

13 (1) in the table of contents, by inserting after
14 the item relating to section 24405 the following:

“24406. Competitive operating grants.”;

15 (2) in the chapter title, by striking “**INTER-**
16 **CITY PASSENGER RAIL SERVICE COR-**
17 **RIDOR CAPITAL**” and inserting “**RAIL CAP-**
18 **ITAL AND OPERATING**”;

19 (3) in section 24401, by striking paragraph (1);

20 (4) in section 24402, by striking subsection (j)
21 and inserting the following:

22 “(j) APPLICANT DEFINED.—In this section, the term
23 ‘applicant’ means a State (including the District of Co-
24 lumbia), a group of States, an Interstate Compact, a pub-
25 lic agency or publicly chartered authority established by

1 1 or more States and having responsibility for providing
2 intercity rail passenger transportation, or a political sub-
3 division of a State.”; and

4 (5) in section 24405—

5 (A) in subsection (b)—

6 (i) by inserting “, or for which an op-
7 erating grant is issued under section
8 24406,” after “chapter”; and

9 (ii) in paragraph (2), by striking
10 “(43” and inserting “(45”;

11 (B) in subsection (d)(1), in the matter pre-
12 ceding subparagraph (A), by inserting “or un-
13 less Amtrak ceased providing intercity pas-
14 senger railroad transportation over the affected
15 route more than 3 years before the commence-
16 ment of new service” after “unless such service
17 was provided solely by Amtrak to another enti-
18 ty”;

19 (C) in subsection (f), by striking “under
20 this chapter for commuter rail passenger trans-
21 portation, as defined in section 24012(4) of this
22 title.” and inserting “under this chapter for
23 commuter rail passenger transportation (as de-
24 fined in section 24102(3)).”; and

25 (D) by adding at the end the following:

1 “(g) SPECIAL TRANSPORTATION CIRCUMSTANCES.—
2 In carrying out this chapter, the Secretary shall allocate
3 an appropriate portion of the amounts available under this
4 chapter to provide grants to States—

5 “(1) in which there is no intercity passenger
6 rail service, for the purpose of funding freight rail
7 capital projects that are on a State rail plan devel-
8 oped under chapter 227 that provide public benefits
9 (as defined in chapter 227), as determined by the
10 Secretary; or

11 “(2) in which the rail transportation system is
12 not physically connected to rail systems in the conti-
13 nental United States or may not otherwise qualify
14 for a grant under this section due to the unique
15 characteristics of the geography of that State or
16 other relevant considerations, for the purpose of
17 funding transportation-related capital projects.”.

18 **SEC. 5302. FEDERAL-STATE PARTNERSHIP FOR STATE OF**
19 **GOOD REPAIR.**

20 (a) AMENDMENT.—Chapter 244 is amended by in-
21 serting after section 24406, as added by section 5301 of
22 this Act, the following:

23 **“§ 24407. Federal-State partnership for state of good**
24 **repair**

25 “(a) DEFINITIONS.—In this section:

1 “(1) APPLICANT.—The term ‘applicant’
2 means—

3 “(A) a State (including the District of Co-
4 lumbia);

5 “(B) a group of States;

6 “(C) an Interstate Compact;

7 “(D) a public agency or publicly chartered
8 authority established by 1 or more States that
9 has responsibility for providing intercity rail
10 passenger transportation or commuter rail pas-
11 senger transportation;

12 “(E) a political subdivision of a State;

13 “(F) Amtrak, acting on its own behalf or
14 under a cooperative agreement with 1 or more
15 States; or

16 “(G) any combination of the entities de-
17 scribed in subparagraphs (A) through (F).

18 “(2) CAPITAL PROJECT.—The term ‘capital
19 project’ means—

20 “(A) a project primarily intended to re-
21 place, rehabilitate, or repair major infrastruc-
22 ture assets utilized for providing intercity pas-
23 senger rail service, including tunnels, bridges,
24 stations, and other assets, as determined by the
25 Secretary; or

1 “(B) a project primarily intended to im-
2 prove intercity passenger rail performance, in-
3 cluding reduced trip times, increased train fre-
4 quencies, higher operating speeds, and other
5 improvements, as determined by the Secretary.

6 “(3) NORTHEAST CORRIDOR.—The term
7 ‘Northeast Corridor’ means—

8 “(A) the main rail line between Boston,
9 Massachusetts and the Virginia Avenue inter-
10 locking in the District of Columbia; and

11 “(B) the branch rail lines connecting to
12 Harrisburg, Pennsylvania, Springfield, Massa-
13 chusetts, and Spuyten Duyvil, New York.

14 “(4) QUALIFIED RAILROAD ASSET.—The term
15 ‘qualified railroad asset’ means infrastructure,
16 equipment, or a facility that—

17 “(A) is owned or controlled by an eligible
18 applicant; and

19 “(B) was not in a state of good repair on
20 the date of enactment of the Rail Reform, En-
21 hancement, and Efficiency Act.

22 “(b) GRANT PROGRAM AUTHORIZED.—The Secretary
23 of Transportation shall develop and implement a program
24 for issuing grants to applicants, on a competitive basis,

1 to fund capital projects that reduce the state of good re-
2 pair backlog on qualified railroad assets.

3 “(c) ELIGIBLE PROJECTS.—Projects eligible for
4 grants under this section include capital projects to re-
5 place or rehabilitate qualified railroad assets, including—

6 “(1) capital projects to replace existing assets
7 in-kind;

8 “(2) capital projects to replace existing assets
9 with assets that increase capacity or provide a high-
10 er level of service; and

11 “(3) capital projects to ensure that service can
12 be maintained while existing assets are brought to a
13 state of good repair.

14 “(d) PROJECT SELECTION CRITERIA.—In selecting
15 an applicant for a grant under this section, the Secretary
16 shall—

17 “(1) give preference to eligible projects—

18 “(A) that are consistent with the goals, ob-
19 jectives, and policies defined in any regional rail
20 planning document that is applicable to a
21 project proposal; and

22 “(B) for which the proposed Federal share
23 of total project costs does not exceed 50 per-
24 cent; and

25 “(2) take into account—

1 “(A) the cost-benefit analysis of the pro-
2 posed project, including anticipated private and
3 public benefits relative to the costs of the pro-
4 posed project, including—

5 “(i) effects on system and service per-
6 formance;

7 “(ii) effects on safety, competitive-
8 ness, reliability, trip or transit time, and
9 resilience;

10 “(iii) efficiencies from improved inte-
11 gration with other modes; and

12 “(iv) ability to meet existing or antici-
13 pated demand;

14 “(B) the degree to which the proposed
15 project’s business plan considers potential pri-
16 vate sector participation in the financing, con-
17 struction, or operation of the proposed project;

18 “(C) the applicant’s past performance in
19 developing and delivering similar projects, and
20 previous financial contributions;

21 “(D) whether the applicant has, or will
22 have—

23 “(i) the legal, financial, and technical
24 capacity to carry out the project;

1 “(ii) satisfactory continuing control
2 over the use of the equipment or facilities;
3 and

4 “(iii) the capability and willingness to
5 maintain the equipment or facilities;

6 “(E) if applicable, the consistency of the
7 project with planning guidance and documents
8 set forth by the Secretary or required by law;
9 and

10 “(F) any other relevant factors, as deter-
11 mined by the Secretary.

12 “(e) PLANNING REQUIREMENTS.—A project is not el-
13 igible for a grant under this section unless the project is
14 specifically identified—

15 “(1) on a State rail plan prepared in accord-
16 ance with chapter 227; or

17 “(2) if the project is located on the Northeast
18 Corridor, on the Northeast Corridor Capital Invest-
19 ment Plan developed pursuant to section 24904(a).

20 “(f) NORTHEAST CORRIDOR PROJECTS.—

21 “(1) COMPLIANCE WITH USAGE AGREE-
22 MENTS.—Grant funds may not be provided under
23 this section to an eligible recipient for an eligible
24 project located on the Northeast Corridor unless
25 Amtrak and the public authorities providing com-

1 muter rail passenger transportation on the North-
2 east Corridor are in compliance with section
3 24905(c)(2).

4 “(2) CAPITAL INVESTMENT PLAN.—When se-
5 lecting projects located on the Northeast Corridor,
6 the Secretary shall consider the appropriate se-
7 quence and phasing of projects as contained in the
8 Northeast Corridor Capital Investment Plan devel-
9 oped pursuant to section 24904(a).

10 “(g) FEDERAL SHARE OF TOTAL PROJECT COSTS.—

11 “(1) TOTAL PROJECT COST.—The Secretary
12 shall estimate the total cost of a project under this
13 section based on the best available information, in-
14 cluding engineering studies, studies of economic fea-
15 sibility, environmental analyses, and information on
16 the expected use of equipment or facilities.

17 “(2) FEDERAL SHARE.—The Federal share of
18 total costs for a project under this subsection shall
19 not exceed 80 percent.

20 “(3) TREATMENT OF AMTRAK REVENUE.—If
21 Amtrak or another rail passenger carrier is an appli-
22 cant under this section, Amtrak or the other rail
23 passenger carrier, as applicable, may use ticket and
24 other revenues generated from its operations and

1 other sources to satisfy the non-Federal share re-
2 quirements.

3 “(h) LETTERS OF INTENT.—

4 “(1) IN GENERAL.—The Secretary may issue a
5 letter of intent to a grantee under this section
6 that—

7 “(A) announces an intention to obligate,
8 for a major capital project under this section,
9 an amount from future available budget author-
10 ity specified in law that is not more than the
11 amount stipulated as the financial participation
12 of the Secretary in the project; and

13 “(B) states that the contingent commit-
14 ment—

15 “(i) is not an obligation of the Fed-
16 eral Government; and

17 “(ii) is subject to the availability of
18 appropriations under Federal law and to
19 Federal laws in force or enacted after the
20 date of the contingent commitment.

21 “(2) CONGRESSIONAL NOTIFICATION.—

22 “(A) IN GENERAL.—Not later than 30
23 days before issuing a letter under paragraph
24 (1), the Secretary shall submit written notifica-
25 tion to—

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

3 “(ii) the Committee on Appropriations
4 of the Senate;

5 “(iii) the Committee on Transpor-
6 tation and Infrastructure of the House of
7 Representatives; and

8 “(iv) the Committee on Appropria-
9 tions of the House of Representatives.

10 “(B) CONTENTS.—The notification sub-
11 mitted pursuant to subparagraph (A) shall in-
12 clude—

13 “(i) a copy of the proposed letter or
14 agreement;

15 “(ii) the criteria used under sub-
16 section (d) for selecting the project for a
17 grant award; and

18 “(iii) a description of how the project
19 meets such criteria.

20 “(3) APPROPRIATIONS REQUIRED.—An obliga-
21 tion or administrative commitment may be made
22 under this section only when amounts are appro-
23 priated for such purpose.

1 “(i) AVAILABILITY.—Amounts appropriated for car-
2 rying out this section shall remain available until ex-
3 pended.

4 “(j) GRANT CONDITIONS.—Except as specifically
5 provided in this section, the use of any amounts appro-
6 priated for grants under this section shall be subject to
7 the requirements under this chapter.”.

8 (b) CONFORMING AMENDMENT.—The table of con-
9 tents for chapter 244 is amended by inserting after the
10 item relating to section 24406 the following:

“24407. Federal-State partnership for state of good repair.”.

11 **SEC. 5303. LARGE CAPITAL PROJECT REQUIREMENTS.**

12 Section 24402 is amended by adding at the end the
13 following:

14 “(m) LARGE CAPITAL PROJECT REQUIREMENTS.—

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

18 “(A) The Secretary of Transportation may
19 not obligate any funding unless the applicant
20 demonstrates, to the satisfaction of the Sec-
21 retary, that the applicant has committed, and
22 will be able to fulfill, the non-Federal share re-
23 quired for the grant within the applicant’s pro-
24 posed project completion timetable.

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

4 “(i) the applicant submits a financial
5 plan to the Secretary that generally identi-
6 fies the sources of the non-Federal funding
7 required for any subsequent segments or
8 phases of the corridor service development
9 program covering the project for which the
10 grant is awarded;

11 “(ii) the grant will result in a useable
12 segment, a transportation facility, or
13 equipment, that has operational independ-
14 ence or is financially sustainable; and

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

23 “(C)(i) The Secretary shall ensure that the
24 project is maintained to the level of utility that
25 is necessary to support the benefits approved

1 under subparagraph (B)(iii) for a period of 20
2 years from the date on which the useable seg-
3 ment, transportation facility, or equipment de-
4 scribed in subparagraph (B)(ii) is placed in
5 service.

6 “(ii) If the project property is not main-
7 tained as required under clause (i) for a 12-
8 month period, the grant recipient shall refund
9 a pro-rata share of the Federal contribution,
10 based upon the percentage remaining of the 20-
11 year period that commenced when the project
12 property was placed in service.

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

18 **SEC. 5304. SMALL BUSINESS PARTICIPATION STUDY.**

19 (a) STUDY.—The Secretary shall conduct a nation-
20 wide disparity and availability study on the availability
21 and use of small business concerns owned and controlled
22 by socially and economically disadvantaged individuals and
23 veteran-owned small businesses in publicly funded inter-
24 city passenger rail service projects.

1 (b) REPORT.—Not later than 4 years after the date
2 of enactment of this Act, the Secretary shall submit a re-
3 port containing the results of the study conducted under
4 subsection (a) to the Committee on Commerce, Science,
5 and Transportation of the Senate and the Committee on
6 Transportation and Infrastructure of the House of Rep-
7 resentatives.

8 (c) DEFINITIONS.—In this section:

9 (1) SMALL BUSINESS CONCERN.—The term
10 “small business concern” has the meaning given
11 such term in section 3 of the Small Business Act
12 (15 U.S.C. 632), except that the term does not in-
13 clude any concern or group of concerns controlled by
14 the same socially and economically disadvantaged in-
15 dividual or individuals that have average annual
16 gross receipts during the preceding 3 fiscal years in
17 excess of \$22,410,000, as adjusted annually by the
18 Secretary for inflation.

19 (2) SOCIALLY AND ECONOMICALLY DISADVAN-
20 TAGED INDIVIDUAL.—The term “socially and eco-
21 nomically disadvantaged individual” has the mean-
22 ing given such term in section 8(d) of the Small
23 Business Act (15 U.S.C. 637(d)) and relevant sub-
24 contracting regulations issued pursuant to such Act,
25 except that women shall be presumed to be socially

1 and economically disadvantaged individuals for pur-
2 poses of this section.

3 (3) VETERAN-OWNED SMALL BUSINESS.—The
4 term “veteran-owned small business” has the mean-
5 ing given the term “small business concern owned
6 and controlled by veterans” in section 3(q)(3) of the
7 Small Business Act (15 U.S.C. 632(q)(3)), except
8 that the term does not include any concern or group
9 of concerns controlled by the same veterans that
10 have average annual gross receipts during the pre-
11 ceding 3 fiscal years in excess of \$22,410,000, as
12 adjusted annually by the Secretary for inflation.

13 **SEC. 5305. GULF COAST RAIL SERVICE WORKING GROUP.**

14 (a) IN GENERAL.—Not later than 90 days after the
15 date of enactment of this Act, the Secretary shall convene
16 a working group to evaluate the restoration of intercity
17 rail passenger service in the Gulf Coast region between
18 New Orleans, Louisiana, and Orlando, Florida.

19 (b) MEMBERSHIP.—The working group convened
20 pursuant to subsection (a) shall consist of representatives
21 of—

22 (1) the Federal Railroad Administration, which
23 shall serve as chair of the working group;

24 (2) Amtrak;

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

3 (4) regional transportation planning organiza-
4 tions and metropolitan planning organizations, mu-
5 nicipalities, and communities along the proposed
6 route or routes, which shall be selected by the Ad-
7 ministrator;

8 (5) the Southern Rail Commission;

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

11 (7) other entities determined appropriate by the
12 Secretary, which may include independent passenger
13 rail operators that express an interest in Gulf Coast
14 service.

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

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

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

24 (3) develop a prioritized inventory of capital
25 projects and other actions required to restore such

1 service and cost estimates for such projects or ac-
2 tions; and

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

7 (d) REPORT.—Not later than 9 months after the date
8 of enactment of this Act, the working group shall submit
9 a report to the Committee on Commerce, Science, and
10 Transportation of the Senate and the Committee on
11 Transportation and Infrastructure of the House of Rep-
12 resentatives that includes—

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

16 (2) the information described in subsection
17 (c)(3);

18 (3) the funding sources identified under sub-
19 section (c)(4);

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

22 (5) any other information the working group
23 determines appropriate.

1 **SEC. 5306. INTEGRATED PASSENGER RAIL WORKING**
2 **GROUP.**

3 (a) IN GENERAL.—Not later than 180 days after the
4 date of enactment of this Act, the Secretary shall convene
5 a working group to review issues relating to—

6 (1) the potential operation of State-supported
7 routes by rail passenger carriers other than Amtrak;
8 and

9 (2) their role in establishing an integrated
10 intercity passenger rail network in the United
11 States.

12 (b) MEMBERSHIP.—The working group shall consist
13 of a balanced representation of—

14 (1) the Federal Railroad Administration, who
15 shall chair the Working Group;

16 (2) States that fund State-sponsored routes;

17 (3) independent passenger rail operators, in-
18 cluding those that carry at least 5,000,000 pas-
19 sengers annually in United States or international
20 rail service;

21 (4) Amtrak;

22 (5) railroads that host intercity State-supported
23 routes;

24 (6) employee representatives from railroad
25 unions and building trade unions with substantial

1 engagement in railroad rights of way construction
2 and maintenance; and

3 (7) other entities determined appropriate by the
4 Secretary.

5 (c) RESPONSIBILITIES.—The working group shall
6 evaluate options for improving State-supported routes and
7 may make recommendations, as appropriate, regarding—

8 (1) best practices for State or State authority
9 governance of State-supported routes;

10 (2) future sources of Federal and non-Federal
11 funding sources for State-supported routes;

12 (3) best practices in obtaining passenger rail
13 operations and services on a competitive basis with
14 the objective of creating the highest quality service
15 at the lowest cost to the taxpayer;

16 (4) ensuring potential interoperability of State-
17 supported routes as a part of a national network
18 with multiple providers providing integrated services
19 including ticketing, scheduling, and route planning;
20 and

21 (5) the interface between State-supported
22 routes and connecting commuter rail operations, in-
23 cluding maximized intra-modal and intermodal con-
24 nections and common sources of funding for capital
25 projects.

1 (d) MEETINGS.—Not later than 60 days after the es-
2 tablishment of the working group by the Secretary under
3 subsection (a), the working group shall convene an organi-
4 zational meeting outside of the District of Columbia and
5 shall define the rules and procedures governing the pro-
6 ceedings of the working group. The working group shall
7 hold at least 3 meetings per year in States that fund
8 State-supported routes.

9 (e) REPORTS.—

10 (1) PRELIMINARY REPORT.—Not later than 1
11 year after the date the working group is established,
12 the working group shall submit a preliminary report
13 to the Secretary, the Governors of States funding
14 State-supported routes, the Committee on Com-
15 merce, Science, and Transportation of the Senate,
16 and the Committee on Transportation and Infra-
17 structure of the House of Representatives that in-
18 cludes—

19 (A) administrative recommendations that
20 can be implemented by a State and State au-
21 thority or by the Secretary; and

22 (B) preliminary legislative recommenda-
23 tions.

24 (2) FINAL LEGISLATIVE RECOMMENDATIONS.—
25 Not later than 2 years after the date the working

1 group is established, the working group shall submit
2 a report to the Committee on Commerce, Science,
3 and Transportation of the Senate and the Com-
4 mittee on Transportation and Infrastructure of the
5 House of Representatives that includes final legisla-
6 tive recommendations.

7 **SEC. 5307. SHARED-USE STUDY.**

8 (a) IN GENERAL.—Not later than 3 years after the
9 date of enactment of this Act, the Secretary, in consulta-
10 tion with Amtrak, commuter rail authorities, and other
11 passenger rail operators, railroad carriers that own rail
12 infrastructure over which both passenger and freight
13 trains operate, States, the Surface Transportation Board,
14 the Northeast Corridor Commission established under sec-
15 tion 24905, the State-Supported Route Committee estab-
16 lished under section 24712, and groups representing rail
17 passengers and customers, as appropriate, shall complete
18 a study that evaluates—

19 (1) the shared use of right-of-way by passenger
20 and freight rail systems; and

21 (2) the operational, institutional, and legal
22 structures that would best support improvements to
23 the systems referred to in paragraph (1).

24 (b) AREAS OF STUDY.—In conducting the study
25 under subsection (a), the Secretary shall evaluate—

1 (1) the access and use of railroad right-of-way
2 by a rail carrier that does not own the right-of-way,
3 such as passenger rail services that operate over pri-
4 vately-owned right-of-way, including an analysis of—

5 (A) access agreements;

6 (B) costs of access; and

7 (C) the resolution of disputes relating to
8 such access or costs;

9 (2) the effectiveness of existing contractual,
10 statutory, and regulatory mechanisms for estab-
11 lishing, measuring, and enforcing train performance
12 standards, including—

13 (A) the manner in which passenger train
14 delays are recorded;

15 (B) the assignment of responsibility for
16 such delays; and

17 (C) the use of incentives and penalties for
18 performance;

19 (3) strengths and weaknesses in the existing
20 mechanisms described in paragraph (2) and possible
21 approaches to address the weaknesses;

22 (4) mechanisms for measuring and maintaining
23 public benefits resulting from publicly funded freight
24 or passenger rail improvements, including improve-

1 ments directed towards shared-use right-of-way by
2 passenger and freight rail;

3 (5) approaches to operations, capacity, and cost
4 estimation modeling that—

5 (A) allows for transparent decisionmaking;
6 and

7 (B) protects the proprietary interests of all
8 parties;

9 (6) liability requirements and arrangements, in-
10 cluding—

11 (A) whether to expand statutory liability
12 limits to additional parties;

13 (B) whether to revise the current statutory
14 liability limits;

15 (C) whether current insurance levels of
16 passenger rail operators are adequate and
17 whether to establish minimum insurance re-
18 quirements for such passenger rail operators;
19 and

20 (D) whether to establish a liability regime
21 modeled after section 170 of the Atomic Energy
22 Act of 1954 (42 U.S.C. 2210);

23 (7) the effect on rail passenger services, oper-
24 ations, liability limits and insurance levels of the as-
25 sertion of sovereign immunity by a State; and

1 (8) other issues identified by the Secretary.

2 (c) REPORT.—Not later than 60 days after the study
3 under subsection (a) is complete, the Secretary shall sub-
4 mit to the Committee on Commerce, Science, and Trans-
5 portation of the Senate and the Committee on Transpor-
6 tation and Infrastructure of the House of Representatives
7 a report that includes—

8 (1) the results of the study; and

9 (2) any recommendations for further action, in-
10 cluding any legislative proposals consistent with such
11 recommendations.

12 (d) IMPLEMENTATION.—The Secretary shall inte-
13 grate the recommendations submitted under subsection (c)
14 into its financial assistance programs under subtitle V of
15 title 49, United States Code, and section 502 of the Rail-
16 road Revitalization and Regulatory Reform Act of 1976
17 (45 U.S.C. 822), as appropriate.

18 **SEC. 5308. NORTHEAST CORRIDOR COMMISSION.**

19 (a) COMPOSITION.—Section 24905(a) is amended—

20 (1) in paragraph (1)—

21 (A) in the matter preceding subparagraph
22 (A), by inserting “, infrastructure investments,”
23 after “rail operations”;

24 (B) by amending subparagraph (B) to read
25 as follows:

1 “(B) members representing the Department of
2 Transportation, including the Office of the Sec-
3 retary, the Federal Railroad Administration, and the
4 Federal Transit Administration;” and

5 (C) in subparagraph (D) by inserting “and
6 commuter” after “freight”; and

7 (2) by amending paragraph (6) to read as fol-
8 lows:

9 “(6) The members of the Commission shall
10 elect co-chairs consisting of 1 member described in
11 paragraph (1)(B) and 1 member described in para-
12 graph (1)(C).”.

13 (b) STATEMENT OF GOALS AND RECOMMENDA-
14 TIONS.—Section 24905(b) is amended—

15 (1) in paragraph (1), by inserting “and periodi-
16 cally update” after “develop”;

17 (2) in paragraph (2)(A), by striking “beyond
18 those specified in the state of good repair plan under
19 section 211 of the Passenger Rail Investment and
20 Improvement Act of 2008”; and

21 (3) by adding at the end the following:

22 “(3) SUBMISSION OF STATEMENT OF GOALS,
23 RECOMMENDATIONS, AND PERFORMANCE RE-
24 PORTS.—The Commission shall submit to the Com-
25 mittee on Commerce, Science, and Transportation of

1 the Senate and the Committee on Transportation
2 and Infrastructure of the House of Representa-
3 tives—

4 “(A) any updates made to the statement of
5 goals developed under paragraph (1) not later
6 than 60 days after such updates are made; and

7 “(B) annual performance reports and rec-
8 ommendations for improvements, as appro-
9 priate, issued not later than March 31 of each
10 year, for the prior fiscal year, which summa-
11 rize—

12 “(i) the operations and performance
13 of commuter, intercity, and freight rail
14 transportation along the Northeast Cor-
15 ridor; and

16 “(ii) the delivery of the capital plan
17 described in section 24904.”.

18 (c) COST ALLOCATION POLICY.—Section 24905(c) is
19 amended—

20 (1) in the subsection heading, by striking “AC-
21 CESS COSTS” and inserting “ALLOCATION OF
22 COSTS”;

23 (2) in paragraph (1)—

24 (A) in the paragraph heading, by striking
25 “FORMULA” and inserting “POLICY”;

1 (B) in the matter preceding subparagraph
2 (A), by striking “Within 2 years after the date
3 of enactment of the Passenger Rail Investment
4 and Improvement Act of 2008, the Commis-
5 sion” and inserting “The Commission”;

6 (C) in subparagraph (A), by striking “for-
7 mula” and inserting “policy”; and

8 (D) by striking subparagraph (B) through
9 (D) and inserting the following:

10 “(B) develop a proposed timetable for im-
11 plementing the policy;

12 “(C) submit the policy and timetable devel-
13 oped under subparagraph (B) to the Surface
14 Transportation Board, the Committee on Com-
15 merce, Science, and Transportation of the Sen-
16 ate, and the Committee on Transportation and
17 Infrastructure of the House of Representatives;

18 “(D) not later than October 1, 2015, adopt
19 and implement the policy in accordance with
20 the timetable; and

21 “(E) with the consent of a majority of its
22 members, the Commission may petition the
23 Surface Transportation Board to appoint a me-
24 diator to assist the Commission members

1 through nonbinding mediation to reach an
2 agreement under this section.”;

3 (3) in paragraph (2)—

4 (A) by striking “formula proposed in” and
5 inserting “policy developed under”; and

6 (B) in the second sentence—

7 (i) by striking “the timetable, the
8 Commission shall petition the Surface
9 Transportation Board to” and inserting
10 “paragraph (1)(D) or fail to comply with
11 the policy thereafter, the Surface Trans-
12 portation Board shall”; and

13 (ii) by striking “amounts for such
14 services in accordance with section
15 24904(c) of this title” and inserting “for
16 such usage in accordance with the proce-
17 dures and procedural schedule applicable
18 to a proceeding under section 24903(e),
19 after taking into consideration the policy
20 developed under paragraph (1)(A), as ap-
21 plicable”;

22 (4) in paragraph (3), by striking “formula” and
23 inserting “policy”; and

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

1 “(4) REQUEST FOR DISPUTE RESOLUTION.—If
2 a dispute arises with the implementation of, or com-
3 pliance with, the policy developed under paragraph
4 (1), the Commission, Amtrak, or public authorities
5 providing commuter rail passenger transportation on
6 the Northeast Corridor may request that the Surface
7 Transportation Board conduct dispute resolution.
8 The Surface Transportation Board shall establish
9 procedures for resolution of disputes brought before
10 it under this paragraph, which may include the pro-
11 vision of professional mediation services.”.

12 (d) CONFORMING AMENDMENTS.—Section 24905 is
13 amended—

14 (1) by striking subsection (d);

15 (2) by redesignating subsections (e) and (f) as
16 subsections (d) and (e), respectively;

17 (3) in subsection (d), as redesignated, by strik-
18 ing “to the Commission such sums as may be nec-
19 essary for the period encompassing fiscal years 2009
20 through 2013 to carry out this section” and insert-
21 ing “to the Secretary for the use of the Commission
22 and the Northeast Corridor Safety Committee such
23 sums as may be necessary to carry out this section
24 during fiscal year 2016 through 2019, in addition to

1 amounts withheld under section 5101(e) of the Rail
2 Reform, Enhancement, and Efficiency Act”; and

3 (4) in subsection (e)(2), as redesignated, by
4 striking “on the main line.” and inserting “on the
5 main line and meet annually with the Commission
6 on the topic of Northeast Corridor safety and secu-
7 rity.”.

8 (e) NORTHEAST CORRIDOR PLANNING.—

9 (1) AMENDMENT.—Chapter 249 is amended—

10 (A) by redesignating section 24904 as sec-
11 tion 24903; and

12 (B) by inserting after section 24903, as re-
13 designated, the following:

14 **“§ 24904. Northeast Corridor planning**

15 “(a) NORTHEAST CORRIDOR CAPITAL INVESTMENT
16 PLAN.—

17 “(1) REQUIREMENT.—Not later than May 1 of
18 each year, the Northeast Corridor Commission es-
19 tablished under section 24905 (referred to in this
20 section as the ‘Commission’) shall—

21 “(A) develop a capital investment plan for
22 the Northeast Corridor main line between Bos-
23 ton, Massachusetts, and the Virginia Avenue
24 interlocking in the District of Columbia, and
25 the Northeast Corridor branch lines connecting

1 to Harrisburg, Pennsylvania, Springfield, Mas-
2 sachusetts, and Spuyten Duyvil, New York, in-
3 cluding the facilities and services used to oper-
4 ate and maintain those lines; and

5 “(B) submit the capital investment plan to
6 the Secretary of Transportation and the Com-
7 mittee on Commerce, Science, and Transpor-
8 tation of the Senate and the Committee on
9 Transportation and Infrastructure of the House
10 of Representatives.

11 “(2) CONTENTS.—The capital investment plan
12 shall—

13 “(A) reflect coordination and network opti-
14 mization across the entire Northeast Corridor;

15 “(B) integrate the individual capital and
16 service plans developed by each operator using
17 the methods described in the cost allocation pol-
18 icy developed under section 24905(c);

19 “(C) cover a period of 5 fiscal years, begin-
20 ning with the first fiscal year after the date on
21 which the plan is completed;

22 “(D) notwithstanding section 24902(b),
23 identify, prioritize, and phase the implementa-
24 tion of projects and programs to achieve the
25 service outcomes identified in the Northeast

1 Corridor service development plan and the asset
2 condition needs identified in the Northeast Cor-
3 ridor asset management plans, once available,
4 and consider—

5 “(i) the benefits and costs of capital
6 investments in the plan;

7 “(ii) project and program readiness;

8 “(iii) the operational impacts; and

9 “(iv) funding availability;

10 “(E) categorize capital projects and pro-
11 grams as primarily associated with;

12 “(i) normalized capital replacement
13 and basic infrastructure renewals;

14 “(ii) replacement or rehabilitation of
15 major Northeast Corridor infrastructure
16 assets, including tunnels, bridges, stations,
17 and other assets;

18 “(iii) statutory, regulatory, or other
19 legal mandates;

20 “(iv) improvements to support service
21 enhancements or growth; or

22 “(v) strategic initiatives that will im-
23 prove overall operational performance or
24 lower costs;

1 “(F) identify capital projects and pro-
2 grams that are associated with more than 1
3 category described in subparagraph (E);

4 “(G) describe the anticipated outcomes of
5 each project or program, including an assess-
6 ment of—

7 “(i) the potential effect on passenger
8 accessibility, operations, safety, reliability,
9 and resiliency;

10 “(ii) the ability of infrastructure own-
11 ers and operators to meet regulatory re-
12 quirements if the project or program is not
13 funded; and

14 “(iii) the benefits and costs; and

15 “(H) include a financial plan.

16 “(3) FINANCIAL PLAN.—The financial plan
17 under paragraph (2)(H) shall—

18 “(A) identify funding sources and financ-
19 ing methods;

20 “(B) identify the expected allocated shares
21 of costs pursuant to the cost allocation policy
22 developed under section 24905(c);

23 “(C) identify the projects and programs
24 that the Commission expects will receive Fed-
25 eral financial assistance; and

1 “(D) identify the eligible entity or entities
2 that the Commission expects will receive the
3 Federal financial assistance described under
4 subparagraph (C).

5 “(b) FAILURE TO DEVELOP A CAPITAL INVESTMENT
6 PLAN.—If a capital investment plan has not been devel-
7 oped by the Commission for a given fiscal year, then the
8 funds assigned to the account established under section
9 24319(b) for that fiscal year may be spent only on—

10 “(1) capital projects described in clause (i) or
11 (iii) of subsection (a)(2)(E) of this section; or

12 “(2) capital projects described in subsection
13 (a)(2)(E)(iv) of this section that are for the sole
14 benefit of Amtrak.

15 “(c) NORTHEAST CORRIDOR ASSET MANAGE-
16 MENT.—

17 “(1) CONTENTS.—With regard to its infrastruc-
18 ture, Amtrak and each State and public transpor-
19 tation entity that owns infrastructure that supports
20 or provides for intercity rail passenger transpor-
21 tation on the Northeast Corridor shall develop an
22 asset management system and develop and update,
23 as necessary, a Northeast Corridor asset manage-
24 ment plan for each service territory described in sub-
25 section (a) that—

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

4 “(B) include, at a minimum—

5 “(i) an inventory of all capital assets
6 owned by the developer of the asset man-
7 agement plan;

8 “(ii) an assessment of asset condition;

9 “(iii) a description of the resources
10 and processes necessary to bring or main-
11 tain those assets in a state of good repair,
12 including decision-support tools and invest-
13 ment prioritization methods; and

14 “(iv) a description of changes in asset
15 condition since the previous version of the
16 plan.

17 “(2) TRANSMITTAL.—Each entity described in
18 paragraph (1) shall transmit to the Commission—

19 “(A) not later than 2 years after the date
20 of enactment of the Rail Reform, Enhancement,
21 and Efficiency Act, its Northeast Corridor asset
22 management plan developed under paragraph
23 (1); and

1 “(B) at least biennial thereafter, an update
2 to its Northeast Corridor asset management
3 plan.

4 “(d) NORTHEAST CORRIDOR SERVICE DEVELOP-
5 MENT PLAN UPDATES.—Not less frequently than once
6 every 10 years, the Commission shall update the North-
7 east Corridor service development plan.”.

8 (2) CONFORMING AMENDMENTS.—

9 (A) NOTE AND MORTGAGE.—Section
10 24907(a) is amended by striking “section
11 24904 of this title” and inserting “section
12 24903”.

13 (B) TABLE OF CONTENTS AMENDMENT.—
14 The table of contents for chapter 249 is amend-
15 ed—

16 (i) by redesignating the item relating
17 to section 24904 as relating to section
18 24903; and

19 (ii) by inserting after the item relating
20 to section 24903, as redesignated, the fol-
21 lowing:

 “24904. Northeast Corridor planning.”.

22 (3) REPEAL.—Section 211 of the Passenger
23 Rail Investment and Improvement Act of 2008 (divi-
24 sion B of Public Law 110–432; 49 U.S.C. 24902
25 note) is repealed.

1 **SEC. 5309. NORTHEAST CORRIDOR THROUGH-TICKETING**
2 **AND PROCUREMENT EFFICIENCIES.**

3 (a) THROUGH-TICKETING STUDY.—

4 (1) IN GENERAL.—Not later than 3 years after
5 the date of enactment of this Act, the Northeast
6 Corridor Commission established under section
7 24905(a) of title 49, United States Code (referred to
8 in this section as the “Commission”), in consultation
9 with Amtrak and the commuter rail passenger trans-
10 portation providers along the Northeast Corridor
11 shall complete a study on the feasibility of and op-
12 tions for permitting through-ticketing between Am-
13 trak service and commuter rail services on the
14 Northeast Corridor.

15 (2) CONTENTS.—In completing the study under
16 paragraph (1), the Northeast Corridor Commission
17 shall—

18 (A) examine the current state of intercity
19 and commuter rail ticketing technologies, poli-
20 cies, and other relevant aspects on the North-
21 east Corridor;

22 (B) consider and recommend technology,
23 process, policy, or other options that would per-
24 mit through-ticketing to allow intercity and
25 commuter rail passengers to purchase, in a sin-

1 gle transaction, travel that utilizes Amtrak and
2 connecting commuter rail services;

3 (C) consider options to expand through-
4 ticketing to include local transit services;

5 (D) summarize costs, benefits, opportuni-
6 ties, and impediments to developing such
7 through-ticketing options; and

8 (E) develop a proposed methodology, in-
9 cluding cost and schedule estimates, for car-
10 rying out a pilot program on through-ticketing
11 on the Northeast Corridor.

12 (3) REPORT.—Not later than 60 days after the
13 date the study under paragraph (1) is complete, the
14 Commission shall submit to the Committee on Com-
15 merce, Science, and Transportation of the Senate
16 and the Committee on Transportation and Infra-
17 structure of the House of Representatives a report
18 that includes—

19 (A) the results of the study; and

20 (B) any recommendations for further ac-
21 tion.

22 (b) JOINT PROCUREMENT STUDY.—

23 (1) IN GENERAL.—Not later than 3 years after
24 the date of enactment of this Act, the Secretary, in
25 cooperation with the Commission, Amtrak, and com-

1 muter rail transportation authorities on the North-
2 east Corridor shall complete a study of the potential
3 benefits resulting from Amtrak and such authorities
4 undertaking select joint procurements for common
5 materials, assets, and equipment when expending
6 Federal funds for such purchases.

7 (2) CONTENTS.—In completing the study under
8 paragraph (1), the Secretary shall consider—

9 (A) the types of materials, assets, and
10 equipment that are regularly purchased by Am-
11 trak and such authorities that are similar and
12 could be jointly procured;

13 (B) the potential benefits of such joint pro-
14 curements, including lower procurement costs,
15 better pricing, greater market relevancy, and
16 other efficiencies;

17 (C) the potential costs of such joint pro-
18 curements;

19 (D) any significant impediments to under-
20 taking joint procurements, including any nec-
21 essary harmonization and reconciliation of Fed-
22 eral and State procurement or safety regula-
23 tions or standards and other requirements; and

24 (E) whether to create Federal incentives or
25 requirements relating to considering or carrying

1 out joint procurements when expending Federal
2 funds.

3 (3) TRANSMISSION.—Not later than 60 days
4 after completing the study required under this sub-
5 section, the Secretary shall submit to the Committee
6 on Commerce, Science, and Transportation of the
7 Senate and the Committee on Transportation and
8 Infrastructure of the House of Representatives a re-
9 port that includes—

10 (A) the results of the study; and

11 (B) any recommendations for further ac-
12 tion.

13 (c) NORTHEAST CORRIDOR.—In this section, the
14 term “Northeast Corridor” means the Northeast Corridor
15 main line between Boston, Massachusetts, and the Vir-
16 ginia Avenue interlocking in the District of Columbia, and
17 the Northeast Corridor branch lines connecting to Harris-
18 burg, Pennsylvania, Springfield, Massachusetts, and
19 Spuyten Duyvil, New York, including the facilities and
20 services used to operate and maintain those lines.

21 **SEC. 5310. DATA AND ANALYSIS.**

22 (a) DATA.—Not later than 3 years after the date of
23 enactment of this Act, the Secretary, in consultation with
24 the Surface Transportation Board, Amtrak, freight rail-
25 roads, State and local governments, and regional business,

1 tourism and economic development agencies shall conduct
2 a data needs assessment—

3 (1) to support the development of an efficient
4 and effective intercity passenger rail network;

5 (2) to identify the data needed to conduct cost-
6 effective modeling and analysis for intercity pas-
7 senger rail development programs;

8 (3) to determine limitations to the data used
9 for inputs;

10 (4) to develop a strategy to address such limita-
11 tions;

12 (5) to identify barriers to accessing existing
13 data;

14 (6) to develop recommendations regarding
15 whether the authorization of additional data collec-
16 tion for intercity passenger rail travel is warranted;
17 and

18 (7) to determine which entities will be respon-
19 sible for generating or collecting needed data.

20 (b) BENEFIT-COST ANALYSIS.—Not later than 180
21 days after the date of enactment of this Act, the Secretary
22 shall enhance the usefulness of assessments of benefits
23 and costs, for intercity passenger rail and freight rail
24 projects—

1 (1) by providing ongoing guidance and training
2 on developing benefit and cost information for rail
3 projects;

4 (2) by providing more direct and consistent re-
5 quirements for assessing benefits and costs across
6 transportation funding programs, including the ap-
7 propriate use of discount rates;

8 (3) by requiring applicants to clearly commu-
9 nicate the methodology used to calculate the project
10 benefits and costs, including non-proprietary infor-
11 mation on—

12 (A) assumptions underlying calculations;

13 (B) strengths and limitations of data used;

14 and

15 (C) the level of uncertainty in estimates of
16 project benefits and costs; and

17 (4) by ensuring that applicants receive clear
18 and consistent guidance on values to apply for key
19 assumptions used to estimate potential project bene-
20 fits and costs.

21 (c) CONFIDENTIAL DATA.—The Secretary shall pro-
22 tect sensitive or confidential to the greatest extent per-
23 mitted by law. Nothing in this section shall require any
24 entity to provide information to the Secretary in the ab-
25 sence of a voluntary agreement.

1 **SEC. 5311. DISASTER RELIEF.**

2 (a) MAJOR DISASTER ASSISTANCE PROGRAMS.—Sec-
3 tion 406(a) of the Robert T. Stafford Disaster Relief and
4 Emergency Assistance Act (42 U.S.C. 5172(a)) is amend-
5 ed—

6 (1) in paragraph (1)—

7 (A) in subparagraph (A), by striking
8 “and” at the end;

9 (B) in subparagraph (B), by striking the
10 period at the end and inserting “; and”; and

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

12 “(C) to entities that receive Federal Gov-
13 ernment grants to provide critical services for
14 the repair, restoration, reconstruction, or re-
15 placement of infrastructure, facilities, and
16 equipment that—

17 “(i) are owned or operated for the
18 purposes of providing critical services; and

19 “(ii) are damaged or destroyed by a
20 major disaster.”; and

21 (2) in paragraph (3)(B)—

22 (A) by striking “this paragraph” and in-
23 serting “this subsection”; and

24 (B) by inserting “transportation,” after
25 “education,”.

1 (b) DEBRIS REMOVAL.—Section 407(a)(2) of such
2 Act (42 U.S.C. 5173(a)(2)) is amended by inserting “enti-
3 ty that receives Federal Government grants to provide
4 critical services (as defined in section 5172(a)(3)(B))”
5 after “government”.

6 **SEC. 5312. PERFORMANCE-BASED PROPOSALS.**

7 (a) SOLICITATION OF PROPOSALS.—

8 (1) IN GENERAL.—Not later than 30 days after
9 the date of enactment of this Act, the Secretary
10 shall issue a request for proposals for projects for
11 the financing, design, construction, operation, and
12 maintenance of an intercity passenger rail system,
13 including—

14 (A) the Northeast Corridor;

15 (B) the California Corridor;

16 (C) the Empire Corridor;

17 (D) the Pacific Northwest Corridor;

18 (E) the South Central Corridor;

19 (F) the Gulf Coast Corridor;

20 (G) the Chicago Hub Network;

21 (H) the Florida Corridor;

22 (I) the Keystone Corridor;

23 (J) the Northern New England Corridor;

24 and

25 (K) the Southeast Corridor.

1 (2) SUBMISSION.—Proposals shall be submitted
2 to the Secretary not later than 180 days after the
3 publication of such request for proposals under para-
4 graph (1).

5 (3) PERFORMANCE STANDARD.—Proposals sub-
6 mitted under paragraph (2) shall meet any stand-
7 ards established by the Secretary. For corridors with
8 existing intercity passenger rail service, proposals
9 shall also be designed to achieve a reduction of exist-
10 ing minimum intercity rail service trip times between
11 the main corridor city pairs by a minimum of 25
12 percent. In the case of a proposal submitted with re-
13 spect to paragraph (1)(A), the proposal shall be de-
14 signed to achieve a 2-hour or less express service be-
15 tween Washington, District of Columbia, and New
16 York City, New York.

17 (4) CONTENTS.—A proposal submitted under
18 this subsection shall include—

19 (A) the names and qualifications of the
20 persons submitting the proposal and the entities
21 proposed to finance, design, construct, operate,
22 and maintain the railroad, railroad equipment,
23 and related facilities, stations, and infrastruc-
24 ture;

1 (B) a detailed description of the proposed
2 rail service, including possible routes, required
3 infrastructure investments and improvements,
4 equipment needs and type, train frequencies,
5 peak and average operating speeds, and trip
6 times;

7 (C) a description of how the project would
8 comply with all applicable Federal rail safety
9 and security laws, orders, and regulations;

10 (D) the locations of proposed stations,
11 which maximize the usage of existing infra-
12 structure to the extent possible, and the popu-
13 lations such stations are intended to serve;

14 (E) the type of equipment to be used, in-
15 cluding any technologies, to achieve trip time
16 goals;

17 (F) a description of any proposed legisla-
18 tion needed to facilitate all aspects of the
19 project;

20 (G) a financing plan identifying—

21 (i) projected revenue, and sources
22 thereof;

23 (ii) the amount of any requested pub-
24 lic contribution toward the project, and
25 proposed sources;

1 (iii) projected annual ridership projec-
2 tions for the first 10 years of operations;

3 (iv) annual operations and capital
4 costs;

5 (v) the projected levels of capital in-
6 vestments required both initially and in
7 subsequent years to maintain a state-of-
8 good-repair necessary to provide the ini-
9 tially proposed level of service or higher
10 levels of service;

11 (vi) projected levels of private invest-
12 ment and sources thereof, including the
13 identity of any person or entity that has
14 made or is expected to make a commit-
15 ment to provide or secure funding and the
16 amount of such commitment; and

17 (vii) projected funding for the full fair
18 market compensation for any asset, prop-
19 erty right or interest, or service acquired
20 from, owned, or held by a private person or
21 Federal entity that would be acquired, im-
22 paired, or diminished in value as a result
23 of a project, except as otherwise agreed to
24 by the private person or entity;

1 (H) a description of how the project would
2 contribute to the development of the intercity
3 passenger rail system and an intermodal plan
4 describing how the system will facilitate conven-
5 ient travel connections with other transpor-
6 tation services;

7 (I) a description of how the project will en-
8 sure compliance with Federal laws governing
9 the rights and status of employees associated
10 with the route and service, including those spec-
11 ified in section 24405 of title 49, United States
12 Code;

13 (J) a description of how the design, con-
14 struction, implementation, and operation of the
15 project will accommodate and allow for future
16 growth of existing and projected intercity, com-
17 muter, and freight rail service;

18 (K) a description of how the project would
19 comply with Federal and State environmental
20 laws and regulations, of what environmental im-
21 pacts would result from the project, and of how
22 any adverse impacts would be mitigated; and

23 (L) a description of the project's impacts
24 on highway and aviation congestion, energy

1 consumption, land use, and economic develop-
2 ment in the service area.

3 (b) DETERMINATION AND ESTABLISHMENT OF COM-
4 MISSIONS.—Not later than 90 days after receipt of the
5 proposals under subsection (a), the Secretary shall—

6 (1) make a determination as to whether any
7 such proposals—

8 (A) contain the information required under
9 paragraphs (3) and (4) of subsection (a);

10 (B) are sufficiently credible to warrant fur-
11 ther consideration;

12 (C) are likely to result in a positive impact
13 on the Nation’s transportation system; and

14 (D) are cost-effective and in the public in-
15 terest;

16 (2) establish a commission under subsection (c)
17 for each corridor with 1 or more proposals that the
18 Secretary determines satisfy the requirements of
19 paragraph (1); and

20 (3) forward to each commission established
21 under paragraph (2) the applicable proposals for re-
22 view and consideration.

23 (c) COMMISSIONS.—

24 (1) MEMBERS.—Each commission established
25 under subsection (b)(2) shall include—

1 (A) the governors of the affected States, or
2 their respective designees;

3 (B) mayors of appropriate municipalities
4 with stops along the proposed corridor, or their
5 respective designees;

6 (C) a representative from each freight rail-
7 road carrier using the relevant corridor, if ap-
8 plicable;

9 (D) a representative from each transit au-
10 thority using the relevant corridor, if applicable;

11 (E) representatives of nonprofit employee
12 labor organizations representing affected rail-
13 road employees; and

14 (F) the President of Amtrak or his or her
15 designee.

16 (2) APPOINTMENT AND SELECTION.—The Sec-
17 retary shall appoint the members under paragraph
18 (1). In selecting each commission's members to ful-
19 fill the requirements under subparagraphs (B) and
20 (E) of paragraph (1), the Secretary shall consult
21 with the Chairperson and Ranking Member of the
22 Committee on Commerce, Science, and Transpor-
23 tation of the Senate and of the Committee on Trans-
24 portation and Infrastructure of the House of Rep-
25 resentatives.

1 (3) CHAIRPERSON AND VICE-CHAIRPERSON SE-
2 LECTION.—The Chairperson and Vice-Chairperson
3 shall be elected from among members of each com-
4 mission.

5 (4) QUORUM AND VACANCY.—

6 (A) QUORUM.—A majority of the members
7 of each commission shall constitute a quorum.

8 (B) VACANCY.—Any vacancy in each com-
9 mission shall not affect its powers and shall be
10 filled in the same manner in which the original
11 appointment was made.

12 (5) APPLICATION OF LAW.—Except where oth-
13 erwise provided by this section, the Federal Advisory
14 Committee Act (5 U.S.C. App.) shall apply to each
15 commission created under this section.

16 (d) COMMISSION CONSIDERATION.—

17 (1) IN GENERAL.—Each commission established
18 under subsection (b)(2) shall be responsible for re-
19 viewing the proposal or proposals forwarded to it
20 under that subsection and not later than 90 days
21 after the establishment of the commission, shall
22 transmit to the Secretary a report, including—

23 (A) a summary of each proposal received;

1 (B) services to be provided under each pro-
2 posal, including projected ridership, revenues,
3 and costs;

4 (C) proposed public and private contribu-
5 tions for each proposal;

6 (D) the advantages offered by the proposal
7 over existing intercity passenger rail services;

8 (E) public operating subsidies or assets
9 needed for the proposed project;

10 (F) possible risks to the public associated
11 with the proposal, including risks associated
12 with project financing, implementation, comple-
13 tion, safety, and security;

14 (G) a ranked list of the proposals rec-
15 ommended for further consideration under sub-
16 section (e) in accordance with each proposal's
17 projected positive impact on the Nation's trans-
18 portation system;

19 (H) an identification of any proposed Fed-
20 eral legislation that would facilitate implemen-
21 tation of the projects and Federal legislation
22 that would be required to implement the
23 projects; and

24 (I) any other recommendations by the com-
25 mission concerning the proposed projects.

1 (2) VERBAL PRESENTATION.—Proposers shall
2 be given an opportunity to make a verbal presen-
3 tation to the commission to explain their proposals.

4 (3) AUTHORIZATION OF APPROPRIATIONS.—
5 There is authorized to be appropriated to the Sec-
6 retary for the use of each commission established
7 under subsection (b)(2) such sums as are necessary
8 to carry out this section.

9 (e) SELECTION BY SECRETARY.—

10 (1) IN GENERAL.—Not later than 60 days after
11 receiving the recommended proposals of the commis-
12 sions established under subsection (b)(2), the Sec-
13 retary shall—

14 (A) review such proposals and select any
15 proposal that provides substantial benefits to
16 the public and the national transportation sys-
17 tem, is cost-effective, offers significant advan-
18 tages over existing services, and meets other
19 relevant factors determined appropriate by the
20 Secretary; and

21 (B) submit to the Committee on Com-
22 merce, Science, and Transportation of the Sen-
23 ate and the Committee on Transportation and
24 Infrastructure of the House of Representatives
25 a report containing any proposal with respect to

1 subsection (a)(1)(A) that is selected by the Sec-
2 retary under subparagraph (A) of this para-
3 graph, all the information regarding the pro-
4 posal provided to the Secretary under sub-
5 section (d), and any other information the Sec-
6 retary considers relevant.

7 (2) SUBSEQUENT REPORT.—Following the sub-
8 mission of the report under paragraph (1)(B), the
9 Secretary shall submit to the Committee on Com-
10 merce, Science, and Transportation of the Senate
11 and the Committee on Transportation and Infra-
12 structure of the House of Representatives a report
13 containing any proposal with respect to subpara-
14 graphs (B) through (K) of subsection (a)(1) that are
15 selected by the Secretary under paragraph (1) of
16 this subsection, all the information regarding the
17 proposal provided to the Secretary under subsection
18 (d), and any other information the Secretary con-
19 siders relevant.

20 (3) LIMITATION ON REPORT SUBMISSION.—The
21 report required under paragraph (2) shall not be
22 submitted by the Secretary until the report sub-
23 mitted under paragraph (1)(B) has been considered
24 through a hearing by the Committee on Commerce,
25 Science, and Transportation of the Senate and the

1 Committee on Transportation and Infrastructure of
2 the House of Representatives on the report sub-
3 mitted under paragraph (1)(B).

4 (f) NO ACTIONS WITHOUT ADDITIONAL AUTHOR-
5 ITY.—No Federal agency may take any action to imple-
6 ment, establish, facilitate, or otherwise act upon any pro-
7 posal submitted under this section, other than those ac-
8 tions specifically authorized by this section, without ex-
9 plicit statutory authority enacted after the date of enact-
10 ment of this Act.

11 (g) DEFINITIONS.—In this section:

12 (1) INTERCITY PASSENGER RAIL.—The term
13 “intercity passenger rail” means intercity rail pas-
14 senger transportation as defined in section 24102 of
15 title 49, United States Code.

16 (2) STATE.—The term “State” means any of
17 the 50 States or the District of Columbia.

18 **SEC. 5313. AMTRAK INSPECTOR GENERAL.**

19 (a) AUTHORITY.—

20 (1) IN GENERAL.—The Inspector General of
21 Amtrak shall have the authority available to other
22 Inspectors General, as necessary in carrying out the
23 duties specified in the Inspector General Act of 1978
24 (5 U.S.C. App.), to investigate any alleged violation

1 of sections 286, 287, 371, 641, 1001, 1002 and
2 1516 of title 18, United States Code.

3 (2) AGENCY.—For purposes of sections 286,
4 287, 371, 641, 1001, 1002, and 1516 of title 18,
5 United States Code, Amtrak and the Amtrak Office
6 of Inspector General, shall be considered a corpora-
7 tion in which the United States has a proprietary in-
8 terest as set forth in section 6 of that title.

9 (b) ASSESSMENT.—The Inspector General of Amtrak
10 shall—

11 (1) not later than 60 days after the date of en-
12 actment of this Act, initiate an assessment to deter-
13 mine whether current expenditures or procurements
14 involving Amtrak’s fulfillment of the Americans with
15 Disabilities Act of 1990 (42 U.S.C. 12101 et seq.)
16 utilize competitive, market-driven provisions that are
17 applicable throughout the entire term of such related
18 expenditures or procurements; and

19 (2) not later than 6 months after the date of
20 enactment of this Act, transmit to the Committee on
21 Commerce, Science, and Transportation of the Sen-
22 ate and the Committee on Transportation and Infra-
23 structure of the House of Representatives the as-
24 sessment under paragraph (1).

1 (c) LIMITATION.—The authority provided by sub-
2 sections (a) and (b) shall be effective only with respect
3 to a fiscal year for which Amtrak receives a Federal sub-
4 sidy.

5 **SEC. 5314. MISCELLANEOUS PROVISIONS.**

6 (a) TITLE 49 AMENDMENTS.—

7 (1) CONTINGENT INTEREST RECOVERIES.—Sec-
8 tion 22106(b) is amended by striking “interest
9 thereof” and inserting “interest thereon”.

10 (2) AUTHORITY.—Section 22702(b)(4) is
11 amended by striking “5 years for reapproval by the
12 Secretary” and inserting “4 years for acceptance by
13 the Secretary”.

14 (3) CONTENTS OF STATE RAIL PLANS.—Section
15 22705(a) is amended by striking paragraph (12).

16 (4) MISSION.—Section 24101(b) is amended by
17 striking “of subsection (d)” and inserting “set forth
18 in subsection (c)”.

19 (5) TABLE OF CONTENTS AMENDMENT.—The
20 table of contents for chapter 243 is amended by
21 striking the item relating to section 24316 and in-
22 serting the following:

“24316. Plans to address the needs of families of passengers involved in rail
passenger accidents.”.

1 (6) UPDATE.—Section 24305(f)(3) is amended
2 by striking “\$1,000,000” and inserting
3 “\$5,000,000”.

4 (7) AMTRAK.—Chapter 247 is amended—

5 (A) in section 24702(a), by striking “not
6 included in the national rail passenger transpor-
7 tation system”;

8 (B) in section 24706—

9 (i) in subsection (a)—

10 (I) in paragraph (1), by striking
11 “a discontinuance under section
12 24704 or or”; and

13 (II) in paragraph (2), by striking
14 “section 24704 or”; and

15 (ii) in subsection (b), by striking “sec-
16 tion 24704 or”; and

17 (C) in section 24709, by striking “The
18 Secretary of the Treasury and the Attorney
19 General,” and inserting “The Secretary of
20 Homeland Security,”.

21 (b) PASSENGER RAIL INVESTMENT AND IMPROVE-
22 MENT ACT AMENDMENTS.—Section 305(a) of the Pas-
23 senger Rail Investment and Improvement Act of 2008 (49
24 U.S.C. 24101 note) is amended by inserting “nonprofit
25 organizations representing employees who perform over-

1 haul and maintenance of passenger railroad equipment,”
2 after “equipment manufacturers,”.

3 **Subtitle D—Rail Safety**

4 **PART I—SAFETY IMPROVEMENT**

5 **SEC. 5401. HIGHWAY-RAIL GRADE CROSSING SAFETY.**

6 (a) MODEL STATE HIGHWAY-RAIL GRADE CROSSING
7 ACTION PLAN.—

8 (1) IN GENERAL.—Not later than 1 year after
9 the date of enactment of this Act, the Secretary
10 shall develop a model of a State-specific highway-rail
11 grade crossing action plan and distribute the model
12 plan to each State.

13 (2) CONTENTS.—The plan developed under
14 paragraph (1) shall include—

15 (A) methodologies, tools, and data sources
16 for identifying and evaluating highway-rail
17 grade crossing safety risks, including the public
18 safety risks posed by blocked highway-rail grade
19 crossings due to idling trains;

20 (B) best practices to reduce the risk of
21 highway-rail grade crossing accidents or inci-
22 dents and to alleviate the blockage of highway-
23 rail grade crossings due to idling trains, includ-
24 ing strategies for—

1 (i) education, including model stake-
2 holder engagement plans or tools;

3 (ii) engineering, including the benefits
4 and costs of different designs and tech-
5 nologies used to mitigate highway-rail
6 grade crossing safety risks; and

7 (iii) enforcement, including the
8 strengths and weaknesses associated with
9 different enforcement methods;

10 (C) for each State, a customized list and
11 data set of the highway-rail grade crossing acci-
12 dents or incidents in that State over the past 3
13 years, including the location, number of deaths,
14 and number of injuries for each accident or in-
15 cident; and

16 (D) contact information of a Department
17 of Transportation safety official available to as-
18 sist the State in adapting the model plan to sat-
19 isfy the requirements under subsection (b).

20 (b) STATE HIGHWAY-RAIL GRADE CROSSING ACTION
21 PLANS.—

22 (1) REQUIREMENTS.—Not later than 18
23 months after the Secretary develops and distributes
24 the model plan under subsection (a), the Secretary
25 shall promulgate a rule that requires—

1 (A) each State, except the 10 States iden-
2 tified under section 202 of the Rail Safety Im-
3 provement Act of 2008 (49 U.S.C. 22501 note),
4 to develop and implement a State highway-rail
5 grade crossing action plan; and

6 (B) each State that was identified under
7 section 202 of the Rail Safety Improvement Act
8 of 2008 (49 U.S.C. 22501 note), to update its
9 State action plan under that section and submit
10 to the Secretary the updated State action plan
11 and a report describing what the State did to
12 implement its previous State action plan under
13 that section and how it will continue to reduce
14 highway-rail grade crossing safety risks.

15 (2) CONTENTS.—Each State plan required
16 under this subsection shall—

17 (A) identify highway-rail grade crossings
18 that have experienced recent highway-rail grade
19 crossing accidents or incidents, or are at high-
20 risk for accidents or incidents;

21 (B) identify specific strategies for improv-
22 ing safety at highway-rail grade crossings, in-
23 cluding highway-rail grade crossing closures or
24 grade separations; and

1 (C) designate a State official responsible
2 for managing implementation of the State plan
3 under subparagraph (A) or (B) of paragraph
4 (1), as applicable.

5 (3) ASSISTANCE.—The Secretary shall provide
6 assistance to each State in developing and carrying
7 out, as appropriate, the State plan under this sub-
8 section.

9 (4) PUBLIC AVAILABILITY.—Each State shall
10 submit its final State plan under this subsection to
11 the Secretary for publication. The Secretary shall
12 make each approved State plan publicly available on
13 an official Internet Web site.

14 (5) CONDITIONS.—The Secretary may condition
15 the awarding of a grant to a State under chapter
16 244 of title 49, United States Code, on that State
17 submitting an acceptable State plan under this sub-
18 section.

19 (6) REVIEW OF ACTION PLANS.—Not later than
20 60 days after the date of receipt of a State plan
21 under this subsection, the Secretary shall—

22 (A) if the State plan is approved, notify
23 the State and publish the State plan under
24 paragraph (4); and

1 (B) if the State plan is incomplete or defi-
2 cient, notify the State of the specific areas in
3 which the plan is deficient and allow the State
4 to complete the plan or correct the deficiencies
5 and resubmit the plan under paragraph (1).

6 (7) DEADLINE.—Not later than 60 days after
7 the date of a notice under paragraph (6)(B), a State
8 shall complete the plan or correct the deficiencies
9 and resubmit the plan.

10 (8) FAILURE TO COMPLETE OR CORRECT
11 PLAN.—If a State fails to meet the deadline under
12 paragraph (7), the Secretary shall post on the Web
13 site under paragraph (4) a notice that the State has
14 an incomplete or deficient highway-rail grade cross-
15 ing action plan.

16 (c) RAILWAY-HIGHWAY CROSSINGS FUNDS.—The
17 Secretary may use funds made available to carry out sec-
18 tion 130 of title 23, United States Code, to provide States
19 with funds to develop a State highway-rail grade crossing
20 action plan under subsection (b)(1)(A) of this section or
21 to update a State action plan under subsection (b)(1)(B)
22 of this section.

23 (d) DEFINITIONS.—In this section:

24 (1) HIGHWAY-RAIL GRADE CROSSING.—The
25 term “highway-rail grade crossing” means a location

1 within a State, other than a location where 1 or
2 more railroad tracks cross 1 or more railroad tracks
3 at grade where—

4 (A) a public highway, road, or street, or a
5 private roadway, including associated sidewalks
6 and pathways, crosses 1 or more railroad tracks
7 either at grade or grade-separated; or

8 (B) a pathway explicitly authorized by a
9 public authority or a railroad carrier that is
10 dedicated for the use of non-vehicular traffic,
11 including pedestrians, bicyclists, and others,
12 that is not associated with a public highway,
13 road, or street, or a private roadway, crosses 1
14 or more railroad tracks either at grade or
15 grade-separated.

16 (2) STATE.—The term “State” means a State
17 of the United States or the District of Columbia.

18 **SEC. 5402. CONFIDENTIAL CLOSE CALL REPORTING SYS-**

19 **TEM.**

20 (a) IN GENERAL.—Not later than 3 years after the
21 date of enactment of this Act, the Secretary shall promul-
22 gate a rule to encourage and facilitate the voluntary par-
23 ticipation of railroad carriers, railroad carrier contractors,
24 and employees of railroad carriers or railroad carrier con-
25 tractors (including any non-profit labor organizations rep-

1 resenting a class or craft of directly affected employees
2 of railroads carriers or railroad carrier contractors) in a
3 confidential close call reporting system.

4 (b) PROGRAM ELEMENTS.—

5 (1) IN GENERAL.—The Secretary shall use any
6 information and experience gathered through re-
7 search and pilot programs on confidential close call
8 reporting systems in developing a rule for the vol-
9 untary adoption of confidential close call reporting
10 system programs under this section.

11 (2) RULEMAKING.—

12 (A) IN GENERAL.—Each confidential close
13 call reporting system program shall be designed
14 to improve railroad safety by facilitating greater
15 collection and analysis of reports that describe
16 unsafe conditions and events in the railroad in-
17 dustry, as reported voluntarily and confiden-
18 tially by employees.

19 (B) REQUIREMENTS.—The rule shall
20 specify—

21 (i) the use of independent third par-
22 ties for the collection of close call reports,
23 de-identification of data, and distribution
24 of close call data;

1 (ii) the criteria for participating vol-
2 untarily in the confidential close call re-
3 porting system;

4 (iii) the criteria for accepting con-
5 fidential close call reports;

6 (iv) the appropriate use and protec-
7 tion, including the information protections
8 described in subsection (d), of peer review
9 teams and participation of the Secretary's
10 representatives;

11 (v) the relief from specific railroad
12 safety regulatory provisions and the condi-
13 tions under which the relief will and will
14 not be granted; and

15 (vi) the appropriate use and protec-
16 tion, including the information protections
17 described in subsection (d), of confidential
18 data generated under voluntary participa-
19 tion in the confidential close call reporting
20 system.

21 (c) PROGRAM DEVELOPMENT.—

22 (1) IN GENERAL.—A railroad carrier voluntarily
23 participating in a confidential close call reporting
24 system program, pursuant to program elements con-
25 tained in the final rule promulgated under sub-

1 section (b) and in collaboration with the Secretary,
2 railroad carrier contractors (as appropriate), and
3 employees of railroad carriers or railroad carrier
4 contractors (including any non-profit labor organiza-
5 tion representing a class or craft of directly affected
6 employees of railroad carriers or railroad carrier
7 contractors), shall develop an implementing memo-
8 randum of understanding that establishes agreed-
9 upon terms for participation in the confidential close
10 call reporting system.

11 (2) SIGNATURES REQUIRED.—An implementing
12 memorandum of understanding under paragraph (1)
13 shall be signed by—

14 (A) the Secretary or the Secretary's des-
15 ignee;

16 (B) the participating railroad carrier or
17 the representative thereof;

18 (C) if appropriate, each participating rail-
19 road carrier contractor or the representative
20 thereof; and

21 (D) the participating employees and con-
22 tractors or the representative thereof (such as
23 1 or more non-profit labor organizations rep-
24 resenting a class or craft of directly affected

1 employees of the railroad carrier or railroad
2 carrier contractor).

3 (d) INFORMATION PROTECTION.—

4 (1) IN GENERAL.—For a confidential close call
5 reporting system program established through an
6 implementing memorandum of understanding de-
7 scribed in subsection (c), the rule shall include provi-
8 sions that withhold from discovery or admission into
9 evidence (in a Federal or State court proceeding for
10 damages involving personal injury, wrongful death,
11 or property damage against a railroad carrier or
12 railroad carrier contractor) any plan, document, re-
13 port, survey, schedule, list, or data compiled or col-
14 lected for the sole purpose of developing, evaluating,
15 planning, or implementing a confidential close call
16 reporting system program, including a railroad car-
17 rier's analysis of its close calls or near misses.

18 (2) RETROACTIVE APPLICATIONS.—With regard
19 to a voluntary confidential close call reporting sys-
20 tem that was in effect prior to the date of final rule
21 under subsection (a), the Secretary—

22 (A) shall allow the parties participating in
23 that system to sign a new or revised imple-
24 menting memorandum of understanding that

1 prospectively entitles the parties to the informa-
2 tion protections under paragraph (1); and

3 (B) may retroactively apply the informa-
4 tion protections under paragraph (1) to any in-
5 formation and analyses that was generated
6 under that system prior to the date of the final
7 rule.

8 (3) CONFIDENTIALITY.—For a confidential
9 close call reporting system program established
10 through an implementing memorandum of under-
11 standing described in subsection (c), the Secretary
12 shall ensure that the Department of Transportation
13 and any entity collecting close call reports, de-identi-
14 fying data, or distributing close call data provide the
15 same level of confidentiality as contained in the Con-
16 fidential Information Protection and Statistical Effi-
17 ciency Act of 2002 (44 U.S.C. 3501 note), as ad-
18 ministered by the Bureau of Transportation Statis-
19 tics.

20 (e) SAVINGS CLAUSE.—Nothing in this section
21 shall—

22 (1) require a railroad carrier to adopt a con-
23 fidential close call reporting system program;

1 (2) prohibit a railroad carrier from voluntarily
2 adopting a confidential close call reporting system
3 program outside of the rulemaking framework; and

4 (3) require the Secretary to develop a confiden-
5 tial close call reporting system program with a rail-
6 road carrier, a railroad carrier contractor, employees
7 of the railroad carrier or railroad carrier contractor,
8 or any non-profit labor organizations representing a
9 class or craft of employees of a railroad carrier or
10 a railroad carrier contractor.

11 (f) DEFINITION OF RAILROAD CARRIER.—In this
12 section, the term “railroad carrier” has the meaning given
13 the term in section 20102 of title 49, United States Code.

14 (g) ADDITIONAL INFORMATION PROTECTIONS.—Sec-
15 tion 20118 is amended—

16 (1) in subsection (a)—

17 (A) in the matter preceding paragraph

18 (1)—

19 (i) by inserting “, confidential close
20 call reporting system program,” after
21 “safety risk reduction program”; and

22 (ii) by inserting “pursuant to section
23 552(b)(3) of that title,” after “section 552
24 of title 5”;

1 (B) in paragraph (1), by inserting “, con-
2 fidential close call reporting system program,”
3 after “safety risk reduction program”; and

4 (C) in paragraph (2), by inserting “, con-
5 fidential close call reporting system program,”
6 after “safety risk reduction program”;

7 (2) in subsection (b), by inserting “, confiden-
8 tial close call reporting system program,” after
9 “safety risk reduction program”; and

10 (3) in subsection (c), by inserting “, of any in-
11 formation or analyses generated as part of a con-
12 fidential close call reporting system program,” after
13 “risk mitigation analyses”.

14 **SEC. 5403. SPEED LIMIT ACTION PLANS.**

15 (a) IN GENERAL.—Not later than 90 days after the
16 date of enactment of this Act, each railroad carrier pro-
17 viding intercity rail passenger transportation or commuter
18 rail passenger transportation, in consultation with any ap-
19 plicable host railroad carrier, shall survey its entire system
20 and identify each main track location where there is a re-
21 duction of more than 20 miles per hour from the approach
22 speed to a curve or bridge and the maximum authorized
23 operating speed for passenger trains at that curve or
24 bridge.

1 (b) ACTION PLANS.—Not later than 120 days after
2 the date that the survey under subsection (a) is complete,
3 a rail passenger carrier shall submit to the Secretary an
4 action plan that—

5 (1) identifies each main track location where
6 there is a reduction of more than 20 miles per hour
7 from the approach speed to a curve or bridge and
8 the maximum authorized operating speed for pas-
9 senger trains at that curve or bridge;

10 (2) describes appropriate actions, including
11 modification to automatic train control systems, if
12 applicable, other signal systems, increased crew size,
13 improved signage, or other practices, including in-
14 creased crew communication, to enable warning and
15 enforcement of the maximum authorized speed for
16 passenger trains at each location identified under
17 paragraph (1);

18 (3) contains milestones and target dates for im-
19 plementing each appropriate action described under
20 paragraph (2); and

21 (4) ensures compliance with the maximum au-
22 thorized speed at each location identified under
23 paragraph (1).

24 (c) APPROVAL.—Not later than 90 days after the
25 date an action plan is submitted under subsection (a), the

1 Secretary shall approve, approve with conditions, or dis-
2 approve the action plan.

3 (d) ALTERNATIVE SAFETY MEASURES.—The Sec-
4 retary may exempt from the requirements of this section
5 each segment of track for which operations are governed
6 by a positive train control system certified under section
7 20157 of title 49, United States Code, or any other safety
8 technology or practice that would achieve an equivalent
9 or greater level of safety in reducing derailment risk.

10 (e) REPORT.—Not later than 6 months after the date
11 of the enactment of this Act, the Secretary shall submit
12 a report to the Committee on Commerce, Science, and
13 Transportation of the Senate and the Committee on
14 Transportation and Infrastructure of the House of Rep-
15 resentatives that describes—

16 (1) the actions the railroad carriers have taken
17 in response to Safety Advisory 2013–08, entitled
18 “Operational Tests and Inspections for Compliance
19 With Maximum Authorized Train Speeds and Other
20 Speed Restrictions”;

21 (2) the actions the railroad carriers have taken
22 in response to Safety Advisory 2015–03, entitled
23 “Operational and Signal Modifications for Compli-
24 ance with Maximum Authorized Passenger Train
25 Speeds and Other Speed Restrictions”; and

1 (3) the actions the Federal Railroad Adminis-
2 tration has taken to evaluate or incorporate the in-
3 formation and findings arising from the safety
4 advisories referred to in paragraphs (1) and (2) into
5 the development of regulatory action and oversight
6 activities.

7 (f) SAVINGS CLAUSE.—Nothing in this section shall
8 prohibit the Secretary from applying the requirements of
9 this section to other segments of track at high risk of over-
10 speed derailment.

11 **SEC. 5404. SIGNAGE.**

12 (a) IN GENERAL.—The Secretary shall promulgate
13 such regulations as the Secretary considers necessary to
14 require each railroad carrier providing intercity rail pas-
15 senger transportation or commuter rail passenger trans-
16 portation, in consultation with any applicable host railroad
17 carrier, to install signs to warn train crews before the
18 train approaches a location that the Secretary identifies
19 as having high risk of overspeed derailment.

20 (b) ALTERNATIVE SAFETY MEASURES.—The Sec-
21 retary may exempt from the requirements of this section
22 each segment of track for which operations are governed
23 by a positive train control system certified under section
24 20157 of title 49, United States Code, or any other safety

1 technology or practice that would achieve an equivalent
2 or greater level of safety in reducing derailment risk.

3 **SEC. 5405. ALERTERS.**

4 (a) IN GENERAL.—The Secretary shall promulgate a
5 rule to require a working alerter in the controlling loco-
6 motive of each passenger train in intercity rail passenger
7 transportation (as defined in section 24102 of title 49,
8 United States Code) or commuter rail passenger transpor-
9 tation (as defined in section 24102 of title 49, United
10 States Code).

11 (b) RULEMAKING.—

12 (1) IN GENERAL.—The Secretary may promul-
13 gate a rule to specify the essential functionalities of
14 a working alerter, including the manner in which the
15 alerter can be reset.

16 (2) ALTERNATE PRACTICE OR TECHNOLOGY.—
17 The Secretary may require or allow a technology or
18 practice in lieu of a working alerter if the Secretary
19 determines that the technology or practice would
20 achieve an equivalent or greater level of safety in en-
21 hancing or ensuring appropriate locomotive control.

22 **SEC. 5406. SIGNAL PROTECTION.**

23 (a) IN GENERAL.—The Secretary shall promulgate
24 regulations to require, not later than 18 months after the
25 date of the enactment of this Act, that on-track safety

1 regulations, whenever practicable and consistent with
2 other safety requirements and operational considerations,
3 include requiring implementation of redundant signal pro-
4 tection, such as shunting or other practices and tech-
5 nologies that achieve an equivalent or greater level of safe-
6 ty, for maintenance-of-way work crews who depend on a
7 train dispatcher to provide signal protection.

8 (b) **ALTERNATIVE SAFETY MEASURES.**—The Sec-
9 retary may exempt from the requirements of this section
10 each segment of track for which operations are governed
11 by a positive train control system certified under section
12 20157 of title 49, United States Code, or any other safety
13 technology or practice that would achieve an equivalent
14 or greater level of safety in providing additional signal pro-
15 tection.

16 **SEC. 5407. TECHNOLOGY IMPLEMENTATION PLANS.**

17 Section 20156(e) is amended—

18 (1) in paragraph (4)—

19 (A) in subparagraph (A), by striking
20 “and” at the end; and

21 (B) in subparagraph (B), by striking the
22 period at the end and inserting “; and”; and

23 (2) by adding at the end the following:

24 “(C) each railroad carrier required to sub-
25 mit such a plan, until the implementation of a

1 positive train control system by the railroad
2 carrier, shall analyze and, as appropriate,
3 prioritize technologies and practices to mitigate
4 the risk of overspeed derailments.”.

5 **SEC. 5408. COMMUTER RAIL TRACK INSPECTIONS.**

6 (a) IN GENERAL.—The Secretary shall evaluate track
7 inspection regulations to determine if a railroad carrier
8 providing commuter rail passenger transportation on high
9 density commuter railroad lines should be required to in-
10 spect the lines in the same manner as currently required
11 for other commuter railroad lines.

12 (b) RULEMAKING.—Considering safety, including
13 railroad carrier employee and contractor safety, and sys-
14 tem capacity, the Secretary may promulgate a rule for
15 high density commuter railroad lines. If, after the evalua-
16 tion under subsection (a), the Secretary determines that
17 it is necessary to promulgate a rule, the Secretary shall
18 specifically consider the following regulatory requirements
19 for high density commuter railroad lines:

20 (1) At least once every 2 weeks—

21 (A) traverse each main line by vehicle; or

22 (B) inspect each main line on foot.

23 (2) At least once each month, traverse and in-
24 spect each siding by vehicle or by foot.

1 (c) REPORT.—If, after the evaluation under sub-
2 section (a), the Secretary determines it is not necessary
3 to revise the regulations under this section, the Secretary,
4 not later than 18 months after the date of enactment of
5 this Act, shall transmit a report to the Committee on
6 Commerce, Science, and Transportation of the Senate and
7 the Committee on Transportation and Infrastructure of
8 the House of Representatives explaining the reasons for
9 not revising the regulations.

10 (d) CONSTRUCTION.—Nothing in this section may be
11 construed to limit the authority of the Secretary to pro-
12 mulgate regulations or issue orders under any other law.

13 **SEC. 5409. EMERGENCY RESPONSE.**

14 (a) IN GENERAL.—The Secretary, in consultation
15 with railroad carriers, shall conduct a study to determine
16 whether limitations or weaknesses exist in the emergency
17 response information carried by train crews transporting
18 hazardous materials.

19 (b) CONTENTS.—In conducting the study under sub-
20 section (a), the Secretary shall evaluate the differences be-
21 tween the emergency response information carried by train
22 crews transporting hazardous materials and the emer-
23 gency response guidance provided in the Emergency Re-
24 sponse Guidebook issued by the Department of Transpor-
25 tation.

1 (c) REPORT.—Not later than 1 year after the date
2 of enactment of this Act, the Secretary shall transmit to
3 the Committee on Commerce, Science, and Transportation
4 of the Senate and the Committee on Transportation and
5 Infrastructure of the House of Representatives a report
6 of the findings of the study under subsection (a) and any
7 recommendations for legislative action.

8 **SEC. 5410. PRIVATE HIGHWAY-RAIL GRADE CROSSINGS.**

9 (a) IN GENERAL.—The Secretary, in consultation
10 with railroad carriers, shall conduct a study—

11 (1) to determine whether limitations or weak-
12 nesses exist regarding the availability and usefulness
13 for safety purposes of data on private highway-rail
14 grade crossings; and

15 (2) to evaluate existing engineering practices on
16 private highway-rail grade crossings.

17 (b) CONTENTS.—In conducting the study under sub-
18 section (a), the Secretary shall make recommendations as
19 necessary to improve—

20 (1) the utility of the data on private highway-
21 rail grade crossings; and

22 (2) the implementation of private highway-rail
23 crossing safety measures, including signage and
24 warning systems.

1 (c) REPORT.—Not later than 1 year after the date
2 of enactment of this Act, the Secretary shall transmit to
3 the Committee on Commerce, Science, and Transportation
4 of the Senate and the Committee on Transportation and
5 Infrastructure of the House of Representatives a report
6 of the findings of the study and any recommendations for
7 further action.

8 **SEC. 5411. REPAIR AND REPLACEMENT OF DAMAGED**
9 **TRACK INSPECTION EQUIPMENT.**

10 (a) IN GENERAL.—Subchapter I of chapter 201 is
11 amended by inserting after section 20120 the following:

12 **“§ 20121. Repair and replacement of damaged track**
13 **inspection equipment**

14 “The Secretary of Transportation may receive and
15 expend cash, or receive and utilize spare parts and similar
16 items, from non-United States Government sources to re-
17 pair damages to or replace United States Government
18 owned automated track inspection cars and equipment as
19 a result of third-party liability for such damages, and any
20 amounts collected under this section shall be credited di-
21 rectly to the Railroad Safety and Operations account of
22 the Federal Railroad Administration, and shall remain
23 available until expended for the repair, operation, and
24 maintenance of automated track inspection cars and

1 equipment in connection with the automated track inspec-
2 tion program.”.

3 (b) CONFORMING AMENDMENT.—The table of con-
4 tents for subchapter I of chapter 201 is amended by add-
5 ing after section 21020 the following:

“20121. Repair and replacement of damaged track inspection equipment.”.

6 **SEC. 5412. RAIL POLICE OFFICERS.**

7 (a) IN GENERAL.—Section 28101 is amended—

8 (1) by striking “employed by” each place it ap-
9 pears and inserting “directly employed by or con-
10 tracted by”;

11 (2) in subsection (b), by inserting “or agent, as
12 applicable,” after “an employee”; and

13 (3) by adding at the end the following:

14 “(c) TRANSFERS.—

15 “(1) IN GENERAL.—If a railroad police officer
16 directly employed by or contracted by a rail carrier
17 and certified or commissioned as a police officer
18 under the laws of a State transfers primary employ-
19 ment or residence from the certifying or commis-
20 sioning State to another State or jurisdiction, the
21 railroad police officer, not later than 1 year after the
22 date of transfer, shall apply to be certified or com-
23 missioned as a police office under the laws of the
24 State of new primary employment or residence.

1 “(2) INTERIM PERIOD.—During the period be-
2 ginning on the date of transfer and ending 1 year
3 after the date of transfer, a railroad police officer di-
4 rectly employed by or contracted by a rail carrier
5 and certified or commissioned as a police officer
6 under the laws of a State may enforce the laws of
7 the new jurisdiction in which the railroad police offi-
8 cer resides, to the same extent as provided in sub-
9 section (a).

10 “(d) TRAINING.—

11 “(1) IN GENERAL.—A State shall recognize as
12 meeting that State’s basic police officer certification
13 or commissioning requirements for qualification as a
14 rail police officer under this section any individual
15 who successfully completes a program at a State-rec-
16 ognized police training academy in another State or
17 at a Federal law enforcement training center and
18 who is certified or commissioned as a police officer
19 by that other State.

20 “(2) RULE OF CONSTRUCTION.—Nothing in
21 this subsection shall be construed as superseding or
22 affecting any unique State training requirements re-
23 lated to criminal law, criminal procedure, motor ve-
24 hicle code, or State-mandated comparative or annual

1 in-service training academy or Federal law enforce-
2 ment training center.”.

3 (b) REGULATIONS.—Not later than 1 year after the
4 date of enactment of this Act, the Secretary shall revise
5 the regulations in part 207 of title 49, Code of Federal
6 Regulations (relating to railroad police officers), to permit
7 a railroad to designate an individual, who is commissioned
8 in the individual’s State of legal residence or State of pri-
9 mary employment and directly employed by or contracted
10 by a railroad to enforce State laws for the protection of
11 railroad property, personnel, passengers, and cargo, to
12 serve in the States in which the railroad owns property.

13 (c) CONFORMING AMENDMENTS.—

14 (1) AMTRAK RAIL POLICE.—Section 24305(e) is
15 amended—

16 (A) by striking “may employ” and insert-
17 ing “may directly employ or contract with”;

18 (B) by striking “employed by” and insert-
19 ing “directly employed by or contracted by”;
20 and

21 (C) by striking “employed without” and in-
22 sserting “directly employed or contracted with-
23 out”.

24 (2) SECURE GUN STORAGE OR SAFETY DEVICE;
25 EXCEPTIONS.—Section 922(z)(2)(B) of title 18 is

1 amended by striking “employed by” and inserting
2 “directly employed by or contracted by”.

3 **SEC. 5413. OPERATION DEEP DIVE; REPORT.**

4 (a) **PROGRESS REPORTS.**—Not later than 60 days
5 after the date of the enactment of this Act, and quarterly
6 thereafter until the completion date, the Administrator of
7 the Federal Railroad Administration shall submit a report
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 that
11 describes the progress of Metro-North Commuter Railroad
12 in implementing the directives and recommendations
13 issued by the Federal Railroad Administration in its
14 March 2014 report to Congress titled “Operation Deep
15 Dive Metro-North Commuter Railroad Safety Assess-
16 ment”.

17 (b) **FINAL REPORT.**—Not later than 30 days after
18 the completion date, the Administrator of the Federal
19 Railroad Administration shall submit a final report on the
20 directives and recommendations to Congress.

21 (c) **DEFINED TERM.**—In this section, the term “com-
22 pletion date” means the date on which Metro-North Com-
23 muter Railroad has completed all of the directives and rec-
24 ommendations referred to in subsection (a).

1 **SEC. 5414. POST-ACCIDENT ASSESSMENT.**

2 (a) IN GENERAL.—The Secretary of Transportation,
3 in cooperation with the National Transportation Safety
4 Board and the National Railroad Passenger Corporation
5 (referred to in this section as “Amtrak”), shall conduct
6 a post-accident assessment of the Amtrak Northeast Re-
7 gional Train #188 crash on May 12, 2015.

8 (b) ELEMENTS.—The assessment conducted pursu-
9 ant to subsection (a) shall include—

10 (1) a review of Amtrak’s compliance with the
11 plan for addressing the needs of the families of pas-
12 sengers involved in any rail passenger accident,
13 which was submitted pursuant to section 24316 of
14 title 49, United States Code;

15 (2) a review of Amtrak’s compliance with the
16 emergency preparedness plan required under section
17 239.101(a) of title 49, Code of Federal Regulations;

18 (3) a determination of any additional action
19 items that should be included in the plans referred
20 to in paragraphs (1) and (2) to meet the needs of
21 the passengers involved in the crash and their fami-
22 lies, including—

23 (A) notification of emergency contacts;

24 (B) dedicated and trained staff to manage
25 family assistance;

1 (C) the establishment of a family assist-
2 ance center at the accident locale or other ap-
3 propriate location;

4 (D) a system for identifying and recovering
5 items belonging to passengers that were lost in
6 the crash; and

7 (E) the establishment of a single customer
8 service entity within Amtrak to coordinate the
9 response to the needs of the passengers involved
10 in the crash and their families;

11 (4) recommendations for any additional train-
12 ing needed by Amtrak staff to better implement the
13 plans referred to in paragraphs (1) and (2), includ-
14 ing the establishment of a regular schedule for train-
15 ing drills and exercises.

16 (c) REPORT TO CONGRESS.—Not later than 1 year
17 after the date of the enactment of this Act, Amtrak shall
18 submit a report to the Committee on Commerce, Science,
19 and Transportation of the Senate and the Committee on
20 Transportation and Infrastructure of the House of Rep-
21 resentatives that describes—

22 (1) its plan to achieve the recommendations re-
23 ferred to in subsection (b)(4); and

24 (2) steps that have been taken to address any
25 deficiencies identified through the assessment.

1 **SEC. 5415. TECHNICAL AND CONFORMING AMENDMENTS.**

2 (a) ASSISTANCE TO FAMILIES OF PASSENGERS IN-
3 VOLVED IN RAIL PASSENGER ACCIDENTS.—Section 1139
4 is amended—

5 (1) in subsection (a)(1), by striking “phone
6 number” and inserting “telephone number”;

7 (2) in subsection (a)(2), by striking “post trau-
8 ma communication with families” and inserting
9 “post-trauma communication with families”; and

10 (3) in subsection (j), by striking “railroad pas-
11 senger accident” each place it appears and inserting
12 “rail passenger accident”.

13 (b) SOLID WASTE RAIL TRANSFER FACILITY LAND-
14 USE EXEMPTION.—Section 10909 is amended—

15 (1) in subsection (b), in the matter preceding
16 paragraph (1), by striking “Clean Railroad Act of
17 2008” and inserting “Clean Railroads Act of 2008”;
18 and

19 (2) in subsection (e), by striking “Upon the
20 granting of petition from the State” and inserting
21 “Upon the granting of a petition from the State”.

22 (c) RULEMAKING PROCESS.—Section 20116 is
23 amended—

24 (1) by inserting “(2)” before “the code, rule,
25 standard, requirement, or practice has been subject

1 to notice and comment under a rule or order issued
2 under this part.” and indenting accordingly;

3 (2) by inserting “(1)” before “unless” and in-
4 denting accordingly;

5 (3) in paragraph (1), as redesignated, by strik-
6 ing “order, or” and inserting “order; or”; and

7 (4) in the matter preceding paragraph (1), as
8 redesignated, by striking “unless” and inserting
9 “unless—”.

10 (d) ENFORCEMENT REPORT.—Section 20120(a) is
11 amended—

12 (1) in the matter preceding paragraph (1), by
13 striking “website” and inserting “Web site”;

14 (2) in paragraph (1), by striking “accident and
15 incidence reporting” and inserting “accident and in-
16 cident reporting”;

17 (3) in paragraph (2)(G), by inserting “and” at
18 the end; and

19 (4) in paragraph (5)(B), by striking “Adminis-
20 trative Hearing Officer or Administrative Law
21 Judge” and inserting “administrative hearing officer
22 or administrative law judge”.

23 (e) RAILROAD SAFETY RISK REDUCTION PRO-
24 GRAM.—Section 20156 is amended—

1 (1) in subsection (c), by inserting a comma
2 after “In developing its railroad safety risk reduc-
3 tion program”; and

4 (2) in subsection (g)(1)—

5 (A) by inserting a comma after “good
6 faith”; and

7 (B) by striking “non-profit” and inserting
8 “nonprofit”.

9 (f) ROADWAY USER SIGHT DISTANCE AT HIGHWAY-
10 RAIL GRADE CROSSINGS.—Section 20159 is amended by
11 striking “the Secretary” and inserting “the Secretary of
12 Transportation”.

13 (g) NATIONAL CROSSING INVENTORY.—Section
14 20160 is amended—

15 (1) in subsection (a)(1), by striking “concerning
16 each previously unreported crossing through which it
17 operates or with respect to the trackage over which
18 it operates” and inserting “concerning each pre-
19 viously unreported crossing through which it oper-
20 ates with respect to the trackage over which it oper-
21 ates”; and

22 (2) in subsection (b)(1)(A), by striking “con-
23 cerning each crossing through which it operates or
24 with respect to the trackage over which it operates”
25 and inserting “concerning each crossing through

1 which it operates with respect to the trackage over
2 which it operates”.

3 (h) MINIMUM TRAINING STANDARDS AND PLANS.—
4 Section 20162(a)(3) is amended by striking “railroad
5 compliance with Federal standards” and inserting “rail-
6 road carrier compliance with Federal standards”.

7 (i) DEVELOPMENT AND USE OF RAIL SAFETY TECH-
8 NOLOGY.—Section 20164(a) is amended by striking “after
9 enactment of the Railroad Safety Enhancement Act of
10 2008” and inserting “after the date of enactment of the
11 Rail Safety Improvement Act of 2008”.

12 (j) RAIL SAFETY IMPROVEMENT ACT OF 2008.—

13 (1) TABLE OF CONTENTS.—Section 1(b) of di-
14 vision A of the Rail Safety Improvement Act of 2008
15 (Public Law 110–432; 122 Stat. 4848) is amend-
16 ed—

17 (A) in the item relating to section 307, by
18 striking “website” and inserting “Web site”;

19 (B) in the item relating to title VI, by
20 striking “solid waste facilities” and inserting
21 “solid waste rail transfer facilities”; and

22 (C) in the item relating to section 602, by
23 striking “solid waste transfer facilities” and in-
24 serting “solid waste rail transfer facilities”.

1 (2) DEFINITIONS.—Section 2(a)(1) of division
2 A of the Rail Safety Improvement Act of 2008 (Pub-
3 lic Law 110–432; 122 Stat. 4849) is amended in the
4 matter preceding subparagraph (A), by inserting a
5 comma after “at grade”.

6 (3) RAILROAD SAFETY STRATEGY.—Section
7 102(a)(6) of title I of division A of the Rail Safety
8 Improvement Act of 2008 (49 U.S.C. 20101 note) is
9 amended by striking “Improving the safety of rail-
10 road bridges, tunnels, and related infrastructure to
11 prevent accidents, incidents, injuries, and fatalities
12 caused by catastrophic failures and other bridge and
13 tunnel failures.” and inserting “Improving the safety
14 of railroad bridges, tunnels, and related infrastruc-
15 ture to prevent accidents, incidents, injuries, and fa-
16 talities caused by catastrophic and other failures of
17 such infrastructure.”.

18 (4) OPERATION LIFESAVER.—Section 206(a) of
19 title II of division A of the Rail Safety Improvement
20 Act of 2008 (49 U.S.C. 22501 note) is amended by
21 striking “Public Service Announcements” and in-
22 serting “public service announcements”.

23 (5) UPDATE OF FEDERAL RAILROAD ADMINIS-
24 TRATION’S WEB SITE.—Section 307 of title III of di-

1 vision A of the Rail Safety Improvement Act of 2008
2 (49 U.S.C. 103 note) is amended—

3 (A) in the heading by striking “**FEDERAL**
4 **RAILROAD ADMINISTRATION’S WEBSITE**”
5 and inserting “Federal Railroad Administration
6 Web site”;

7 (B) by striking “website” each place it ap-
8 pears and inserting “Web site”; and

9 (C) by striking “website’s” and inserting
10 “Web site’s”.

11 (6) ALCOHOL AND CONTROLLED SUBSTANCE
12 TESTING FOR MAINTENANCE-OF-WAY EMPLOYEES.—
13 Section 412 of title IV of division A of the Rail
14 Safety Improvement Act of 2008 (49 U.S.C. 20140
15 note) is amended by striking “Secretary of Trans-
16 portation” and inserting “Secretary”.

17 (7) TUNNEL INFORMATION.—Section 414 of
18 title IV of division A of the Rail Safety Improvement
19 Act of 2008 (49 U.S.C. 20103 note) is amended—

20 (A) by striking “parts 171.8, 173.115”
21 and inserting “sections 171.8, 173.115”; and

22 (B) by striking “part 1520.5” and insert-
23 ing “section 1520.5”.

24 (8) SAFETY INSPECTIONS IN MEXICO.—Section
25 416 of title IV of division A of the Rail Safety Im-

1 provement Act of 2008 (49 U.S.C. 20107 note) is
2 amended—

3 (A) in the matter preceding paragraph (1),
4 by striking “Secretary of Transportation” and
5 inserting “Secretary”; and

6 (B) in paragraph (4), by striking “sub-
7 section” and inserting “section”.

8 (9) HEADING OF TITLE VI.—The heading of
9 title VI of division A of the Rail Safety Improvement
10 Act of 2008 (122 Stat. 4900) is amended by strik-
11 ing “**SOLID WASTE FACILITIES**” and insert-
12 ing “**SOLID WASTE RAIL TRANSFER FA-**
13 **CILITIES**”.

14 (10) HEADING OF SECTION 602.—Section 602
15 of title VI of division A of the Rail Safety Improve-
16 ment Act of 2008 (122 Stat. 4900) is amended by
17 striking “**SOLID WASTE TRANSFER FACILITIES**”
18 and inserting “**SOLID WASTE RAIL TRANSFER**
19 **FACILITIES**”.

1 **PART II—CONSOLIDATED RAIL**
2 **INFRASTRUCTURE AND SAFETY IMPROVEMENTS**
3 **SEC. 5421. CONSOLIDATED RAIL INFRASTRUCTURE AND**
4 **SAFETY IMPROVEMENTS.**

5 (a) IN GENERAL.—Chapter 244, as amended by sec-
6 tion 5302 of this Act, is further amended by adding at
7 the end the following:

8 **“§ 24408. Consolidated rail infrastructure and safety**
9 **improvements**

10 “(a) GENERAL AUTHORITY.—The Secretary may
11 make grants under this section to an eligible recipient to
12 assist in financing the cost of improving passenger and
13 freight rail transportation systems in terms of safety, effi-
14 ciency, or reliability.

15 “(b) ELIGIBLE RECIPIENTS.—The following entities
16 are eligible to receive a grant under this section:

17 “(1) A State.

18 “(2) A group of States.

19 “(3) An Interstate Compact.

20 “(4) A public agency or publicly chartered au-
21 thority established by 1 or more States and having
22 responsibility for providing intercity rail passenger,
23 commuter rail passenger, or freight rail transpor-
24 tation service.

25 “(5) A political subdivision of a State.

1 “(6) Amtrak or another rail passenger carrier
2 that provides intercity rail passenger transportation
3 (as defined in section 24102) or commuter rail pas-
4 senger transportation (as defined in section 24102).

5 “(7) A Class II railroad or Class III railroad
6 (as those terms are defined in section 20102).

7 “(8) Any rail carrier or rail equipment manu-
8 facturer in partnership with at least 1 of the entities
9 described in paragraphs (1) through (5).

10 “(9) Any entity established to procure, manage,
11 or maintain passenger rail equipment under section
12 305 of the Passenger Rail Investment and Improve-
13 ment Act of 2008 (49 U.S.C. 24101 note).

14 “(10) An organization that is actively involved
15 in the development of operational and safety-related
16 standards for rail equipment and operations or the
17 implementation of safety-related programs.

18 “(11) The Transportation Research Board and
19 any entity with which it contracts in the develop-
20 ment of rail-related research, including cooperative
21 research programs.

22 “(12) A University transportation center ac-
23 tively engaged in rail-related research.

1 “(13) A non-profit labor organization rep-
2 resenting a class or craft of employees of railroad
3 carriers or railroad carrier contractors.

4 “(c) ELIGIBLE PROJECTS.—The following projects
5 are eligible to receive grants under this section:

6 “(1) Deployment of railroad safety technology,
7 including positive train control and rail integrity in-
8 spection systems.

9 “(2) A capital project as defined in section
10 24401, except that a project shall not be required to
11 be in a State rail plan developed under chapter 227.

12 “(3) A capital project identified by the Sec-
13 retary as being necessary to address congestion chal-
14 lenges affecting rail service.

15 “(4) A highway-rail grade crossing improve-
16 ment, including grade separations, private highway-
17 rail grade crossing improvements, and safety engi-
18 neering improvements to reduce risk in quiet zones
19 or potential quiet zones.

20 “(5) A rail line relocation project.

21 “(6) A capital project to improve short-line or
22 regional railroad infrastructure.

23 “(7) Paying all or a portion of the credit risk
24 premium, as determined under section 502(f) of the
25 Railroad Revitalization and Regulatory Reform Act

1 of 1976 (45 U.S.C. 822(f)), and loan charges de-
2 scribed in section 503(l) of that Act (45 U.S.C.
3 823(l)) for a project eligible for Federal credit as-
4 sistance under that Act (45 U.S.C. 801 et seq.).

5 “(8) Development of public education, aware-
6 ness, and targeted law enforcement activities to re-
7 duce violations of traffic laws at highway-rail grade
8 crossings and to help prevent and reduce injuries
9 and fatalities along railroad rights-of-way.

10 “(9) The preparation of regional rail and cor-
11 ridor service development plans and corresponding
12 environmental analyses.

13 “(10) Any project that the Secretary considers
14 necessary to enhance multimodal connections or fa-
15 cilitate service integration between rail service and
16 other modes, including between intercity rail pas-
17 senger transportation and intercity bus service.

18 “(11) The development of rail-related capital,
19 operations, and safety standards.

20 “(12) The implementation and operation of a
21 safety program or institute designed to improve rail
22 safety culture and rail safety performance.

23 “(13) Any research that the Secretary considers
24 necessary to advance any particular aspect of rail-re-
25 lated capital, operations, or safety improvements.

1 “(14) Workforce development activities, coordi-
2 nated to the extent practicable with the existing
3 local training programs supported by the Depart-
4 ment of Transportation, Department of Labor, and
5 Department of Education.

6 “(d) APPLICATION PROCESS.—The Secretary shall
7 prescribe the form and manner of filing an application
8 under this section.

9 “(e) PROJECT SELECTION CRITERIA.—

10 “(1) IN GENERAL.—In selecting a recipient of
11 a grant for an eligible project, the Secretary shall—

12 “(A) give preference to a proposed project
13 for which the proposed Federal share of total
14 project costs does not exceed 50 percent; and

15 “(B) after factoring in preference to
16 projects under subparagraph (A), select projects
17 that will maximize the net benefits of the funds
18 appropriated for use under this section, consid-
19 ering the cost-benefit analysis of the proposed
20 project, including anticipated private and public
21 benefits relative to the costs of the proposed
22 project and factoring in the other consider-
23 ations described in paragraph (2).

24 “(2) OTHER CONSIDERATIONS.—The Secretary
25 shall also consider the following:

1 “(A) The degree to which the proposed
2 project’s business plan considers potential pri-
3 vate sector participation in the financing, con-
4 struction, or operation of the project;

5 “(B) The recipient’s past performance in
6 developing and delivering similar projects, and
7 previous financial contributions;

8 “(C) Whether the recipient has or will have
9 the legal, financial, and technical capacity to
10 carry out the proposed project, satisfactory con-
11 tinuing control over the use of the equipment or
12 facilities, and the capability and willingness to
13 maintain the equipment or facilities;

14 “(D) If applicable, the consistency of the
15 proposed project with planning guidance and
16 documents set forth by the Secretary or re-
17 quired by law or State rail plans developed
18 under chapter 227;

19 “(E) If applicable, any technical evaluation
20 ratings that proposed project received under
21 previous competitive grant programs adminis-
22 tered by the Secretary; and

23 “(F) Such other factors as the Secretary
24 considers relevant to the successful delivery of
25 the project.

1 “(3) BENEFITS.—The benefits described in
2 paragraph (1)(B) may include the effects on system
3 and service performance, including measures such as
4 improved safety, competitiveness, reliability, trip or
5 transit time, resilience, efficiencies from improved
6 integration with other modes, and ability to meet ex-
7 isting or anticipated demand.

8 “(f) PERFORMANCE MEASURES.—The Secretary
9 shall establish performance measures for each grant re-
10 cipient to assess progress in achieving strategic goals and
11 objectives. The Secretary may require a grant recipient to
12 periodically report information related to such perform-
13 ance measures.

14 “(g) RURAL AREAS.—

15 “(1) IN GENERAL.—Of the amounts appro-
16 priated under this section, at least 25 percent shall
17 be available for projects in rural areas. The Sec-
18 retary shall consider a project to be in a rural area
19 if all or the majority of the project (determined by
20 the geographic location or locations where the major-
21 ity of the project funds will be spent) is located in
22 a rural area.

23 “(2) DEFINITION OF RURAL AREA.—In this
24 subsection, the term ‘rural area’ means any area not

1 in an urbanized area, as defined by the Census Bu-
2 reau.

3 “(h) FEDERAL SHARE OF TOTAL PROJECT COSTS.—

4 “(1) TOTAL PROJECT COSTS.—The Secretary
5 shall estimate the total costs of a project under this
6 subsection based on the best available information,
7 including engineering studies, studies of economic
8 feasibility, environmental analyses, and information
9 on the expected use of equipment or facilities.

10 “(2) FEDERAL SHARE.—The Federal share of
11 total project costs under this subsection shall not ex-
12 ceed 80 percent.

13 “(3) TREATMENT OF PASSENGER RAIL REV-
14 ENUE.—If Amtrak or another rail passenger carrier
15 is an applicant under this section, Amtrak or the
16 other rail passenger carrier, as applicable, may use
17 ticket and other revenues generated from its oper-
18 ations and other sources to satisfy the non-Federal
19 share requirements.

20 “(i) APPLICABILITY.—Except as specifically provided
21 in this section, the use of any amounts appropriated for
22 grants under this section shall be subject to the require-
23 ments of this chapter.

1 “(j) AVAILABILITY.—Amounts appropriated for car-
2 rying out this section shall remain available until ex-
3 pended.”.

4 (b) CONFORMING AMENDMENT.—The table of con-
5 tents of chapter 244, as amended by section 5302 of this
6 Act, is amended by adding after the item relating to sec-
7 tion 24407 the following:

“24408. Consolidated rail infrastructure and safety improvements.”.

8 **PART III—HAZARDOUS MATERIALS BY RAIL**

9 **SAFETY AND OTHER SAFETY ENHANCEMENTS**

10 **SEC. 5431. REAL-TIME EMERGENCY RESPONSE INFORMA-**
11 **TION.**

12 (a) IN GENERAL.—Not later than 1 year after the
13 date of enactment of this Act, the Secretary, in consulta-
14 tion with the Secretary of Homeland Security, shall pro-
15 mulgate regulations—

16 (1) to require a Class I railroad transporting
17 hazardous materials—

18 (A) to generate accurate, real-time, and
19 electronic train consist information, including—

20 (i) the identity, quantity, and location
21 of hazardous materials on a train;

22 (ii) the point of origin and destination
23 of the train;

1 (iii) any emergency response informa-
2 tion or resources required by the Sec-
3 retary; and

4 (iv) an emergency response point of
5 contact designated by the Class I railroad;
6 and

7 (B) to enter into a memorandum of under-
8 standing with each applicable fusion center to
9 provide that fusion center with secure and con-
10 fidential access to the electronic train consist
11 information described in subparagraph (A) for
12 each train transporting hazardous materials in
13 that fusion center's jurisdiction;

14 (2) to require each applicable fusion center to
15 provide the electronic train consist information de-
16 scribed in paragraph (1)(A) to first responders,
17 emergency response officials, and law enforcement
18 personnel that are involved in the response to or in-
19 vestigation of an incident, accident, or public health
20 or safety emergency involving the rail transportation
21 of hazardous materials and that request such elec-
22 tronic train consist information;

23 (3) to prohibit any Class I railroad, employee,
24 or agent from withholding, or causing to be withheld
25 the electronic train consist information described in

1 paragraph (1)(A) from first responders, emergency
2 response officials, and law enforcement personnel de-
3 scribed in paragraph (2) in the event of an incident,
4 accident, or public health or safety emergency involv-
5 ing the rail transportation of hazardous materials;
6 and

7 (4) to establish security and confidentiality pro-
8 tections to prevent the release of the electronic train
9 consist information to unauthorized persons.

10 (b) DEFINITIONS.—In this section:

11 (1) APPLICABLE FUSION CENTER.—The term
12 “applicable fusion center” means a fusion center
13 with responsibility for a geographic area in which a
14 Class I railroad operates.

15 (2) CLASS I RAILROAD.—The term “Class I
16 railroad” has the meaning given the term in section
17 20102 of title 49, United States Code.

18 (3) FUSION CENTER.—The term “fusion cen-
19 ter” has the meaning given the term in section
20 124h(j) of title 6, United States Code.

21 (4) HAZARDOUS MATERIALS.—The term “haz-
22 arduous materials” means material designated as haz-
23 arduous by the Secretary of Transportation under
24 chapter 51 of the United States Code.

1 (5) TRAIN CONSIST.—The term “train consist”
2 includes, with regard to a specific train, the number
3 of rail cars and the commodity transported by each
4 rail car.

5 (c) SAVINGS CLAUSE.—

6 (1) Nothing in this section may be construed to
7 prohibit a Class I railroad from voluntarily entering
8 into a memorandum of understanding, as described
9 in subsection (a)(1)(B), with a State emergency re-
10 sponse commission or an entity representing or in-
11 cluding first responders, emergency response offi-
12 cials, and law enforcement personnel.

13 (2) Nothing in this section may be construed to
14 amend any requirement for a railroad to provide a
15 State Emergency Response Commission, for each
16 State in which it operates trains transporting
17 1,000,000 gallons or more of Bakken crude oil, noti-
18 fication regarding the expected movement of such
19 trains through the counties in the State.

20 **SEC. 5432. THERMAL BLANKETS.**

21 (a) REQUIREMENTS.—Not later than 180 days after
22 the date of enactment of this Act, the Secretary shall pro-
23 mulgate such regulations as are necessary to require each
24 tank car built to meet the DOT-117 specification and each

1 non-jacketed tank car modified to meet the DOT-117R
2 specification to be equipped with a thermal blanket.

3 (b) DEFINITION OF THERMAL BLANKET.—In this
4 section, the term “thermal blanket” means an insulating
5 blanket that is applied between the outer surface of a tank
6 car tank and the inner surface of a tank car jacket and
7 that has thermal conductivity no greater than 2.65 Btu
8 per inch, per hour, per square foot, and per degree Fahr-
9 enheit at a temperature of 2000 degrees Fahrenheit, plus
10 or minus 100 degrees Fahrenheit.

11 (c) SAVINGS CLAUSE.—

12 (1) PRESSURE RELIEF DEVICES.—Nothing in
13 this section may be construed to affect or prohibit
14 any requirement to equip with appropriately sized
15 pressure relief devices a tank car built to meet the
16 DOT-117 specification or a non-jacketed tank car
17 modified to meet the DOT-117R specification.

18 (2) HARMONIZATION.—Nothing in this section
19 may be construed to require or allow the Secretary
20 to prescribe an implementation deadline or author-
21 ization end date for the requirement under sub-
22 section (a) that is earlier than the applicable imple-
23 mentation deadline or authorization end date for
24 other tank car modifications necessary to meet the
25 DOT-117R specification.

1 **SEC. 5433. COMPREHENSIVE OIL SPILL RESPONSE PLANS.**

2 (a) **REQUIREMENTS.**—Not later than 120 days after
3 the date of enactment of this Act, the Secretary shall issue
4 a notice of proposed rulemaking to require each railroad
5 carrier transporting a Class 3 flammable liquid to main-
6 tain a comprehensive oil spill response plan.

7 (b) **CONTENTS.**—The regulations under subsection
8 (a) shall require each rail carrier described in that sub-
9 section—

10 (1) to include in the comprehensive oil spill re-
11 sponse plan procedures and resources for respond-
12 ing, to the maximum extent practicable, to a worst-
13 case discharge;

14 (2) to ensure the comprehensive oil spill re-
15 sponse plan is consistent with the National Contin-
16 gency Plan and each applicable Area Contingency
17 Plan;

18 (3) to include in the comprehensive oil spill re-
19 sponse plan appropriate notification and training
20 procedures;

21 (4) to review and update its comprehensive oil
22 spill response plan as appropriate; and

23 (5) to provide the comprehensive oil spill re-
24 sponse plan for acceptance by the Secretary.

25 (c) **SAVINGS CLAUSE.**—Nothing in the section may
26 be construed as prohibiting the Secretary from promul-

1 gating different comprehensive oil response plan standards
2 for Class I, Class II, and Class III railroads.

3 (d) DEFINITIONS.—In this section:

4 (1) AREA CONTINGENCY PLAN.—The term
5 “Area Contingency Plan” has the meaning given the
6 term in section 311(a) of the Federal Water Pollu-
7 tion Control Act (33 U.S.C. 1321(a)).

8 (2) CLASS 3 FLAMMABLE LIQUID.—The term
9 “Class 3 flammable liquid” has the meaning given
10 the term in section 173.120(a) of title 49, Code of
11 Federal Regulations.

12 (3) CLASS I RAILROAD, CLASS II RAILROAD,
13 AND CLASS III RAILROAD.—The terms “Class I rail-
14 road”, “Class II railroad” and “Class III railroad”
15 have the meanings given the terms in section 20102
16 of title 49, United States Code.

17 (4) NATIONAL CONTINGENCY PLAN.—The term
18 “National Contingency Plan” has the meaning given
19 the term in section 1001 of the Oil Pollution Act of
20 1990 (33 U.S.C. 2701).

21 (5) RAILROAD CARRIER.—The term “railroad
22 carrier” has the meaning given the term in section
23 20102 of title 49, United States Code.

24 (6) WORST-CASE DISCHARGE.—The term
25 “worst-case discharge” means a railroad carrier’s

1 calculation of its largest foreseeable discharge in the
2 event of an accident or incident.

3 **SEC. 5434. HAZARDOUS MATERIALS BY RAIL LIABILITY**
4 **STUDY.**

5 (a) IN GENERAL.—Not later than 30 days after the
6 date of enactment of this Act, the Secretary shall initiate
7 a study on the levels and structure of insurance for a rail-
8 road carrier transporting hazardous materials.

9 (b) CONTENTS.—In conducting the study under sub-
10 section (a), the Secretary shall evaluate—

11 (1) the level and structure of insurance, includ-
12 ing self-insurance, available in the private market
13 against the full liability potential for damages aris-
14 ing from an accident or incident involving a train
15 transporting hazardous materials;

16 (2) the level and structure of insurance that
17 would be necessary and appropriate—

18 (A) to efficiently allocate risk and financial
19 responsibility for claims; and

20 (B) to ensure that a railroad carrier trans-
21 porting hazardous materials can continue to op-
22 erate despite the risk of an accident or incident;

23 (3) the potential applicability to trains trans-
24 porting hazardous materials of—

1 (A) a liability regime modeled after section
2 170 of the Atomic Energy Act of 1954, as
3 amended (42 U.S.C. 2210); and

4 (B) a liability regime modeled after sub-
5 title 2 of title XXI of the Public Health Service
6 Act (42 U.S.C. 300aa–10 et seq.).

7 (c) REPORT.—Not later than 1 year after the date
8 the study under subsection (a) is initiated, the Secretary
9 shall submit a report containing the results of the study
10 and recommendations for addressing liability issues with
11 rail transportation of hazardous materials to—

12 (1) the Committee on Commerce, Science, and
13 Transportation of the Senate; and

14 (2) the Committee on Transportation and In-
15 frastructure of the House of Representatives.

16 (d) DEFINITIONS.—In this section:

17 (1) HAZARDOUS MATERIAL.—The term “haz-
18 arduous material” means a substance or material the
19 Secretary designates under section 5103(a) of title
20 49, United States Code.

21 (2) RAILROAD CARRIER.—The term “railroad
22 carrier” has the meaning given the term in section
23 20102 of title 49, United States Code.

1 **SEC. 5435. STUDY OF ELECTRONICALLY-CONTROLLED**
2 **PNEUMATIC BRAKES.**

3 (a) GOVERNMENT ACCOUNTABILITY OFFICE
4 STUDY.—The Government Accountability Office shall
5 complete an independent evaluation of ECP brake systems
6 pilot program data and the Department of Transpor-
7 tation’s research and analysis on the effects of ECP brake
8 systems.

9 (b) STUDY ELEMENTS.—In completing the inde-
10 pendent evaluation under subsection (a), the Government
11 Accountability Office shall examine the following issues re-
12 lated to ECP brake systems:

13 (1) Data and modeling results on safety bene-
14 fits relative to conventional brakes and to other
15 braking technologies or systems, such as distributed
16 power and 2-way end-of-train devices.

17 (2) Data and modeling results on business ben-
18 efits, including the effects of dynamic braking.

19 (3) Data on costs, including up-front capital
20 costs and on-going maintenance costs.

21 (4) Analysis of potential operational challenges,
22 including the effects of potential locomotive and car
23 segregation, technical reliability issues, and network
24 disruptions.

25 (5) Analysis of potential implementation chal-
26 lenges, including installation time, positive train con-

1 trol integration complexities, component availability
2 issues, and tank car shop capabilities.

3 (6) Analysis of international experiences with
4 the use of advanced braking technologies.

5 (c) DEADLINE.—Not later than 2 years after the date
6 of enactment of this Act, the Government Accountability
7 Office shall transmit to the Committee on Commerce,
8 Science, and Transportation of the Senate and the Com-
9 mittee on Transportation and Infrastructure of the House
10 of Representatives a report on the results of the inde-
11 pendent evaluation under subsection (a).

12 **SEC. 5436. RECORDING DEVICES.**

13 (a) IN GENERAL.—Subchapter II of chapter 201 is
14 amended by adding after section 20167 the following:

15 **“§ 20168. Installation of audio and image recording**
16 **devices**

17 “(a) IN GENERAL.—Not later than 2 years after the
18 date of enactment of the Rail Reform, Enhancement, and
19 Efficiency Act, the Secretary of Transportation shall pro-
20 mulgate regulations to require each rail carrier that pro-
21 vides regularly scheduled intercity rail passenger or com-
22 muter rail passenger transportation to the public to install
23 inward- and outward-facing image recording devices in all
24 controlling locomotive cabs and cab car operating com-
25 partments in such passenger trains.

1 “(b) DEVICE STANDARDS.—Each inward- and out-
2 ward-facing image recording device shall—

3 “(1) have a minimum 12-hour continuous re-
4 cording capability;

5 “(2) have crash and fire protections for any in-
6 cab image recordings that are stored only within a
7 controlling locomotive cab or cab car operating com-
8 partment; and

9 “(3) have recordings accessible for review dur-
10 ing an accident investigation.

11 “(c) REVIEW.—The Secretary shall establish a proc-
12 ess to review and approve or disapprove an inward- or out-
13 ward-facing recording device for compliance with the
14 standards described in subsection (b).

15 “(d) USES.—A rail carrier that has installed an
16 inward- or outward-facing image recording device ap-
17 proved under subsection (c) may use recordings from that
18 inward- or outward-facing image recording device for the
19 following purposes:

20 “(1) Verifying that train crew actions are in ac-
21 cordance with applicable safety laws and the rail
22 carrier’s operating rules and procedures.

23 “(2) Assisting in an investigation into the cau-
24 sation of a reportable accident or incident.

1 “(3) Carrying out efficiency testing and system-
2 wide performance monitoring programs.

3 “(4) Documenting a criminal act or monitoring
4 unauthorized occupancy of the controlling locomotive
5 cab or car operating compartment.

6 “(5) Other purposes that the Secretary con-
7 siders appropriate.

8 “(e) VOLUNTARY IMPLEMENTATION.—

9 “(1) IN GENERAL.—Each rail carrier operating
10 freight rail service may implement any inward- or
11 outward-facing image recording devices approved
12 under subsection (c).

13 “(2) AUTHORIZED USES.—Notwithstanding any
14 other provision of law, each rail carrier may use re-
15 cordings from an inward- or outward-facing image
16 recording device approved under subsection (c) for
17 any of the purposes described in subsection (d).

18 “(f) DISCRETION.—

19 “(1) IN GENERAL.—The Secretary may—

20 “(A) require in-cab audio recording devices
21 for the purposes described in subsection (d);
22 and

23 “(B) define in appropriate technical detail
24 the essential features of the devices required
25 under subparagraph (A).

1 “(2) EXEMPTIONS.—The Secretary may exempt
2 any rail passenger carrier or any part of a rail pas-
3 senger carrier’s operations from the requirements
4 under subsection (a) if the Secretary determines
5 that the rail passenger carrier has implemented an
6 alternative technology or practice that provides an
7 equivalent or greater safety benefit or is better suit-
8 ed to the risks of the operation.

9 “(g) TAMPERING.—A rail carrier may take appro-
10 priate enforcement or administrative action against any
11 employee that tampers with or disables an audio or
12 inward- or outward-facing image recording device installed
13 by the rail carrier.

14 “(h) PRESERVATION OF DATA.—Each rail passenger
15 carrier subject to the requirements of subsection (a) shall
16 preserve recording device data for 1 year after the date
17 of a reportable accident or incident.

18 “(i) PROHIBITED USE.—An in-cab audio or image re-
19 cording obtained by a rail carrier under this section may
20 not be used to retaliate against an employee.

21 “(j) SAVINGS CLAUSE.—Nothing in this section may
22 be construed as requiring a rail carrier to cease or restrict
23 operations upon a technical failure of an inward- or out-
24 ward-facing image recording device. Such rail carrier shall

1 repair or replace the failed inward- or outward-facing
2 image recording device as soon as practicable.”.

3 (b) CONFORMING AMENDMENT.—The table of con-
4 tents for subchapter II of chapter 201 is amended by add-
5 ing at the end the following:

“20168. Installation of audio and image recording devices.”.

6 **SEC. 5437. RAIL PASSENGER TRANSPORTATION LIABILITY.**

7 (a) LIMITATIONS.—Section 28103(a) is amended—

8 (1) in paragraph (2), by striking
9 “\$200,000,000” and inserting “\$295,000,000, ex-
10 cept as provided in paragraph (3).”; and

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

12 “(3) The liability cap under paragraph (2) shall
13 be adjusted annually by the Secretary of Transpor-
14 tation to reflect changes in the Consumer Price
15 Index-All Urban Consumers.

16 “(4) The Federal Government shall have no fi-
17 nancial responsibility for any claims described in
18 paragraph (2).”.

19 (b) DEFINITION OF RAIL PASSENGER TRANSPOR-
20 TATION.—Section 28103(e) is amended—

21 (1) in the heading, by striking “DEFINITION.—
22 ” and inserting “DEFINITIONS.—”;

23 (2) in paragraph (2), by striking “; and” and
24 inserting a semicolon;

1 (3) in paragraph (3), by striking the period at
2 the end and inserting “; and”; and

3 (4) by adding at the end the following:

4 “(4) the term ‘rail passenger transportation’ in-
5 cludes commuter rail passenger transportation (as
6 defined in section 24102).”.

7 (c) PROHIBITION.—No Federal funds may be appro-
8 priated for the purpose of paying for the portion of an
9 insurance premium attributable to the increase in allow-
10 able awards under the amendments made by subsection
11 (a).

12 (d) EFFECTIVE DATE.—The amendments made by
13 subsection (a) shall be effective for any passenger rail acci-
14 dent or incident occurring on or after May 12, 2015.

15 **SEC. 5438. MODIFICATION REPORTING.**

16 (a) IN GENERAL.—Not later than 1 year after the
17 date of enactment of this Act, the Secretary shall imple-
18 ment a reporting requirement to monitor industry-wide
19 progress toward modifying tank cars used in high-hazard
20 flammable train service by the applicable deadlines or au-
21 thorization end dates set in regulation.

22 (b) TANK CAR DATA.—The Secretary shall collect
23 data from shippers and tank car owners on—

1 (1) the total number of tank cars modified to
2 meet the DOT-117R specification, or equivalent,
3 specifying—

4 (A) the type or specification of each tank
5 car before it was modified, including non-jack-
6 eted DOT-111, jacketed DOT-111, non-jack-
7 eted DOT-111 meeting the CPC-1232 stand-
8 ard, or jacketed DOT-111 meeting the CPC-
9 1232 standard; and

10 (B) the identification number of each Class
11 3 flammable liquid carried by each tank car in
12 the past year;

13 (2) the total number of tank cars built to meet
14 the DOT-117 specification, or equivalent; and

15 (3) the total number of tank cars used or likely
16 to be used in high-hazard flammable train service
17 that have not been modified, specifying—

18 (A) the type or specification of each tank
19 car not modified, including the non-jacketed
20 DOT-111, jacketed DOT-111, non-jacketed
21 DOT-111 meeting the CPC-1232 standard, or
22 jacketed DOT-111 meeting the CPC-1232
23 standard; and

1 (B) the identification number of each Class
2 3 flammable liquid carried by each tank car in
3 the past year.

4 (c) TANK CAR SHOP DATA.—The Secretary shall
5 conduct a survey of tank car facilities modifying tank cars
6 to the DOT-117R specification, or equivalent, or building
7 new tank cars to the DOT-117 specification, or equivalent,
8 to generate statistically-valid estimates of the expected
9 number of tank cars those facilities expect to modify to
10 DOT-117R specification, or equivalent, or build to the
11 DOT-117 specification, or equivalent.

12 (d) FREQUENCY.—The Secretary shall collect the
13 data under subsection (b) and conduct the survey under
14 subsection (c) annually until May 1, 2025.

15 (e) INFORMATION PROTECTIONS.—

16 (1) IN GENERAL.—The Secretary shall only re-
17 port data in industry-wide totals and shall treat
18 company-specific information as confidential busi-
19 ness information.

20 (2) LEVEL OF CONFIDENTIALITY.—The Sec-
21 retary shall ensure the data collected under sub-
22 section (b) and the survey data under subsection (c)
23 have the same level of confidentiality as contained in
24 the Confidential Information Protection and Statis-
25 tical Efficiency Act of 2002 (44 U.S.C. 3501 note),

1 as administered by the Bureau of Transportation
2 Statistics.

3 (3) SECTION 552(B)(3) OF TITLE 5.—Any infor-
4 mation that the Secretary obtains under subsection
5 (b) or subsection (c) by the Department of Trans-
6 portation shall be exempt from disclosure under sec-
7 tion 552(b)(3) of title 5.

8 (4) DESIGNEE.—The Secretary may designate
9 the Director of the Bureau of Transportation Statis-
10 tics to collect data under subsection (b) and the sur-
11 vey data under subsection (c) and direct the Direc-
12 tor to ensure the confidentiality of company-specific
13 information to the maximum extent permitted by
14 law.

15 (f) REPORT.—Each year, not later than 60 days after
16 the date that both the collection of the data under sub-
17 section (b) and the survey under subsection (c) are com-
18 plete, the Secretary shall report on the aggregate results,
19 without company-specific information, to—

20 (1) the Committee on Commerce, Science, and
21 Transportation of the Senate; and

22 (2) the Committee on Transportation and In-
23 frastructure of the House of Representatives.

24 (g) DEFINITIONS.—In this section:

1 (1) CLASS 3 FLAMMABLE LIQUID.—The term
2 “Class 3 flammable liquid” has the meaning given
3 the term in section 173.120(a) of title 49, Code of
4 Federal Regulations.

5 (2) HIGH-HAZARD FLAMMABLE TRAIN.—The
6 term “high-hazard flammable train” means a single
7 train transporting 20 or more tank cars loaded with
8 a Class 3 flammable liquid in a continuous block or
9 a single train transporting 35 or more tank cars
10 loaded with a Class 3 flammable liquid throughout
11 the train consist.

12 **SEC. 5439. REPORT ON CRUDE OIL CHARACTERISTICS RE-**
13 **SEARCH STUDY.**

14 Not later than 180 days after the research completion
15 of the comprehensive Crude Oil Characteristics Research
16 Sampling, Analysis, and Experiment (SAE) Plan study at
17 Sandia National Laboratories, the Secretary of Energy,
18 in cooperation with the Secretary of Transportation, shall
19 submit a report to the Committee on Commerce, Science,
20 and Transportation of the Senate, the Committee on En-
21 ergy and Natural Resources of the Senate, the Committee
22 on Transportation and Infrastructure of the House of
23 Representatives, and the Committee on Energy and Com-
24 merce of the House of Representatives that contains—

1 (1) the results of the comprehensive Crude Oil
2 Characteristics Research Sampling, Analysis, and
3 Experiment (SAE) Plan study; and

4 (2) recommendations, based on the findings of
5 the study, for—

6 (A) regulations that should be prescribed
7 by the Secretary of Transportation or the Sec-
8 retary of Energy to improve the safe transport
9 of crude oil; and

10 (B) legislation that should be enacted by
11 Congress to improve the safe transport of crude
12 oil.

13 **Subtitle E—Project Delivery**

14 **SEC. 5501. SHORT TITLE.**

15 This subtitle may be cited as the “Track, Railroad,
16 and Infrastructure Network Act”.

17 **SEC. 5502. PRESERVATION OF PUBLIC LANDS.**

18 (a) HIGHWAYS.—Section 138 of title 23, United
19 States Code, is amended—

20 (1) in subsection (b)(2)(A)(i), by inserting “,
21 taking into consideration any avoidance, minimiza-
22 tion, and mitigation or enhancement measures incor-
23 porated into the program or project” after “historic
24 site”; and

25 (2) by adding at the end the following:

1 “(c) RAIL AND TRANSIT.—Improvements to, or the
2 maintenance, rehabilitation, or operation of, railroad or
3 rail transit lines or elements of such lines, with the excep-
4 tion of stations, that are in use or were historically used
5 for the transportation of goods or passengers, shall not
6 be considered a use of an historic site under subsection
7 (a), regardless of whether the railroad or rail transit line
8 or element of such line is listed on, or eligible for listing
9 on, the National Register of Historic Places.”.

10 (b) TRANSPORTATION PROJECTS.—Section 303 is
11 amended—

12 (1) in subsection (c), by striking “subsection
13 (d)” and inserting “subsections (d) and (e)”;

14 (2) in subsection (d)(2)(A)(i), by inserting “,
15 taking into consideration any avoidance, minimiza-
16 tion, and mitigation or enhancement measures incor-
17 porated into the program or project” after “historic
18 site”; and

19 (3) by adding at the end the following:

20 “(e) RAIL AND TRANSIT.—Improvements to, or the
21 maintenance, rehabilitation, or operation of, railroad or
22 rail transit lines or elements of such lines, with the excep-
23 tion of stations, that are in use or were historically used
24 for the transportation of goods or passengers, shall not
25 be considered a use of an historic site under subsection

1 (c), regardless of whether the railroad or rail transit line
2 or element of such line is listed on, or eligible for listing
3 on, the National Register of Historic Places.”.

4 **SEC. 5503. EFFICIENT ENVIRONMENTAL REVIEWS.**

5 (a) IN GENERAL.—Section 304 is amended—

6 (1) in the heading, by striking “**for**
7 **multimodal projects**” and inserting “**and in-**
8 **creasing the efficiency of environmental**
9 **reviews**”; and

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

11 “(e) EFFICIENT ENVIRONMENTAL REVIEWS.—

12 “(1) IN GENERAL.—The Secretary of Transpor-
13 tation shall apply the project development proce-
14 dures, to the greatest extent feasible, described in
15 section 139 of title 23, United States Code, to any
16 rail project that requires the approval of the Sec-
17 retary of Transportation under the National Envi-
18 ronmental Policy Act of 1969 (42 U.S.C. 4321 et
19 seq.).

20 “(2) REGULATIONS AND PROCEDURES.—The
21 Secretary of Transportation shall incorporate such
22 project development procedures into the agency reg-
23 ulations and procedures pertaining to rail projects.

24 “(f) APPLICABILITY OF NEPA DECISIONS.—

1 “(1) IN GENERAL.—A Department of Trans-
2 portation operating administration may apply a cat-
3 egorical exclusion designated by another Department
4 of Transportation operating administration under
5 the National Environmental Policy Act of 1969 (42
6 U.S.C. 4321 et seq.).

7 “(2) FINDINGS.—A Department of Transpor-
8 tation operating administration may adopt, in whole
9 or in part, another Department of Transportation
10 operating administration’s Record of Decision, Find-
11 ing of No Significant Impact, and any associated
12 evaluations, determinations, or findings dem-
13 onstrating compliance with any law related to envi-
14 ronmental review or historic preservation.”.

15 **SEC. 5504. ADVANCE ACQUISITION.**

16 (a) IN GENERAL.—Chapter 241 is amended by in-
17 serting after section 24105 the following—

18 **“§ 24106. Advance acquisition**

19 “(a) RAIL CORRIDOR PRESERVATION.—The Sec-
20 retary may assist a recipient of funding in acquiring right-
21 of-way and adjacent real property interests before or dur-
22 ing the completion of the environmental reviews for any
23 project receiving funding under subtitle V of title 49,
24 United States Code, that may use such property interests
25 if the acquisition is otherwise permitted under Federal

1 law, and the recipient requesting Federal funding for the
2 acquisition certifies, with the concurrence of the Secretary,
3 that—

4 “(1) the recipient has authority to acquire the
5 right-of-way or adjacent real property interest; and

6 “(2) the acquisition of the right-of-way or adja-
7 cent real property interest—

8 “(A) is for a transportation or transpor-
9 tation-related purpose;

10 “(B) will not cause significant adverse en-
11 vironmental impact;

12 “(C) will not limit the choice of reasonable
13 alternatives for the proposed project or other-
14 wise influence the decision of the Secretary on
15 any approval required for the proposed project;

16 “(D) does not prevent the lead agency for
17 the review process from making an impartial
18 decision as to whether to accept an alternative
19 that is being considered;

20 “(E) complies with other applicable Fed-
21 eral law, including regulations;

22 “(F) will be acquired through negotiation
23 and without the threat of condemnation; and

24 “(G) will not result in the elimination or
25 reduction of benefits or assistance to a dis-

1 placed person under the Uniform Relocation
2 Assistance and Real Property Acquisition Poli-
3 cies Act of 1970 (42 U.S.C. 4601 et seq.) and
4 title VI of the Civil Rights Act of 1964 (42
5 U.S.C. 2000d et seq.).

6 “(b) ENVIRONMENTAL REVIEWS.—

7 “(1) COMPLETION OF NEPA REVIEW.—Before
8 authorizing any Federal funding for the acquisition
9 of a real property interest that is the subject of a
10 grant or other funding under this subtitle, the Sec-
11 retary shall complete, if required, the review process
12 under the National Environmental Policy Act of
13 1969 (42 U.S.C. 4321 et seq.) with respect to the
14 acquisition.

15 “(2) COMPLETION OF SECTION 106.—An acqui-
16 sition of a real property interest involving an historic
17 site shall not occur unless the section 106 process,
18 if required, under the National Historic Preservation
19 Act (54 U.S.C. 306108) is complete.

20 “(3) TIMING OF ACQUISITIONS.—A real prop-
21 erty interest acquired under subsection (a) may not
22 be developed in anticipation of the proposed project
23 until all required environmental reviews for the
24 project have been completed.”.

1 (b) CONFORMING AMENDMENT.—The table of con-
2 tents of chapter 241 is amended by inserting after the
3 item relating to section 24105 the following:

“24106. Advance acquisition.”.

4 **SEC. 5505. RAILROAD RIGHTS-OF-WAY.**

5 Section 306108 of title 54, United States Code, is
6 amended—

7 (1) by inserting “(b) OPPORTUNITY TO COM-
8 MENT.—” before “The head of the Federal agency
9 shall afford” and indenting accordingly;

10 (2) in the matter before subsection (b), by in-
11 sserting “(a) IN GENERAL.—” before “The head of
12 any Federal agency having direct” and indenting ac-
13 cordingly; and

14 (3) by adding at the end the following:

15 “(c) EXEMPTION FOR RAILROAD RIGHTS-OF-WAY.—

16 “(1) IN GENERAL.—Not later than 1 year after
17 the date of enactment of the Track, Railroad, and
18 Infrastructure Network Act, the Secretary of Trans-
19 portation shall submit a proposed exemption of rail-
20 road rights-of-way from the review under this chap-
21 ter to the Council for its consideration, consistent
22 with the exemption for interstate highways approved
23 on March 10, 2005 (70 Fed. Reg. 11,928).

24 “(2) FINAL EXEMPTION.—Not later than 180
25 days after the date that the Secretary submits the

1 proposed exemption under paragraph (1) to the
2 Council, the Council shall issue a final exemption of
3 railroad rights-of-way from review under this chap-
4 ter, consistent with the exemption for interstate
5 highways approved on March 10, 2005 (70 Fed.
6 Reg. 11,928).”.

7 **SEC. 5506. IMPROVING STATE AND FEDERAL AGENCY EN-**
8 **GAGEMENT IN ENVIRONMENTAL REVIEWS.**

9 (a) IN GENERAL.—Chapter 3 is amended by insert-
10 ing after section 306 the following:

11 **“§ 307. Improving State and Federal agency engage-**
12 **ment in environmental reviews**

13 “(a) IN GENERAL.—An entity receiving financial as-
14 sistance from the Secretary of Transportation for 1 or
15 more projects or for a program of projects, may request
16 that the Secretary allow the entity to provide funds to any
17 Federal agency, including the Department of Transpor-
18 tation, State agency, or Indian tribe (as defined in section
19 102 of the Federally Recognized Indian Tribe List Act
20 of 1994 (25 U.S.C. 479a)) participating in the environ-
21 mental planning and review process for the project,
22 projects, or program. The funds may be provided only to
23 support activities that directly and meaningfully con-
24 tribute to expediting and improving permitting and review

1 processes, including planning, approval, and consultation
2 processes for the project, projects, or program.

3 “(b) ACTIVITIES ELIGIBLE FOR FUNDING.—Activi-
4 ties for which funds may be provided under subsection (a)
5 include transportation planning activities that precede the
6 initiation of the environmental review process, activities
7 directly related to the environmental review process, dedi-
8 cated staffing, training of agency personnel, information
9 gathering and mapping, and development of programmatic
10 agreements.

11 “(c) AMOUNTS.—Requests under subsection (a) may
12 be approved only for the additional amounts that the Sec-
13 retary determines are necessary for the Federal agencies,
14 State agencies, or Indian tribes participating in the envi-
15 ronmental planning and review process to timely conduct
16 the reviews in an expedited manner.

17 “(d) AGREEMENTS.—Prior to providing funds ap-
18 proved by the Secretary for dedicated staffing at an af-
19 fected Federal agency under subsections (a) and (b), the
20 affected Federal agency, State agency or Indian tribe, as
21 appropriate, and the requesting entity shall enter into an
22 agreement that establishes a process to identify the
23 projects or priorities to be addressed by the use of the
24 funds.

1 “(e) **RULE OF CONSTRUCTION.**—Nothing in this sec-
2 tion shall be construed to be inconsistent with or to inter-
3 fere with section 139(j) of title 23.”.

4 (b) **CONFORMING AMENDMENT.**—The table of con-
5 tents of chapter 3 is amended by inserting after the item
6 relating to section 306 the following:

 “307. Improving State and Federal agency engagement in environmental re-
 views.”.

7 **SEC. 5507. SAVINGS CLAUSE.**

8 Nothing in this title, or any amendment made by this
9 title, shall be construed as superceding, amending, or
10 modifying the National Environmental Policy Act of 1969
11 (42 U.S.C. 4321 et seq.) or affect the responsibility of any
12 Federal officer to comply with or enforce any such statute.

13 **SEC. 5508. TRANSITION.**

14 Nothing in this title, or any amendment made by this
15 title, shall affect any existing environmental review proc-
16 ess, program, agreement, or funding arrangement ap-
17 proved by the Secretary under title 49, United States
18 Code, as that title was in effect on the day preceding the
19 date of enactment of this subtitle.

20 **Subtitle F—Financing**

21 **SEC. 5601. SHORT TITLE; REFERENCES.**

22 (a) **SHORT TITLE.**—This subtitle may be cited as the
23 “Railroad Infrastructure Financing Improvement Act”.

1 (b) REFERENCES TO THE RAILROAD REVITALIZA-
2 TION AND REGULATORY REFORM ACT OF 1976.—Except
3 as otherwise expressly provided, wherever in this subtitle
4 an amendment or repeal is expressed in terms of an
5 amendment to, or repeal of, a section or other provision,
6 the reference shall be considered to be made to a section
7 or other provision of the Railroad Revitalization and Regu-
8 latory Reform Act of 1976, as amended (45 U.S.C. 801
9 et seq.).

10 **SEC. 5602. DEFINITIONS.**

11 Section 501 (45 U.S.C. 821) is amended—

12 (1) by redesignating paragraph (8) as para-
13 graph (10);

14 (2) by redesignating paragraphs (6) and (7) as
15 paragraphs (7) and (8), respectively;

16 (3) by inserting after paragraph (5) the fol-
17 lowing:

18 “(6) The term ‘investment-grade rating’ means
19 a rating of BBB minus, Baa 3, bbb minus,
20 BBB(low), or higher assigned by a rating agency.”;

21 (4) by inserting after paragraph (8), as redesi-
22 gnated, the following:

23 “(9) The term ‘master credit agreement’ means
24 an agreement to make 1 or more direct loans or loan

1 guarantees at future dates for a program of related
2 projects on terms acceptable to the Secretary.”; and

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

4 “(11) The term ‘obligor’ means a party that—

5 “(A) is primarily liable for payment of the
6 principal of or interest on a direct loan or loan
7 guarantee under this section; and

8 “(B) may be a corporation, limited liability
9 company, partnership, joint venture, trust, or
10 governmental entity, agency, or instrumentality.

11 “(12) The term ‘project obligation’ means a
12 note, bond, debenture, or other debt obligation
13 issued by a borrower in connection with the financ-
14 ing of a project, other than a direct loan or loan
15 guarantee under this title.

16 “(13) The term ‘railroad’ has the meaning
17 given the term ‘railroad carrier’ in section 20102 of
18 title 49, United States Code.

19 “(14) The term ‘rating agency’ means a credit
20 rating agency registered with the Securities and Ex-
21 change Commission as a nationally recognized statis-
22 tical rating organization (as defined in section 3(a)
23 of the Securities Exchange Act of 1934 (15 U.S.C.
24 78c(a))).

1 “(15) The term ‘substantial completion’
2 means—

3 “(A) the opening of a project to passenger
4 or freight traffic; or

5 “(B) a comparable event, as determined by
6 the Secretary and specified in the direct loan.”.

7 **SEC. 5603. ELIGIBLE APPLICANTS.**

8 Section 502(a) (45 U.S.C. 822(a)) is amended—

9 (1) in paragraph (5), by striking “one railroad;
10 and” and inserting “1 of the entities described in
11 paragraph (1), (2), (3), (4), or (6);”;

12 (2) by amending paragraph (6) to read as fol-
13 lows:

14 “(6) solely for the purpose of constructing a
15 rail connection between a plant or facility and a rail
16 carrier, limited option freight shippers that own or
17 operate a plant or other facility; and”;

18 (3) by adding at the end the following:

19 “(7) any obligor, as designated by an entity
20 otherwise eligible to receive a direct loan or loan
21 guarantee under this section, including a special
22 purpose entity receiving user fees or other payments
23 or revenues from dedicated sources for debt service
24 and maintenance of the equipment or facilities to be
25 acquired or improved; and

1 “(8) a public-private or private partnership be-
2 tween at least 1 other entity listed in any of para-
3 graphs (1) through (7) and a consortium that spe-
4 cializes in real estate development.”.

5 **SEC. 5604. ELIGIBLE PURPOSES.**

6 Section 502(b)(1) (45 U.S.C. 822(b)(1)) is amend-
7 ed—

8 (1) in subparagraph (A), by inserting “, and
9 costs related to these activities, including pre-con-
10 struction costs” after “shops”;

11 (2) in subparagraph (B), by striking “subpara-
12 graph (A); or” and inserting “subparagraph (A) or
13 (C);”;

14 (3) in subparagraph (C), by striking the period
15 at the end and inserting a semicolon; and

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

17 “(D) reimburse planning and design ex-
18 penses relating to projects described in subpara-
19 graph (A) or (C); or

20 “(E) finance economic development, in-
21 cluding commercial and residential development,
22 and related infrastructure and activities, that—

23 “(i) incorporates private investment;

24 “(ii) is physically or functionally re-
25 lated to a passenger rail station or

1 multimodal station that includes rail serv-
2 ice;

3 “(iii) has a high probability of the ap-
4 plicant commencing the contracting proc-
5 ess for construction not later than 90 days
6 after the date on which the direct loan or
7 loan guarantee is obligated for the project
8 under this title; and

9 “(iv) has a high probability of reduc-
10 ing the need for financial assistance under
11 any other Federal program for the relevant
12 passenger rail station or service by increas-
13 ing ridership, tenant lease payments, or
14 other activities that generate revenue ex-
15 ceeding costs.”.

16 **SEC. 5605. PROGRAM ADMINISTRATION.**

17 (a) APPLICATION PROCESSING PROCEDURES.—Sec-
18 tion 502(i) (45 U.S.C. 822(i)) is amended to read as fol-
19 lows:

20 “(i) APPLICATION PROCESSING PROCEDURES.—

21 “(1) APPLICATION STATUS NOTICES.—Not later
22 than 30 days after the date that the Secretary re-
23 ceives an application under this section, the Sec-
24 retary shall provide the applicant written notice as
25 to whether the application is complete or incomplete.

1 “(2) INCOMPLETE APPLICATIONS.—If the Sec-
2 retary determines that an application is incomplete,
3 the Secretary shall—

4 “(A) provide the applicant with a descrip-
5 tion of all of the specific information or mate-
6 rial that is needed to complete the application;
7 and

8 “(B) allow the applicant to resubmit the
9 information and material described under sub-
10 paragraph (A) to complete the application.

11 “(3) APPLICATION APPROVALS AND DIS-
12 APPROVALS.—

13 “(A) IN GENERAL.—Not later than 60
14 days after the date the Secretary notifies an ap-
15 plicant that an application is complete under
16 paragraph (1), the Secretary shall provide the
17 applicant written notice as to whether the Sec-
18 retary has approved or disapproved the applica-
19 tion.

20 “(B) ACTIONS BY THE OFFICE OF MAN-
21 AGEMENT AND BUDGET.—In order to enable
22 compliance with the time limit under subpara-
23 graph (A), the Office of Management and
24 Budget shall take any action required with re-

1 spect to the application within that 60-day pe-
2 riod.

3 “(4) EXPEDITED PROCESSING.—The Secretary
4 shall implement procedures and measures to econo-
5 mize the time and cost involved in obtaining an ap-
6 proval or a disapproval of credit assistance under
7 this title.

8 “(5) DASHBOARD.—The Secretary shall post on
9 the Department of Transportation’s public Web site
10 a monthly report that includes for each applica-
11 tion—

12 “(A) the name of the applicant or appli-
13 cants;

14 “(B) the location of the project;

15 “(C) a brief description of the project, in-
16 cluding its purpose;

17 “(D) the requested direct loan or loan
18 guarantee amount;

19 “(E) the date on which the Secretary pro-
20 vided application status notice under paragraph
21 (1); and

22 “(F) the date that the Secretary provided
23 notice of approval or disapproval under para-
24 graph (3).”.

1 (b) ADMINISTRATION OF DIRECT LOANS AND LOAN
2 GUARANTEES.—Section 503 (45 U.S.C. 823) is amend-
3 ed—

4 (1) in subsection (a), by striking the period at
5 the end and inserting “, including a program guide
6 and standard term sheet and specific timetables.”;

7 (2) by redesignating subsections (c) through (l)
8 as subsections (d) through (m), respectively;

9 (3) by striking “(b) ASSIGNMENT OF LOAN
10 GUARANTEES.—” and inserting “(c) ASSIGNMENT
11 OF LOAN GUARANTEES.—”;

12 (4) in subsection (d), as redesignated—

13 (A) in paragraph (1), by striking “; and”
14 and inserting a semicolon;

15 (B) in paragraph (2), by striking the pe-
16 riod at the end and inserting “; and”; and

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

18 “(3) the modification cost has been covered
19 under section 502(f).”; and

20 (5) by amending subsection (l), as redesignated,
21 to read as follows:

22 “(l) CHARGES AND LOAN SERVICING.—

23 “(1) PURPOSES.—The Secretary may collect
24 and spend from each applicant, obligor, or loan
25 party a reasonable charge for—

1 “(A) the cost of evaluating the application,
2 amendments, modifications, and waivers, in-
3 cluding for evaluating project viability, appli-
4 cant creditworthiness, and the appraisal of the
5 value of the equipment or facilities for which
6 the direct loan or loan guarantee is sought, and
7 for making necessary determinations and find-
8 ings;

9 “(B) the cost of award management and
10 project management oversight;

11 “(C) the cost of services from expert firms,
12 including counsel, and independent financial ad-
13 visors to assist in the underwriting, auditing,
14 servicing, and exercise of rights with respect to
15 direct loans and loan guarantees; and

16 “(D) the cost of all other expenses in-
17 curred as a result of a breach of any term or
18 condition or any event of default on a direct
19 loan or loan guarantee.

20 “(2) STANDARDS.—The Secretary may charge
21 different amounts under this subsection based on the
22 different costs incurred under paragraph (1).

23 “(3) SERVICER.—

24 “(A) IN GENERAL.—The Secretary may
25 appoint a financial entity to assist the Secretary

1 in servicing a direct loan or loan guarantee
2 under this section.

3 “(B) DUTIES.—A servicer appointed under
4 subparagraph (A) shall act as the agent of the
5 Secretary in serving a direct loan or loan guar-
6 antee under this section.

7 “(C) FEES.—A servicer appointed under
8 subparagraph (A) shall receive a servicing fee
9 from the obligor or other loan party, subject to
10 approval by the Secretary.

11 “(4) USE OF OTHER FEDERAL FUNDS.—Not-
12 withstanding any other provision of law, an appli-
13 cant may use grants under chapter 244 of title 49,
14 United States Code, to pay any charge under this
15 subsection.

16 “(5) SAFETY AND OPERATIONS ACCOUNT.—
17 Amounts collected under this subsection shall—

18 “(A) be credited directly to the Safety and
19 Operations account of the Federal Railroad Ad-
20 ministration; and

21 “(B) remain available until expended to
22 pay for the costs described in this subsection.”.

23 **SEC. 5606. LOAN TERMS AND REPAYMENT.**

24 (a) PREREQUISITES FOR ASSISTANCE.—Section
25 502(g)(1) (45 U.S.C. 822(g)(1)) is amended by striking

1 “35 years from the date of its execution” and inserting
2 “the lesser of 35 years after the date of substantial com-
3 pletion of the project or the estimated useful life of the
4 rail equipment or facilities to be acquired, rehabilitated,
5 improved, developed, or established”.

6 (b) REPAYMENT SCHEDULES.—Section 502(j) (45
7 U.S.C. 822(j)) is amended—

8 (1) in paragraph (1), by striking “the sixth an-
9 niversary date of the original loan disbursement”
10 and inserting “5 years after the date of substantial
11 completion”; and

12 (2) by adding at the end the following:

13 “(3) DEFERRED PAYMENTS.—

14 “(A) IN GENERAL.—If at any time after
15 the date of substantial completion the project is
16 unable to generate sufficient revenues to pay
17 the scheduled loan repayments of principal and
18 interest on the direct loan, the Secretary, sub-
19 ject to subparagraph (B), may allow, for a max-
20 imum aggregate time of 1 year over the dura-
21 tion of the direct loan, the obligor to add un-
22 paid principal and interest to the outstanding
23 balance of the direct loan.

24 “(B) INTEREST.—A payment deferred
25 under subparagraph (A) shall—

1 “(i) continue to accrue interest under
2 paragraph (2) until the loan is fully repaid;
3 and

4 “(ii) be scheduled to be amortized
5 over the remaining term of the loan.

6 “(4) PREPAYMENTS.—

7 “(A) USE OF EXCESS REVENUES.—Any
8 excess revenues that remain after satisfying
9 scheduled debt service requirements on the
10 project obligations and direct loan and all de-
11 posit requirements under the terms of any trust
12 agreement, bond resolution, or similar agree-
13 ment securing project obligations may be ap-
14 plied annually to prepay the direct loan without
15 penalty.

16 “(B) USE OF PROCEEDS OF REFI-
17 NANCING.—The direct loan may be prepaid at
18 any time without penalty from the proceeds of
19 refinancing from non-Federal funding
20 sources.”.

21 (c) SALE OF DIRECT LOANS.—Section 502 (45
22 U.S.C. 822) is amended by adding at the end the fol-
23 lowing:

24 “(k) SALE OF DIRECT LOANS.—

1 “(1) IN GENERAL.—Subject to paragraph (2)
2 and as soon as practicable after substantial comple-
3 tion of a project, the Secretary, after notifying the
4 obligor, may sell to another entity or reoffer into the
5 capital markets a direct loan for the project if the
6 Secretary determines that the sale or reoffering has
7 a high probability of being made on favorable terms.

8 “(2) CONSENT OF OBLIGOR.—In making a sale
9 or reoffering under paragraph (1), the Secretary
10 may not change the original terms and conditions of
11 the secured loan without the prior written consent of
12 the obligor”.

13 (d) NONSUBORDINATION.—Section 502 (45 U.S.C.
14 822), as amended in subsection (c), is further amended
15 by adding at the end the following:

16 “(1) NONSUBORDINATION.—

17 “(1) IN GENERAL.—Except as provided in para-
18 graph (2)(B), a direct loan shall not be subordinated
19 to the claims of any holder of project obligations in
20 the event of bankruptcy, insolvency, or liquidation of
21 the obligor.

22 “(2) PREEXISTING INDENTURES.—

23 “(A) IN GENERAL.—The Secretary may
24 waive the requirement under paragraph (1) for
25 a public agency borrower that is financing on-

1 going capital programs and has outstanding
2 senior bonds under a preexisting indenture if—

3 “(i) the direct loan is rated in the A
4 category or higher;

5 “(ii) the direct loan is secured and
6 payable from pledged revenues not affected
7 by project performance, such as a tax-
8 based revenue pledge or a system-backed
9 pledge of project revenues; and

10 “(iii) the program share, under this
11 title, of eligible project costs is 50 percent
12 or less.

13 “(B) LIMITATION.—The Secretary may
14 impose limitations for the waiver of the non-
15 subordination requirement under this para-
16 graph if the Secretary determines that such
17 limitations would be in the financial interest of
18 the Federal Government.”.

19 **SEC. 5607. CREDIT RISK PREMIUMS.**

20 Section 502(f) (45 U.S.C. 822(f)) is amended—

21 (1) in paragraph (1), by amending the first sen-
22 tence to read as follows: “In lieu of or in combina-
23 tion with appropriations of budget authority to cover
24 the costs of direct loans and loan guarantees as re-
25 quired under section 504(b)(1) of the Federal Credit

1 Reform Act of 1990 (2 U.S.C. 661c(b)(1)), includ-
2 ing the cost of a modification thereof, the Secretary
3 may accept on behalf of an applicant for assistance
4 under this section a commitment from a non-Federal
5 source, including a State or local government or
6 agency or public benefit corporation or public au-
7 thority thereof, to fund in whole or in part credit
8 risk premiums and modification costs with respect to
9 the loan that is the subject of the application or
10 modification.”;

11 (2) in paragraph (2)—

12 (A) in subparagraph (D), by adding “and”
13 after the semicolon;

14 (B) by striking subparagraph (E); and

15 (C) by redesignating subparagraph (F) as
16 subparagraph (E);

17 (3) by striking paragraph (4);

18 (4) by redesignating paragraph (3) as para-
19 graph (4);

20 (5) by inserting after paragraph (2) the fol-
21 lowing:

22 “(3) CREDITWORTHINESS.—An applicant may
23 propose and the Secretary may accept as a basis for
24 determining the amount of the credit risk premium

1 under paragraph (2) any of the following in addition
2 to the value of any tangible asset:

3 “(A) The net present value of a future
4 stream of State or local subsidy income or other
5 dedicated revenues to secure the direct loan or
6 loan guarantee.

7 “(B) Adequate coverage requirements to
8 ensure repayment, on a non-recourse basis,
9 from cash flows generated by the project or any
10 other dedicated revenue source, including—

11 “(i) tolls;

12 “(ii) user fees; or

13 “(iii) payments owing to the obligor
14 under a public-private partnership.

15 “(C) An investment-grade rating on the di-
16 rect loan or loan guarantee, as applicable, ex-
17 cept that if the total amount of the direct loan
18 or loan guarantee is greater than \$75,000,000,
19 the applicant shall have an investment-grade
20 rating from at least 2 rating agencies on the di-
21 rect loan or loan guarantee.”;

22 (6) in paragraph (4), as redesignated, by strik-
23 ing “amounts” and inserting “amounts (and in the
24 case of a modification, before the modification is ex-
25 ecuted), to the extent appropriations are not avail-

1 able to the Secretary to meet the costs of direct
2 loans and loan guarantees, including costs of modi-
3 fications thereof”; and

4 (7) by adding at the end the following:

5 “(5) USE OF OTHER FEDERAL FUNDS.—Not-
6 withstanding any other provision of law, an appli-
7 cant may use grants under chapter 244 of title 49,
8 United States Code, to pay part or all of a credit
9 risk premium or modification cost under this sub-
10 section.”.

11 **SEC. 5608. MASTER CREDIT AGREEMENTS.**

12 Section 502 (45 U.S.C. 822), as amended by sub-
13 sections (c) and (d) of section 5606 of this Act, is further
14 amended by adding at the end the following:

15 “(m) MASTER CREDIT AGREEMENTS.—

16 “(1) IN GENERAL.—Subject to section 502(d)
17 and paragraph (2) of this subsection, the Secretary
18 may enter into a master credit agreement that pro-
19 vides for all of the conditions for the provision of a
20 direct loan or loan guarantee, as applicable, under
21 this title and other applicable requirements to be
22 satisfied prior to the issuance of the direct loan or
23 loan guarantee.

24 “(2) CONDITIONS.—Each master credit agree-
25 ment shall—

1 “(A) establish the maximum amount and
2 general terms and conditions of each applicable
3 direct loan or loan guarantee;

4 “(B) identify 1 or more dedicated non-
5 Federal revenue sources that will secure the re-
6 payment of each applicable direct loan or loan
7 guarantee;

8 “(C) provide for the obligation of funds for
9 the direct loans or loan guarantees after all re-
10 quirements have been met for the projects sub-
11 ject to the master credit agreement; and

12 “(D) provide 1 or more dates, as deter-
13 mined by the Secretary, before which the mas-
14 ter credit agreement results in each of the di-
15 rect loans or loan guarantees or in the release
16 of the master credit agreement.”.

17 **SEC. 5609. PRIORITIES AND CONDITIONS.**

18 (a) **PRIORITY PROJECTS.**—Section 502(c) (45 U.S.C.
19 822(c)) is amended—

20 (1) in paragraph (1), by inserting “, including
21 projects for the installation of a positive train con-
22 trol system (as defined in section 20157(i) of title
23 49, United States Code)” after “public safety”;

24 (2) by redesignating paragraphs (2) and (3) as
25 paragraphs (3) and (2), respectively;

1 (3) in paragraph (5), by inserting “or chapter
2 227 of title 49” after “section 135 of title 23”;

3 (4) by redesignating paragraphs (6) through
4 (8) as paragraphs (7) through (9), respectively; and

5 (5) by inserting after paragraph (5) the fol-
6 lowing:

7 “(6) improve railroad stations and passenger
8 facilities and increase transit-oriented develop-
9 ment;”.

10 (b) CONDITIONS OF ASSISTANCE.—Section 502(h)
11 (45 U.S.C. 822(h)) is amended—

12 (1) in paragraph (2), by inserting “, if applica-
13 ble” after “project”; and

14 (2) by adding at the end the following:

15 “(4) For a project described in subsection
16 (b)(1)(E), the Secretary shall require the applicant,
17 obligor, or other loan party, in addition to the inter-
18 est required under subsection (e), to provide the
19 sponsor of the intercity passenger rail service or its
20 designee, a fee or payment in an amount determined
21 appropriate by the Secretary to provide an equitable
22 share of project revenue to support the capital or op-
23 erating costs of the routes serving the passenger rail
24 station or multimodal station where the development
25 is located.”.

1 **SEC. 5610. SAVINGS PROVISION.**

2 (a) IN GENERAL.—Except as provided in subsection
3 (b), this subtitle, and the amendments made by this sub-
4 title, shall not affect any direct loan (or direct loan obliga-
5 tion) or an outstanding loan guarantee (or loan guarantee
6 commitment) that was in effect prior to the date of enact-
7 ment of this Act. Any such transaction entered into before
8 the date of enactment of this Act shall be administered
9 until completion under its terms as if this Act were not
10 enacted.

11 (b) MODIFICATION COSTS.—At the discretion of the
12 Secretary, the authority to accept modification costs on
13 behalf of an applicant under section 502(f) of the Railroad
14 Revitalization and Regulatory Reform Act of 1976 (45
15 U.S.C. 822(f)), as amended by section 5607 of this Act,
16 may apply with respect to any direct loan (or direct loan
17 obligation) or an outstanding loan guarantee (or loan
18 guarantee commitment) that was in effect prior to the
19 date of enactment of this Act.