

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

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

S. 1732

A bill 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 IN THE NATURE OF A SUBSTITUTE intended
to be proposed by Mr. THUNE

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS; REF-**
4 **ERENCES.**

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

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

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

TITLE I—OFFICE OF THE SECRETARY

Subtitle A—Accelerating Project Delivery

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

Subtitle B—Freight

- Sec. 1201. Establishment of freight chapter.
- Sec. 1202. National multimodal freight policy.
- Sec. 1203. National multimodal freight network.
- Sec. 1204. National Freight Strategic Plan.
- Sec. 1205. State freight plans.
- Sec. 1206. Freight transportation conditions and performance reports.
- Sec. 1207. Repeals.
- Sec. 1208. Savings provision.

Subtitle C—Research

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

Subtitle D—Port Performance Act

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

TITLE II—COMMERCIAL MOTOR VEHICLE AND DRIVER
PROGRAMS

Subtitle A—Compliance, Safety, and Accountability Reform

PART I—COMPLIANCE, SAFETY, AND ACCOUNTABILITY

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

PART II—INTERIM HIRING STANDARD

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

Subtitle B—Transparency and Accountability

- Sec. 2201. Rulemaking requirements.
- Sec. 2202. Petitions for regulatory relief.
- Sec. 2203. Inspector standards.
- Sec. 2204. Technology improvements.

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

- Sec. 2301. Update on statutory requirements.
- Sec. 2302. Statutory rulemaking.
- Sec. 2303. Guidance reform.
- Sec. 2304. Petitions.
- Sec. 2305. Regulatory reform.

Subtitle D—State Authorities

- Sec. 2401. Emergency route working group.
- Sec. 2402. Additional State authority.
- Sec. 2403. Commercial driver access.

Subtitle E—Motor Carrier Safety Grant Consolidation

- Sec. 2501. Definitions.
- Sec. 2502. Grants to States.
- Sec. 2503. New entrant safety review program study.
- Sec. 2504. Performance and registration information systems management.
- Sec. 2505. Authorization of appropriations.
- Sec. 2506. Commercial driver's license program implementation.
- Sec. 2507. Extension of Federal motor carrier safety programs for fiscal year
2016.
- Sec. 2508. Motor carrier safety assistance program allocation.
- Sec. 2509. Maintenance of effort calculation.

Subtitle F—Miscellaneous Provisions

- Sec. 2601. Windshield technology.
- Sec. 2602. Electronic logging devices requirements.
- Sec. 2603. Lapse of required financial security; suspension of registration.
- Sec. 2604. Access to National Driver Register.
- Sec. 2605. Study on commercial motor vehicle driver commuting.
- Sec. 2606. Household goods consumer protection working group.
- Sec. 2607. Interstate van operations.

TITLE III—HAZARDOUS MATERIALS

- Sec. 3101. Endorsements.
- Sec. 3102. Enhanced reporting.
- Sec. 3103. Hazardous material information.
- Sec. 3104. Hazardous materials training requirements and grants.
- Sec. 3105. National emergency and disaster response.
- Sec. 3106. Flexible services.
- Sec. 3107. Authorization of appropriations.

TITLE IV—HIGHWAY AND MOTOR VEHICLE SAFETY

Subtitle A—Highway Traffic Safety

PART I—HIGHWAY SAFETY

- Sec. 4101. Authorization of appropriations.
- Sec. 4102. Highway safety programs.
- Sec. 4103. Grants for alcohol-ignition interlock laws and 24–7 sobriety programs.
- Sec. 4104. Repeat offender criteria.
- Sec. 4105. Study on the national roadside survey of alcohol and drug use by drivers.

PART II—STOP MOTORCYCLE CHECKPOINT FUNDING ACT

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

PART III—IMPROVING DRIVER SAFETY ACT OF 2015

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

PART IV—TECHNICAL AND CONFORMING AMENDMENTS

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

Subtitle B—Vehicle Safety

- Sec. 4201. Authorization of appropriations.
- Sec. 4202. Inspector General recommendations.
- Sec. 4203. Improvements in availability of recall information.
- Sec. 4204. Recall process.
- Sec. 4205. Pilot grant program for State notification to consumers of motor vehicle recall status.
- Sec. 4206. Recall obligations under bankruptcy.
- Sec. 4207. Dealer requirement to check for open recall.
- Sec. 4208. Extension of time period for remedy of tire defects.
- Sec. 4209. Rental car safety.
- Sec. 4210. Motor vehicle equipment.
- Sec. 4211. Increase in civil penalties for violations of motor vehicle safety.
- Sec. 4212. Electronic odometer disclosures.
- Sec. 4213. Corporate responsibility for NHTSA reports.
- Sec. 4214. Direct vehicle notification of recalls.
- Sec. 4215. Unattended children warning.

Subtitle C—Research and Development and Vehicle Electronics

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

Subtitle D—Miscellaneous Provisions

PART I—DRIVER PRIVACY ACT OF 2015

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

PART II—SAFETY THROUGH INFORMED CONSUMERS ACT OF 2015

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

PART III—TIRE EFFICIENCY, SAFETY, AND REGISTRATION ACT OF 2015

- Sec. 4431. Short title.
- Sec. 4432. Tire fuel efficiency minimum performance standards.
- Sec. 4433. Tire registration by independent sellers.
- Sec. 4434. Tire recall database.

TITLE V—RAILROAD REFORM, ENHANCEMENT, AND EFFICIENCY

- Sec. 5001. Short title.
- Sec. 5002. Passenger transportation; definitions.

Subtitle A—Authorization of Appropriations

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

Subtitle B—Amtrak Reform

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

Subtitle C—Intercity Passenger Rail Policy

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

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

Subtitle D—Rail Safety

PART I—SAFETY IMPROVEMENT

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

PART II—CONSOLIDATED RAIL INFRASTRUCTURE AND SAFETY
IMPROVEMENTS

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

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

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

PART IV—POSITIVE TRAIN CONTROL

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

Subtitle E—Project Delivery

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

Subtitle F—Financing

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

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

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

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

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

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

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

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

19 “No person designated to serve as the acting head
20 of an administration in the department of transportation

1 under section 3345 of title 5 may continue to perform the
2 functions and duties of the office if the time limitations
3 in section 3346 of that title would prevent the person from
4 continuing to serve in a formal acting capacity.”.

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

“116. Administrations; acting officers.”.

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

11 **SEC. 1102. INFRASTRUCTURE PERMITTING IMPROVEMENT**
12 **CENTER.**

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

16 **“§ 312. Interagency Infrastructure Permitting Im-**
17 **provement Center**

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

22 “(b) ROLES AND RESPONSIBILITIES.—

23 “(1) GOVERNANCE.—The Center shall report to
24 the chair of the Steering Committee described in

1 paragraph (2) to ensure that the perspectives of all
2 member agencies are represented.

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

13 “(A) The Department of Defense.

14 “(B) The Department of the Interior.

15 “(C) The Department of Agriculture.

16 “(D) The Department of Commerce.

17 “(E) The Department of Transportation.

18 “(F) The Department of Energy.

19 “(G) The Department of Homeland Secu-
20 rity.

21 “(H) The Environmental Protection Agen-
22 cy.

23 “(I) The Advisory Council on Historic
24 Preservation.

25 “(J) The Department of the Army.

1 “(K) The Department of Housing and
2 Urban Development.

3 “(L) Other agencies the Chair of the
4 Steering Committee invites to participate.

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

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

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

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

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

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

1 “(i) tracking and reporting of metrics;

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

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

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

13 “(4) INFRASTRUCTURE SECTORS COVERED.—
14 The Center shall support process improvements in
15 the permitting and review of infrastructure projects
16 in the following sectors:

17 “(A) Surface transportation.

18 “(B) Aviation.

19 “(C) Ports and waterways.

20 “(D) Water resource projects.

21 “(E) Renewable energy generation.

22 “(F) Electricity transmission.

23 “(G) Broadband.

24 “(H) Pipelines.

1 “(I) Other sectors, as determined by the
2 Steering Committee.”.

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

“312. Interagency Infrastructure Permitting Improvement Center.”.

7 **SEC. 1103. ACCELERATED DECISION-MAKING IN ENVIRON-**
8 **MENTAL REVIEWS.**

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

11 **“§ 304a. Accelerated decision-making in environ-**
12 **mental reviews**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“310. Aligning Federal environmental reviews.”.

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

13 Section 304 is amended—

14 (1) in subsection (a)—

15 (A) in paragraph (1)—

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

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

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

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

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

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

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

16 (3) in subsection (c)—

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

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

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

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

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

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

14 (C) in paragraph (3)—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“311. Improving transparency in environmental reviews.”.

5 **Subtitle B—Freight**

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

7 (a) FREIGHT.—Subtitle III is amended by inserting
8 after chapter 53 the following:

9 **“CHAPTER 54—FREIGHT**

“Sec.

“5401. Definitions.

“5402. National multimodal freight policy.

“5403. National multimodal freight network.

“5404. National Freight Strategic Plan.

“5405. State freight plans.

“5406. Reports.

10 **“§ 5401. Definitions**

11 “In this chapter:

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

16 “(A) reductions in the travel time of
17 freight;

18 “(B) reductions in the congestion caused
19 by the movement of freight;

20 “(C) improvements to freight travel time
21 reliability; and

1 “(D) reductions in freight transportation
2 costs due to congestion and insufficient infra-
3 structure.

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

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

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

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

16 “(4) INTELLIGENT FREIGHT TRANSPORTATION
17 SYSTEM.—The term ‘intelligent freight transpor-
18 tation system’ means—

19 “(A) an innovative or intelligent techno-
20 logical transportation system, infrastructure, or
21 facilities, including electronic roads, driverless
22 trucks, elevated freight transportation facilities,
23 automated port technologies, autonomous vehi-
24 cle technology, and other similar freight trans-
25 portation systems; and

1 “(B) communications or information proc-
2 essing systems used singly or in combination
3 for intelligent freight lanes and conveyances
4 that improve the efficiency, security, or safety
5 of the freight system or that operate to convey
6 freight or improve existing freight movements.

7 “(5) NATIONAL MULTIMODAL FREIGHT NET-
8 WORK.—The term ‘national multimodal freight net-
9 work’ means the network established under section
10 5403.

11 “(6) NATIONAL MULTIMODAL FREIGHT STRA-
12 TEGIC PLAN.—The term ‘national multimodal
13 freight strategic plan’ means the strategic plan de-
14 veloped under section 5404.

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

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

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

23 Subtitle III, as amended by section 1201 of this Act,
24 is further amended by adding after section 5401 the fol-
25 lowing:

1 **“§ 5402. National multimodal freight policy**

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

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

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

10 “(3) to pursue the goals described in subsection
11 (b).

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

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

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

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

24 “(C) Reduce the cost of freight transpor-
25 tation.

1 “(D) Improve the reliability of freight
2 transportation.

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

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

9 “(3) To improve the condition of the national
10 freight network.

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

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

17 “(6) To improve the efficiency and productivity
18 of the national freight network.

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

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

23 “(1) providing funding to maintain and improve
24 freight infrastructure facilities;

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

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

5 “(4) promoting workforce development; and

6 “(5) using performance management activities.

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

11 “(1) assist with the coordination of modal
12 freight planning;

13 “(2) ensure consistent, expedited review of
14 multimodal freight projects;

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

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

22 “(5) identify multimodal efforts and connec-
23 tions;

24 “(6) designate the lead agency for multimodal
25 freight projects;

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

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

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

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

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

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

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

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

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

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

5 “(2) to inform freight transportation planning;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 “(C) connects an intermodal facility to—

15 “(i) the primary freight network; or

16 “(ii) an intermodal freight facility;

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

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

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

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

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

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

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

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

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

20 “(B) consider—

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

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

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

4 “(3) STATE INPUT.—

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

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

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

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

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

1 “(C) SUBMISSION AND CERTIFICATION.—

2 Each State shall submit to the Secretary—

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

5 “(ii) certification that—

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

8 and

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

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

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

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

22 “(3) provides access or service to—

23 “(A) a grain elevator;

24 “(B) an agricultural facility;

25 “(C) a mining facility;

1 “(D) a forestry facility; or

2 “(E) an intermodal facility;

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

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

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

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

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

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

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

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

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

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

10 “(B) to the maximum extent practicable—

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

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

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

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

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

6 “(6) identifies—

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

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

13 “(7) includes best practices for—

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

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

18 “(8) includes a process for—

19 “(A) addressing multistate projects; and

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

22 “(9) identifies—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 **“§ 5405. State freight plans**

13 “(a) STATE FREIGHT ADVISORY COMMITTEES.—

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

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

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

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

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

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

10 “(b) STATE FREIGHT PLANS.—

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

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

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

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

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

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

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

12 “(F) include—

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

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

19 “(G) consider—

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

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

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

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

2 and

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

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

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

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

17 “(5) UPDATES.—

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

21 “(B) FREIGHT INVESTMENT PLAN.—A

22 State may update the freight investment plan
23 more frequently than is required under sub-
24 paragraph (A).

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

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

5 “(A)(i) along freight corridors; or

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

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

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

14 **SEC. 1206. FREIGHT TRANSPORTATION CONDITIONS AND**
15 **PERFORMANCE REPORTS.**

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

19 **“§ 5406. Freight transportation conditions and per-**
20 **formance reports**

21 “Not later than 3 years after the date of enactment
22 of the Comprehensive Transportation and Consumer Pro-
23 tection Act of 2015, and every 5 years thereafter, the Sec-
24 retary shall submit a report to Congress that describes

1 the conditions and performance of the national freight net-
2 work in the United States.”.

3 **SEC. 1207. REPEALS.**

4 The Moving Ahead for Progress in the 21st Century
5 Act (Public Law 112–141) is amended by striking sections
6 1117 and 1118 (23 U.S.C. 167 note).

7 **SEC. 1208. SAVINGS PROVISION.**

8 No provision in this subtitle may be construed to pro-
9 vide additional authority to regulate or direct private ac-
10 tivity on freight networks designated by the amendments
11 made under this subtitle.

12 **Subtitle C—Research**

13 **SEC. 1301. FINDINGS.**

14 Congress makes the followings findings:

15 (1) Federal transportation research planning
16 and coordination—

17 (A) should occur within the Office of the
18 Secretary; and

19 (B) should be, to the extent practicable,
20 multi-modal and not occur solely within the
21 subagencies of the Department of Transpor-
22 tation.

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

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

3 (B) prevent duplication of efforts and
4 waste of limited Federal resources.

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

7 (A) give stakeholders a formal opportunity
8 to address concerns;

9 (B) ensure unbiased research; and

10 (C) improve the overall research products
11 of the Department.

12 (4) Increasing transparency of transportation
13 research efforts will—

14 (A) build stakeholder confidence in the
15 final product; and

16 (B) lead to the improved implementation
17 of research findings.

18 **SEC. 1302. MODAL RESEARCH PLANS.**

19 (a) IN GENERAL.—Not later than June 15 of the
20 year preceding the research fiscal year, the head of each
21 modal administration and joint program office of the De-
22 partment of Transportation shall submit a comprehensive
23 annual modal research plan to the Assistant Secretary for
24 Research and Technology of the Department of Transpor-

1 tation (referred to in this subtitle as the “Assistant Sec-
2 retary”).

3 (b) REVIEW.—

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

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

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

9 (ii) request that the plan be revised.

10 (2) PUBLICATIONS.—Not later than January
11 30 of each year, the Secretary shall publish each
12 plan that has been approved under paragraph
13 (1)(B)(i) on a public website.

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

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

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

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

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

9 (d) DUPLICATIVE RESEARCH.—

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

15 (2) EXCEPTIONS.—Paragraph (1) shall not
16 apply to—

17 (A) updates to previously commissioned re-
18 search;

19 (B) research commissioned to carry out an
20 Act of Congress; or

21 (C) research commissioned before the date
22 of enactment of this Act.

23 (e) CERTIFICATION.—

24 (1) IN GENERAL.—The Secretary shall annually
25 certify to Congress that—

1 (A) each modal research plan has been re-
2 viewed; and

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

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

11 (A) notify Congress of the duplicative re-
12 search; and

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

16 **SEC. 1303. CONSOLIDATED RESEARCH PROSPECTUS AND**
17 **STRATEGIC PLAN.**

18 (a) PROSPECTUS.—

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

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

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

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

8 (C) identify research projects with multi-
9 modal applications;

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

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

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

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

1 (H) describe how agencies developed their
2 research plans; and

3 (I) describe the opportunities for public
4 and stakeholder input.

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

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

13 (2) the amount proposed in the current budget
14 for transportation research and development.

15 (c) PERFORMANCE PLANS AND REPORTS.—In the
16 plans and reports submitted under sections 1115 and
17 1116 of title 31, United States Code, the Secretary shall
18 include—

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

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

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

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

3 (d) TRANSPORTATION RESEARCH AND DEVELOP-
4 MENT STRATEGIC PLAN.—

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

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

11 (A) section 306 of title 5, United States
12 Code;

13 (B) sections 1115 and 1116 of title 31,
14 United States Code; and

15 (C) any other research and development
16 plan within the Department of Transportation.

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

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

22 (i) promoting safety;

23 (ii) reducing congestion;

24 (iii) improving mobility;

1 (iv) preserving the existing transpor-
2 tation system;

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

6 (vi) improving goods movement;

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

12 (i) fundamental research in the phys-
13 ical and natural sciences;

14 (ii) applied research;

15 (iii) technology research; and

16 (iv) social science research intended
17 for each topic; and

18 (C) for each research and development
19 topic—

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

23 (ii) include any additional information
24 the Department of Transportation expects
25 to discover at the end of the period covered

1 by the strategic plan as a result of the re-
2 search and development in that topic area.

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

6 (A) reflects input from a wide range of
7 stakeholders;

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

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

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

19 (ii) avoids unnecessary duplication of
20 such efforts.

21 (e) TECHNICAL AND CONFORMING AMENDMENTS.—

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

24 (A) by striking section 508;

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

3 (C) in section 502—

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

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

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

23 (2) INTELLIGENT TRANSPORTATION SYS-
24 TEMS.—Section 5205 of the Intelligent Transpor-

1 tation Systems Act of 1998 (23 U.S.C. 502 note) is
2 amended—

3 (A) in subsection (b), by striking “as part
4 of the Surface Transportation Research and
5 Development Strategic Plan developed under
6 section 508 of title 23, United States Code”
7 and inserting “as part of the transportation re-
8 search and development strategic plan under
9 section 1303 of the Comprehensive Transpor-
10 tation and Consumer Protection Act of 2015”;
11 and

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

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

1 (A) in section 5305(h)(3)(A), by striking
2 “the strategic plan under section 508 of title
3 23, United States Code” and inserting “the 5-
4 year transportation research and development
5 strategic plan under section 1303 of the Com-
6 prehensive Transportation and Consumer Pro-
7 tection Act of 2015”; and

8 (B) in section 5307(c)(2)(A), by striking
9 “or 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 5-year transportation research
13 and development strategic plan under section
14 1303 of the Comprehensive Transportation and
15 Consumer Protection Act of 2015”.

16 **SEC. 1304. RESEARCH OMBUDSMAN.**

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

19 **“CHAPTER 65—RESEARCH OMBUDSMAN**

“Sec.
“6501. Research ombudsman.

20 **“§ 6501. Research ombudsman**

21 “(a) ESTABLISHMENT.—The Assistant Secretary for
22 Research and Technology shall appoint a career Federal
23 employee to serve as Research Ombudsman. This appoint-

1 ment shall not diminish the authority of peer review of
2 research.

3 “(b) QUALIFICATIONS.—The Research Ombudsman
4 appointed under subsection (a), to the extent prac-
5 ticable—

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

9 “(2) shall develop a working knowledge of the
10 stakeholder communities and research needs of the
11 transportation field; and

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

14 “(c) RESPONSIBILITIES.—

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

17 “(A) receive complaints and questions
18 about—

19 “(i) significant alleged omissions, im-
20 proprieties, and systemic problems; and

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

23 “(B) evaluate and address the complaints
24 and questions described in subparagraph (A).

25 “(2) PETITIONS.—

1 “(A) REVIEW.—The Research Ombudsman
2 shall review petitions relating to—

3 “(i) conflicts of interest;

4 “(ii) the study design and method-
5 ology;

6 “(iii) assumptions and potential bias;

7 “(iv) the length of the study; and

8 “(v) the composition of any data sam-
9 pled.

10 “(B) RESPONSE TO PETITIONS.—The Re-
11 search Ombudsman shall—

12 “(i) respond to relevant petitions
13 within a reasonable period;

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

16 “(iii) propose a remedy for such defi-
17 ciencies to the administrator of the modal
18 administration responsible for completing
19 the research project.

20 “(C) RESPONSE TO PROPOSED REMEDY.—
21 The administrator of the modal administration
22 charged with completing the research project
23 shall respond to the proposed research remedy.

24 “(3) REQUIRED REVIEWS.—The Research Om-
25 budsman shall evaluate the study plan for all statu-

1 torily required studies and reports before the com-
2 mencement of such studies to ensure that the re-
3 search plan has an appropriate sample size and com-
4 position to address the stated purpose of the study.

5 “(d) REPORTS.—

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

9 “(A) submit a report containing the results
10 of such review to—

11 “(i) the Secretary;

12 “(ii) the head of the relevant modal
13 administration; and

14 “(iii) the study or research leader;
15 and

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

19 “(2) INDEPENDENCE.—Each report required
20 under this section shall be provided directly to the
21 individuals described in paragraph (1) without any
22 comment or amendment from the Secretary, the
23 Deputy Secretary of Transportation, the head of any
24 modal administration of the Department, or any

1 other officer or employee of the Department or the
2 Office of Management and Budget.

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

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

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

15 **SEC. 1305. SMART CITIES TRANSPORTATION PLANNING**
16 **STUDY.**

17 (a) IN GENERAL.—The Secretary shall conduct a
18 study of digital technologies and information technologies,
19 including shared mobility, data, transportation network
20 companies, and on-demand transportation services—

21 (1) to understand the degree to which cities are
22 adopting these technologies;

23 (2) to assess future planning, infrastructure
24 and investment needs; and

1 (3) to provide best practices to plan for smart
2 cities in which information and technology are
3 used—

4 (A) to improve city operations;

5 (B) to grow the local economy;

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

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

9 (b) COMPONENTS.—The study conducted under sub-
10 section (a) shall—

11 (1) identify broad issues that influence the abil-
12 ity of the United States to plan for and invest in
13 smart cities, including barriers to collaboration and
14 access to scientific information; and

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

17 (A) enhance the efficiency and effective-
18 ness of existing transportation networks;

19 (B) optimize demand management serv-
20 ices;

21 (C) impact low-income and other disadvan-
22 taged communities;

23 (D) assess opportunities to share, collect,
24 and use data;

1 (E) change current planning and invest-
2 ment strategies; and

3 (F) provide opportunities for enhanced co-
4 ordination and planning.

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

9 **SEC. 1306. BUREAU OF TRANSPORTATION STATISTICS**

10 **INDEPENDENCE.**

11 Section 6302 is amended by adding at the end the
12 following:

13 “(d) INDEPENDENCE OF BUREAU.—

14 “(1) IN GENERAL.—The Director shall not be
15 required—

16 “(A) to obtain the approval of any other
17 officer or employee of the Department with re-
18 spect to the collection or analysis of any infor-
19 mation; or

20 “(B) prior to publication, to obtain the ap-
21 proval of any other officer or employee of the
22 United States Government with respect to the
23 substance of any statistical technical reports or
24 press releases lawfully prepared by the Director.

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

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

7 “(B) the disposition and allocation of
8 amounts paid to the Bureau for cost-reimburs-
9 able projects.

10 “(3) EXCEPTIONS.—The Secretary shall direct
11 external support functions, such as the coordination
12 of activities involving multiple modal administra-
13 tions.

14 “(4) INFORMATION TECHNOLOGY.—In consulta-
15 tion with the Chief Information Officer, the Director
16 shall have the final authority in decisions regarding
17 information technology in order to protect the con-
18 fidentiality of information provided solely for statis-
19 tical purposes, in accordance with the Confidential
20 Information Protection and Statistical Efficiency Act
21 of 2002 (44 U.S.C. 3501 note).”.

22 **SEC. 1307. CONFORMING AMENDMENTS.**

23 (a) TITLE 49 AMENDMENTS.—

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

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

3 (B) in paragraph (1)(A), by inserting “an
4 Assistant Secretary for Research and Tech-
5 nology,” before “and an Assistant Secretary”.

6 (2) OFFICE OF THE ASSISTANT SECRETARY
7 FOR RESEARCH AND TECHNOLOGY OF THE DEPART-
8 MENT OF TRANSPORTATION.—Section 112 is re-
9 pealed.

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

13 (4) RESEARCH CONTRACTS.—Section 330 is
14 amended—

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

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

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

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

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

24 “(d) DUTIES.—The Secretary shall provide for the
25 following:

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

4 “(2) Advancement, and research and develop-
5 ment, of innovative technologies, including intelligent
6 transportation systems.

7 “(3) Comprehensive transportation statistics re-
8 search, analysis, and reporting.

9 “(4) Education and training in transportation
10 and transportation-related fields.

11 “(5) Activities of the Volpe National Transpor-
12 tation Systems Center.

13 “(e) ADDITIONAL AUTHORITIES.—The Secretary
14 may—

15 “(1) enter into grants and cooperative agree-
16 ments with Federal agencies, State and local govern-
17 ment agencies, other public entities, private organi-
18 zations, and other persons—

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

21 “(B) to carry out other research activities
22 of the Department;

23 “(2) carry out, on a cost-shared basis, collabo-
24 rative research and development to encourage inno-
25 vative solutions to multimodal transportation prob-

1 lems and stimulate the deployment of new tech-
2 nology with—

3 “(A) non-Federal entities, including State
4 and local governments, foreign governments, in-
5 stitutions of higher education, corporations, in-
6 stitutions, partnerships, sole proprietorships,
7 and trade associations that are incorporated or
8 established under the laws of any State;

9 “(B) Federal laboratories; and

10 “(C) other Federal agencies; and

11 “(3) directly initiate contracts, grants, coopera-
12 tive research and development agreements (as de-
13 fined in section 12 of the Stevenson-Wydler Tech-
14 nology Innovation Act of 1980 (15 U.S.C. 3710a)),
15 and other agreements to fund, and accept funds
16 from, the Transportation Research Board of the Na-
17 tional Research Council of the National Academy of
18 Sciences, State departments of transportation, cities,
19 counties, institutions of higher education, associa-
20 tions, and the agents of those entities to carry out
21 joint transportation research and technology efforts.

22 “(f) FEDERAL SHARE.—

23 “(1) IN GENERAL.—Subject to paragraph (2),
24 the Federal share of the cost of an activity carried

1 out under subsection (e)(3) shall not exceed 50 per-
2 cent.

3 “(2) EXCEPTION.—If the Secretary determines
4 that the activity is of substantial public interest or
5 benefit, the Secretary may approve a greater Federal
6 share.

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

12 “(g) PROGRAM EVALUATION AND OVERSIGHT.—For
13 fiscal years 2016 through 2021, the Secretary is author-
14 ized to expend not more than 1 and a half percent of the
15 amounts authorized to be appropriated for necessary ex-
16 penses for administration and operations of the Office of
17 the Assistant Secretary for Research and Technology for
18 the coordination, evaluation, and oversight of the pro-
19 grams administered under this section.

20 “(h) USE OF TECHNOLOGY.—The research, develop-
21 ment, or use of a technology under a contract, grant, coop-
22 erative research and development agreement, or other
23 agreement entered into under this section, including the
24 terms under which the technology may be licensed and the
25 resulting royalties may be distributed, shall be subject to

1 the Stevenson-Wydler Technology Innovation Act of 1980
2 (15 U.S.C. 3701 et seq.).

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

7 (5) TABLE OF CONTENTS.—The item relating
8 to section 330 in the table of contents of chapter 3
9 is amended by striking “Contracts” and inserting
10 “Activities”.

11 (6) BUREAU OF TRANSPORTATION STATIS-
12 TICS.—Section 6302(a) is amended to read as fol-
13 lows:

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

16 (b) TITLE 5 AMENDMENTS.—

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

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

24 (3) POSITIONS AT LEVEL IV.—Section 5315 of
25 title 5, United States Code, is amended by striking

1 “(4)” in the undesignated item relating to Assistant
2 Secretaries of Transportation and inserting “(5)”.

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

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

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

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

11 **Subtitle D—Port Performance Act**

12 **SEC. 1401. SHORT TITLE.**

13 This subtitle may be cited as the “Port Performance
14 Act”.

15 **SEC. 1402. FINDINGS.**

16 Congress finds the following:

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

19 (2) Reliable and efficient movement of goods
20 through the Nation’s ports ensures that American
21 goods are available to customers throughout the
22 world.

23 (3) Breakdowns in the transportation supply
24 chain network, particularly at the Nation’s ports,
25 can result in tremendous economic losses for agri-

1 culture, businesses, and retailers that rely on timely
2 shipments.

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

5 (A) to identify freight bottlenecks;

6 (B) to indicate performance and trends
7 over time; and

8 (C) to inform investment decisions.

9 **SEC. 1403. PORT PERFORMANCE FREIGHT STATISTICS PRO-**
10 **GRAM.**

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

13 **“§ 6314. Port performance freight statistics program**

14 “(a) IN GENERAL.—The Director shall establish, on
15 behalf of the Secretary, a port performance statistics pro-
16 gram to provide nationally consistent measures of per-
17 formance of—

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

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

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

22 “(b) ANNUAL REPORTS.—

23 “(1) PORT CAPACITY AND THROUGHPUT.—Not
24 later than January 15 of each year, the Director
25 shall submit an annual report to Congress that in-

1 includes statistics on capacity and throughput at the
2 ports described in subsection (a).

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

12 “(A) the total capacity of inbound and out-
13 bound cargo, including containers, break bulk,
14 vehicles, and dry and liquid bulk;

15 “(B) the total volume of inbound and out-
16 bound cargo, including containers, break bulk,
17 vehicles, and dry and liquid bulk;

18 “(C) the average number of lifts per hour
19 of containers by crane;

20 “(D) the average vessel turn time by vessel
21 type;

22 “(E) the average cargo or container dwell
23 time;

24 “(F) port storage capacity and utilization;

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

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

2 “(I) any additional metrics, as determined
3 by the Director after receiving recommenda-
4 tions from the working group established under
5 subsection (c).

6 “(c) RECOMMENDATIONS.—

7 “(1) IN GENERAL.—The Director shall obtain
8 recommendations for—

9 “(A) specifications and data measurements
10 for the port performance measures listed in
11 subsection (b)(2);

12 “(B) additionally needed data elements for
13 measuring port performance; and

14 “(C) a process for the Department of
15 Transportation to collect timely and consistent
16 data, including identifying safeguards to protect
17 proprietary information described in subsection
18 (b)(2).

19 “(2) WORKING GROUP.—Not later than 60 days
20 after the date of the enactment of the Port Perform-
21 ance Act, the Director shall commission a working
22 group composed of—

23 “(A) operating administrations of the De-
24 partment of Transportation;

25 “(B) the Coast Guard;

- 1 “(C) the Federal Maritime Commission;
- 2 “(D) U.S. Customs and Border Protection;
- 3 “(E) the Marine Transportation System
- 4 National Advisory Council;
- 5 “(F) the Army Corps of Engineers;
- 6 “(G) the Saint Lawrence Seaway Develop-
- 7 ment Corporation;
- 8 “(H) the Advisory Committee on Supply
- 9 Chain Competitiveness;
- 10 “(I) 1 representative from the rail indus-
- 11 try;
- 12 “(J) 1 representative from the trucking in-
- 13 dustry;
- 14 “(K) 1 representative from the port man-
- 15 agement industry;
- 16 “(L) 1 representative from the maritime
- 17 shipping industry;
- 18 “(M) 1 representative from the maritime
- 19 labor industry;
- 20 “(N) representatives of the National
- 21 Freight Advisory Committee of the Depart-
- 22 ment; and
- 23 “(O) representatives of the Transportation
- 24 Research Board of the National Academies.

1 monthly thereafter until a new agreement is agreed to, the
2 Secretary of Transportation, in consultation with the Sec-
3 retary of Commerce and the Secretary of Labor, shall sub-
4 mit a report to the Committee on Commerce, Science, and
5 Transportation of the Senate and the Committee on
6 Transportation and Infrastructure of the House of Rep-
7 resentatives that includes port performance indicators at
8 the affected port. If multiple ports are affected by the ex-
9 piration of the maritime labor agreement, the Secretary
10 of Transportation shall submit a report for each affected
11 port.

12 (b) CONTENTS.—Each report required under sub-
13 section (a) shall include, for the affected port during the
14 previous month—

15 (1) the performance indicators listed under sec-
16 tion 6314(b)(2) of title 49, United States Code;

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

19 (3) the number of cancelled vessel calls;

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

23 (5) an estimate of the amount of time required
24 to clear any congestion;

1 (6) the average number of labor positions or-
2 dered and filled; and

3 (7) any other factors that might have created
4 delays, including weather, equipment maintenance or
5 failures, or infrastructure development or repair.

6 (c) EFFECTIVE PERIOD.—The Secretary of Trans-
7 portation, in consultation with the Secretary of Commerce
8 and the Secretary of Labor, shall submit a report required
9 under subsection (a) for an affected port until the date
10 on which a new maritime labor agreement that applies to
11 the facilities of the port is agreed to by all of the parties
12 to that maritime labor agreement.

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

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

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

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

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

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

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

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

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

22 (1) shall analyze—

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

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

3 (i) identify high risk drivers and car-
4 riers; and

5 (ii) predict or be correlated with fu-
6 ture crash risk, crash severity, or other
7 safety indicators for individual drivers,
8 motor carriers, and the highest risk car-
9 riers;

10 (B) the methodology used to calculate
11 BASIC percentiles and identify carriers for en-
12 forcement, including the weights assigned to
13 particular violations, and the tie between crash
14 risk and specific regulatory violations, in order
15 to accurately identify and predict future crash
16 risk for motor carriers;

17 (C) the relative value of inspection infor-
18 mation and roadside enforcement data;

19 (D) any data collection gaps or data suffi-
20 ciency problems that may exist and the impact
21 of those data gaps and insufficiencies on the ef-
22 ficacy of the CSA program; and

23 (E) the accuracy of data processing; and

24 (2) should consider—

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

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

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

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

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

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

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

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

25 (d) CORRECTIVE ACTION PLAN.—

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

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

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

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

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

22 (A) includes benchmarks;

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

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

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

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

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

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

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

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

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

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

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

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

15 (A) collision mitigation systems;

16 (B) lane departure warnings;

17 (C) speed limiters;

18 (D) electronic logging devices;

19 (E) electronic stability control;

20 (F) critical event recorders; and

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

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

1 (A) additional new driver training;

2 (B) enhanced and ongoing driver training;

3 and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 (g) IMPLEMENTATION AND OVERSIGHT RESPONSI-
9 BILITY.—The Administrator shall ensure that the activi-
10 ties described in subsections (a) through (f) of this section
11 are not required under section 31102 of title 49, United
12 States Code, as amended by this Act.

13 (h) EVALUATION.—

14 (1) IN GENERAL.—Not later than 2 years after
15 the implementation of SIMS under this section, the
16 Administrator shall conduct an evaluation of the ef-
17 fectiveness of SIMS by reviewing the impacts of
18 SIMS on—

19 (A) law enforcement, commercial drivers
20 and motor carriers, and motor carrier safety;
21 and

22 (B) safety and adoption of new tech-
23 nologies.

24 (2) REPORT.—Not later than 30 months after
25 the implementation of the program, the Adminis-

1 trator shall submit a report to the Committee on
2 Commerce, Science, and Transportation of the Sen-
3 ate and the Committee on Transportation and Infra-
4 structure of the House of Representatives that de-
5 scribes—

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

8 (B) the actions the Federal Motor Carrier
9 Safety Administration plans to take to modify
10 the demonstration program based on such re-
11 sults.

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

1 (j) SAVINGS PROVISION.—Nothing in this section
2 may be construed to provide the Administrator with addi-
3 tional authority to change the requirements for the oper-
4 ation of a commercial motor vehicle.

5 **SEC. 2003. DATA CERTIFICATION.**

6 (a) LIMITATION.—Beginning not later than 1 day
7 after the date of enactment of this Act, none of the anal-
8 ysis of violation information, enforcement prioritization,
9 not-at-fault crashes, alerts, or the relative percentile for
10 each Behavioral Analysis and Safety Improvement Cat-
11 egory developed through the CSA program may be made
12 available to the general public (including through requests
13 under section 552 of title 5, United States Code), but vio-
14 lation and inspection information submitted by the States
15 may be presented until the Inspector General of the De-
16 partment of Transportation certifies that—

17 (1) any deficiencies identified in the correlation
18 study required under section 2001 have been ad-
19 dressed;

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

23 (3) the Administrator has fully implemented or
24 satisfactorily addressed the issues raised in the Feb-
25 ruary 2014 GAO report entitled “Modifying the

1 Compliance, Safety, Accountability Program Would
2 Improve the Ability to Identify High Risk Carriers”
3 (GAO–14–114), which called into question the accu-
4 racy and completeness of safety performance calcula-
5 tions;

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

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

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

17 (c) EXCEPTIONS.—

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

20 (A) the Federal Motor Carrier Safety Ad-
21 ministration and State and local commercial
22 motor vehicle enforcement agencies may only
23 use the information referred to in subsection
24 (a) for purposes of investigation and enforce-
25 ment prioritization; and

1 (B) motor carriers and commercial motor
2 vehicle drivers may access information referred
3 to in subsection (a) that relates directly to the
4 motor carrier or driver, respectively.

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

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

13 **SEC. 2004. DATA IMPROVEMENT.**

14 (a) FUNCTIONAL SPECIFICATIONS.—Not later than
15 180 days after the date of enactment of this Act, the Ad-
16 ministrator shall develop functional specifications to en-
17 sure the consistent and accurate input of data into sys-
18 tems and databases relating to the CSA program.

19 (b) FUNCTIONALITY.—The specifications developed
20 pursuant to subsection (a)—

21 (1) shall provide for the hardcoding and smart
22 logic functionality for roadside inspection data col-
23 lection systems and databases; and

24 (2) shall be made available to public and private
25 sector developers.

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. 2005. ACCIDENT REPORT INFORMATION.**

12 (a) REVIEW.—The Administrator shall initiate a
13 demonstration program that allows motor carriers and
14 drivers to request a review of crashes, and the removal
15 of crash data for use in the Federal Motor Carrier Safety
16 Administration's safety measurement system of crashes,
17 and removal from any weighting, or carrier safety anal-
18 ysis, if the commercial motor vehicle was operated legally
19 and another motorist in connection with the crash is
20 found—

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

22 (2) to have been driving the wrong direction on
23 a roadway;

24 (3) to have struck the commercial motor vehicle
25 in the rear;

1 (4) to have struck the commercial motor vehicle
2 which was legally stopped;

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

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

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

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

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

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

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

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

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

7 (f) FEE SYSTEM.—

8 (1) ESTABLISHMENT.—The Administrator may
9 establish a fee system, in accordance with section
10 9701 of title 31, United States Code, in which a
11 motor carrier is charged a fee for each review of a
12 crash requested by such motor carrier under this
13 section.

14 (2) DISPOSITION OF FEES.—Fees collected
15 under this section—

16 (A) may be credited to the Department of
17 Transportation appropriations account for pur-
18 pose of carrying out this section; and

19 (B) shall be used to fully fund the oper-
20 ation of the review program authorized under
21 this section.

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

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

4 (2) submit a report to Congress that de-
5 scribes—

6 (A) the number of crashes reviewed;

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

10 (C) relevant information relating to the
11 program, including the cost to operate the pro-
12 gram and the fee structure established.

13 (h) IMPLEMENTATION AND OVERSIGHT RESPONSI-
14 BILITY.—The Administrator shall ensure that the activi-
15 ties described in subsections (a) through (d) of this section
16 are not required under section 31102 of title 49, United
17 States Code, as amended by this Act.

18 **SEC. 2006. POST-ACCIDENT REPORT REVIEW.**

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

22 (1) to review the data elements of post-accident
23 reports, for tow-away accidents involving commercial
24 motor vehicles, that are reported to the Federal Gov-
25 ernment; and

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

5 (b) COMPOSITION.—Not less than 51 percent of the
6 working group should be composed of individuals rep-
7 resenting the States or State law enforcement officials.
8 The remaining members of the working group shall rep-
9 resent industry, labor, safety advocates, and other inter-
10 ested parties.

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

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

15 (2) the physical characteristics of the commer-
16 cial motor vehicle and any other vehicle involved in
17 the accident, including—

18 (A) the vehicle configuration;

19 (B) the gross vehicle weight if the weight
20 can be readily determined;

21 (C) the number of axles; and

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

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

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

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

7 (2) identify the best practices for State post-ac-
8 cident reports that are reported to the Federal Gov-
9 ernment, including identifying the data elements
10 that should be collected following a tow-away com-
11 mercial motor vehicle accident; and

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

15 **SEC. 2007. RECOGNIZING EXCELLENCE IN SAFETY.**

16 (a) IN GENERAL.—The Administrator shall establish
17 a program to publicly recognize motor carriers and drivers
18 whose safety records and programs exceed compliance
19 with the Federal Motor Carrier Safety Administration’s
20 safety regulations and demonstrate clear and outstanding
21 safety practices.

22 (b) RESTRICTION.—The program established under
23 subsection (a) may not be deemed to be an endorsement
24 of, or a preference for, motor carriers or drivers recognized
25 under the program.

1 **SEC. 2008. HIGH RISK CARRIER REVIEWS.**

2 (a) IN GENERAL.—After the completion of the certifi-
3 cation under section 2003 of this Act, and the establish-
4 ment of the Safety Fitness Determination program, the
5 Secretary shall ensure that a review is completed on each
6 motor carrier that demonstrates through performance
7 data that it poses the highest safety risk. At a minimum,
8 a review shall be conducted whenever a motor carrier is
9 among the highest risk carriers for 4 consecutive months.

10 (b) REPORT.—Not later than 180 days after the com-
11 pletion of the certification under section 2003 of this Act
12 and the establishment of the Safety Fitness Determination
13 program, the Secretary shall post on a public website a
14 report on the actions the Secretary has taken to comply
15 with this section, including the number of high risk car-
16 riers identified and the high risk carriers reviewed.

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

21 **PART II—INTERIM HIRING STANDARD**

22 **SEC. 2101. DEFINITIONS.**

23 In this part:

24 (1) ENTITY.—The term “entity” means a per-
25 son acting as—

26 (A) a shipper or a consignee;

1 (B) a broker or a freight forwarder (as
2 such terms are defined in section 13102 of title
3 49, United States Code);

4 (C) a non-vessel-operating common carrier,
5 an ocean freight forwarder, or an ocean trans-
6 portation intermediary (as such terms are de-
7 fined in section 40102 of title 46, United States
8 Code);

9 (D) an indirect air carrier authorized to
10 operate under a Standard Security Program ap-
11 proved by the Transportation Security Adminis-
12 tration;

13 (E) a customs broker licensed in accord-
14 ance with section 111.2 of title 19, Code of
15 Federal Regulations;

16 (F) an interchange motor carrier subject
17 to paragraphs (1)(B) and (2) of section
18 13902(i); or

19 (G) a warehouse (as defined in Article 7-
20 102(13) of the Uniform Commercial Code).

21 (2) MOTOR CARRIER.—The term “motor car-
22 rier” means a motor carrier (as that term is defined
23 in section 13102 of title 49, United States Code)
24 that is subject to Federal motor carrier financial re-
25 sponsibility and safety regulations.

1 (3) STATE.—The term “State” means each of
2 the 50 States, a political subdivision of any such
3 State, any intrastate agency, any other political
4 agency of 2 or more States, the District of Colum-
5 bia, American Samoa, the Commonwealth of the
6 Northern Mariana Islands, the Commonwealth of
7 Puerto Rico, Guam, and the Virgin Islands.

8 **SEC. 2102. NATIONAL HIRING STANDARDS FOR MOTOR**
9 **CARRIERS.**

10 (a) NATIONAL STANDARD.—Before tendering a ship-
11 ment, but not more than 35 days before the pickup of
12 a shipment by the hired motor carrier, an entity shall
13 verify that the motor carrier, at the time of such
14 verification—

15 (1) is registered with and authorized by the
16 Federal Motor Carrier Safety Administration to op-
17 erate as a motor carrier, if applicable;

18 (2) has the minimum insurance coverage re-
19 quired by Federal law; and

20 (3)(A) before the safety fitness determination
21 regulations are issued, does not have an unsatisfac-
22 tory safety fitness determination issued by the Fed-
23 eral Motor Carrier Safety Administration in force at
24 the time of such verification; or

1 (B) beginning on the date that safety fitness
2 determination regulations are implemented, does not
3 have a safety fitness rating issued by the Federal
4 Motor Carrier Safety Administration under such
5 regulations that is the equivalent of the unsatisfac-
6 tory fitness rating referred to in subparagraph (A).

7 (b) INTERIM USE OF DATA.—

8 (1) IN GENERAL.—Only evidence of an entity’s
9 compliance with subsection (a), crash data, and vio-
10 lations may be admitted as evidence or otherwise
11 used in a civil action for damages resulting from a
12 claim of negligent selection or retention of such
13 motor carrier against the entity.

14 (2) EXCLUDED EVIDENCE.—All other motor
15 carrier data created or maintained by the Federal
16 Motor Carrier Safety Administration, including safe-
17 ty measurement system data or analysis of such
18 data, may not be admitted into evidence in a case
19 or proceeding in which it is asserted or alleged that
20 an entity’s selection or retention of a motor carrier
21 was negligent.

22 (3) CESSATION OF EFFECTIVENESS.—Para-
23 graphs (1) and (2) of this subsection cease to be ef-
24 fective on the date of completion of the certification
25 under section 2003 of this Act.

1 **SEC. 2103. APPLICABILITY.**

2 Notwithstanding any other provision of law, this part
3 shall not apply to any motor carrier transportation con-
4 tract entered into before the date of enactment of this Act.

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

7 **SEC. 2201. RULEMAKING REQUIREMENTS.**

8 (a) IN GENERAL.—Not later than 2 years after the
9 date of enactment of this Act, if the Secretary determines
10 that a significant number of crashes are not covered by
11 the current minimum insurance requirements, the Sec-
12 retary shall commence a rulemaking to determine whether
13 to increase the minimum levels of financial responsibility
14 required under section 31139 of title 49, United States
15 Code, for a motor carrier to transport property.

16 (b) CONSIDERATIONS.—In considering a notice of
17 proposed rulemaking or final rule to increase the min-
18 imum levels of financial responsibility under subsection
19 (a), the Secretary shall identify and consider—

20 (1) current State insurance requirements;

21 (2) the differences between the State insurance
22 requirements identified under paragraph (1) and
23 Federal requirements;

24 (3) the amount of an insurance claim at the
25 current minimum levels of financial responsibility
26 that is applied toward—

1 (A) medical care;

2 (B) compensation;

3 (C) attorney fees; or

4 (D) other identifiable costs of a claim; and

5 (4) the frequency in which an insurance claim
6 exceeds the current minimum levels of financial re-
7 sponsibility, including, to the extent practicable, un-
8 sealed verdicts and settlements.

9 (c) RULEMAKING.—If the Secretary commences a
10 rulemaking under subsection (a), the Secretary shall in-
11 clude in the rulemaking—

12 (1) an estimate of the regulation’s impact on—

13 (A) the safety of motor vehicle transpor-
14 tation;

15 (B) the economic condition of the motor
16 carrier industry, including small and minority
17 motor carriers and independent owner-opera-
18 tors;

19 (C) the ability of the insurance industry to
20 provide the required amount of insurance; and

21 (D) the ability of the minimum insurance
22 level to cover the full cost of injuries, compen-
23 satory damages, and fatalities; and

1 (2) an estimate of the effects an increase in the
2 minimum levels of financial responsibility would have
3 on—

4 (A) small motor carriers;

5 (B) insurance premiums for motor car-
6 riers, including small and minority motor car-
7 riers and independent owner-operators; and

8 (C) the availability of insurance to meet
9 the minimum levels of financial responsibility.

10 **SEC. 2202. PETITIONS FOR REGULATORY RELIEF.**

11 (a) APPLICATIONS FOR REGULATORY RELIEF.—Not-
12 withstanding subpart C of part 381 of title 49, Code of
13 Federal Regulations, the Secretary shall allow an appli-
14 cant representing a class or group of motor carriers to
15 apply for a specific exemption from any provision of the
16 regulations under part 395 of title 49, Code of Federal
17 Regulations, for commercial motor vehicle drivers.

18 (b) REVIEW PROCESS.—

19 (1) IN GENERAL.—The Secretary shall establish
20 the procedures for the application for and the review
21 of an exemption under subsection (a).

22 (2) PUBLICATION.—Not later than 30 days
23 after the date of receipt of an application for an ex-
24 emption, the Secretary shall publish the application

1 in the Federal Register and provide the public with
2 an opportunity to comment.

3 (3) PUBLIC COMMENT.—

4 (A) IN GENERAL.—Each application shall
5 be available for public comment for a 30-day
6 period, but the Secretary may extend the oppor-
7 tunity for public comment for up to 60 days if
8 it is a significant or complex request.

9 (B) REVIEW.—Beginning on the date that
10 the public comment period under subparagraph
11 (A) ends, the Secretary shall have 60 days to
12 review all of the comments received.

13 (4) DETERMINATION.—At the end of the 60-
14 day period under paragraph (3)(B), the Secretary
15 shall publish a determination in the Federal Reg-
16 ister, including—

17 (A) the reason for granting or denying the
18 application; and

19 (B) if the application is granted—

20 (i) the specific class of persons eligible
21 for the exemption;

22 (ii) each provision of the regulations
23 to which the exemption applies; and

24 (iii) any conditions or limitations ap-
25 plied to the exemption.

1 (5) CONSIDERATIONS.—In making a determina-
2 tion whether to grant or deny an application for an
3 exemption, the Secretary shall consider the safety
4 impacts of the request and may provide appropriate
5 conditions or limitations on the use of the exemp-
6 tion.

7 (c) OPPORTUNITY FOR RESUBMISSION.—If an appli-
8 cation is denied and the applicant can reasonably address
9 the reason for the denial, the Secretary may allow the
10 motor carrier to resubmit the application.

11 (d) PERIOD OF APPLICABILITY.—

12 (1) IN GENERAL.—Except as provided in para-
13 graph (2) of this subsection and subsection (f), each
14 exemption granted under this section shall be valid
15 for a period of 5 years unless the Secretary identi-
16 fies a compelling reason for a shorter exemption pe-
17 riod.

18 (2) RENEWAL.—At the end of the 5-year period
19 under paragraph (1)—

20 (A) the Secretary, at the Secretary's dis-
21 cretion, may renew the exemption for an addi-
22 tional 5-year period; or

23 (B) an applicant may apply under sub-
24 section (a) for a permanent exemption from
25 each applicable provision of the regulations.

1 (e) LIMITATION.—No exemption under this section
2 may be granted to or used by any motor carrier that has
3 an unsatisfactory or conditional safety fitness determina-
4 tion.

5 (f) PERMANENT EXEMPTIONS.—

6 (1) IN GENERAL.—The Secretary shall make
7 permanent the following limited exceptions:

8 (A) Department of Defense Military Sur-
9 face Deployment and Distribution Command
10 transport of weapons, munitions, and sensitive
11 classified cargo as published in the Federal
12 Register Volume 80 on April 16, 2015 (80 Fed.
13 Reg. 20556).

14 (B) Department of Energy transport of se-
15 curity-sensitive radioactive materials as pub-
16 lished in the Federal Register Volume 80 on
17 June 22, 2015 (80 Fed. Reg. 35703).

18 (C) All motor carriers that transport haz-
19 ardous materials shipments requiring security
20 plans under regulations of the Pipeline and
21 Hazardous Materials Safety Administration as
22 published in the Federal Register Volume 80 on
23 May 1, 2015 (80 Fed. Reg. 25004).

1 (D) Perishable construction products as
2 published in the Federal Register Volume 80 on
3 April 2, 2015 (80 Fed. Reg. 17819).

4 (E) Passenger vehicle record of duty status
5 change as published in the Federal Register
6 Volume 80 on June 4, 2015 (80 Fed. Reg.
7 31961).

8 (F) Transport of commercial bee hives as
9 published in the Federal Register Volume 80 on
10 June 19, 2018. (80 Fed. Reg. 35425).

11 (G) All specialized carriers and drivers re-
12 sponsible for transporting loads requiring spe-
13 cial permits as published in the Federal Reg-
14 ister Volume 80 on June 18, 2015 (80 Fed.
15 Reg. 34957).

16 (H) Safe transport of livestock as pub-
17 lished in the Federal Register Volume 80 on
18 June 12, 2015 (80 Fed. Reg. 33584).

19 (2) ADDITIONAL EXEMPTIONS.—The Secretary
20 may make any temporary exemption from any provi-
21 sion of the regulations under part 395 of title 49,
22 Code of Federal Regulations, for commercial motor
23 vehicle drivers that is in effect on the date of enact-
24 ment of this Act permanent if the Secretary deter-
25 mines that the permanent exemption will not de-

1 grade safety. The Secretary shall provide public no-
2 tice and comment on a list of the additional tem-
3 porary exemptions to be made permanent under this
4 paragraph.

5 (3) REVOCATION OF EXEMPTIONS.—The Sec-
6 retary may revoke an exemption issued under this
7 section if the Secretary can demonstrate that the ex-
8 emption has had a negative impact on safety.

9 **SEC. 2203. INSPECTOR STANDARDS.**

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

17 **SEC. 2204. TECHNOLOGY IMPROVEMENTS.**

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

24 (b) REQUIREMENTS.—The study conducted under
25 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. STATUTORY RULEMAKING.**

4 The Administrator of the Federal Motor Carrier
5 Safety Administration shall prioritize the use of Federal
6 Motor Carrier Safety Administration resources for the
7 completion of each outstanding statutory requirement for
8 a rulemaking before beginning any new rulemaking unless
9 the Secretary certifies to Congress that there is an immi-
10 nent and significant safety need to move forward with a
11 new rulemaking.

12 **SEC. 2303. GUIDANCE REFORM.**

13 (a) GUIDANCE.—

14 (1) POINT OF CONTACT.—Each guidance docu-
15 ment, other than a regulatory action, issued by the
16 Federal Motor Carrier Safety Administration shall
17 have a date of publication or a date of revision, as
18 applicable, and the name and contact information of
19 a point of contact at the Federal Motor Carrier
20 Safety Administration who can respond to questions
21 regarding the general applicability of the guidance.

22 (2) PUBLIC ACCESSIBILITY.—

23 (A) IN GENERAL.—Each guidance docu-
24 ment and interpretation issued by the Federal
25 Motor Carrier Safety Administration shall be

1 published on the Department of Transpor-
2 tation's public website on the date of issuance.

3 (B) REDACTION.—The Administrator of
4 the Federal Motor Carrier Safety Administra-
5 tion may redact from a guidance document or
6 interpretation under subparagraph (A) any in-
7 formation that would reveal investigative tech-
8 niques that would compromise Federal Motor
9 Carrier Safety Administration enforcement ef-
10 forts.

11 (3) RULEMAKING.—Not later than 5 years after
12 the date that a guidance document is published
13 under paragraph (2) or during the comprehensive
14 review under subsection (c), whichever is earlier, the
15 Secretary, in consultation with the Administrator,
16 shall revise the applicable regulations to incorporate
17 the guidance document to the extent practicable.

18 (4) REISSUANCE.—If a guidance document is
19 not incorporated into the applicable regulations
20 under paragraph (3), the Secretary shall—

21 (A) reissue an updated guidance document;

22 and

23 (B) review and reissue an updated guid-
24 ance document every 5 years during the com-
25 prehensive review process under subsection (c)

1 until the date that the guidance document is re-
2 moved or incorporated into the applicable regu-
3 lations under paragraph (3) of this subsection.

4 (b) UPDATE.—Not later than 1 year after the date
5 of enactment of this Act, the Secretary shall review regula-
6 tions, guidance, and enforcement policies published on the
7 Department of Transportation’s public website to ensure
8 the regulations, guidance, and enforcement policies are
9 current, readily accessible to the public, and meet the
10 standards under subsection (c)(1).

11 (c) REVIEW.—

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

17 (A) the guidance and enforcement policies
18 are consistent and clear;

19 (B) the guidance is uniformly and consist-
20 ently enforceable; and

21 (C) the guidance is still necessary.

22 (2) NOTICE AND COMMENT.—Prior to begin-
23 ning the review, the Administrator shall publish in
24 the Federal Register a notice and request for com-

1 ment soliciting input from stakeholders on which
2 regulations should be updated or eliminated.

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

9 **SEC. 2304. PETITIONS.**

10 (a) IN GENERAL.—The Administrator of the Federal
11 Motor Carrier Safety Administration shall to the extent
12 feasible—

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

16 (2) prioritize stakeholder petitions based on the
17 likelihood of providing safety improvements;

18 (3) formally respond to each petition by indi-
19 cating whether the Administrator will accept, deny,
20 or further review, the petition not later than 180
21 days after the date the petition is published under
22 paragraph (1);

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

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

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

11 **SEC. 2305. REGULATORY REFORM.**

12 (a) REGULATORY IMPACT ANALYSIS.—

13 (1) IN GENERAL.—Within each regulatory im-
14 pact analysis of a proposed or final rule issued by
15 the Federal Motor Carrier Safety Administration,
16 the Secretary shall—

17 (A) consider effects of the proposed or
18 final rule on a carrier with differing character-
19 istics; and

20 (B) formulate estimates and findings on
21 the best available science.

22 (2) SCOPE.—To the extent feasible and appro-
23 priate, and consistent with law, the analysis de-
24 scribed in paragraph (1) shall—

1 (A) use data generated from a representa-
2 tive sample of commercial vehicle operators,
3 motor carriers, or both, that will be covered
4 under the proposed or final rule; and

5 (B) consider effects on commercial truck
6 and bus carriers of various sizes and types.

7 (b) PUBLIC PARTICIPATION.—

8 (1) IN GENERAL.—Before promulgating a pro-
9 posed rule under subtitle VI of title 49, United
10 States Code, if the proposed rule is likely to lead to
11 the promulgation of a major rule the Secretary
12 shall—

13 (A) issue an advance notice of proposed
14 rulemaking; or

15 (B) determine to proceed with a negotiated
16 rulemaking.

17 (2) REQUIREMENTS.—Each advance notice of
18 proposed rulemaking issued under paragraph (1)
19 shall—

20 (A) identify the compelling public concern
21 for a potential regulatory action, such as fail-
22 ures of private markets to protect or improve
23 the safety of the public, the environment, or the
24 well-being of the American people;

1 (B) identify and request public comment
2 on the best available science or technical infor-
3 mation on the need for regulatory action and on
4 the potential regulatory alternatives;

5 (C) request public comment on the benefits
6 and costs of potential regulatory alternatives
7 reasonably likely to be included or analyzed as
8 part of the notice of proposed rulemaking; and

9 (D) request public comment on the avail-
10 able alternatives to direct regulation, including
11 providing economic incentives to encourage the
12 desired behavior.

13 (3) WAIVER.—This subsection shall not apply
14 when the Secretary, for good cause, finds (and incor-
15 porates the finding and a brief statement of reasons
16 for such finding in the proposed or final rule) an ad-
17 vance notice of proposed rulemaking impracticable,
18 unnecessary, or contrary to the public interest.

19 (c) SAVINGS CLAUSE.—Nothing in this section may
20 be construed to limit the contents of any Advance Notice
21 of Proposed Rulemaking.

22 **Subtitle D—State Authorities**

23 **SEC. 2401. EMERGENCY ROUTE WORKING GROUP.**

24 (a) IN GENERAL.—

1 (1) ESTABLISHMENT.—Not later than 1 year
2 after the date of enactment of this Act, the Sec-
3 retary shall establish a working group to determine
4 best practices for expeditious State approval of spe-
5 cial permits for vehicles involved in emergency re-
6 sponse and recovery.

7 (2) MEMBERS.—The working group shall in-
8 clude representatives from—

9 (A) State highway transportation depart-
10 ments or agencies;

11 (B) relevant modal agencies within the De-
12 partment of Transportation;

13 (C) emergency response or recovery ex-
14 perts;

15 (D) relevant safety groups; and

16 (E) persons affected by special permit re-
17 strictions during emergency response and recov-
18 ery efforts.

19 (b) CONSIDERATIONS.—In determining best practices
20 under subsection (a), the working group shall consider
21 whether—

22 (1) hurdles currently exist that prevent the ex-
23 peditious State approval for special permits for vehi-
24 cles involved in emergency response and recovery;

1 (2) it is possible to pre-identify and establish
2 emergency routes between States through which in-
3 frastructure repair materials could be delivered fol-
4 lowing a natural disaster or an emergency;

5 (3) a State could pre-designate an emergency
6 route identified under paragraph (1) as a certified
7 emergency route if a motor vehicle that exceeds the
8 otherwise applicable Federal and State truck length
9 or width limits may safely operate along such route
10 during period of emergency recovery; and

11 (4) an online map could be created to identify
12 each pre-designated emergency route under para-
13 graph (2), including information on specific limita-
14 tions, obligations, and notification requirements
15 along that route.

16 (c) REPORT.—Not later than 1 year after the date
17 of enactment of this Act, the working group shall submit
18 to the Secretary a report of its findings under this section
19 and any recommendations for the implementation of the
20 best practices for expeditious State approval of special
21 permits for vehicles involved in emergency recovery. Upon
22 receipt, the Secretary shall publish the report on a public
23 website.

24 (d) FEDERAL ADVISORY COMMITTEE ACT EXEMP-
25 TION.—The Federal Advisory Committee Act (5 U.S.C.

1 App.) shall not apply to the working group established
2 under this section.

3 **SEC. 2402. ADDITIONAL STATE AUTHORITY.**

4 Notwithstanding any other provision of law, not later
5 than 180 days after the date of enactment of this Act,
6 any State impacted by section 4006 of the Intermodal
7 Surface Transportation Efficiency Act of 1991 (Public
8 Law 102–240; 105 Stat. 2148) shall be provided the op-
9 tion to update the routes listed in the final list as long
10 as the update shifts routes to divided highways or does
11 not increase centerline miles by more than 5 percent and
12 the change is expected to increase safety performance.

13 **SEC. 2403. COMMERCIAL DRIVER ACCESS.**

14 (a) INTERSTATE COMPACT PILOT PROGRAM.—

15 (1) IN GENERAL.—The Administrator of the
16 Federal Motor Carrier Safety Administration shall
17 establish a 6-year pilot program to study the feasi-
18 bility, benefits, and safety impacts of allowing a li-
19 censed driver between the ages of 18 and 21 to oper-
20 ate a commercial motor vehicle in interstate com-
21 merce.

22 (2) INTERSTATE COMPACTS.—The Secretary
23 shall allow States, including the District of Colum-
24 bia, to enter into an interstate compact with contig-
25 uous States to allow a licensed driver between the

1 ages of 18 and 21 to operate a motor vehicle across
2 the applicable State lines. The Secretary shall ap-
3 prove as many as 6 interstate compacts, with no
4 limit on the number of States participating in each
5 interstate compact.

6 (3) MUTUAL RECOGNITION OF LICENSES.—A
7 valid intrastate commercial driver’s licenses issued
8 by a State participating in an interstate compact
9 under paragraph (2) shall be recognized as valid in
10 each State that is participating in that interstate
11 compact.

12 (4) STANDARDS.—In developing an interstate
13 compact under this subsection, participating States
14 shall provide for minimum licensure standards ac-
15 ceptable for interstate travel under this section,
16 which may include, for a licensed driver between the
17 ages of 18 and 21 participating in the pilot pro-
18 gram—

19 (A) age restrictions;

20 (B) distance from origin (measured in air
21 miles);

22 (C) reporting requirements; or

23 (D) additional hours of service restrictions.

24 (5) LIMITATIONS.—An interstate compact
25 under paragraph (2) may not permit special configu-

1 ration or hazardous cargo operations to be trans-
2 ported by a licensed driver under the age of 21.

3 (6) ADDITIONAL REQUIREMENTS.—The Sec-
4 retary may—

5 (A) prescribe such additional requirements,
6 including training, for a licensed driver between
7 the ages of 18 and 21 participating in the pilot
8 program as the Secretary considers necessary;
9 and

10 (B) provide risk mitigation restrictions and
11 limitations.

12 (b) APPROVAL.—An interstate compact under sub-
13 section (a)(2) may not go into effect until it has been ap-
14 proved by the governor of each State (or the Mayor of
15 the District of Columbia, if applicable) that is a party to
16 the interstate compact, after consultation with the Sec-
17 retary of Transportation and the Administrator of the
18 Federal Motor Carrier Safety Administration.

19 (c) REPORT.—Not earlier than 4 years after the date
20 the test program is established, the Secretary shall submit
21 to Congress a report containing the findings of the pilot
22 program, a determination of whether a licensed driver be-
23 tween the ages of 18 and 21 can operate a commercial
24 motor vehicle in interstate commerce with an equivalent
25 level of safety, and the reasons for that determination.

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

3 **SEC. 2501. 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. 2502. 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 the year in which the Secretary implements a new
14 allocation formula under section 2508 of the Com-
15 prehensive Transportation and Consumer Protection
16 Act of 2015, and this adjusted baseline will replace
17 the maintenance of effort requirement under para-
18 graph (1).

19 “(3) WAIVERS.—At the request of a State, the
20 Secretary may waive or modify the requirements of
21 this subsection for 1 fiscal year if the Secretary de-
22 termines that a waiver or modification is reasonable,
23 based on circumstances described by the State, to
24 ensure the continuation of commercial motor vehicle
25 enforcement activities in the State.

1 “(4) LEVEL OF STATE EXPENDITURES.—In es-
2 timating the average level of State expenditure
3 under paragraph (1), the Secretary—

4 “(A) may allow the State to exclude State
5 expenditures for Federally-sponsored dem-
6 onstrations and pilot programs and strike forces;

7 “(B) may allow the State to exclude ex-
8 penditures for activities related to border en-
9 forcement and new entrant safety audits; and

10 “(C) shall require the State to exclude
11 State matching amounts used to receive Federal
12 financing under section 31104.

13 “(g) USE OF UNIFIED CARRIER REGISTRATION FEES
14 AGREEMENT.—Amounts generated under section 14504a
15 of this title and received by a State and used for motor
16 carrier safety purposes may be included as part of the
17 State’s match required under section 31104 of this title
18 or maintenance of effort required by subsection (f) of this
19 section.

20 “(h) USE OF GRANTS TO ENFORCE OTHER LAWS.—
21 When approved in the States’ plan under subsection (e),
22 a State may use Motor Carrier Safety Assistance Program
23 funds received under this section—

24 “(1) if the activities are carried out in conjunc-
25 tion with an appropriate inspection of a commercial

1 motor vehicle to enforce Federal or State commercial
2 motor vehicle safety regulations, for—

3 “(A) enforcement of commercial motor ve-
4 hicle size and weight limitations at locations,
5 excluding fixed weight facilities, such as near
6 steep grades or mountainous terrains, where
7 the weight of a commercial motor vehicle can
8 significantly affect the safe operation of the ve-
9 hicle, or at ports where intermodal shipping
10 containers enter and leave the United States;
11 and

12 “(B) detection of and enforcement actions
13 taken as a result of criminal activity, including
14 the trafficking of human beings, in a commer-
15 cial motor vehicle or by any occupant, including
16 the operator, of the commercial motor vehicle;

17 “(2) for documented enforcement of State traf-
18 fic laws and regulations designed to promote the
19 safe operation of commercial motor vehicles, includ-
20 ing documented enforcement of such laws and regu-
21 lations relating to noncommercial motor vehicles
22 when necessary to promote the safe operation of
23 commercial motor vehicles, if—

24 “(A) the number of motor carrier safety
25 activities, including roadside safety inspections,

1 conducted in the State is maintained at a level
2 at least equal to the average level of such activi-
3 ties conducted in the State in fiscal years 2004
4 and 2005; and

5 “(B) the State does not use more than 10
6 percent of the basic amount the State receives
7 under a grant awarded under section
8 31104(a)(1) for enforcement activities relating
9 to noncommercial motor vehicles necessary to
10 promote the safe operation of commercial motor
11 vehicles unless the Secretary determines that a
12 higher percentage will result in significant in-
13 creases in commercial motor vehicle safety; and

14 “(3) for the enforcement of household goods
15 regulations on intrastate and interstate carriers if
16 the State has adopted laws or regulations compatible
17 with the Federal household goods regulations.

18 “(i) EVALUATION OF PLANS AND AWARD OF
19 GRANTS.—

20 “(1) AWARDS.—The Secretary shall establish
21 criteria for the application, evaluation, and approval
22 of State plans under this section. Subject to sub-
23 section (j), the Secretary may allocate the amounts
24 made available under section 31104(a)(1) among the
25 States.

1 “(2) OPPORTUNITY TO CURE.—If the Secretary
2 disapproves a plan under this section, the Secretary
3 shall give the State a written explanation of the rea-
4 sons for disapproval and allow the State to modify
5 and resubmit the plan for approval.

6 “(j) ALLOCATION OF FUNDS.—

7 “(1) IN GENERAL.—The Secretary, by regula-
8 tion, shall prescribe allocation criteria for funds
9 made available under section 31104(a)(1).

10 “(2) ANNUAL ALLOCATIONS.—On October 1 of
11 each fiscal year, or as soon as practicable thereafter,
12 and after making a deduction under section
13 31104(c), the Secretary shall allocate amounts made
14 available in section 31104(a)(1) to carry out this
15 section for the fiscal year among the States with
16 plans approved under this section in accordance with
17 the criteria under paragraph (1).

18 “(3) ELECTIVE ADJUSTMENTS.—Subject to the
19 availability of funding and notwithstanding fluctua-
20 tions in the data elements used by the Secretary to
21 calculate the annual allocation amounts, after the
22 creation of a new allocation formula under section
23 2508 of the Comprehensive Transportation and Con-
24 sumer Protection Act of 2015 the Secretary may not
25 make elective adjustments to the allocation formula

1 that decrease a State's Federal funding levels by
2 more than 3 percent in a fiscal year. The 3 percent
3 limit shall not apply to the withholding provisions of
4 subsection (k).

5 “(k) PLAN MONITORING.—

6 “(1) IN GENERAL.—On the basis of reports
7 submitted by the lead State agency responsible for
8 administering an approved State plan and an inves-
9 tigation by the Secretary, the Secretary shall peri-
10 odically evaluate State implementation of and com-
11 pliance with the State plan.

12 “(2) WITHHOLDING OF FUNDS.—

13 “(A) DISAPPROVAL.—If, after notice and
14 an opportunity to be heard, the Secretary finds
15 that the State plan previously approved is not
16 being followed or has become inadequate to en-
17 sure enforcement of the regulations, standards,
18 or orders, or the State is otherwise not in com-
19 pliance with the requirements of this section,
20 the Secretary may withdraw approval of the
21 plan and notify the State. The plan is no longer
22 in effect once the State receives notice, and the
23 Secretary shall withhold all funding under this
24 section.

1 “(B) NONCOMPLIANCE WITHHOLDING.—In
2 lieu of withdrawing approval of the plan, the
3 Secretary may, after providing notice and an
4 opportunity to be heard, withhold funding from
5 the State to which the State would otherwise be
6 entitled under this section for the period of the
7 State’s noncompliance. In exercising this op-
8 tion, the Secretary may withhold—

9 “(i) up to 5 percent of funds during
10 the fiscal year that the Secretary notifies
11 the State of its noncompliance;

12 “(ii) up to 10 percent of funds for the
13 first full fiscal year of noncompliance;

14 “(iii) up to 25 percent of funds for
15 the second full fiscal year of noncompli-
16 ance; and

17 “(iv) not more than 50 percent of
18 funds for the third and any subsequent full
19 fiscal year of noncompliance.

20 “(3) JUDICIAL REVIEW.—A State adversely af-
21 fected by a determination under paragraph (2) may
22 seek judicial review under chapter 7 of title 5. Not-
23 withstanding the disapproval of a State plan under
24 paragraph (2)(A) or the withholding under para-
25 graph (2)(B), the State may retain jurisdiction in an

1 administrative or a judicial proceeding that com-
2 menced before the notice of disapproval or with-
3 holding if the issues involved are not related directly
4 to the reasons for the disapproval or withholding.

5 “(1) HIGH PRIORITY FINANCIAL ASSISTANCE PRO-
6 GRAM.—

7 “(1) IN GENERAL.—The Secretary shall admin-
8 ister a high priority financial assistance program
9 funded under section 31104 for the purposes de-
10 scribed in paragraphs (2) and (3).

11 “(2) ACTIVITIES RELATED TO MOTOR CARRIER
12 SAFETY.—The purpose of this paragraph is to make
13 discretionary grants to and cooperative agreements
14 with States, local governments, federally-recognized
15 Indian tribes, other political jurisdictions as nec-
16 essary, and any person to carry out high priority ac-
17 tivities and projects that augment motor carrier
18 safety activities and projects planned in accordance
19 with subsections (b) and (c), including activities and
20 projects that—

21 “(A) increase public awareness and edu-
22 cation on commercial motor vehicle safety;

23 “(B) target unsafe driving of commercial
24 motor vehicles and non-commercial motor vehi-

1 cles in areas identified as high risk crash cor-
2 ridors;

3 “(C) support the enforcement of State
4 household goods regulations on intrastate and
5 interstate carriers if the State has adopted laws
6 or regulations compatible with the Federal
7 household good laws;

8 “(D) improve the safe and secure move-
9 ment of hazardous materials;

10 “(E) improve safe transportation of goods
11 and persons in foreign commerce;

12 “(F) demonstrate new technologies to im-
13 prove commercial motor vehicle safety;

14 “(G) support participation in performance
15 and registration information systems manage-
16 ment under section 31106(b)—

17 “(i) for entities not responsible for
18 submitting the plan under subsection (c);
19 or

20 “(ii) for entities responsible for sub-
21 mitting the plan under subsection (c)—

22 “(I) before October 1, 2020, to
23 achieve compliance with the require-
24 ments of participation; and

1 “(II) beginning on October 1,
2 2020, or once compliance is achieved,
3 whichever is sooner, for special initia-
4 tives or projects that exceed routine
5 operations required for participation;

6 “(H) conduct safety data improvement
7 projects—

8 “(i) that complete or exceed the re-
9 quirements under subsection (c)(2)(P) for
10 entities not responsible for submitting the
11 plan under subsection (c); or

12 “(ii) that exceed the requirements
13 under subsection (c)(2)(P) for entities re-
14 sponsible for submitting the plan under
15 subsection (c); and

16 “(I) otherwise improve commercial motor
17 vehicle safety and compliance with commercial
18 motor vehicle safety regulations.

19 “(3) INNOVATIVE TECHNOLOGY DEPLOYMENT
20 GRANT PROGRAM.—

21 “(A) IN GENERAL.—The Secretary shall
22 establish an innovative technology deployment
23 grant program to make discretionary grants
24 funded under section 31104(a)(2) to eligible
25 States for the innovative technology deployment

1 of commercial motor vehicle information sys-
2 tems and networks.

3 “(B) PURPOSES.—The purposes of the
4 program shall be—

5 “(i) to advance the technological capa-
6 bility and promote the deployment of intel-
7 ligent transportation system applications
8 for commercial motor vehicle operations,
9 including commercial motor vehicle, com-
10 mercial driver, and carrier-specific infor-
11 mation systems and networks; and

12 “(ii) to support and maintain com-
13 mercial motor vehicle information systems
14 and networks—

15 “(I) to link Federal motor carrier
16 safety information systems with State
17 commercial motor vehicle systems;

18 “(II) to improve the safety and
19 productivity of commercial motor vehi-
20 cles and drivers; and

21 “(III) to reduce costs associated
22 with commercial motor vehicle oper-
23 ations and Federal and State commer-
24 cial vehicle regulatory requirements.

1 “(C) ELIGIBILITY.—To be eligible for a
2 grant under this paragraph, a State shall—

3 “(i) have a commercial motor vehicle
4 information systems and networks program
5 plan approved by the Secretary that de-
6 scribes the various systems and networks
7 at the State level that need to be refined,
8 revised, upgraded, or built to accomplish
9 deployment of commercial motor vehicle in-
10 formation systems and networks capabili-
11 ties;

12 “(ii) certify to the Secretary that its
13 commercial motor vehicle information sys-
14 tems and networks deployment activities,
15 including hardware procurement, software
16 and system development, and infrastruc-
17 ture modifications—

18 “(I) are consistent with the na-
19 tional intelligent transportation sys-
20 tems and commercial motor vehicle in-
21 formation systems and networks ar-
22 chitectures and available standards;
23 and

1 “(II) promote interoperability
2 and efficiency to the extent prac-
3 ticable; and

4 “(iii) agree to execute interoperability
5 tests developed by the Federal Motor Car-
6 rier Safety Administration to verify that
7 its systems conform with the national intel-
8 ligent transportation systems architecture,
9 applicable standards, and protocols for
10 commercial motor vehicle information sys-
11 tems and networks.

12 “(D) USE OF FUNDS.—Grant funds may
13 be used—

14 “(i) for deployment activities and ac-
15 tivities to develop new and innovative ad-
16 vanced technology solutions that support
17 commercial motor vehicle information sys-
18 tems and networks;

19 “(ii) for planning activities, including
20 the development or updating of program or
21 top level design plans in order to become
22 eligible or maintain eligibility under sub-
23 paragraph (C); and

1 **“§ 31104. Authorization of appropriations**

2 “(a) FINANCIAL ASSISTANCE PROGRAMS.—The fol-
3 lowing sums are authorized to be appropriated from the
4 Highway Trust Fund for the following Federal Motor Car-
5 rier Safety Administration Financial Assistance Pro-
6 grams:

7 “(1) MOTOR CARRIER SAFETY ASSISTANCE PRO-
8 GRAM.—Subject to paragraph (2) of this subsection
9 and subsection (c) of this section, to carry out sec-
10 tion 31102—

11 “(A) \$295,636,000 for fiscal year 2017;

12 “(B) \$301,845,000 for fiscal year 2018;

13 “(C) \$308,183,000 for fiscal year 2019;

14 “(D) \$314,655,000 for fiscal year 2020;

15 and

16 “(E) \$321,263,000 for fiscal year 2021.

17 “(2) HIGH PRIORITY ACTIVITIES FINANCIAL AS-
18 SISTANCE PROGRAM.—Subject to subsection (c), to
19 make grants and cooperative agreements under sec-
20 tion 31102(l) of this title, the Secretary may set
21 aside from amounts made available under paragraph
22 (1) of this subsection up to—

23 “(A) \$42,323,000 for fiscal year 2017;

24 “(B) \$43,212,000 for fiscal year 2018;

25 “(C) \$44,119,000 for fiscal year 2019;

1 “(D) \$45,046,000 for fiscal year 2020;

2 and

3 “(E) \$45,992,000 for fiscal year 2021.

4 “(3) COMMERCIAL MOTOR VEHICLE OPERATORS
5 GRANT PROGRAM.—To carry out section 31103—

6 “(A) \$1,000,000 for fiscal year 2017;

7 “(B) \$1,000,000 for fiscal year 2018;

8 “(C) \$1,000,000 for fiscal year 2019;

9 “(D) \$1,000,000 for fiscal year 2020; and

10 “(E) \$1,000,000 for fiscal year 2021.

11 “(4) COMMERCIAL DRIVER’S LICENSE PROGRAM
12 IMPLEMENTATION FINANCIAL ASSISTANCE PRO-
13 GRAM.—Subject to subsection (c), to carry out sec-
14 tion 31313—

15 “(A) \$31,273,000 for fiscal year 2017;

16 “(B) \$31,930,000 for fiscal year 2018;

17 “(C) \$32,600,000 for fiscal year 2019;

18 “(D) \$33,285,000 for fiscal year 2020;

19 and

20 “(E) \$33,984,000 for fiscal year 2021.

21 “(b) REIMBURSEMENT AND PAYMENT TO RECIPI-
22 ENTS FOR GOVERNMENT SHARE OF COSTS.—

23 “(1) IN GENERAL.—Amounts made available
24 under subsection (a) shall be used to reimburse fi-

1 nancial assistance recipients proportionally for the
2 Federal Government's share of the costs incurred.

3 “(2) REIMBURSEMENT AMOUNTS.—The Sec-
4 retary shall reimburse a recipient, in accordance
5 with a financial assistance agreement made under
6 section 31102, 31103, or 31313, an amount that is
7 at least 85 percent of the costs incurred by the re-
8 cipient in a fiscal year in developing and imple-
9 menting programs under these sections. The Sec-
10 retary shall pay the recipient an amount not more
11 than the Federal Government share of the total
12 costs approved by the Federal Government in the fi-
13 nancial assistance agreement. The Secretary shall
14 include a recipient's in-kind contributions in deter-
15 mining the reimbursement.

16 “(3) VOUCHERS.—Each recipient shall submit
17 vouchers at least quarterly for costs the recipient in-
18 curs in developing and implementing programs
19 under section 31102, 31103, or 31313.

20 “(c) DEDUCTIONS FOR PARTNER TRAINING AND
21 PROGRAM SUPPORT.—On October 1 of each fiscal year,
22 or as soon after that date as practicable, the Secretary
23 may deduct from amounts made available under para-
24 graphs (1), (2), and (4) of subsection (a) for that fiscal
25 year not more than 1.50 percent of those amounts for

1 partner training and program support in that fiscal year.
2 The Secretary shall use at least 75 percent of those de-
3 ducted amounts to train non-Federal Government employ-
4 ees and to develop related training materials in carrying
5 out these programs.

6 “(d) GRANTS AND COOPERATIVE AGREEMENTS AS
7 CONTRACTUAL OBLIGATIONS.—The approval of a finan-
8 cial assistance agreement by the Secretary under section
9 31102, 31103, or 31313 is a contractual obligation of the
10 Federal Government for payment of the Federal Govern-
11 ment’s share of costs in carrying out the provisions of the
12 grant or cooperative agreement.

13 “(e) ELIGIBLE ACTIVITIES.—The Secretary shall es-
14 tablish criteria for eligible activities to be funded with fi-
15 nancial assistance agreements under this section and pub-
16 lish those criteria in a notice of funding availability before
17 the financial assistance program application period.

18 “(f) PERIOD OF AVAILABILITY OF FINANCIAL AS-
19 SISTANCE AGREEMENT FUNDS FOR RECIPIENT EXPENDI-
20 TURES.—

21 “(1) IN GENERAL.—The period of availability
22 for a recipient to expend a grant or cooperative
23 agreement authorized under subsection (a) is as fol-
24 lows:

1 “(A) For grants made for carrying out sec-
2 tion 31102, other than section 31102(l), for the
3 fiscal year in which it is obligated and for the
4 next fiscal year.

5 “(B) For grants or cooperative agreements
6 made for carrying out section 31102(l)(2), for
7 the fiscal year in which it is obligated and for
8 the next 2 fiscal years.

9 “(C) For grants made for carrying out sec-
10 tion 31102(l)(3), for the fiscal year in which it
11 is obligated and for the next 4 fiscal years.

12 “(D) For grants made for carrying out
13 section 31103, for the fiscal year in which it is
14 obligated and for the next fiscal year.

15 “(E) For grants or cooperative agreements
16 made for carrying out 31313, for the fiscal year
17 in which it is obligated and for the next 4 fiscal
18 years.

19 “(2) REOBLIGATION.—Amounts not expended
20 by a recipient during the period of availability shall
21 be released back to the Secretary for reobligation for
22 any purpose under sections 31102, 31103, 31104,
23 and 31313 in accordance with subsection (i) of this
24 section.

1 “(g) CONTRACT AUTHORITY; INITIAL DATE OF
2 AVAILABILITY.—Amounts authorized from the Highway
3 Trust Fund by this section shall be available for obligation
4 on the date of their apportionment or allocation or on Oc-
5 tober 1 of the fiscal year for which they are authorized,
6 whichever occurs first.

7 “(h) AVAILABILITY OF FUNDING.—Amounts made
8 available under this section shall remain available until ex-
9 pended.

10 “(i) TRANSFER OF OBLIGATION AUTHORITY.—

11 “(1) IN GENERAL.—Of the contract authority
12 authorized for motor carrier safety grants, the Sec-
13 retary shall have authority to transfer available un-
14 obligated contract authority and associated liqui-
15 dating cash within or between Federal financial as-
16 sistance programs authorized under this section and
17 make new Federal financial assistance awards under
18 this section.

19 “(2) COST ESTIMATES.—Of the funds trans-
20 ferred, the contract authority and associated liqui-
21 dating cash or obligations and expenditures stem-
22 ming from Federal financial assistance awards made
23 with this contract authority shall not be scored as
24 new obligations by the Congressional Budget Office
25 or by the Secretary.

1 “(3) NO LIMITATION ON TOTAL OF OBLIGA-
2 TIONS.—Notwithstanding any other provision of law,
3 no limitation on the total of obligations for Federal
4 financial assistance programs carried out by the
5 Federal Motor Carrier Safety Administration under
6 this section shall apply to unobligated funds trans-
7 ferred under this subsection.”.

8 (d) TECHNICAL AND CONFORMING AMENDMENTS.—

9 (1) SAFETY FITNESS OF OWNERS AND OPER-
10 ATOR; SAFETY REVIEWS OF NEW OPERATORS.—Sec-
11 tion 31144(g) is amended by striking paragraph (5).

12 (2) INFORMATION SYSTEMS; PERFORMANCE
13 AND REGISTRATION INFORMATION PROGRAM.—Sec-
14 tion 31106(b) is amended by striking paragraph (4).

15 (3) BORDER ENFORCEMENT GRANTS.—Section
16 31107 is repealed.

17 (4) PERFORMANCE AND REGISTRATION INFOR-
18 MATION SYSTEM MANAGEMENT.—Section 31109 is
19 repealed.

20 (5) TABLE OF CONTENTS.—The table of con-
21 tents of chapter 311 is amended—

22 (A) by striking the items relating to 31107
23 and 31109; and

1 (B) by striking the items relating to sec-
2 tions 31102, 31103, and 31104 and inserting
3 the following:

“31102. Motor Carrier Safety Assistance Program.

“31103. Commercial Motor Vehicle Operators Grant Program.

“31104. Authorization of appropriations.”.

4 (6) GRANTS FOR COMMERCIAL DRIVER’S LI-
5 CENSE PROGRAM IMPLEMENTATION.—Section
6 31313(a), as amended by section 2506 of this Act,
7 is further amended by striking “The Secretary of
8 Transportation shall administer a financial assist-
9 ance program for commercial driver’s license pro-
10 gram implementation for the purposes described in
11 paragraphs (1) and (2)” and inserting “The Sec-
12 retary of Transportation shall administer a financial
13 assistance program for commercial driver’s license
14 program implementation funded under section
15 31104 of this title for the purposes described in
16 paragraphs (1) and (2)”.

17 (7) COMMERCIAL VEHICLE INFORMATION SYS-
18 TEMS AND NETWORKS DEPLOYMENT.—Section 4126
19 of SAFETEA-LU (49 U.S.C. 31106 note) is re-
20 pealed.

21 (8) SAFETY DATA IMPROVEMENT PROGRAM.—
22 Section 4128 of SAFETEA-LU (49 U.S.C. 31100
23 note) is repealed.

1 (9) GRANT PROGRAM FOR COMMERCIAL MOTOR
2 VEHICLE OPERATORS.—Section 4134 of SAFETEA-
3 LU (49 U.S.C. 31301 note) is repealed.

4 (10) WINTER HOME HEATING OIL DELIVERY
5 STATE FLEXIBILITY PROGRAM.—Section 346 of Na-
6 tional Highway System Designation Act of 1995 (49
7 U.S.C. 31166 note) is repealed.

8 (11) MAINTENANCE OF EFFORT AS CONDITION
9 ON GRANTS TO STATES.—Section 103(c) of the
10 Motor Carrier Safety Improvement Act of 1999 (49
11 U.S.C. 31102 note) is repealed.

12 (12) STATE COMPLIANCE WITH CDL REQUIRE-
13 MENTS.—Section 103(e) of the Motor Carrier Safety
14 Improvement Act of 1999 (49 U.S.C. 31102 note) is
15 repealed.

16 (13) BORDER STAFFING STANDARDS.—Section
17 218(d) of the Motor Carrier Safety Improvement
18 Act of 1999 (49 U.S.C. 31133 note) is amended—

19 (A) in paragraph (1), by striking “under
20 section 31104(f)(2)(B) of title 49, United
21 States Code” and inserting “section
22 31104(a)(1) of title 49, United States Code”;
23 and

24 (B) by striking paragraph (3).

1 (e) EFFECTIVE DATE.—The amendments made by
2 this section shall take effect on October 1, 2016.

3 (f) TRANSITION.—Notwithstanding the amendments
4 made by this section, the Secretary shall carry out sections
5 31102, 31103, 31104, and any sections repealed under
6 subsection (d) of this section, as necessary, as those sec-
7 tions were in effect on the day before October 1, 2016,
8 with respect to applications for grants, cooperative agree-
9 ments, or contracts under those sections submitted before
10 October 1, 2016.

11 **SEC. 2503. NEW ENTRANT SAFETY REVIEW PROGRAM**
12 **STUDY.**

13 (a) IN GENERAL.—Not later than 1 year after the
14 date of enactment of this Act, the Office of Inspector Gen-
15 eral of the Department of Transportation shall report to
16 the Committee on Commerce, Science, and Transportation
17 of the Senate and the Committee on Transportation and
18 Infrastructure in the House of Representatives on its as-
19 sessment of the new operator safety review program, re-
20 quired under section 31144(g) of title 49, United States
21 Code, including the program’s effectiveness in reducing
22 commercial motor vehicles involved in crashes, fatalities,
23 and injuries, and in improving commercial motor vehicle
24 safety.

1 (b) REPORT.—Not later than 90 days after comple-
2 tion of the report under subsection (a), the Secretary shall
3 submit to the Committee on Commerce, Science, and
4 Transportation of the Senate and the Committee on
5 Transportation and Infrastructure in the House of Rep-
6 resentatives a report on the actions the Secretary will take
7 to address any recommendations included in the study
8 under subsection (a).

9 (c) PAPERWORK REDUCTION ACT OF 1995; EXCEP-
10 TION.—The study and the Office of the Inspector General
11 assessment shall not be subject to section 3506 or section
12 3507 of title 44, United States Code.

13 **SEC. 2504. PERFORMANCE AND REGISTRATION INFORMA-**
14 **TION SYSTEMS MANAGEMENT.**

15 Section 31106(b) is amended in the heading by strik-
16 ing “PROGRAM” and inserting “SYSTEMS MANAGEMENT”.

17 **SEC. 2505. AUTHORIZATION OF APPROPRIATIONS.**

18 (a) IN GENERAL.—Subchapter I of chapter 311 is
19 amended by adding at the end the following:

20 **“§ 31110. Authorization of appropriations**

21 “(a) ADMINISTRATIVE EXPENSES.—There are au-
22 thorized to be appropriated from the Highway Trust Fund
23 (other than the Mass Transit Account) for the Secretary
24 of Transportation to pay administrative expenses of the
25 Federal Motor Carrier Safety Administration—

1 “(1) \$264,439,000 for fiscal year 2016;

2 “(2) \$269,992,000 for fiscal year 2017;

3 “(3) \$275,662,000 for fiscal year 2018;

4 “(4) \$281,451,000 for fiscal year 2019;

5 “(5) \$287,361,000 for fiscal year 2020; and

6 “(6) \$293,396,000 for fiscal year 2021.

7 “(b) USE OF FUNDS.—The funds authorized by this
8 section shall be used—

9 “(1) for personnel costs;

10 “(2) for administrative infrastructure;

11 “(3) for rent;

12 “(4) for information technology;

13 “(5) for programs for research and technology,
14 information management, regulatory development,
15 the administration of the performance and registra-
16 tion information systems management;

17 “(6) for programs for outreach and education
18 under subsection (d);

19 “(7) to fund the motor carrier safety facility
20 working capital fund established under subsection
21 (e);

22 “(8) for other operating expenses;

23 “(9) to conduct safety reviews of new operators;

24 and

1 “(10) for such other expenses as may from time
2 to time become necessary to implement statutory
3 mandates of the Federal Motor Carrier Safety Ad-
4 ministration not funded from other sources.

5 “(c) MOTOR CARRIER SAFETY FACILITY WORKING
6 CAPITAL FUND.—

7 “(1) IN GENERAL.—The Secretary may estab-
8 lish a motor carrier safety facility working capital
9 fund.

10 “(2) PURPOSE.—Amounts in the fund shall be
11 available for modernization, construction, leases, and
12 expenses related to vacating, occupying, maintaining,
13 and expanding motor carrier safety facilities, and as-
14 sociated activities.

15 “(3) AVAILABILITY.—Amounts in the fund shall
16 be available without regard to fiscal year limitation.

17 “(4) FUNDING.—Amounts may be appropriated
18 to the fund from the amounts made available in sub-
19 section (a).

20 “(5) FUND TRANSFERS.—The Secretary may
21 transfer funds to the working capital fund from the
22 amounts made available in subsection (a) or from
23 other funds as identified by the Secretary.

24 “(d) OUTREACH AND EDUCATION PROGRAM.—

1 “(1) IN GENERAL.—The Secretary may con-
2 duct, through any combination of grants, contracts,
3 cooperative agreements, or other activities, an inter-
4 nal and external outreach and education program to
5 be administered by the Administrator of the Federal
6 Motor Carrier Safety Administration.

7 “(2) FEDERAL SHARE.—The Federal share of
8 an outreach and education program for which a
9 grant, contract, or cooperative agreement is made
10 under this subsection may be up to 100 percent of
11 the cost of the grant, contract, or cooperative agree-
12 ment.

13 “(3) FUNDING.—From amounts made available
14 in subsection (a), the Secretary shall make available
15 such sums as are necessary to carry out this sub-
16 section each fiscal year.

17 “(e) CONTRACT AUTHORITY; INITIAL DATE OF
18 AVAILABILITY.—Amounts authorized from the Highway
19 Trust Fund by this section shall be available for obligation
20 on the date of their apportionment or allocation or on Oc-
21 tober 1 of the fiscal year for which they are authorized,
22 whichever occurs first.

23 “(f) FUNDING AVAILABILITY.—Amounts made avail-
24 able under this section shall remain available until ex-
25 ended.

1 “(g) CONTRACTUAL OBLIGATION.—The approval of
2 funds by the Secretary under this section is a contractual
3 obligation of the Federal Government for payment of the
4 Federal Government’s share of costs.”.

5 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

6 (1) ADMINISTRATIVE EXPENSES; AUTHORIZA-
7 TION OF APPROPRIATIONS.—Section 31104 is
8 amended—

9 (A) by striking subsection (i); and

10 (B) by redesignating subsections (j) and
11 (k) and subsections (i) and (j), respectively.

12 (2) USE OF AMOUNTS MADE AVAILABLE UNDER
13 SUBSECTION (I).—Section 4116(d) of SAFETEA-
14 LU (49 U.S.C. 31104 note) is amended by striking
15 “section 31104(i)” and inserting “section 31110”.

16 (3) INTERNAL COOPERATION.—Section 31161
17 is amended by striking “31104(i)” and inserting
18 “31110”.

19 (4) SAFETEA-LU; OUTREACH AND EDU-
20 CATION.—Section 4127 of SAFETEA-LU (119
21 Stat. 1741; Public Law 109–59) is repealed.

22 (5) TABLE OF CONTENTS.—The table of con-
23 tents of subchapter I of chapter 311 is amended by
24 adding at the end the following:

“31110. Authorization of appropriations.”.

1 **SEC. 2506. COMMERCIAL DRIVER'S LICENSE PROGRAM IM-**
2 **PLEMENTATION.**

3 (a) IN GENERAL.—Section 31313 is amended to read
4 as follows:

5 **“§ 31313. Commercial driver's license program imple-**
6 **mentation financial assistance program**

7 “(a) IN GENERAL.—The Secretary of Transportation
8 shall administer a financial assistance program for com-
9 mercial driver's license program implementation for the
10 purposes described in paragraphs (1) and (2).

11 “(1) STATE COMMERCIAL DRIVER'S LICENSE
12 PROGRAM IMPLEMENTATION GRANTS.—The Sec-
13 retary of Transportation may make a grant to a
14 State agency in a fiscal year—

15 “(A) to comply with the requirements of
16 section 31311;

17 “(B) in the case of a State that is making
18 a good faith effort toward substantial compli-
19 ance with the requirements of section 31311, to
20 improve its implementation of its commercial
21 driver's license program, including expenses—

22 “(i) for computer hardware and soft-
23 ware;

24 “(ii) for publications, testing, per-
25 sonnel, training, and quality control;

1 “(iii) for commercial driver’s license
2 program coordinators; and

3 “(iv) to implement or maintain a sys-
4 tem to notify an employer of an operator
5 of a commercial motor vehicle of the sus-
6 pension or revocation of the operator’s
7 commercial driver’s license consistent with
8 the standards developed under section
9 32303(b) of the Commercial Motor Vehicle
10 Safety Enhancement Act of 2012 (49
11 U.S.C. 31304 note).

12 “(2) PRIORITY ACTIVITIES.—The Secretary
13 may make a grant or cooperative agreement in a fis-
14 cal year to a State agency, local government, or any
15 person for research, development or testing, dem-
16 onstration projects, public education, or other special
17 activities and projects relating to commercial driver’s
18 licensing and motor vehicle safety that—

19 “(A) benefit all jurisdictions of the United
20 States;

21 “(B) address national safety concerns and
22 circumstances;

23 “(C) address emerging issues relating to
24 commercial driver’s license improvements;

1 31107, and 31109 of this title and section 4128 of
2 SAFETEA-LU (49 U.S.C. 31100 note)” after
3 “31102”;

4 (2) in paragraph (9), by striking “and” at the
5 end; and

6 (3) by striking paragraph (10) and inserting
7 the following:

8 “(10) \$218,000,000 for fiscal year 2015; and

9 “(11) \$259,000,000 for fiscal year 2016.”.

10 (b) EXTENSION OF GRANT PROGRAMS.—Section
11 4101(c) SAFETEA-LU (119 Stat. 1715; Public Law
12 109–59), is amended to read as follows:

13 “(c) GRANT PROGRAMS FUNDING.—There are au-
14 thorized to be appropriated from the Highway Trust Fund
15 the following sums for the following Federal Motor Carrier
16 Safety Administration programs:

17 “(1) COMMERCIAL DRIVER’S LICENSE PROGRAM
18 IMPROVEMENT GRANTS.—For carrying out the com-
19 mercial driver’s license program improvement grants
20 program under section 31313 of title 49, United
21 States Code, \$30,000,000 for fiscal year 2016.

22 “(2) BORDER ENFORCEMENT GRANTS.—From
23 amounts made available under section 31104(a) of
24 title 49, United States Code, for border enforcement

1 grants under section 31107 of that title,
2 \$32,000,000 for fiscal year 2016.

3 “(3) PERFORMANCE AND REGISTRATION INFOR-
4 MATION SYSTEMS MANAGEMENT GRANT PRO-
5 GRAMS.—From amounts made available under sec-
6 tion 31104(a) of title 49, United States Code, for
7 the performance and registration information sys-
8 tems management grant program under section
9 31109 of that title, \$5,000,000 for fiscal year 2016.

10 “(4) COMMERCIAL VEHICLE INFORMATION SYS-
11 TEMS AND NETWORKS DEPLOYMENT.—For carrying
12 out the commercial vehicle information systems and
13 networks deployment program under section 4126 of
14 this Act (the innovative technology deployment pro-
15 gram), \$25,000,000, for fiscal year 2016.

16 “(5) SAFETY DATA IMPROVEMENT GRANTS.—
17 From amounts made available under section
18 31104(a) of title 49, United States Code, for safety
19 data improvement grants under section 4128 of this
20 Act, \$3,000,000 for fiscal year 2016.”.

21 (c) HIGH-PRIORITY ACTIVITIES.—Section
22 31104(j)(2), as redesignated by section 2605 of this Act
23 is amended by striking “2014 and up to \$12,493,151 for
24 the period beginning on October 1, 2014, and ending on
25 July 31, 2015,,” and inserting “2016”.

1 (d) NEW ENTRANT AUDITS.—Section
2 31144(g)(5)(B) is amended to read as follows:

3 “(B) SET ASIDE.—The Secretary shall set
4 aside from amounts made available by section
5 31104(a) up to \$32,000,000 for fiscal year
6 2016 for audits of new entrant motor carriers
7 conducted under this paragraph.”.

8 (e) GRANT PROGRAM FOR COMMERCIAL MOTOR VE-
9 HICLE OPERATORS.—Section 4134(c) of SAFETEA-LU
10 (49 U.S.C. 31301 note) is amended to read as follows:

11 “(c) FUNDING.—From amounts made available
12 under section 31110 of title 49, United States Code, the
13 Secretary shall make available, \$1,000,000 for fiscal year
14 2016 to carry out the commercial motor vehicle operators
15 grant program.”.

16 (f) COMMERCIAL VEHICLE INFORMATION SYSTEMS
17 AND NETWORKS DEPLOYMENT.—

18 (1) IN GENERAL.—Section 4126 of SAFETEA-
19 LU (49 U.S.C. 31106 note; 119 Stat. 1738; Public
20 Law 109–59) is amended—

21 (A) in subsection (c)—

22 (i) in paragraph (2), by adding at the
23 end the following: “Funds deobligated by
24 the Secretary from previous year grants
25 shall not be counted towards the

1 \$2,500,000 maximum aggregate amount
2 for core deployment.”; and

3 (ii) in paragraph (3), by adding at the
4 end the following: “Funds may also be
5 used for planning activities, including the
6 development or updating of program or top
7 level design plans.”; and

8 (B) in subsection (d)(4), by adding at the
9 end the following: “Funds may also be used for
10 planning activities, including the development
11 or updating of program or top level design
12 plans.”.

13 (2) INNOVATIVE TECHNOLOGY DEPLOYMENT
14 PROGRAM.—For fiscal year 2016, the commercial ve-
15 hicle information systems and networks deployment
16 program under section 4126 of SAFETEA-LU (119
17 Stat. 1738; Public Law 109—59) may also be re-
18 ferred to as the innovative technology deployment
19 program.

20 **SEC. 2508. MOTOR CARRIER SAFETY ASSISTANCE PRO-**
21 **GRAM ALLOCATION.**

22 (a) WORKING GROUP.—

23 (1) ESTABLISHMENT.—Not later than 180 days
24 after the date of enactment of this Act, the Sec-
25 retary shall establish a motor carrier safety assist-

1 ance program formula working group (referred to in
2 this section as the “working group”).

3 (2) MEMBERSHIP.—

4 (A) IN GENERAL.—Subject to subpara-
5 graph (B), the working group shall consist of
6 representatives of the following:

7 (i) The Federal Motor Carrier Safety
8 Administration.

9 (ii) The lead State commercial motor
10 vehicle safety agencies responsible for ad-
11 ministering the plan required by section
12 31102 of title 49, United States Code.

13 (iii) An organization representing
14 State agencies responsible for enforcing a
15 program for inspection of commercial
16 motor vehicles.

17 (iv) Such other persons as the Sec-
18 retary considers necessary.

19 (B) COMPOSITION.—Representatives of
20 State commercial motor vehicle safety agencies
21 shall comprise at least 51 percent of the mem-
22 bership.

23 (3) NEW ALLOCATION FORMULA.—The working
24 group shall analyze requirements and factors for a

1 new motor carrier safety assistance program alloca-
2 tion formula.

3 (4) RECOMMENDATION.—Not later than 1 year
4 after the date the working group is established
5 under paragraph (1), the working group shall make
6 a recommendation to the Secretary regarding a new
7 Motor Carrier Safety Assistance Program allocation
8 formula.

9 (5) FACCA EXEMPTION.—The Federal Advisory
10 Committee Act (5 U.S.C. App.) shall not apply to
11 the working group established under this subsection.

12 (6) PUBLICATION.—The Administrator of the
13 Federal Motor Carrier Safety Administration shall
14 publish on a public website summaries of its meet-
15 ings, and the final recommendation provided to the
16 Secretary.

17 (b) NOTICE OF PROPOSED RULEMAKING.—After re-
18 ceiving the recommendation under subsection (a)(4), the
19 Secretary shall publish in the Federal Register a notice
20 seeking public comment on a new allocation formula for
21 the motor carrier safety assistance program under section
22 31102 of title 49, United States Code.

23 (c) BASIS FOR FORMULA.—The Secretary shall en-
24 sure that the new allocation formula is based on factors
25 that reflect, at a minimum—

1 (1) the relative needs of the States to comply
2 with section 31102 of title 49, United States Code;

3 (2) the relative administrative capacities of and
4 challenges faced by States in complying with section
5 31102 of title 49, United States Code;

6 (3) the average of each State's new entrant
7 motor carrier inventory for the 3-year period prior
8 to the date of enactment of this Act;

9 (4) the number of international border inspec-
10 tion facilities and border crossings by commercial ve-
11 hicles in each State; and

12 (5) any other factors the Secretary considers
13 appropriate.

14 (d) FUNDING AMOUNTS PRIOR TO DEVELOPMENT OF
15 A NEW ALLOCATION FORMULA.—

16 (1) INTERIM FORMULA.—Prior to the develop-
17 ment of the new allocation formula, the Secretary
18 may calculate the interim funding amounts for the
19 motor carrier safety assistance program in fiscal
20 year 2017 (and later fiscal years, as necessary)
21 under section 31104(a)(1) of title 49, United States
22 Code, as amended by section 2502 of this Act, by
23 the following methodology:

24 (A) The Secretary shall calculate the fund-
25 ing amount using the allocation formula the

1 Secretary used to award motor carrier safety
2 assistance program funding in fiscal year 2016
3 under section 2507 of this Act.

4 (B) The Secretary shall average the fund-
5 ing awarded or other equitable amounts to a
6 State in fiscal years 2013, 2014, and 2015 for
7 border enforcement grants awarded under sec-
8 tion 32603(c) of MAP-21 (126 Stat. 807; Pub-
9 lic Law 112—141) and new entrant audit
10 grants awarded under that section, or other eq-
11 uitable amounts.

12 (C) The Secretary shall add the amounts
13 calculated in subparagraphs (A) and (B).

14 (2) ADJUSTMENTS.—Subject to the availability
15 of funding and notwithstanding fluctuations in the
16 data elements used by the Secretary, the initial
17 amounts resulting from the calculation described in
18 paragraph (1) shall be adjusted to ensure that, for
19 each State, the amount shall not be less than 97
20 percent of the average amount of funding received or
21 other equitable amounts in fiscal years 2013, 2014,
22 and 2015 for—

23 (A) motor carrier safety assistance pro-
24 gram funds awarded under section 32603(a) of
25 MAP-21 (126 Stat. 807; Public Law 112—141);

1 (B) border enforcement grants awarded
2 under section 32603(a) of MAP-21 (126 Stat.
3 807; Public Law 112–141); and

4 (C) new entrant audit grants awarded
5 under section 32603(a) of MAP-21 (126 Stat.
6 807; Public Law 112–141).

7 (3) IMMEDIATE RELIEF.—In developing the
8 new allocation formula, the Secretary shall provide
9 immediate relief for at least 3 fiscal years to all
10 States currently subject to the withholding provi-
11 sions of Motor Carrier Safety Assistance Program
12 funds for matters of noncompliance.

13 (4) FUTURE WITHHOLDINGS.—Beginning on
14 the date that the new allocation formula is imple-
15 mented, the Secretary shall impose all future
16 withholdings in accordance with section 31102(k) of
17 title 49, United States Code, as amended by section
18 2502 of this Act.

19 (e) TERMINATION OF EFFECTIVENESS.—This section
20 expires upon the implementation of a new Motor Carrier
21 Safety Assistance Program Allocation Formula.

22 **SEC. 2509. MAINTENANCE OF EFFORT CALCULATION.**

23 (a) BEFORE NEW ALLOCATION FORMULA.—

24 (1) FISCAL YEAR 2017.—If a new allocation for-
25 mula has not been established for fiscal year 2017,

1 then, for fiscal year 2017, the Secretary of Trans-
2 portation shall calculate the maintenance of effort
3 required under section 31102(f) of title 49, United
4 States Code, as amended by section 2502 of this
5 Act, by averaging the expenditures for fiscal years
6 2004 and 2005 required by section 32601(a)(5) of
7 MAP-21 (Public Law 112—141), as that section
8 was in effect on the day before the date of enact-
9 ment of this Act.

10 (2) SUBSEQUENT FISCAL YEARS.—The Sec-
11 retary may use the methodology for calculating the
12 maintenance of effort for fiscal year 2017 and each
13 fiscal year thereafter if a new allocation formula has
14 not been established.

15 (b) BEGINNING WITH NEW ALLOCATION FORMA-
16 TION.—

17 (1) IN GENERAL.—Subject to paragraphs (2)
18 and (3)(B), beginning on the date that a new alloca-
19 tion formula is established under section 2508, upon
20 the request of a State, the Secretary may modify the
21 baseline maintenance of effort required by section
22 31102(e) of title 49, United States Code, as amend-
23 ed by section 2502 of this Act, for the purpose of
24 establishing a new baseline maintenance of effort if

1 the Secretary determines that a waiver or modifica-
2 tion—

3 (A) is equitable due to reasonable cir-
4 cumstances;

5 (B) will ensure the continuation of com-
6 mercial motor vehicle enforcement activities in
7 the State; and

8 (C) is necessary to ensure that the total
9 amount of State maintenance of effort and
10 matching expenditures required under sections
11 31102 and 31104 of title 49, United States
12 Code, as amended by section 2502 of this Act,
13 does not exceed a sum greater than the average
14 of the total amount of State maintenance of ef-
15 fort and matching expenditures for the 3 fiscal
16 years prior to the date of enactment of this Act.

17 (2) ADJUSTMENT METHODOLOGY.—If re-
18 quested by a State, the Secretary may modify the
19 maintenance of effort baseline according to the fol-
20 lowing methodology:

21 (A) The Secretary shall establish the main-
22 tenance of effort using the average of fiscal
23 years 2004 and 2005, as required by section
24 32601(a)(5) of MAP-21 (Public Law 112—
25 141).

1 (B) The Secretary shall calculate the aver-
2 age required match by a lead State commercial
3 motor vehicle safety agency for fiscal years
4 2013, 2014, and 2015 for motor carrier safety
5 assistance grants established at 20 percent by
6 section 31103 of title 49, United States Code,
7 as that section was in effect on the day before
8 the date of enactment of this Act.

9 (C) The Secretary shall calculate the esti-
10 mated match required under section 31104(b)
11 of title 49, United States Code, as amended by
12 section 2502 of this Act.

13 (D) The Secretary will subtract the
14 amount in subparagraph (B) from the amount
15 in subparagraph (C) and—

16 (i) if the number is greater than 0,
17 then the Secretary shall subtract the num-
18 ber from the amount in subparagraph (A);
19 or

20 (ii) if the number is not greater than
21 0, then the Secretary shall calculate the
22 maintenance of effort using the method-
23 ology in subparagraph (A).

24 (3) MAINTENANCE OF EFFORT AMOUNT.—

1 (A) IN GENERAL.—The Secretary shall use
2 the amount calculated in paragraph (2) as the
3 baseline maintenance of effort required in sec-
4 tion 31102(f) of title 49, United States Code,
5 as amended by section 2502 of this Act.

6 (B) DEADLINE.—If a State does not re-
7 quest a waiver or modification under this sub-
8 section before September 30 during the first
9 fiscal year that the Secretary implements the
10 new allocation formula under section 2508, the
11 Secretary shall calculate the maintenance of ef-
12 fort using the methodology in paragraph (2)(A)
13 of this subsection.

14 (4) MAINTENANCE OF EFFORT DESCRIBED.—
15 The maintenance of effort calculated under this sec-
16 tion is the amount required under section 31102(f)
17 of title 49, United States Code, as amended by sec-
18 tion 2502 of this Act.

19 (c) TERMINATION OF EFFECTIVENESS.—The author-
20 ity under this section terminates effective on the date that
21 the new maintenance of effort is calculated based on the
22 new allocation formula implemented under section 2508.

1 **Subtitle F—Miscellaneous**
2 **Provisions**

3 **SEC. 2601. WINDSHIELD TECHNOLOGY.**

4 (a) IN GENERAL.—Not later than 180 days after the
5 date of enactment of this Act, the Secretary shall revise
6 the regulations in section 393.60(e) of title 49, Code of
7 Federal Regulations (relating to the prohibition on ob-
8 structions to the driver’s field of view) to exempt from that
9 section the voluntary mounting on a windshield of vehicle
10 safety technology likely to achieve a level of safety that
11 is equivalent to or greater than the level of safety that
12 would be achieved absent the exemption.

13 (b) DEFINITION OF VEHICLE SAFETY TECH-
14 NOLOGY.—In this section, “vehicle safety technology” in-
15 cludes fleet-related incident management system, perform-
16 ance or behavior management system, speed management
17 system, lane departure warning system, forward collision
18 warning or mitigation system, active cruise control system,
19 and any other technology that the Secretary considers ap-
20 plicable.

21 (c) RULE OF CONSTRUCTION.—For purposes of this
22 section, any windshield mounted technology with a short
23 term exemption under part 381 of title 49, Code of Fed-
24 eral Regulations, on the day before the date of enactment
25 of this Act, shall be considered likely to achieve a level

1 of safety that is equivalent to or greater than the level
2 of safety that would be achieved absent an exemption
3 under subsection (a).

4 **SEC. 2602. ELECTRONIC LOGGING DEVICES REQUIRE-**
5 **MENTS.**

6 Section 31137(b) is amended—

7 (1) in paragraph (1)(C), by striking “apply to”
8 and inserting “except as provided in paragraph (3),
9 apply to”; and

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

11 “(3) EXCEPTION.—A motor carrier, when
12 transporting a motor home or recreation vehicle
13 trailer within the definition of ‘driveaway-towaway
14 operation’ (as defined in section 390.5 of title 49,
15 Code of Federal Regulations) may comply with the
16 hours of service requirements by requiring each driv-
17 er to use—

18 “(A) a paper record of duty status form;

19 or

20 “(B) an electronic logging device.”.

21 **SEC. 2603. LAPSE OF REQUIRED FINANCIAL SECURITY; SUS-**
22 **PENSION OF REGISTRATION.**

23 Section 13906(e) is amended by inserting “or sus-
24 pend” after “revoke”.

1 **SEC. 2604. ACCESS TO NATIONAL DRIVER REGISTER.**

2 Section 30305(b) is amended by adding at the end
3 the following:

4 “(13) The Administrator of the Federal Motor
5 Carrier Safety Administration may request the chief
6 driver licensing official of a State to provide infor-
7 mation under subsection (a) of this section about an
8 individual in connection with a safety investigation
9 under the Administrator’s jurisdiction.”.

10 **SEC. 2605. STUDY ON COMMERCIAL MOTOR VEHICLE DRIV-**
11 **ER COMMUTING.**

12 (a) EFFECTS OF COMMUTING.—The Administrator
13 of the Federal Motor Carrier Safety Administration shall
14 conduct a study of the effects of motor carrier operator
15 commutes exceeding 150 minutes commuting time on safe-
16 ty and commercial motor vehicle driver fatigue.

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

19 (1) the prevalence of driver commuting in the
20 commercial motor vehicle industry, including the
21 number and percentage of drivers who commute;

22 (2) the distances traveled, time zones crossed,
23 time spent commuting, and methods of transpor-
24 tation used;

1 tise in consumer affairs, educators with expertise in how
2 people learn most effectively, and representatives of the
3 household goods moving industry.

4 (c) RECOMMENDATIONS.—

5 (1) CONTENTS.—The recommendations devel-
6 oped by the working group shall include, at a min-
7 imum, recommendations on—

8 (A) condensing publication ESA 03005 of
9 the Federal Motor Carrier Safety Administra-
10 tion into a format that is more easily used by
11 consumers;

12 (B) using state-of-the-art education tech-
13 niques and technologies, including optimizing
14 the use of the Internet as an educational tool;
15 and

16 (C) reducing and simplifying the paper-
17 work required of motor carriers and shippers in
18 interstate transportation.

19 (2) DEADLINE.—Not later than one year after
20 the date of enactment of this Act, the working group
21 shall make the recommendations described in para-
22 graph (1) which the Secretary shall publish on a
23 public website.

24 (d) REPORT.—Not later than 1 year after the date
25 on which the working group makes its recommendations,

1 the Secretary shall issue a report to Congress on the im-
2 plementation of such recommendations.

3 (e) FEDERAL ADVISORY COMMITTEE ACT EXEMP-
4 TION.—The Federal Advisory Committee Act (5 U.S.C.
5 App.) shall not apply to the working group established
6 under this section.

7 (f) TERMINATION.—The working group shall termi-
8 nate 2 years after the date of enactment of this Act.

9 **SEC. 2607. INTERSTATE VAN OPERATIONS.**

10 Section 4136 of SAFETEA-LU (Public Law 109–59;
11 119 Stat. 1745; 49 U.S.C. 3116 note) is amended by in-
12 serting “with the exception of commuter vanpool oper-
13 ations, which shall remain exempt” before the period at
14 the end.

15 **TITLE III—HAZARDOUS**
16 **MATERIALS**

17 **SEC. 3101. ENDORSEMENTS.**

18 (a) EXCLUSIONS.—Section 5117(d)(1) is amended—

19 (1) in subparagraph (B), by striking “and” at
20 the end;

21 (2) in subparagraph (C), by striking the period
22 at the end and inserting “; and”; and

23 (3) by adding at the end the following:

24 “(D) a service vehicle (as defined in sec-
25 tion 3101 of the Comprehensive Transportation

1 and Consumer Protection Act of 2015) carrying
2 diesel fuel in quantities of 3,785 liters (1,000
3 gallons) or less that is—

4 “(i) driven by a class A commercial
5 driver’s license holder who is a custom har-
6 vester, an agricultural retailer, an agricul-
7 tural business employee, an agricultural
8 cooperative employee, or an agricultural
9 producer; and

10 “(ii) clearly marked with a placard
11 reading ‘Diesel Fuel’.”.

12 (b) HAZARDOUS MATERIALS ENDORSEMENT EXEMP-
13 TION.—The Secretary shall exempt all class A commercial
14 driver’s license holders who are custom harvesters, agricul-
15 tural retailers, agricultural business employees, agricul-
16 tural cooperative employees, or agricultural producers
17 from the requirement to obtain a hazardous materials en-
18 dorsement under part 383 of title 49, Code of Federal
19 Regulations, while operating a service vehicle carrying die-
20 sel fuel in quantities of 3,785 liters (1,000 gallons) or less
21 if the tank containing such fuel is clearly marked with a
22 placard reading “Diesel Fuel”.

23 (c) DEFINITION OF SERVICE VEHICLE.—In this sec-
24 tion, the term “service vehicle” means a vehicle carrying

1 diesel fuel that will be deductible as a profit-seeking activ-
2 ity—

3 (1) under section 162 of the Internal Revenue
4 Code of 1986 as a business expense; or

5 (2) under section 212 of the Internal Revenue
6 Code of 1986 as a production of income expense.

7 **SEC. 3102. ENHANCED REPORTING.**

8 Section 5121(h) is amended by striking “transmit to
9 the Committee on Transportation and Infrastructure of
10 the House of Representatives and the Committee on Com-
11 merce, Science, and Transportation of the Senate” and
12 inserting “post on the Department of Transportation pub-
13 lic website”.

14 **SEC. 3103. HAZARDOUS MATERIAL INFORMATION.**

15 (a) DERAILMENT DATA.—

16 (1) IN GENERAL.—Not later than 180 days
17 after the date of enactment of this Act, the Sec-
18 retary shall revise the form for reporting a rail
19 equipment accident or incident under section 225.21
20 of title 49, Code of Federal Regulations (Form FRA
21 F 6180.54, Rail Equipment Accident/Incident Re-
22 port), including to its instructions, to require addi-
23 tional data concerning rail cars carrying crude oil or
24 ethanol that are involved in a reportable rail equip-

1 ment accident or incident under part 225 of that
2 title.

3 (2) CONTENTS.—The data under subsection (a)
4 shall include—

5 (A) the number of rail cars carrying crude
6 oil or ethanol;

7 (B) the number of rail cars carrying crude
8 oil or ethanol damaged or derailed; and

9 (C) the number of rail cars releasing crude
10 oil or ethanol.

11 (3) DIFFERENTIATION.—The data described in
12 paragraph (2) shall be reported separately for crude
13 oil and for ethanol.

14 (b) DATABASE CONNECTIVITY.—

15 (1) IN GENERAL.—Not later than 180 days
16 after the date of enactment of this Act, the Sec-
17 retary shall implement information management
18 practices to ensure that the Pipeline and Hazardous
19 Materials Safety Administration Hazardous Mate-
20 rials Incident Reports Database (referred to in this
21 section as “Incident Reports Database”) and the
22 Federal Railroad Administration Railroad Safety In-
23 formation System contain accurate and consistent
24 data on a reportable rail equipment accident or inci-
25 dent under part 225 of title 49, Code of Federal

1 Regulations, involving the release of hazardous ma-
2 terials.

3 (2) IDENTIFIERS.—The Secretary shall ensure
4 that the Incident Reports Database uses a search-
5 able Federal Railroad Administration report num-
6 ber, or other applicable unique identifier that is
7 linked to the Federal Railroad Safety Information
8 System, for each reportable rail equipment accident
9 or incident under part 225 of title 49, Code of Fed-
10 eral Regulations, involving the release of hazardous
11 materials.

12 (c) EVALUATION.—

13 (1) IN GENERAL.—The Department of Trans-
14 portation Inspector General shall—

15 (A) evaluate the accuracy of information in
16 the Incident Reports Database, including deter-
17 mining whether any inaccuracies exist in—

18 (i) the type of hazardous materials re-
19 leased;

20 (ii) the quantity of hazardous mate-
21 rials released;

22 (iii) the location of hazardous mate-
23 rials released;

24 (iv) the damages or effects of haz-
25 ardous materials released; and

1 (v) any other data contained in the
2 database; and

3 (B) considering the requirements in sub-
4 section (b), evaluate the consistency and accu-
5 racy of data involving accidents or incidents re-
6 portable to both the Pipeline and Hazardous
7 Materials Safety Administration and the Fed-
8 eral Railroad Administration, including whether
9 the Incident Reports Database uses a search-
10 able identifier described in subsection (b)(2).

11 (2) REPORT.—Not later than 18 months after
12 the date of enactment of this Act, the Department
13 of Transportation Inspector General shall submit to
14 the Committee on Commerce, Science, and Trans-
15 portation of the Senate and the Committee on
16 Transportation and Infrastructure of the House of
17 Representatives a report of the findings under sub-
18 paragraphs (A) and (B) of paragraph (1) and rec-
19 ommendations for resolving any inconsistencies or
20 inaccuracies.

21 (d) SAVINGS CLAUSE.—Nothing in this section may
22 be construed to prohibit the Secretary from requiring
23 other commodity-specific information for any reportable
24 rail equipment accident or incident under part 225 of title
25 49, Code of Federal Regulations.

1 **SEC. 3104. HAZARDOUS MATERIALS TRAINING REQUIRE-**
2 **MENTS AND GRANTS.**

3 Section 5107(e) is amended to read as follows:

4 “(e) TRAINING GRANTS.—

5 “(1) IN GENERAL.—Subject to the availability
6 of funds under section 5128(c), the Secretary shall
7 make grants under this subsection—

8 “(A) for training instructors to train—

9 “(i) hazmat employees;

10 “(ii) employees who enforce the haz-
11 arduous materials regulations;

12 “(iii) employees who respond to haz-
13 arduous materials incidents; or

14 “(iv) a combination of the employees
15 described in clauses (i) through (iii); and

16 “(B) to the extent the Secretary considers
17 appropriate, for such instructors to train—

18 “(i) hazmat employees;

19 “(ii) employees who enforce the haz-
20 arduous materials regulations;

21 “(iii) employees who respond to haz-
22 arduous materials incidents; or

23 “(iv) a combination of the employees
24 described in clauses (i) through (iii).

1 “(2) ELIGIBILITY.—Grants under this sub-
2 section shall be made on a competitive basis to orga-
3 nizations that—

4 “(A) train on a not-for-profit basis—

5 “(i) hazmat employees;

6 “(ii) employees who enforce the haz-
7 ardous materials regulations;

8 “(iii) employees who respond to haz-
9 ardous materials incidents; or

10 “(iv) a combination of the employees
11 described in clauses (i) through (iii); and

12 “(B) demonstrate—

13 “(i) expertise in conducting a training
14 program for 1 or more of the groups of
15 employees described in clauses (i) through
16 (iii) of subparagraph (A); and

17 “(ii) the ability to reach and involve in
18 a training program a target population of
19 1 or more of the groups of employees de-
20 scribed in clauses (i) through (iii) of sub-
21 paragraph (A).”.

1 **SEC. 3105. NATIONAL EMERGENCY AND DISASTER RE-**
2 **SPONSE.**

3 (a) PURPOSE.—Section 5101 is amended by inserting
4 and “and to facilitate the safe movement of hazardous ma-
5 terials during national emergencies” after “commerce”.

6 (b) GENERAL REGULATORY AUTHORITY.—Section
7 5103 is amended—

8 (1) by redesignating subsections (c) and (d) as
9 subsections (d) and (e), respectively; and

10 (2) by inserting after subsection (b) the fol-
11 lowing:

12 “(c) FEDERALLY DECLARED DISASTER AND EMER-
13 GENCY AREAS.—The Secretary, in consultation with the
14 Secretary of Homeland Security, may prescribe standards
15 to facilitate the safe movement of hazardous materials
16 into, from, and within a federally declared disaster area
17 or a national emergency area.”.

18 **SEC. 3106. FLEXIBLE SERVICES.**

19 (a) SERVICES.—

20 (1) IN GENERAL.—An entity that provides dis-
21 patching services for railroad industry clients, does
22 not own a railroad, and is not under the control of
23 an entity that owns a railroad shall not be consid-
24 ered a rail carrier for the purpose of jurisdiction
25 under the applicable Acts, notwithstanding any Fed-
26 eral agency decision to the contrary.

1 (b) DEFINITIONS.—In this section:

2 (1) APPLICABLE ACTS.—The term “applicable
3 Acts” includes—

4 (A) the Interstate Commerce Commission
5 Termination Act (Public Law 104–88; 109
6 Stat. 803);

7 (B) the Railroad Retirement Act of 1974
8 (45 U.S.C. 231); and

9 (C) the Railroad Unemployment Insurance
10 Act (45 U.S.C. 351 et seq.).

11 (2) DISPATCHING SERVICES.—The term “dis-
12 patching services” means the use of an electrical or
13 mechanical device to dispatch, report, transmit, re-
14 ceive, or deliver orders related to or affecting train
15 movements.

16 (3) RAIL CARRIER.—The term “rail carrier”
17 has the meaning given the term in section 10102 of
18 title 49, United States Code.

19 (4) RAILROAD.—The term “railroad” has the
20 meaning given the term in section 10102 of title 49,
21 United States Code.

22 (c) SAVINGS CLAUSE.—Nothing in this section may
23 be construed as affecting the applicability or any require-
24 ments of the applicable Acts for any entity that owns a

1 railroad or is under the control of an entity that owns a
2 railroad.

3 **SEC. 3107. AUTHORIZATION OF APPROPRIATIONS.**

4 (a) AUTHORIZATION OF APPROPRIATIONS.—Section
5 5128 is amended to read as follows:

6 **“§ 5128. Authorization of appropriations**

7 “(a) IN GENERAL.—There are authorized to be ap-
8 propriated to the Secretary to carry out this chapter (ex-
9 cept sections 5107(e), 5108(g)(2), 5113, 5115, 5116, and
10 5119)—

11 “(1) \$43,660,000 for fiscal year 2016;

12 “(2) \$44,577,000 for fiscal year 2017;

13 “(3) \$45,513,000 for fiscal year 2018;

14 “(4) \$46,469,000 for fiscal year 2019;

15 “(5) \$47,445,000 for fiscal year 2020; and

16 “(6) \$48,441,000 for fiscal year 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); and

4 “(4) \$625,000 to publish and distribute the
5 Emergency Response Guidebook under section
6 5116(i)(3).

7 “(c) HAZARDOUS MATERIALS TRAINING GRANTS.—
8 From the Hazardous Materials Emergency Preparedness
9 Fund established pursuant to section 5116(i), the Sec-
10 retary may expend \$5,000,000, of which at least
11 \$1,000,000 shall be available for hazardous materials re-
12 sponse training grants (including grants to nonprofit fire
13 service organizations), for each of the fiscal years 2016
14 through 2021 to carry out section 5107(e).

15 “(d) CREDITS TO APPROPRIATIONS.—

16 “(1) EXPENSES.—In addition to amounts oth-
17 erwise made available to carry out this chapter, the
18 Secretary may credit amounts received from a State,
19 Indian tribe, or other public authority or private en-
20 tity for expenses the Secretary incurs in providing
21 training to the State, authority, or entity.

22 “(2) AVAILABILITY OF AMOUNTS.—Amounts
23 made available under this section shall remain avail-
24 able until expended.”.

1 (b) CONFORMING AMENDMENT.—Section 5116 is
2 amended—

3 (1) by striking subsection (j);

4 (2) in subsection (k), by striking “, and grants
5 under subsection (j)””; and

6 (3) by redesignating subsection (k) as sub-
7 section (j).

8 **TITLE IV—HIGHWAY AND MOTOR**
9 **VEHICLE SAFETY**

10 **Subtitle A—Highway Traffic Safety**

11 **PART I—HIGHWAY SAFETY**

12 **SEC. 4101. AUTHORIZATION OF APPROPRIATIONS.**

13 (a) IN GENERAL.—The following sums are author-
14 ized to be appropriated out of the Highway Trust Fund
15 (other than the Mass Transit Account):

16 (1) HIGHWAY SAFETY PROGRAMS.—For car-
17 rying out section 402 of title 23, United States
18 Code—

19 (A) \$243,526,500 for fiscal year 2016;

20 (B) \$252,267,972 for fiscal year 2017;

21 (C) \$261,229,288 for fiscal year 2018;

22 (D) \$270,415,429 for fiscal year 2019;

23 (E) \$279,831,482 for fiscal year 2020; and

24 (F) \$289,482,646 for fiscal year 2021.

1 (2) HIGHWAY SAFETY RESEARCH AND DEVEL-
2 OPMENT.—For carrying out section 403 of title 23,
3 United States Code—

4 (A) \$137,835,000 for fiscal year 2016;

5 (B) \$140,729,535 for fiscal year 2017;

6 (C) \$143,684,855 for fiscal year 2018;

7 (D) \$146,702,237 for fiscal year 2019;

8 (E) \$149,782,984 for fiscal year 2020; and

9 (F) \$152,928,427 for fiscal year 2021.

10 (3) NATIONAL PRIORITY SAFETY PROGRAMS.—
11 For carrying out section 405 of title 23, United
12 States Code—

13 (A) \$274,720,000 for fiscal year 2016;

14 (B) \$277,467,200 for fiscal year 2017;

15 (C) \$280,241,872 for fiscal year 2018;

16 (D) \$283,044,291 for fiscal year 2019;

17 (E) \$285,874,734 for fiscal year 2020; and

18 (F) \$288,733,481 for fiscal year 2021.

19 (4) NATIONAL DRIVER REGISTER.—For the Na-
20 tional Highway Traffic Safety Administration to
21 carry out chapter 303 of title 49, United States
22 Code—

23 (A) \$5,105,000 for fiscal year 2016;

24 (B) \$5,212,205 for fiscal year 2017;

25 (C) \$5,321,661 for fiscal year 2018;

1 (D) \$5,433,416 for fiscal year 2019;

2 (E) \$5,547,518 for fiscal year 2020; and

3 (F) \$5,664,016 for fiscal year 2021.

4 (5) HIGH VISIBILITY ENFORCEMENT PRO-
5 GRAM.—For carrying out section 2009 of
6 SAFETEA-LU (23 U.S.C. 402 note)—

7 (A) \$29,290,000 for fiscal year 2016;

8 (B) \$29,582,900 for fiscal year 2017;

9 (C) \$29,878,729 for fiscal year 2018;

10 (D) \$30,177,516 for fiscal year 2019;

11 (E) \$30,479,291 for fiscal year 2020; and

12 (F) \$30,784,084 for fiscal year 2021.

13 (6) ADMINISTRATIVE EXPENSES.—For adminis-
14 trative and related operating expenses of the Na-
15 tional Highway Traffic Safety Administration in car-
16 rying out chapter 4 of title 23, United States Code,
17 and this subtitle—

18 (A) \$25,755,000 for fiscal year 2016;

19 (B) \$26,012,550 for fiscal year 2017;

20 (C) \$26,272,676 for fiscal year 2018;

21 (D) \$26,535,402 for fiscal year 2019;

22 (E) \$26,800,756 for fiscal year 2020; and

23 (F) \$27,068,764 for fiscal year 2021.

24 (b) PROHIBITION ON OTHER USES.—Except as oth-
25 erwise provided in chapter 4 of title 23, United States

1 Code, in this subtitle, and in the amendments made by
2 this subtitle, the amounts made available from the High-
3 way Trust Fund (other than the Mass Transit Account)
4 for a program under such chapter—

5 (1) shall only be used to carry out such pro-
6 gram; and

7 (2) may not be used by States or local govern-
8 ments for construction purposes.

9 (c) APPLICABILITY OF TITLE 23.—Except as other-
10 wise provided in chapter 4 of title 23, United States Code,
11 and in this subtitle, amounts made available under sub-
12 section (a) for fiscal years 2016 through 2021 shall be
13 available for obligation in the same manner as if such
14 funds were apportioned under chapter 1 of title 23, United
15 States Code.

16 (d) REGULATORY AUTHORITY.—Grants awarded
17 under this subtitle shall be in accordance with regulations
18 issued by the Secretary.

19 (e) STATE MATCHING REQUIREMENTS.—If a grant
20 awarded under this subtitle requires a State to share in
21 the cost, the aggregate of all expenditures for highway
22 safety activities made during any fiscal year by the State
23 and its political subdivisions (exclusive of Federal funds)
24 for carrying out the grant (other than planning and ad-
25 ministration) shall be available for the purpose of crediting

1 the State during such fiscal year for the non-Federal share
2 of the cost of any project under this subtitle (other than
3 planning or administration) without regard to whether
4 such expenditures were actually made in connection with
5 such project.

6 (f) GRANT APPLICATION AND DEADLINE.—To re-
7 ceive a grant under this subtitle, a State shall submit an
8 application, and the Secretary shall establish a single
9 deadline for such applications to enable the award of
10 grants early in the next fiscal year.

11 (g) TRANSFERS.—Section 405(a)(1)(G) of title 23,
12 United States Code, is amended to read as follows:

13 “(G) TRANSFERS.—Notwithstanding sub-
14 paragraphs (A) through (F), the Secretary shall
15 reallocate, before the last day of any fiscal year,
16 any amounts remaining available of the
17 amounts allocated to carry out any of the ac-
18 tivities described in subsections (b) through (g)
19 to increase the amount made available to carry
20 out section 402, in order to ensure, to the max-
21 imum extent possible, that all such amounts are
22 obligated during such fiscal year.”.

23 **SEC. 4102. HIGHWAY SAFETY PROGRAMS.**

24 (a) RESTRICTION.—Section 402(g) of title 23, United
25 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 (b) USE OF FUNDS.—

7 (1) HIGHWAY SAFETY PROGRAMS.—Section
8 402(c)(2) of title 23, United States Code, is amend-
9 ed by inserting “A State may provide the funds ap-
10 portioned under this section to a political subdivision
11 of a State, including Indian tribal governments.”
12 after “neighboring States.”.

13 (2) NATIONAL PRIORITY SAFETY PROGRAMS.—
14 Section 405(a)(1) is amended by adding at the end
15 the following:

16 “(I) POLITICAL SUBDIVISIONS.—A State
17 may provide the funds awarded under this sec-
18 tion to a political subdivision of a State, includ-
19 ing Indian tribal governments.”.

20 (c) TRACKING PROCESS.—Section 412 of title 23,
21 United States Code, is amended by adding at the end the
22 following:

23 “(f) TRACKING PROCESS.—The Secretary shall de-
24 velop a process to identify and mitigate possible systemic
25 issues across States and regional offices by reviewing over-

1 sight findings and recommended actions identified in tri-
2 ennial State management reviews.”.

3 (d) HIGHWAY SAFETY PLANS.—Section
4 402(k)(5)(A) of title 23, United States Code, is amended
5 by striking “60” and inserting “30”.

6 (e) MAINTENANCE OF EFFORT.—Section
7 405(a)(1)(H) of title 23, United States Code, is amended
8 to read as follows:

9 “(H) MAINTENANCE OF EFFORT CERTIFI-
10 CATION.—As part of the grant application re-
11 quired in section 402(k)(3)(F), a State receiv-
12 ing a grant in any fiscal year under subsection
13 (b), subsection (c), or subsection (d) of this sec-
14 tion shall provide certification that the lead
15 State agency responsible for programs described
16 in any of those sections is maintaining aggre-
17 gate expenditures at or above the average level
18 of such expenditures in the 2 fiscal years prior
19 to the date of enactment of the Comprehensive
20 Transportation and Consumer Protection Act of
21 2015.”.

22 **SEC. 4103. GRANTS FOR ALCOHOL-IGNITION INTERLOCK**
23 **LAWS AND 24-7 SOBRIETY PROGRAMS.**

24 Section 405(d) of title 23, United States Code, is
25 amended—

1 (1) in paragraph (1)(A), by adding “, including
2 24–7 sobriety programs” after “and drugs”;

3 (2) in paragraph (6)—

4 (A) by amending the heading to read as
5 follows: “GRANTS TO STATES FOR ALCOHOL-IG-
6 NITION INTERLOCK LAWS AND 24–7 SOBRIETY
7 PROGRAMS.—”;

8 (B) by amending subparagraph (A) to read
9 as follows:

10 “(A) ALCOHOL-IGNITION INTERLOCK LAWS
11 AND 24–7 SOBRIETY PROGRAMS.—

12 “(i) IN GENERAL.—The Secretary
13 shall make a separate grant under this
14 subsection to each State that—

15 “(I) adopts and is enforcing a
16 law that requires all individuals con-
17 victed of driving under the influence
18 of alcohol or of driving while intoxi-
19 cated to receive a restriction on driv-
20 ing privileges; and

21 “(II) either—

22 “(aa) except as provided
23 under clause (ii), adopts and is
24 enforcing a mandatory alcohol-ig-
25 nition interlock law for all indi-

1 individuals convicted of driving under
2 the influence of alcohol or of
3 driving while intoxicated; or

4 “(bb) provides a 24–7 sobriety
5 program.

6 “(ii) EXCEPTIONS.—A State alcohol-
7 ignition interlock law under clause
8 (i)(II)(aa) may include exceptions for the
9 following circumstances:

10 “(I) The individual is required to
11 operate an employer’s motor vehicle in
12 the course and scope of employment
13 and the business entity that owns the
14 vehicle is not owned or controlled by
15 the individual.

16 “(II) The individual is certified
17 by a medical doctor as being unable to
18 provide a deep lung breath sample for
19 analysis by an ignition interlock de-
20 vice.”; and

21 (C) in subparagraph (D), by adding at the
22 end the following: “Not more than 20 percent
23 of the funds made available under this para-
24 graph in a fiscal year may be available to
25 States under subparagraph (A)(i)(II)(bb).”; and

1 (3) in paragraph (7)(A)—

2 (A) in the matter preceding clause (i)—

3 (i) by striking “or a State agency”

4 and inserting “or an agency with jurisdic-
5 tion”; and

6 (ii) by inserting “bond,” before “sen-
7 tence”;

8 (B) in clause (i), by striking “who plead
9 guilty or” and inserting “who was arrested,
10 plead guilty, or”; and

11 (C) in clause (ii), by inserting “at an in-
12 person testing location” after “per day”.

13 **SEC. 4104. REPEAT OFFENDER CRITERIA.**

14 Section 164(a) of title 23, United States Code, is
15 amended—

16 (1) by redesignating paragraphs (1) through
17 (4) as paragraphs (2) through (5), respectively;

18 (2) by inserting before paragraph (2), as redesi-
19 gnated, the following:

20 “(1) 24–7 SOBRIETY PROGRAM.—The term
21 ‘24–7 sobriety program’ has the meaning given the
22 term in section 405(d)(7)(A).”;

23 (3) in paragraph (5), as redesignated—

1 (A) in the matter preceding subparagraph
2 (A), by inserting “or combination of laws or
3 programs” after “State law”; and

4 (B) by amending subparagraph (A) to read
5 as follows:

6 “(A) receive, for a period of not less than
7 1 year—

8 “(i) a suspension of all driving privi-
9 leges;

10 “(ii) a restriction on driving privileges
11 that limits the individual to operating only
12 motor vehicles with an ignition interlock
13 device installed, unless a special exception
14 applies;

15 “(iii) a restriction on driving privi-
16 leges that limits the individual to operating
17 motor vehicles only if participating in, and
18 complying with, a 24-7 sobriety program;
19 or

20 “(iv) any combination of clauses (i)
21 through (iii);”;

22 (C) by striking subparagraph (B);

23 (D) by redesignating subparagraphs (C)
24 and (D) as subparagraphs (B) and (C), respec-
25 tively; and

1 (E) in subparagraph (C), as redesign-
2 nated—

3 (i) in clause (i)—

4 (I) in subclause (I), by striking
5 “; or” and inserting a semicolon;

6 (II) in subclause (II), by striking
7 “; and”; and inserting “; or”; and

8 (III) by adding at the end the
9 following:

10 “(III) the State certifies that the
11 general practice is that such an indi-
12 vidual will be incarcerated; and”; and

13 (ii) in clause (ii)—

14 (I) in subclause (I), by striking
15 “; or” and inserting a semicolon;

16 (II) in subclause (II), by striking
17 “; and”; and inserting “; or”; and

18 (III) by adding at the end the
19 following:

20 “(III) the State certifies that the
21 general practice is that such an indi-
22 vidual will receive approximately 10
23 days of incarceration.”; and

24 (4) by adding at the end—

1 “(6) SPECIAL EXCEPTION.—The term ‘special
2 exception’ means an exception under a State alcohol-
3 ignition interlock law for the following cir-
4 cumstances:

5 “(A) The individual is required to operate
6 an employer’s motor vehicle in the course and
7 scope of employment and the business entity
8 that owns the vehicle is not owned or controlled
9 by the individual.

10 “(B) The individual is certified by a med-
11 ical doctor as being unable to provide a deep
12 lung breath sample for analysis by an ignition
13 interlock device.”.

14 **SEC. 4105. STUDY ON THE NATIONAL ROADSIDE SURVEY OF**
15 **ALCOHOL AND DRUG USE BY DRIVERS.**

16 Not later than 180 days after the date that the
17 Comptroller General reviews and reports on the overall
18 value of the National Roadside Survey to researchers and
19 other public safety stakeholders, the differences between
20 a National Roadside Survey site and typical law enforce-
21 ment checkpoints, and the effectiveness of the National
22 Roadside Survey methodology at protecting the privacy of
23 the driving public, as requested by the Committee on Ap-
24 propriations of the Senate on June 5, 2014 (Senate Re-
25 port 113–182), the Secretary shall report to Congress on

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) ADDITIONAL DISTRACTED DRIVING
8 GRANTS.—

9 “(A) IN GENERAL.—Notwithstanding para-
10 graph (1), the Secretary shall use up to 50 per-
11 cent of the amounts available for grants under
12 this subsection to award grants to any State
13 that—

14 “(i) in fiscal years 2017 and 2018—

15 “(I) certifies that it has enacted
16 a basic text messaging statute 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 or secondary en-
22 forcement action as allowed by
23 State statute; and

24 “(II) is otherwise ineligible for a
25 grant under this subsection; and

1 “(ii) in fiscal years 2019 through
2 2021—

3 “(I) meets the requirements
4 under clause (i);

5 “(II) imposes increased fines for
6 repeat violations; and

7 “(III) has a statute that pro-
8 hibits drivers who are younger than
9 18 years of age from using a personal
10 wireless communications device while
11 driving.

12 “(B) USE OF GRANT FUNDS.—

13 “(i) IN GENERAL.—Notwithstanding
14 paragraph (5) and subject to clauses (ii)
15 and (iii) of this subparagraph, amounts re-
16 ceived by a State under subparagraph (A)
17 may be used for activities related to the
18 enforcement of distracted driving laws, in-
19 cluding for public information and aware-
20 ness purposes.

21 “(ii) FISCAL YEARS 2017 AND 2018.—
22 In fiscal years 2017 and 2018, up to 15
23 percent of the amounts received by a State
24 under subparagraph (A) may be used for

1 any eligible project or activity under sec-
2 tion 402.

3 “(iii) FISCAL YEAR 2019 THROUGH
4 2021.—In fiscal year 2019 through 2021,
5 up to 25 percent of the amounts received
6 by a State under subparagraph (A) may be
7 used for any eligible project or activity
8 under section 402.”; and

9 (6) in paragraph (9)(A)(i), by striking “, in-
10 cluding operation while temporarily stationary be-
11 cause of traffic, a traffic light or stop sign, or other-
12 wise”.

13 **SEC. 4133. BARRIERS TO DATA COLLECTION REPORT.**

14 Not later than 180 days after the date of the enact-
15 ment of this Act, the Administrator of the National High-
16 way Traffic Safety Administration shall submit a report
17 to the Committee on Commerce, Science, and Transpor-
18 tation of the Senate, the Committee on Energy and Com-
19 merce of the House of Representatives, and the Committee
20 on Transportation and Infrastructure of the House of
21 Representatives that—

22 (1) identifies any legal and technical barriers to
23 capturing adequate data on the prevalence of the use
24 of wireless communications devices while driving;
25 and

1 (2) provides recommendations on how to ad-
2 dress such barriers.

3 **PART IV—TECHNICAL AND CONFORMING**

4 **AMENDMENTS**

5 **SEC. 4141. TECHNICAL CORRECTIONS TO THE MOTOR VEHI-**
6 **CLE AND HIGHWAY SAFETY IMPROVEMENT**
7 **ACT OF 2012.**

8 (a) HIGHWAY SAFETY PROGRAMS.—Section 402 of
9 title 23, United States Code is amended—

10 (1) in subsection (b)(1)(C), by striking “except
11 as provided in paragraph (3),”;

12 (2) in subsection (b)(1)(E)—

13 (A) by striking “in which a State” and in-
14 serting “for which a State”; and

15 (B) by striking “subsection (f)” and insert-
16 ing “subsection (k)”; and

17 (3) in subsection (k)(4), by striking “paragraph
18 (2)(A)” and inserting “paragraph (3)(A)”.

19 (b) HIGHWAY SAFETY RESEARCH AND DEVELOP-
20 MENT.—Section 403(e) of title 23, United States Code is
21 amended by inserting “of title 49” after “chapter 301”.

22 (c) NATIONAL PRIORITY SAFETY PROGRAMS.—Sec-
23 tion 405 of title 23, United States Code is amended—

24 (1) in subsection (d)(5), by striking “section
25 402(c)” and inserting “section 402”; and

1 (2) in subsection (f)(4)(A)(iv), by striking “de-
2 veloped under subsection (g)”.

3 **Subtitle B—Vehicle Safety**

4 **SEC. 4201. AUTHORIZATION OF APPROPRIATIONS.**

5 (a) IN GENERAL.—Subject to subsection (b), there
6 is authorized to be appropriated to the Secretary to carry
7 out chapter 301 of title 49, and part C of subtitle VI of
8 title 49, United States Code, amounts as follows:

9 (1) \$132,730,000 for fiscal year 2016.

10 (2) \$135,517,330 for fiscal year 2017.

11 (3) \$138,363,194 for fiscal year 2018.

12 (4) \$141,268,821 for fiscal year 2019.

13 (5) \$144,235,466 for fiscal year 2020.

14 (6) \$147,264,411 for fiscal year 2021.

15 (b) ADDITIONAL AUTHORIZATION OF APPROPRIA-
16 TIONS IF A CERTIFICATION IS MADE.—

17 (1) IN GENERAL.—In addition to the amounts
18 authorized to be appropriated under subsection (a)
19 to carry out chapter 301 of title 49, and part C of
20 subtitle VI of title 49, United States Code, if the
21 certification described in paragraph (2) is made dur-
22 ing a fiscal year there is authorized to be appro-
23 priated to the Secretary for that purpose for that
24 fiscal year and subsequent fiscal years an additional
25 amount as follows:

1 (A) \$46,270,000 for fiscal year 2016.

2 (B) \$51,537,670 for fiscal year 2017.

3 (C) \$57,296,336 for fiscal year 2018.

4 (D) \$62,999,728 for fiscal year 2019.

5 (E) \$69,837,974 for fiscal year 2020.

6 (F) \$76,656,407 for fiscal year 2021.

7 (2) CERTIFICATION DESCRIBED.—The certifi-
8 cation described in this paragraph is a certification
9 made by the Inspector General of the Department of
10 Transportation and submitted to Congress that the
11 National Highway Traffic Safety Administration has
12 implemented all of the recommendations in the Of-
13 fice of Inspector General Audit Report issued June
14 18, 2015 (ST-2015-063).

15 **SEC. 4202. INSPECTOR GENERAL RECOMMENDATIONS.**

16 (a) IN GENERAL.—Not later than 90 days after the
17 date of enactment of this Act, and periodically thereafter
18 until the completion date, the Department of Transpor-
19 tation Inspector General shall report to the appropriate
20 committees of Congress on whether and what progress has
21 been made to implement the recommendations in the Of-
22 fice of Inspector General Audit Report issued June 18,
23 2015 (ST-2015-063).

1 (b) IMPLEMENTATION PROGRESS.—The Adminis-
2 trator of the National Highway Traffic Safety Administra-
3 tion shall—

4 (1) not later than 90 days after the date of en-
5 actment of this Act, and periodically thereafter until
6 the completion date, provide a briefing to the appro-
7 priate committees of Congress on the actions the
8 Administrator has taken to implement the rec-
9 ommendations in the audit report described in sub-
10 section (a), including a plan for implementing any
11 remaining recommendations; and

12 (2) not later than 1 year after the date of en-
13 actment of this Act, issue a final report to the ap-
14 propriate committees of Congress on the implemen-
15 tation of all of the recommendations in the audit re-
16 port described in subsection (a).

17 (c) DEFINITIONS.—In this section:

18 (1) APPROPRIATE COMMITTEES OF CON-
19 GRESS.—The term “appropriate committees of Con-
20 gress” means the Committee on Commerce, Science,
21 and Transportation of the Senate and the Com-
22 mittee on Energy and Commerce of the House of
23 Representatives.

24 (2) COMPLETION DATE.—The term “completion
25 date” means the date that the National Highway

1 Traffic Safety Administration has implemented all of
2 the recommendations in the Office of Inspector Gen-
3 eral Audit Report issued June 18, 2015 (ST-2015-
4 063).

5 **SEC. 4203. IMPROVEMENTS IN AVAILABILITY OF RECALL**
6 **INFORMATION.**

7 (a) **VEHICLE RECALL INFORMATION.**—Not later
8 than 2 years after the date of enactment of this Act, the
9 Secretary shall implement current information technology,
10 web design trends, and best practices that will help ensure
11 that motor vehicle safety recall information available to
12 the public on the Federal website is readily accessible and
13 easy to use, including—

14 (1) by improving the organization, availability,
15 readability, and functionality of the website;

16 (2) by accommodating high-traffic volume; and

17 (3) by establishing best practices for scheduling
18 routine website maintenance.

19 (b) **GOVERNMENT ACCOUNTABILITY OFFICE PUBLIC**
20 **AWARENESS REPORT.**—

21 (1) **IN GENERAL.**—The Comptroller General
22 shall study the current use by consumers, dealers,
23 and manufacturers of the safety recall information
24 made available to the public, including the usability
25 and content of the Federal and manufacturers’

1 websites and the National Highway Traffic Safety
2 Administration's efforts to publicize and educate
3 consumers about safety recall information.

4 (2) REPORT.—Not later than 2 years after the
5 date of enactment of this Act, the Comptroller Gen-
6 eral shall issue a report with the findings of the
7 study under paragraph (1), including recommending
8 any actions the Secretary can take to improve public
9 awareness and use of the websites for safety recall
10 information.

11 (c) PROMOTION OF PUBLIC AWARENESS.—Section
12 31301(c) of the Moving Ahead for Progress in the 21st
13 Century Act (49 U.S.C. 30166 note) is amended to read
14 as follows:

15 “(c) PROMOTION OF PUBLIC AWARENESS.—The Sec-
16 retary shall improve public awareness of safety recall in-
17 formation made publicly available by periodically updating
18 the method of conveying that information to consumers,
19 dealers, and manufacturers, such as through public service
20 announcements.”.

21 (d) CONSUMER GUIDANCE.—Not later than 1 year
22 after the date of enactment of this Act, the Secretary shall
23 make available to the public on the Internet detailed guid-
24 ance for consumers submitting safety complaints, includ-
25 ing—

1 (1) a detailed explanation of what information
2 a consumer should include in a complaint; and

3 (2) a detailed explanation of the possible ac-
4 tions the National Highway Traffic Safety Adminis-
5 tration can take to address a complaint and respond
6 to the consumer, including information on—

7 (A) the consumer records, such as photo-
8 graphs and police reports, that could assist with
9 an investigation; and

10 (B) the length of time a consumer should
11 retain the records described in subparagraph
12 (A).

13 (e) VIN SEARCH.—

14 (1) IN GENERAL.—The Secretary, in coordina-
15 tion with industry, including manufacturers and
16 dealers, shall study—

17 (A) the feasibility of searching multiple ve-
18 hicle identification numbers at a time to re-
19 trieve motor vehicle safety recall information;
20 and

21 (B) the feasibility of making the search
22 mechanism described under subparagraph (A)
23 publicly available.

24 (2) CONSIDERATIONS.—In conducting the study
25 under paragraph (1), the Secretary shall consider

1 the potential costs, and potential risks to privacy
2 and security in implementing such a search mecha-
3 nism.

4 **SEC. 4204. RECALL PROCESS.**

5 (a) NOTIFICATION IMPROVEMENT.—

6 (1) IN GENERAL.—Not later than 270 days
7 after the date of enactment of this Act, the Sec-
8 retary shall prescribe a final rule revising the regula-
9 tions under section 577.7 of title 49, Code of Fed-
10 eral Regulations, to include notification by electronic
11 means in addition to notification by first class mail.

12 (2) DEFINITION OF ELECTRONIC MEANS.—In
13 this subsection, the term “electronic means” in-
14 cludes electronic mail and may include such other
15 means of electronic notification, such as social media
16 or targeted online campaigns, as determined by the
17 Secretary.

18 (b) NOTIFICATION BY MANUFACTURER.—Section
19 30118(c) is amended by inserting “or electronic mail”
20 after “certified mail”.

21 (c) RECALL COMPLETION RATES REPORT.—

22 (1) IN GENERAL.—Not later than 1 year after
23 the date of enactment of this Act, and biennially
24 thereafter for 4 years, the Secretary shall—

1 (A) conduct an analysis of vehicle safety
2 recall completion rates to assess potential ac-
3 tions by the National Highway Traffic Safety
4 Administration to improve vehicle safety recall
5 completion rates; and

6 (B) submit to the Committee on Com-
7 merce, Science, and Transportation of the Sen-
8 ate and the Committee on Energy and Com-
9 merce of the House of Representatives a report
10 on the results of the analysis.

11 (2) CONTENTS.—Each report shall include—

12 (A) the annual recall completion rate by
13 manufacturer, model year, component (such as
14 brakes, fuel systems, and air bags), and vehicle
15 type (passenger car, sport utility vehicle, pas-
16 senger van, and pick-up truck) for each of the
17 5 years before the year the report is submitted;

18 (B) the methods by which the Secretary
19 has conducted analyses of these recall comple-
20 tion rates to determine trends and identify risk
21 factors associated with lower recall rates; and

22 (C) the actions the Secretary has planned
23 to improve recall completion rates based on the
24 results of this data analysis.

1 (d) INSPECTOR GENERAL AUDIT OF VEHICLE RE-
2 CALLS.—

3 (1) IN GENERAL.—The Department of Trans-
4 portation Inspector General shall conduct an audit
5 of the National Highway Traffic Safety Administra-
6 tion’s management of vehicle safety recalls.

7 (2) CONTENTS.—The audit shall include a de-
8 termination of whether the National Highway Traf-
9 fic Safety Administration—

10 (A) appropriately monitors recalls to en-
11 sure the appropriateness of scope and adequacy
12 of recall completion rates and remedies;

13 (B) ensures manufacturers provide safe
14 remedies, at no cost to consumers;

15 (C) is capable of coordinating recall rem-
16 edies and processes; and

17 (D) can improve its policy on consumer no-
18 tice to combat effects of recall fatigue.

19 **SEC. 4205. PILOT GRANT PROGRAM FOR STATE NOTIFICA-**
20 **TION TO CONSUMERS OF MOTOR VEHICLE**
21 **RECALL STATUS.**

22 (a) IN GENERAL.—Not later than October 1, 2016,
23 the Secretary shall implement a 2-year pilot program to
24 evaluate the feasibility and effectiveness of a State process

1 for informing consumers of open motor vehicle recalls at
2 the time of motor vehicle registration in the State.

3 (b) GRANTS.—To carry out this program, the Sec-
4 retary may make a grant to each eligible State, but not
5 more than 6 eligible States in total, that agrees to comply
6 with the requirements under subsection (c). Funds made
7 available to a State under this section shall be used by
8 the State for the pilot program described in subsection (a).

9 (c) ELIGIBILITY.—To be eligible for a grant, a State
10 shall—

11 (1) submit an application in such form and
12 manner as the Secretary prescribes;

13 (2) agree to notify, at the time of registration,
14 each owner or lessee of a motor vehicle presented for
15 registration in the State of any open recall on that
16 vehicle;

17 (3) provide the open motor vehicle recall infor-
18 mation at no cost to each owner or lessee of a motor
19 vehicle presented for registration in the State; and

20 (4) provide such other information as the Sec-
21 retary may require.

22 (d) AWARDS.—In selecting an applicant for an award
23 under this section, the Secretary shall consider the State's
24 methodology for determining open recalls on a motor vehi-

1 cle, for informing consumers of the open recalls, and for
2 determining performance.

3 (e) PERFORMANCE PERIOD.—Each grant awarded
4 under this section shall require a 2-year performance pe-
5 riod.

6 (f) REPORT.—Not later than 90 days after the com-
7 pletion of the performance period under subsection (e), a
8 grantee shall provide to the Secretary a report of perform-
9 ance containing such information as the Secretary con-
10 sider necessary to evaluate the extent to which open re-
11 calls have been remedied.

12 (g) EVALUATION.—Not later than 180 days after the
13 completion of the pilot program, the Secretary shall evalu-
14 ate the extent to which open recalls identified have been
15 remedied.

16 (h) DEFINITIONS.—In this section:

17 (1) CONSUMER.—The term “consumer” in-
18 cludes owner and lessee.

19 (2) MOTOR VEHICLE.—The term “motor vehi-
20 cle” has the meaning given the term under section
21 30102(a) of title 49, United States Code.

22 (3) OPEN RECALL.—The term “open recall”
23 means a recall for which a notification by a manu-
24 facturer has been provided under section 30119 of

1 title 49, United States Code, and that has not been
2 remedied under section 30120 of that title.

3 (4) REGISTRATION.—The term “registration”
4 means the process for registering motor vehicles in
5 the State.

6 (5) STATE.—The term “State” has the mean-
7 ing given the term under section 101(a) of title 23,
8 United States Code.

9 **SEC. 4206. RECALL OBLIGATIONS UNDER BANKRUPTCY.**

10 Section 30120A is amended by striking “chapter 11
11 of title 11,” and inserting “chapter 7 or chapter 11 of
12 title 11”.

13 **SEC. 4207. DEALER REQUIREMENT TO CHECK FOR OPEN**
14 **RECALL.**

15 Section 30120(f) is amended—

16 (1) by inserting “(1) IN GENERAL.—” before
17 “A manufacturer” and indenting appropriately;

18 (2) in paragraph (1), as redesignated, by strik-
19 ing the period at the end and inserting the following:

20 “if—

21 “(A) at the time of providing service for
22 each of the manufacturer’s motor vehicles it
23 services, the dealer notifies the owner or the in-
24 dividual requesting the service of any open re-
25 call; and

1 “(B) the notification requirement under
2 subparagraph (A) is specified in a franchise,
3 operating, or other agreement between the deal-
4 er and the manufacturer.”; and

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

6 “(2) DEFINITION OF OPEN RECALL.—In this
7 subsection, the term ‘open recall’ means a recall for
8 which a notification by a manufacturer has been
9 provided under section 30119 and that has not been
10 remedied under this section.”.

11 **SEC. 4208. EXTENSION OF TIME PERIOD FOR REMEDY OF**
12 **TIRE DEFECTS.**

13 Section 30120(b) of title 49, United States Code, is
14 amended—

15 (1) in paragraph (1), by striking “60 days” and
16 inserting “180 days”; and

17 (2) in paragraph (2), by striking “60-day” each
18 place it appears and inserting “180-day”.

19 **SEC. 4209. RENTAL CAR SAFETY.**

20 (a) IN GENERAL.—Section 30120 of title 49, United
21 States Code, is amended by adding at the end the fol-
22 lowing:

23 “(k) LIMITATION ON RENTAL OF DEFECTIVE OR
24 NONCOMPLYING MOTOR VEHICLES.—

1 “(1) IN GENERAL.—After receiving notification
2 under section 30119 of a defective or noncomplying
3 motor vehicle or replacement equipment in the rental
4 company’s possession at the time of notification, a
5 rental company may rent that motor vehicle only
6 if—

7 “(A) the defect or noncompliance is rem-
8 edied, as required by this section, before deliv-
9 ery under the rental agreement;

10 “(B) except as provided in paragraph (2),
11 the rental company notifies each renter in writ-
12 ing prior to acceptance of the rental agree-
13 ment—

14 “(i) of the defect or noncompliance;
15 and

16 “(ii) if the notification provided under
17 section 30119 indicates that the remedy
18 for the defect or noncompliance is not im-
19 mediately available and specifies an action
20 to temporarily alter the vehicle that would
21 eliminate the safety risk posed by the de-
22 fect or noncompliance, whether that action
23 was performed; or

24 “(C) if the notification is required by an
25 order under section 30118(b), enforcement of

1 the order is restrained or the order is set aside
2 in a civil action to which section 30121(d) of
3 this title applies.

4 “(2) PROCEDURES FOR NOTIFICATION DURING
5 DURATION OF RENTAL AGREEMENTS.—If a rental
6 company receives notification of a defective or non-
7 complying motor vehicle or replacement equipment
8 under section 30119 during the duration of a rental
9 agreement, the rental company shall notify each
10 renter, as soon as practicable, but not later than 24
11 hours after the date the rental company received the
12 notification under section 30119.

13 “(3) CONSTRUCTION.—Nothing in this sub-
14 section may be construed to prohibit a rental com-
15 pany from offering a motor vehicle for rent.

16 “(4) DEFINITION OF RENTAL COMPANY.—In
17 this subsection, the term ‘rental company’ means a
18 person who is engaged in the business of renting a
19 motor vehicle that—

20 “(A) has a gross vehicle weight rating of
21 10,000 pounds or less;

22 “(B) is rented without a driver for an ini-
23 tial term of less than 4 months; and

1 “(C) is part of a motor vehicle fleet of 5
2 or more motor vehicles that are used for rental
3 purposes.”.

4 (b) EFFECTIVE DATE.—The amendment made by
5 subsection (a) shall take effect 1 year after the date of
6 enactment of this Act.

7 **SEC. 4210. MOTOR VEHICLE EQUIPMENT.**

8 Section 30102(a)(7)(C) of title 49, United States
9 Code, is amended by inserting “, excluding portable wire-
10 less communications devices and associated applications
11 and software used with such devices, which do not operate
12 or control a critical or primary system, part, or component
13 of a motor vehicle,” after “device”.

14 **SEC. 4211. INCREASE IN CIVIL PENALTIES FOR VIOLATIONS**
15 **OF MOTOR VEHICLE SAFETY.**

16 (a) INCREASE IN CIVIL PENALTIES.—Section
17 30165(a) is amended—

18 (1) in paragraph (1)—

19 (A) by striking “\$5,000” and inserting
20 “\$14,000”; and

21 (B) by striking “\$35,000,000” and insert-
22 ing “\$70,000,000”; and

23 (2) in paragraph (3)—

24 (A) by striking “\$5,000” and inserting
25 “\$14,000”; and

1 (B) by striking “\$35,000,000” and insert-
2 ing “\$70,000,000”.

3 (b) EFFECTIVE DATE.—The amendments made by
4 subsection (a) of this section take effect on the later of
5 the following:

6 (1) The date that the Secretary certifies to
7 Congress that the National Highway Traffic Safety
8 Administration has issued the final rule required by
9 section 31203(b) of the Moving Ahead for Progress
10 In the 21st Century Act (Public Law 112-141; 126
11 Stat. 758; 49 U.S.C. 30165 note).

12 (2) The date that the Inspector General of the
13 Department of Transportation certifies to Congress
14 that the National Highway Traffic Safety Adminis-
15 tration has implemented all of the recommendations
16 in the Office of Inspector General Audit Report
17 issued on June 18, 2015 (ST-2015-063).

18 (c) PUBLICATION OF EFFECTIVE DATE.—The Sec-
19 retary shall publish notice of the effective date under sub-
20 section (b) of this section in the Federal Register.

21 **SEC. 4212. ELECTRONIC ODOMETER DISCLOSURES.**

22 Section 32705(g) is amended—

23 (1) by inserting “(1)” before “Not later than”
24 and indenting appropriately; and

25 (2) by adding at the end the following:

1 “(2) Notwithstanding paragraph (1) and sub-
2 ject to paragraph (3), a State, without approval
3 from the Secretary under subsection (d), may allow
4 for written disclosures or notices and related matters
5 to be provided electronically if—

6 “(A) in compliance with—

7 “(i) the requirements of subchapter 1
8 of chapter 96 of title 15; or

9 “(ii) the requirements of a State law
10 under section 7002(a) of title 15; and

11 “(B) the disclosures or notices otherwise
12 meet the requirements under this section, in-
13 cluding appropriate authentication and security
14 measures.

15 “(3) Paragraph (2) ceases to be effective on the
16 date the regulations under paragraph (1) become ef-
17 fective.”.

18 **SEC. 4213. CORPORATE RESPONSIBILITY FOR NHTSA RE-**
19 **PORTS.**

20 Section 30166(o) is amended—

21 (1) in paragraph (1), by striking “may” and in-
22 serting “shall”; and

23 (2) by adding at the end the following:

24 “(3) DEADLINE.—Not later than 1 year after
25 the date of enactment of the Comprehensive Trans-

1 portation and Consumer Protection Act of 2015, the
2 Secretary shall issue a final rule under paragraph
3 (1).”.

4 **SEC. 4214. DIRECT VEHICLE NOTIFICATION OF RECALLS.**

5 (a) **RECALL NOTIFICATION REPORT.**—Not later than
6 1 year after the date of enactment of this Act, the Sec-
7 retary shall issue a report on the feasibility of a technical
8 system that would operate in each new motor vehicle to
9 indicate when the vehicle is subject to an open recall.

10 (b) **DEFINITION OF OPEN RECALL.**—In this section
11 the term “open recall” means a recall for which a notifica-
12 tion by a manufacturer has been provided under section
13 30119 of title 49, United States Code, and that has not
14 been remedied under section 30120 of that title.

15 **SEC. 4215. UNATTENDED CHILDREN WARNING.**

16 Section 31504(a) of the Moving Ahead for Progress
17 in the 21st Century Act (49 U.S.C. 30111 note) is amend-
18 ed by striking “may” and inserting “shall”.

19 **Subtitle C—Research and Develop-**
20 **ment and Vehicle Electronics**

21 **SEC. 4301. REPORT ON OPERATIONS OF THE COUNCIL FOR**
22 **VEHICLE ELECTRONICS, VEHICLE SOFT-**
23 **WARE, AND EMERGING TECHNOLOGIES.**

24 Not later than 1 year after the date of enactment
25 of this Act, the Secretary shall submit to the Committee

1 on Commerce, Science, and Transportation of the Senate
2 and the Committee on Energy and Commerce of the
3 House of Representatives a report regarding the oper-
4 ations of the Council for Vehicle Electronics, Vehicle Soft-
5 ware, and Emerging Technologies established under sec-
6 tion 31401 of the Moving Ahead for Progress in the 21st
7 Century Act (49 U.S.C. 105 note). The report shall in-
8 clude information about the accomplishments of the Coun-
9 cil, the role of the Council in integrating and aggregating
10 electronic and emerging technologies expertise across the
11 National Highway Traffic Safety Administration, the role
12 of the Council in coordinating with other Federal agencies,
13 and the priorities of the Council over the next 5 years.

14 **SEC. 4302. COOPERATION WITH FOREIGN GOVERNMENTS.**

15 (a) TITLE 49 AMENDMENT.—Section 30182(b) is
16 amended—

17 (1) in paragraph (4), by striking “; and” and
18 inserting a semicolon;

19 (2) in paragraph (5), by striking the period at
20 the end and inserting “; and”; and

21 (3) by inserting after paragraph (5) the fol-
22 lowing:

23 “(6) in coordination with Department of State,
24 enter into cooperative agreements and collaborative

1 research and development agreements with foreign
2 governments.”.

3 (b) TITLE 23 AMENDMENT.—Section 403 of title 23,
4 United States Code, is amended—

5 (1) in subsection (b)(2)(C), by inserting “for-
6 eign government (in coordination with the Depart-
7 ment of State)” after “institution,”; and

8 (2) in subsection (c)(1)(A), by inserting “for-
9 eign governments,” after “local governments,”.

10 (c) AUDIT.—The Department of Transportation In-
11 spector General shall conduct an audit of the Secretary
12 of Transportation’s management and oversight of coopera-
13 tive agreements and collaborative research and develop-
14 ment agreements, including any cooperative agreements
15 between the Secretary of Transportation and foreign gov-
16 ernments under section 30182(b)(6) of title 49, United
17 States Code, and subsections (b)(2)(C) and (c)(1)(A) of
18 title 23, United States Code.

19 **Subtitle D—Miscellaneous**
20 **Provisions**

21 **PART I—DRIVER PRIVACY ACT OF 2015**

22 **SEC. 4401. SHORT TITLE.**

23 This part may be cited as the “Driver Privacy Act
24 of 2015”.

1 **SEC. 4402. 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. 4403. 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. 4421. SHORT TITLE.**

21 This part may be cited as the “Safety Through In-
22 formed Consumers Act of 2015”.

23 **SEC. 4422. 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. 4431. 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. 4432. 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 under subsections (b) and (c) to ensure that compli-
18 ance with the minimum performance standards pro-
19 mulgated 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. 4433. 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. 4434. 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 rridor 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 tagged 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 (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 AND TESTING OF ELECTRONICALLY-CON-**
2 **TROLLED PNEUMATIC BRAKES.**

3 (a) GOVERNMENT ACCOUNTABILITY OFFICE
4 STUDY.—

5 (1) IN GENERAL.—The Government Account-
6 ability Office shall complete an independent evalua-
7 tion of ECP brake systems pilot program data and
8 the Department of Transportation’s research and
9 analysis on the effects of ECP brake systems.

10 (2) STUDY ELEMENTS.—In completing the
11 independent evaluation under paragraph (1), the
12 Government Accountability Office shall examine the
13 following issues related to ECP brake systems:

14 (A) Data and modeling results on safety
15 benefits relative to conventional brakes and to
16 other braking technologies or systems, such as
17 distributed power and 2-way end-of-train de-
18 vices.

19 (B) Data and modeling results on business
20 benefits, including the effects of dynamic brak-
21 ing.

22 (C) Data on costs, including up-front cap-
23 ital costs and on-going maintenance costs.

24 (D) Analysis of potential operational chal-
25 lenges, including the effects of potential loco-

1 motive and car segregation, technical reliability
2 issues, and network disruptions.

3 (E) Analysis of potential implementation
4 challenges, including installation time, positive
5 train control integration complexities, compo-
6 nent availability issues, and tank car shop capa-
7 bilities.

8 (F) Analysis of international experiences
9 with the use of advanced braking technologies.

10 (3) DEADLINE.—Not later than 2 years after
11 the date of enactment of this Act, the Government
12 Accountability Office shall transmit to the Com-
13 mittee on Commerce, Science, and Transportation of
14 the Senate and the Committee on Transportation
15 and Infrastructure of the House of Representatives
16 a report on the results of the independent evaluation
17 under paragraph (1).

18 (b) EMERGENCY BRAKING APPLICATION TESTING.—

19 (1) IN GENERAL.—The Secretary of Transpor-
20 tation shall enter into an agreement with the
21 NCRRP Board—

22 (A) to complete testing of ECP brake sys-
23 tems during emergency braking application, in-
24 cluding more than 1 scenario involving the un-
25 coupling of a train with 70 or more DOT 117-

1 specification or DOT 117R-specification tank
2 cars; and

3 (B) to transmit, not later than 2 years
4 after the date of enactment of this Act, to the
5 Committee on Commerce, Science, and Trans-
6 portation of the Senate and the Committee on
7 Transportation and Infrastructure of the House
8 of Representatives a report on the results of the
9 testing.

10 (2) INDEPENDENT EXPERTS.—In completing
11 the testing under paragraph (1), the NCRRP Board
12 may contract with 1 or more engineering or rail ex-
13 perts, as appropriate, with relevant experience in
14 conducting railroad safety technology tests or similar
15 crash tests.

16 (3) TESTING FRAMEWORK.—In completing the
17 testing under paragraph (1), the NCRRP Board and
18 each contractor described in paragraph (2) shall en-
19 sure that the testing objectively, accurately, and reli-
20 ably measures the performance of ECP brake sys-
21 tems relative to other braking technologies or sys-
22 tems, such as distributed power and 2-way end-of-
23 train devices, including differences in—

24 (A) the number of cars derailed;

25 (B) the number of cars punctured;

1 (C) the measures of in-train forces; and

2 (D) the stopping distance.

3 (4) FUNDING.—The Secretary shall require, as
4 part of the agreement under paragraph (1), that the
5 NCRRP Board fund the testing required under this
6 section—

7 (A) using such sums made available under
8 section 24910 of title 49, United States Code;
9 and

10 (B) to the extent funding under subpara-
11 graph (A) is insufficient or unavailable to fund
12 the testing required under this section, using
13 such sums as are necessary from the amounts
14 appropriated to the Office of the Secretary.

15 (5) EQUIPMENT.—The NCRRP Board and
16 each contractor described in paragraph (2) may re-
17 ceive or use rolling stock, track, and other equip-
18 ment or infrastructure from a private entity for the
19 purposes of conducting the testing required under
20 this section.

21 (c) PHASED APPROACH.—

22 (1) PHASE 1.—Not later than 60 days after the
23 date of enactment of this Act, the Secretary shall re-
24 quire each new tank car built to meet the DOT-117
25 specification and each tank car modified to meet the

1 DOT-117R specification to have an ECP-ready con-
2 figuration if the DOT-117 or DOT-117R specifica-
3 tion tank car will be used in high-hazard flammable
4 unit train service.

5 (2) PHASE 2.—After the reports are trans-
6 mitted under subsections (a)(3) and (b)(1)(B), the
7 Secretary may initiate a rulemaking, if the Secretary
8 considers it necessary, to require each railroad car-
9 rier operating a high-hazard flammable unit train to
10 operate that train in ECP brake mode by 2021 or
11 2023, unless the train does not exceed a certain
12 maximum authorized speed as determined by the
13 Secretary in the rulemaking.

14 (d) CONFORMING AMENDMENT.—Not later than 60
15 days after the date of enactment of this Act, the Secretary
16 shall issue regulations to repeal the ECP brakes and ECP
17 brake mode requirements in sections 174.310(a)(3)(ii),
18 174.310(a)(3)(iii), 174.310(a)(5)(v), 179.102-10,
19 179.202-12(g), and 179.202-13(i) of title 49, Code of
20 Federal Regulations, and, except as provided in subsection
21 (c), any other regulation in effect on the date of enactment
22 of this Act requiring the installation of ECP brakes or
23 operation in ECP brake mode.

24 (e) SAVINGS CLAUSE.—

1 (1) ECP BRAKE MODE.—Nothing in this sec-
2 tion may be construed as prohibiting or requiring a
3 railroad carrier from operating its trains in ECP
4 brake mode.

5 (2) HARMONIZATION.—Nothing in this section
6 may be construed to require or allow the Secretary
7 to prescribe an implementation deadline for the re-
8 quirement under subsection (c)(1) that is earlier
9 than the applicable implementation deadline for
10 other tank car modifications necessary to meet the
11 DOT-117R specification for tank cars that will be
12 used in high-hazard flammable unit train service.

13 (f) DEFINITIONS.—In this section:

14 (1) CLASS 3 FLAMMABLE LIQUID.—The term
15 “Class 3 flammable liquid” has the meaning given
16 the term in section 173.120(a) of title 49, Code of
17 Federal Regulations.

18 (2) ECP.—The term “ECP” means electroni-
19 cally-controlled pneumatic when applied to a brake
20 or brakes.

21 (3) ECP BRAKE MODE.—The term “ECP brake
22 mode” includes any operation of a rail car or an en-
23 tire train using an ECP brake system.

24 (4) ECP BRAKE SYSTEM.—

1 (A) IN GENERAL.—The term “ECP brake
2 system” means a train power braking system
3 actuated by compressed air and controlled by
4 electronic signals from the locomotive or an
5 ECP-EOT to the cars in the consist for service
6 and emergency applications in which the brake
7 pipe is used to provide a constant supply of
8 compressed air to the reservoirs on each car but
9 does not convey braking signals to the car.

10 (B) INCLUSIONS.—The term “ECP brake
11 system” includes dual mode and stand-alone
12 ECP brake systems.

13 (5) ECP-READY CONFIGURATION.—The term
14 “ECP-ready configuration” means mounting brack-
15 ets and fixed conduit on the tank car to facilitate
16 the future application of additional ECP
17 componentry and required cables.

18 (6) HIGH-HAZARD FLAMMABLE UNIT TRAIN.—
19 The term “high-hazard flammable unit train” means
20 a single train transporting 70 or more loaded tank
21 cars containing Class 3 flammable liquid.

22 (7) NCRRP BOARD.—The term “NCRRP
23 Board” means the independent governing board of
24 the National Cooperative Rail Research Program.

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

4 **SEC. 5436. RECORDING DEVICES.**

5 (a) IN GENERAL.—Subchapter II of chapter 201 is
6 amended by adding after section 20167 the following:

7 **“§ 20168. Installation of audio and image recording**
8 **devices**

9 “(a) IN GENERAL.—Not later than 2 years after the
10 date of enactment of the Rail Reform, Enhancement, and
11 Efficiency Act, the Secretary of Transportation shall pro-
12 mulgate regulations to require each rail carrier that pro-
13 vides regularly scheduled intercity rail passenger or com-
14 muter rail passenger transportation to the public to install
15 inward- and outward-facing image recording devices in all
16 controlling locomotive cabs and cab car operating com-
17 partments in such passenger trains.

18 “(b) DEVICE STANDARDS.—Each inward- and out-
19 ward-facing image recording device shall—

20 “(1) have a minimum 12-hour continuous re-
21 cording capability;

22 “(2) have crash and fire protections for any in-
23 cab image recordings that are stored only within a
24 controlling locomotive cab or cab car operating com-
25 partment; and

1 “(3) have recordings accessible for review dur-
2 ing an accident investigation.

3 “(c) REVIEW.—The Secretary shall establish a proc-
4 ess to review and approve or disapprove an inward- or out-
5 ward-facing recording device for compliance with the
6 standards described in subsection (b).

7 “(d) USES.—A rail carrier that has installed an
8 inward- or outward-facing image recording device ap-
9 proved under subsection (c) may use recordings from that
10 inward- or outward-facing image recording device for the
11 following purposes:

12 “(1) Verifying that train crew actions are in ac-
13 cordance with applicable safety laws and the rail
14 carrier’s operating rules and procedures.

15 “(2) Assisting in an investigation into the cau-
16 sation of a reportable accident or incident.

17 “(3) Carrying out efficiency testing and system-
18 wide performance monitoring programs.

19 “(4) Documenting a criminal act or monitoring
20 unauthorized occupancy of the controlling locomotive
21 cab or car operating compartment.

22 “(5) Other purposes that the Secretary con-
23 siders appropriate.

24 “(e) VOLUNTARY IMPLEMENTATION.—

1 “(1) IN GENERAL.—Each rail carrier operating
2 freight rail service may implement any inward- or
3 outward-facing image recording devices approved
4 under subsection (c).

5 “(2) AUTHORIZED USES.—Notwithstanding any
6 other provision of law, each rail carrier may use re-
7 cordings from an inward- or outward-facing image
8 recording device approved under subsection (c) for
9 any of the purposes described in subsection (d).

10 “(f) DISCRETION.—

11 “(1) IN GENERAL.—The Secretary may—

12 “(A) require in-cab audio recording devices
13 for the purposes described in subsection (d);
14 and

15 “(B) define in appropriate technical detail
16 the essential features of the devices required
17 under subparagraph (A).

18 “(2) EXEMPTIONS.—The Secretary may exempt
19 any rail passenger carrier or any part of a rail pas-
20 senger carrier’s operations from the requirements
21 under subsection (a) if the Secretary determines
22 that the rail passenger carrier has implemented an
23 alternative technology or practice that provides an
24 equivalent or greater safety benefit or is better suit-
25 ed to the risks of the operation.

1 “(g) TAMPERING.—A rail carrier may take appro-
2 piate enforcement or administrative action against any
3 employee that tampers with or disables an audio or
4 inward- or outward-facing image recording device installed
5 by the rail carrier.

6 “(h) PRESERVATION OF DATA.—Each rail passenger
7 carrier subject to the requirements of subsection (a) shall
8 preserve recording device data for 1 year after the date
9 of a reportable accident or incident.

10 “(i) INFORMATION PROTECTIONS.—

11 “(1) SECTION 552(B)(3) OF TITLE 5 EXEMP-
12 TION.—An in-cab audio or image recording, and any
13 part thereof, that the Secretary obtains as part of
14 an accident or incident investigated by the Depart-
15 ment of Transportation shall be exempt from disclo-
16 sure under section 552(b)(3) of title 5.

17 “(2) RESTRICTIONS ON DISCLOSURE.—The
18 Secretary may allow an audio or image recordings
19 derived from an audio or inward- or outward-facing
20 image recording device to receive any of the informa-
21 tion and legal protections available to any report,
22 survey, schedule, list, or data compiled or collected
23 as part of the Department of Transportation rail-
24 road safety risk reduction program if—

25 “(A) the recording is derived from—

1 “(i) an audio or inward- or outward-
2 facing image recording device that was im-
3 plemented pursuant to its railroad safety
4 risk reduction program under section
5 20156; and

6 “(ii) an inward- or outward-facing
7 image recording device that was approved
8 under subsection (c); or

9 “(B) an audio recording device that is
10 compliant with the requirements under sub-
11 section (f)(1).

12 “(j) PROHIBITED USE.—An in-cab audio or image re-
13 cording obtained by a rail carrier under this section may
14 not be used to retaliate against an employee.

15 “(k) SAVINGS CLAUSE.—Nothing in this section may
16 be construed as requiring a rail carrier to cease or restrict
17 operations upon a technical failure of an inward- or out-
18 ward-facing image recording device. Such rail carrier shall
19 repair or replace the failed inward- or outward-facing
20 image recording device as soon as practicable.”.

21 (b) CONFORMING AMENDMENT.—The table of con-
22 tents for subchapter II of chapter 201 is amended by add-
23 ing at the end the following:

 “20168. Installation of audio and image recording devices.”.

24 **SEC. 5437. RAIL PASSENGER TRANSPORTATION LIABILITY.**

25 (a) LIMITATIONS.—Section 28103(a) is amended—

1 (1) in paragraph (2), by striking
2 “\$200,000,000” and inserting “\$295,000,000, ex-
3 cept as provided in paragraph (3).”; and

4 (2) by adding at the end the following:

5 “(3) The liability cap under paragraph (2) shall
6 be adjusted every 10 years by the Secretary of
7 Transportation to reflect changes in the Consumer
8 Price Index-All Urban Consumers.

9 “(4) The Federal Government shall have no fi-
10 nancial responsibility for any claims described in
11 paragraph (2).”.

12 (b) DEFINITION OF RAIL PASSENGER TRANSPOR-
13 TATION.—Section 28103(e) is amended—

14 (1) in the heading, by striking “DEFINITION.—
15 ” and inserting “DEFINITIONS.—”;

16 (2) in paragraph (2), by striking “; and” and
17 inserting a semicolon;

18 (3) in paragraph (3), by striking the period at
19 the end and inserting “; and”; and

20 (4) by adding at the end the following:

21 “(4) the term ‘rail passenger transportation’ in-
22 cludes commuter rail passenger transportation (as
23 defined in section 24102).”.

24 (c) PROHIBITION.—No Federal funds may be appro-
25 priated for the purpose of paying for the portion of an

1 insurance premium attributable to the increase in allow-
2 able awards under the amendments made by subsection
3 (a).

4 (d) EFFECTIVE DATE.—The amendments made by
5 subsection (a) shall be effective for any passenger rail acci-
6 dent or incident occurring on or after May 12, 2015.

7 **SEC. 5438. MODIFICATION REPORTING.**

8 (a) IN GENERAL.—Not later than 1 year after the
9 date of enactment of this Act, the Secretary shall imple-
10 ment a reporting requirement to monitor industry-wide
11 progress toward modifying tank cars used in high-hazard
12 flammable train service by the applicable deadlines or au-
13 thorization end dates set in regulation.

14 (b) TANK CAR DATA.—The Secretary shall collect
15 data from shippers and tank car owners on—

16 (1) the total number of tank cars modified to
17 meet the DOT-117R specification, or equivalent,
18 specifying—

19 (A) the type or specification of each tank
20 car before it was modified, including non-jack-
21 eted DOT-111, jacketed DOT-111, non-jack-
22 eted DOT-111 meeting the CPC-1232 stand-
23 ard, or jacketed DOT-111 meeting the CPC-
24 1232 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 (2) the total number of tank cars built to meet
5 the DOT-117 specification, or equivalent; and

6 (3) the total number of tank cars used or likely
7 to be used in high-hazard flammable train service
8 that have not been modified, specifying—

9 (A) the type or specification of each tank
10 car not modified, including the non-jacketed
11 DOT-111, jacketed DOT-111, non-jacketed
12 DOT-111 meeting the CPC-1232 standard, or
13 jacketed DOT-111 meeting the CPC-1232
14 standard; and

15 (B) the identification number of each Class
16 3 flammable liquid carried by each tank car in
17 the past year.

18 (c) TANK CAR SHOP DATA.—The Secretary shall
19 conduct a survey of tank car facilities modifying tank cars
20 to the DOT-117R specification, or equivalent, or building
21 new tank cars to the DOT-117 specification, or equivalent,
22 to generate statistically-valid estimates of the expected
23 number of tank cars those facilities expect to modify to
24 DOT-117R specification, or equivalent, or build to the
25 DOT-117 specification, or equivalent.

1 (d) FREQUENCY.—The Secretary shall collect the
2 data under subsection (b) and conduct the survey under
3 subsection (c) annually until May 1, 2025.

4 (e) INFORMATION PROTECTIONS.—

5 (1) IN GENERAL.—The Secretary shall only re-
6 port data in industry-wide totals and shall treat
7 company-specific information as confidential busi-
8 ness information.

9 (2) LEVEL OF CONFIDENTIALITY.—The Sec-
10 retary shall ensure the data collected under sub-
11 section (b) and the survey data under subsection (c)
12 have the same level of confidentiality as contained in
13 the Confidential Information Protection and Statis-
14 tical Efficiency Act of 2002 (44 U.S.C. 3501 note),
15 as administered by the Bureau of Transportation
16 Statistics.

17 (3) SECTION 552(B)(3) OF TITLE 5.—Any infor-
18 mation that the Secretary obtains under subsection
19 (b) or subsection (c) by the Department of Trans-
20 portation shall be exempt from disclosure under sec-
21 tion 552(b)(3) of title 5.

22 (4) DESIGNEE.—The Secretary may designate
23 the Director of the Bureau of Transportation Statis-
24 tics to collect data under subsection (b) and the sur-
25 vey data under subsection (c) and direct the Direc-

1 tor to ensure the confidentiality of company-specific
2 information to the maximum extent permitted by
3 law.

4 (f) REPORT.—Each year, not later than 60 days after
5 the date that both the collection of the data under sub-
6 section (b) and the survey under subsection (c) are com-
7 plete, the Secretary shall report on the aggregate results,
8 without company-specific information, to—

9 (1) the Committee on Commerce, Science, and
10 Transportation of the Senate; and

11 (2) the Committee on Transportation and In-
12 frastructure of the House of Representatives.

13 (g) DEFINITIONS.—In this section:

14 (1) CLASS 3 FLAMMABLE LIQUID.—The term
15 “Class 3 flammable liquid” has the meaning given
16 the term in section 173.120(a) of title 49, Code of
17 Federal Regulations.

18 (2) HIGH-HAZARD FLAMMABLE TRAIN.—The
19 term “high-hazard flammable train” means a single
20 train transporting 20 or more tank cars loaded with
21 a Class 3 flammable liquid in a continuous block or
22 a single train transporting 35 or more tank cars
23 loaded with a Class 3 flammable liquid throughout
24 the train consist.

1 **PART IV—POSITIVE TRAIN CONTROL**

2 **SEC. 5441. COORDINATION OF SPECTRUM.**

3 (a) **ASSESSMENT.**—The Secretary, in coordination
4 with the Chairman of the Federal Communications Com-
5 mission, shall assess spectrum needs and availability for
6 implementing positive train control systems (as defined in
7 section 20157(i)(3) of title 49, United States Code). The
8 Secretary and the Chairman may consult with external
9 stakeholders in carrying out this section.

10 (b) **REPORT.**—Not later than 120 days after the date
11 of enactment of this Act, the Secretary shall submit a re-
12 port to the Committee on Commerce, Science, and Trans-
13 portation of the Senate and the Committee on Transpor-
14 tation and Infrastructure of the House of Representatives
15 that contains the results of the assessment conducted
16 under subsection (a).

17 **SEC. 5442. UPDATED PLANS.**

18 (a) **IMPLEMENTATION.**—Section 20157(a) is amend-
19 ed to read as follows:

20 “(a) **IMPLEMENTATION.**—

21 “(1) **PLAN REQUIRED.**—Each Class I railroad
22 carrier and each entity providing regularly scheduled
23 intercity or commuter rail passenger transportation
24 shall develop and submit, to the Secretary of Trans-
25 portation, a plan for implementing a positive train

1 control system by December 31, 2015, governing op-
2 erations on—

3 “(A) its main line over which intercity rail
4 passenger transportation or commuter rail pas-
5 senger transportation (as defined in section
6 24102) is regularly provided;

7 “(B) its main line over which poison- or
8 toxic-by-inhalation hazardous materials (as de-
9 fined in sections 171.8, 173.115, and 173.132
10 of title 49, Code of Federal Regulations) are
11 transported; and

12 “(C) such other tracks as the Secretary
13 may prescribe by regulation or order.

14 “(2) INTEROPERABILITY AND
15 PRIORITIZATION.—The plan shall describe how the
16 railroad carrier or other entity subject to paragraph
17 (1) will provide for interoperability of the positive
18 train control systems with movements of trains of
19 other railroad carriers over its lines and shall, to the
20 extent practical, implement the positive train control
21 systems in a manner that addresses areas of greater
22 risk before areas of lesser risk.

23 “(3) SECRETARIAL REVIEW OF UPDATED
24 PLANS.—

1 “(A) SUBMISSION OF UPDATED PLANS.—

2 Notwithstanding the deadline set forth in para-
3 graph (1), not later than 90 days after the date
4 of enactment of the Rail Reform, Enhancement,
5 and Efficiency Act, each Class I railroad carrier
6 or other entity subject to paragraph (1) may
7 submit to the Secretary an updated plan that
8 amends the plan submitted under paragraph
9 (1) with an updated implementation schedule
10 (as described in paragraph (4)(B)) and mile-
11 stones or metrics (as described in paragraph
12 (4)(A)) that demonstrate that the railroad car-
13 rier or other entity intends make sustained and
14 substantial progress toward positive train con-
15 trol system implementation.

16 “(B) REVIEW OF UPDATED PLANS.—Not
17 later than 120 days after receiving an updated
18 plan under subparagraph (A), the Secretary
19 shall approve the updated plan if the railroad
20 carrier or other entity submitting the plan—

21 “(i)(I) has encountered technical or
22 programmatic challenges identified by the
23 Secretary in the 2012 report transmitted
24 to Congress pursuant to subsection (d);
25 and

1 “(II) the challenges referred to in
2 subclause (I) have negatively affected the
3 successful implementation of positive train
4 control systems;

5 “(ii) is demonstrating due diligence in
6 its effort to implement a positive train con-
7 trol system;

8 “(iii) has included in its plan mile-
9 stones or metrics that demonstrate the
10 railroad carrier or other entity intends to
11 make sustained and substantial progress
12 toward positive train control system imple-
13 mentation; and

14 “(iv) has set an implementation
15 schedule in its plan that complies with
16 paragraph (7).

17 “(C) MODIFICATION OF UPDATED
18 PLANS.—(i) If the Secretary has not approved
19 an updated plan under subparagraph (B) with-
20 in 60 days of receiving the updated plan under
21 subparagraph (A), the Secretary shall imme-
22 diately—

23 “(I) provide a written response to the
24 railroad carrier or other entity that identi-
25 fies the reason for not approving the up-

1 dated plan and explains any incomplete or
2 deficient items;

3 “(II) allow the railroad carrier or
4 other entity to submit, within 30 days of
5 receiving the written response under sub-
6 clause (I), a modified updated plan for the
7 Secretary’s review; and

8 “(III) approve or disapprove a modi-
9 fied updated plan submitted under sub-
10 clause (II) not later than 30 days after re-
11 ceipt.

12 “(ii) If the Secretary does not approve an
13 updated plan not later than 60 days after re-
14 ceiving the updated plan under subparagraph
15 (A) and does not provide a written response to
16 the railroad carrier or other entity at the end
17 of the 60-day period described in clause (i), the
18 updated plan is deemed to have been approved
19 by the Secretary.

20 “(D) PUBLIC AVAILABILITY.—Not later
21 than 30 days after approving an updated plan
22 under this paragraph, the Secretary shall make
23 the updated plan available on the website of the
24 Federal Railroad Administration.

1 “(E) PENDING REVIEWS.—For an appli-
2 cant that submits an updated plan under sub-
3 paragraph (A), the Secretary shall extend the
4 deadline for implementing a positive train con-
5 trol system at least until the date the Secretary
6 approves or issues final disapproval for the up-
7 dated plan with an updated implementation
8 schedule (as described in paragraph (4)(B)).

9 “(4) CONTENTS OF UPDATED PLAN.—

10 “(A) MILESTONES OR METRICS.—Each up-
11 dated plan submitted under paragraph (3) shall
12 show that the Class I railroad carrier or other
13 entity subject to paragraph (1) is making sus-
14 tained and substantial progress toward positive
15 train control system implementation by describ-
16 ing the following milestones or metrics:

17 “(i) The total number of components
18 that will be installed, equipped, or deployed
19 with positive train control by the end of
20 each calendar year until positive train con-
21 trol is fully implemented, with totals sepa-
22 rated by each component category.

23 “(ii) The number of employees that
24 will receive the training, as required under
25 the applicable positive train control system

1 regulations, by the end of each calendar
2 year until positive train control is fully im-
3 plemented.

4 “(iii) The calendar year or years in
5 which spectrum will be acquired and will
6 be available for use in all areas that it is
7 needed for positive train control implemen-
8 tation, if such spectrum is not already ac-
9 quired and ready for use.

10 “(B) IMPLEMENTATION SCHEDULE.—Each
11 updated plan submitted under paragraph (3)
12 shall include an implementation schedule that
13 identifies the dates by which the railroad carrier
14 or other entity will—

15 “(i) fully implement a positive train
16 control system;

17 “(ii) complete all component installa-
18 tion, consistent with the milestones or
19 metrics described in subparagraph (A)(i);

20 “(iii) complete all employee training
21 required under the applicable positive train
22 control system regulations, consistent with
23 the milestones or metrics described in sub-
24 paragraph (A)(ii);

1 “(iv) acquire all necessary spectrum,
2 consistent with the milestones or metrics in
3 subparagraph (A)(iii); and

4 “(v) complete system testing.

5 “(C) ADDITIONAL INFORMATION.—Each
6 updated plan submitted under paragraph (3)
7 shall include—

8 “(i) the total number of positive train
9 control components required for implemen-
10 tation, with totals separated by each major
11 component category;

12 “(ii) the total number of employees
13 requiring training under the applicable
14 positive train control system regulations;

15 “(iii) a summary of the remaining
16 challenges to positive train control system
17 implementation, including—

18 “(I) testing issues;

19 “(II) interoperability challenges;

20 “(III) permitting issues; and

21 “(IV) certification challenges.

22 “(D) DEFINED TERM.—In this paragraph,
23 the term ‘component’ means a locomotive appa-
24 ratus, a wayside interface unit (including any
25 associated legacy signal system replacements),

1 switches in non-signaled positive train control
2 territory, a base station radio, a wayside radio,
3 or a locomotive radio.

4 “(5) PLAN IMPLEMENTATION.—The Class I
5 railroad carrier or other entity subject to paragraph
6 (1) shall implement a positive train control system
7 in accordance with its plan, including any amend-
8 ments made to the plan by its updated plan ap-
9 proved by the Secretary under paragraph (3).

10 “(6) PROGRESS REPORT.—Each Class I rail-
11 road carrier or other entity with an approved up-
12 dated plan shall submit an annual report to the Sec-
13 retary that describes the progress made on positive
14 train control implementation, including—

15 “(A) the extent to which the railroad car-
16 rier or other entity met or exceeded the metrics
17 or milestones described in paragraph (4)(A);

18 “(B) the extent to which the railroad car-
19 rier or other entity complied with its implemen-
20 tation schedule under paragraph (4)(B); and

21 “(C) any update to the information pro-
22 vided under paragraph (4)(C).

23 “(7) CONSTRAINT.—The Secretary may not ap-
24 prove an updated plan that includes a date for the
25 completion of component installation or a date for

1 the completion of spectrum acquisition that is later
2 than December 31, 2018.”.

3 (b) ENFORCEMENT.—Section 20157(e) is amended
4 to read as follows:

5 “(e) ENFORCEMENT.—The Secretary is authorized to
6 assess civil penalties pursuant to chapter 213 for the fail-
7 ure to submit or comply with a plan for implementing
8 positive train control under subsection (a), including any
9 amendments to the plan made by an updated plan (includ-
10 ing milestones or metrics and an updated implementation
11 schedule) approved by the Secretary under paragraph (3)
12 of such subsection.”.

13 (c) CONFORMING AMENDMENT.—Section 20157(g) is
14 amended—

15 (1) by striking “The Secretary” and inserting
16 the following:

17 “(1) IN GENERAL.—The Secretary”; and

18 (2) by adding at the end the following:

19 “(2) CONFORMING REGULATORY AMEND-
20 MENTS.—Immediately after the date of the enact-
21 ment of the Rail Reform, Enhancement, and Effi-
22 ciency Act, the Secretary—

23 “(A) shall remove or revise any references
24 to specified dates in the regulations or orders
25 implementing this section to the extent nec-

1 essary to conform with the amendments made
2 by such Act; and

3 “(B) may not enforce any such date-spe-
4 cific deadlines or requirements that are incon-
5 sistent with the amendments made by such
6 Act.”.

7 (d) SAVINGS PROVISIONS.—

8 (1) RESUBMISSION OF INFORMATION.—Nothing
9 in the amendments made by this section may be con-
10 strued to require a Class I railroad carrier or other
11 entity subject to paragraph (1) of section 20157(a)
12 of title 49, United States Code, to resubmit in its
13 updated plan information from its initial implemen-
14 tation plan that is not changed or affected by the
15 updated plan. The Secretary shall consider an up-
16 dated plan submitted pursuant to paragraph (3) of
17 such section to be an addendum to the initial imple-
18 mentation plan.

19 (2) SUBMISSION OF NEW PLAN.—Nothing in
20 the amendments made by this section may be con-
21 strued to require a Class I railroad carrier or other
22 entity subject to section 20157(a)(1) of title 49,
23 United States Code, to submit a new implementation
24 plan pursuant to the deadline set forth in such sec-
25 tion.

1 **SEC. 5443. EARLY ADOPTION AND INTEROPERABILITY.**

2 (a) EARLY ADOPTION.—During the 1-year period be-
3 ginning on the date on which the last railroad carrier’s
4 or other entity’s positive train control system, subject to
5 section 20157(a) of title 49, United States Code, is cer-
6 tified by the Secretary under subsection (h) of such section
7 and implemented on all of that railroad carrier’s or other
8 entity’s lines required to have operations governed by a
9 positive train control system, any railroad carrier or other
10 entity that has been certified by the Secretary under such
11 subsection shall not be subject to the operational restric-
12 tions set forth in subpart I of part 236 of title 49, Code
13 of Federal Regulations, that would otherwise apply in the
14 event of a positive train control system component failure.

15 (b) INTEROPERABILITY PROCEDURE.—If multiple
16 railroad carriers operate on a single railroad line through
17 a trackage or haulage agreement, each railroad carrier op-
18 erating on the railroad line shall not be subject to the op-
19 erating restrictions set forth in subpart I of part 236 of
20 title 49, Code of Federal Regulations, with respect to the
21 railroad line, until the Secretary certifies that—

22 (1) each Class I railroad carrier and each entity
23 providing regularly scheduled intercity or commuter
24 rail passenger transportation that operates on the
25 railroad line is in compliance with its positive train

1 control requirements under section 20157(a) of title
2 49, United States Code;

3 (2) each Class II or Class III railroad that op-
4 erates on the railroad line is in compliance with the
5 applicable regulatory requirements to equip loco-
6 motives operating in positive train control territory;
7 and

8 (3) the implementation of any and all positive
9 train control systems are interoperable and oper-
10 ational on the railroad line in conformance with each
11 approved implementation plan so that each freight
12 and passenger railroad can operate on the line with
13 that freight or passenger railroad's positive train
14 control equipment.

15 (c) SMALL RAILROADS.—Not later than 120 days
16 after the date of the enactment of this Act, the Secretary
17 shall amend section 236.1006(b)(4)(iii)(B) of title 49,
18 Code of Federal Regulations (relating to equipping loco-
19 motives for applicable Class II and Class III railroads op-
20 erating in positive train control territory) to extend each
21 deadline by 3 years.

22 **SEC. 5444. POSITIVE TRAIN CONTROL AT GRADE CROSS-**
23 **INGS EFFECTIVENESS STUDY.**

24 (a) STUDY.—After the Secretary certifies that each
25 Class I railroad carrier and each entity providing regularly

1 scheduled intercity or commuter rail passenger transpor-
2 tation is in compliance with the positive train control re-
3 quirements under section 20157(a) of title 49, United
4 States Code, the Secretary shall enter into an agreement
5 with the National Cooperative Rail Research Program
6 Board—

7 (1) to conduct a study of the possible effective-
8 ness of positive train control and related tech-
9 nologies on reducing collisions at highway-rail grade
10 crossings; and

11 (2) to submit a report containing the results of
12 the study conducted under paragraph (1) to the
13 Committee on Commerce, Science, and Transpor-
14 tation of the Senate and the Committee on Trans-
15 portation and Infrastructure of the House of Rep-
16 resentatives.

17 (b) FUNDING.—The Secretary may require, as part
18 of the agreement under subsection (a), that the National
19 Cooperative Rail Research Program Board fund the study
20 required under this section using such sums as may be
21 necessary out of the amounts made available under section
22 24910 of title 49, United States Code.

1 **Subtitle E—Project Delivery**

2 **SEC. 5501. SHORT TITLE.**

3 This subtitle may be cited as the “Track, Railroad,
4 and Infrastructure Network Act”.

5 **SEC. 5502. PRESERVATION OF PUBLIC LANDS.**

6 (a) HIGHWAYS.—Section 138 of title 23, United
7 States Code, is amended—

8 (1) in subsection (b)(2)(A)(i), by inserting “,
9 taking into consideration any avoidance, minimiza-
10 tion, and mitigation or enhancement measures incor-
11 porated into the program or project” after “historic
12 site”; and

13 (2) by adding at the end the following:

14 “(c) RAIL AND TRANSIT.—Improvements to, or the
15 maintenance, rehabilitation, or operation of, railroad or
16 rail transit lines or elements of such lines, with the excep-
17 tion of stations, that are in use or were historically used
18 for the transportation of goods or passengers, shall not
19 be considered a use of an historic site under subsection
20 (a), regardless of whether the railroad or rail transit line
21 or element of such line is listed on, or eligible for listing
22 on, the National Register of Historic Places.”.

23 (b) TRANSPORTATION PROJECTS.—Section 303 is
24 amended—

1 (1) in subsection (c), by striking “subsection
2 (d)” and inserting “subsections (d) and (e)”;

3 (2) in subsection (d)(2)(A)(i), by inserting “,
4 taking into consideration any avoidance, minimiza-
5 tion, and mitigation or enhancement measures incor-
6 porated into the program or project” after “historic
7 site”; and

8 (3) by adding at the end the following:

9 “(e) RAIL AND TRANSIT.—Improvements to, or the
10 maintenance, rehabilitation, or operation of, railroad or
11 rail transit lines or elements of such lines, with the excep-
12 tion of stations, that are in use or were historically used
13 for the transportation of goods or passengers, shall not
14 be considered a use of an historic site under subsection
15 (c), regardless of whether the railroad or rail transit line
16 or element of such line is listed on, or eligible for listing
17 on, the National Register of Historic Places.”.

18 **SEC. 5503. EFFICIENT ENVIRONMENTAL REVIEWS.**

19 (a) IN GENERAL.—Section 304 is amended—

20 (1) in the heading, by striking “**for**
21 **multimodal projects**” and inserting “**and in-**
22 **creasing the efficiency of environmental**
23 **reviews**”; and

24 (2) by adding at the end the following:

25 “(e) EFFICIENT ENVIRONMENTAL REVIEWS.—

1 “(1) IN GENERAL.—The Secretary of Transpor-
2 tation shall apply the project development proce-
3 dures, to the greatest extent feasible, described in
4 section 139 of title 23, United States Code, to any
5 rail project that requires the approval of the Sec-
6 retary of Transportation under the National Envi-
7 ronmental Policy Act of 1969 (42 U.S.C. 4321 et
8 seq.).

9 “(2) REGULATIONS AND PROCEDURES.—The
10 Secretary of Transportation shall incorporate such
11 project development procedures into the agency reg-
12 ulations and procedures pertaining to rail projects.

13 “(f) APPLICABILITY OF NEPA DECISIONS.—

14 “(1) IN GENERAL.—A Department of Trans-
15 portation operating administration may apply a cat-
16 egorical exclusion designated by another Department
17 of Transportation operating administration under
18 the National Environmental Policy Act of 1969 (42
19 U.S.C. 4321 et seq.).

20 “(2) FINDINGS.—A Department of Transpor-
21 tation operating administration may adopt, in whole
22 or in part, another Department of Transportation
23 operating administration’s Record of Decision, Find-
24 ing of No Significant Impact, and any associated
25 evaluations, determinations, or findings dem-

1 onstrating compliance with any law related to envi-
2 ronmental review or historic preservation.”.

3 **SEC. 5504. ADVANCE ACQUISITION.**

4 (a) IN GENERAL.—Chapter 241 is amended by in-
5 serting after section 24105 the following—

6 **“§ 24106. Advance acquisition**

7 “(a) RAIL CORRIDOR PRESERVATION.—The Sec-
8 retary may assist a recipient of funding in acquiring right-
9 of-way and adjacent real property interests before or dur-
10 ing the completion of the environmental reviews for any
11 project receiving funding under subtitle V of title 49,
12 United States Code, that may use such property interests
13 if the acquisition is otherwise permitted under Federal
14 law, and the recipient requesting Federal funding for the
15 acquisition certifies, with the concurrence of the Secretary,
16 that—

17 “(1) the recipient has authority to acquire the
18 right-of-way or adjacent real property interest; and

19 “(2) the acquisition of the right-of-way or adja-
20 cent real property interest—

21 “(A) is for a transportation or transpor-
22 tation-related purpose;

23 “(B) will not cause significant adverse en-
24 vironmental impact;

1 “(C) will not limit the choice of reasonable
2 alternatives for the proposed project or other-
3 wise influence the decision of the Secretary on
4 any approval required for the proposed project;

5 “(D) does not prevent the lead agency for
6 the review process from making an impartial
7 decision as to whether to accept an alternative
8 that is being considered;

9 “(E) complies with other applicable Fed-
10 eral law, including regulations;

11 “(F) will be acquired through negotiation
12 and without the threat of condemnation; and

13 “(G) will not result in the elimination or
14 reduction of benefits or assistance to a dis-
15 placed person under the Uniform Relocation
16 Assistance and Real Property Acquisition Poli-
17 cies Act of 1970 (42 U.S.C. 4601 et seq.) and
18 title VI of the Civil Rights Act of 1964 (42
19 U.S.C. 2000d et seq.).

20 “(b) ENVIRONMENTAL REVIEWS.—

21 “(1) COMPLETION OF NEPA REVIEW.—Before
22 authorizing any Federal funding for the acquisition
23 of a real property interest that is the subject of a
24 grant or other funding under this subtitle, the Sec-
25 retary shall complete, if required, the review process

1 under the National Environmental Policy Act of
2 1969 (42 U.S.C. 4321 et seq.) with respect to the
3 acquisition.

4 “(2) COMPLETION OF SECTION 106.—An acqui-
5 sition of a real property interest involving an historic
6 site shall not occur unless the section 106 process,
7 if required, under the National Historic Preservation
8 Act (54 U.S.C. 306108) is complete.

9 “(3) TIMING OF ACQUISITIONS.—A real prop-
10 erty interest acquired under subsection (a) may not
11 be developed in anticipation of the proposed project
12 until all required environmental reviews for the
13 project have been completed.”

14 (b) CONFORMING AMENDMENT.—The table of con-
15 tents of chapter 241 is amended by inserting after the
16 item relating to section 24105 the following:

“24106. Advance acquisition.”

17 **SEC. 5505. RAILROAD RIGHTS-OF-WAY.**

18 Section 306108 of title 54, United States Code, is
19 amended—

20 (1) by inserting “(b) OPPORTUNITY TO COM-
21 MENT.—” before “The head of the Federal agency
22 shall afford” and indenting accordingly;

23 (2) in the matter before subsection (b), by in-
24 serting “(a) IN GENERAL.—” before “The head of

1 any Federal agency having direct” and indenting ac-
2 cordingly; and

3 (3) by adding at the end the following:

4 “(c) EXEMPTION FOR RAILROAD RIGHTS-OF-WAY.—

5 “(1) IN GENERAL.—Not later than 1 year after
6 the date of enactment of the Track, Railroad, and
7 Infrastructure Network Act, the Secretary of Trans-
8 portation shall submit a proposed exemption of rail-
9 road rights-of-way from the review under this chap-
10 ter to the Council for its consideration, consistent
11 with the exemption for interstate highways approved
12 on March 10, 2005 (70 Fed. Reg. 11,928).

13 “(2) FINAL EXEMPTION.—Not later than 180
14 days after the date that the Secretary submits the
15 proposed exemption under paragraph (1) to the
16 Council, the Council shall issue a final exemption of
17 railroad rights-of-way from review under this chap-
18 ter, consistent with the exemption for interstate
19 highways approved on March 10, 2005 (70 Fed.
20 Reg. 11,928).”.

21 **SEC. 5506. IMPROVING STATE AND FEDERAL AGENCY EN-**
22 **GAGEMENT IN ENVIRONMENTAL REVIEWS.**

23 (a) IN GENERAL.—Chapter 3 is amended by insert-
24 ing after section 306 the following:

1 **“§ 307. Improving State and Federal agency engage-**
2 **ment in environmental reviews**

3 “(a) IN GENERAL.—An entity receiving financial as-
4 sistance from the Secretary of Transportation for 1 or
5 more projects or for a program of projects, may request
6 that the Secretary allow the entity to provide funds to any
7 Federal agency, including the Department of Transpor-
8 tation, State agency, or Indian tribe (as defined in section
9 102 of the Federally Recognized Indian Tribe List Act
10 of 1994 (25 U.S.C. 479a)) participating in the environ-
11 mental planning and review process for the project,
12 projects, or program. The funds may be provided only to
13 support activities that directly and meaningfully con-
14 tribute to expediting and improving permitting and review
15 processes, including planning, approval, and consultation
16 processes for the project, projects, or program.

17 “(b) ACTIVITIES ELIGIBLE FOR FUNDING.—Activi-
18 ties for which funds may be provided under subsection (a)
19 include transportation planning activities that precede the
20 initiation of the environmental review process, activities
21 directly related to the environmental review process, dedi-
22 cated staffing, training of agency personnel, information
23 gathering and mapping, and development of programmatic
24 agreements.

25 “(c) AMOUNTS.—Requests under subsection (a) may
26 be approved only for the additional amounts that the Sec-

1 retary determines are necessary for the Federal agencies,
2 State agencies, or Indian tribes participating in the envi-
3 ronmental planning and review process to timely conduct
4 the reviews in an expedited manner.

5 “(d) AGREEMENTS.—Prior to providing funds ap-
6 proved by the Secretary for dedicated staffing at an af-
7 fected Federal agency under subsections (a) and (b), the
8 affected Federal agency, State agency or Indian tribe, as
9 appropriate, and the requesting entity shall enter into an
10 agreement that establishes a process to identify the
11 projects or priorities to be addressed by the use of the
12 funds.

13 “(e) RULE OF CONSTRUCTION.—Nothing in this sec-
14 tion shall be construed to be inconsistent with or to inter-
15 fere with section 139(j) of title 23.”.

16 (b) CONFORMING AMENDMENT.—The table of con-
17 tents of chapter 3 is amended by inserting after the item
18 relating to section 306 the following:

“307. Improving State and Federal agency engagement in environmental re-
views.”.

19 **SEC. 5507. SAVINGS CLAUSE.**

20 Nothing in this title, or any amendment made by this
21 title, shall be construed as superceding, amending, or
22 modifying the National Environmental Policy Act of 1969
23 (42 U.S.C. 4321 et seq.) or affect the responsibility of any
24 Federal officer to comply with or enforce any such statute.

1 **SEC. 5508. TRANSITION.**

2 Nothing in this title, or any amendment made by this
3 title, shall affect any existing environmental review proc-
4 ess, program, agreement, or funding arrangement ap-
5 proved by the Secretary under title 49, United States
6 Code, as that title was in effect on the day preceding the
7 date of enactment of this subtitle.

8 **Subtitle F—Financing**

9 **SEC. 5601. SHORT TITLE; REFERENCES.**

10 (a) **SHORT TITLE.**—This subtitle may be cited as the
11 “Railroad Infrastructure Financing Improvement Act”.

12 (b) **REFERENCES TO THE RAILROAD REVITALIZA-**
13 **TION AND REGULATORY REFORM ACT OF 1976.**—Except
14 as otherwise expressly provided, wherever in this subtitle
15 an amendment or repeal is expressed in terms of an
16 amendment to, or repeal of, a section or other provision,
17 the reference shall be considered to be made to a section
18 or other provision of the Railroad Revitalization and Regu-
19 latory Reform Act of 1976, as amended (45 U.S.C. 801
20 et seq.).

21 **SEC. 5602. DEFINITIONS.**

22 Section 501 (45 U.S.C. 821) is amended—

23 (1) by redesignating paragraph (8) as para-
24 graph (10);

25 (2) by redesignating paragraphs (6) and (7) as
26 paragraphs (7) and (8), respectively;

1 (3) by inserting after paragraph (5) the fol-
2 lowing:

3 “(6) The term ‘investment-grade rating’ means
4 a rating of BBB minus, Baa 3, bbb minus,
5 BBB(low), or higher assigned by a rating agency.”;

6 (4) by inserting after paragraph (8), as redesign-
7 nated, the following:

8 “(9) The term ‘master credit agreement’ means
9 an agreement to make 1 or more direct loans or loan
10 guarantees at future dates for a program of related
11 projects on terms acceptable to the Secretary.”; and

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

13 “(11) The term ‘obligor’ means a party that—

14 “(A) is primarily liable for payment of the
15 principal of or interest on a direct loan or loan
16 guarantee under this section; and

17 “(B) may be a corporation, limited liability
18 company, partnership, joint venture, trust, or
19 governmental entity, agency, or instrumentality.

20 “(12) The term ‘project obligation’ means a
21 note, bond, debenture, or other debt obligation
22 issued by a borrower in connection with the financ-
23 ing of a project, other than a direct loan or loan
24 guarantee under this title.

1 “(13) The term ‘railroad’ has the meaning
2 given the term ‘railroad carrier’ in section 20102 of
3 title 49, United States Code.

4 “(14) The term ‘rating agency’ means a credit
5 rating agency registered with the Securities and Ex-
6 change Commission as a nationally recognized statis-
7 tical rating organization (as defined in section 3(a)
8 of the Securities Exchange Act of 1934 (15 U.S.C.
9 78c(a))).

10 “(15) The term ‘substantial completion’
11 means—

12 “(A) the opening of a project to passenger
13 or freight traffic; or

14 “(B) a comparable event, as determined by
15 the Secretary and specified in the direct loan.”.

16 **SEC. 5603. ELIGIBLE APPLICANTS.**

17 Section 502(a) (45 U.S.C. 822(a)) is amended—

18 (1) in paragraph (5), by striking “one railroad;
19 and” and inserting “1 of the entities described in
20 paragraph (1), (2), (3), (4), or (6);”;

21 (2) by amending paragraph (6) to read as fol-
22 lows:

23 “(6) solely for the purpose of constructing a
24 rail connection between a plant or facility and a rail

1 carrier, limited option freight shippers that own or
2 operate a plant or other facility; and”;

3 (3) by adding at the end the following:

4 “(7) any obligor, as designated by an entity
5 otherwise eligible to receive a direct loan or loan
6 guarantee under this section, including a special
7 purpose entity receiving user fees or other payments
8 or revenues from dedicated sources for debt service
9 and maintenance of the equipment or facilities to be
10 acquired or improved; and

11 “(8) a public-private or private partnership be-
12 tween at least 1 other entity listed in any of para-
13 graphs (1) through (7) and a consortium that spe-
14 cializes in real estate development.”.

15 **SEC. 5604. ELIGIBLE PURPOSES.**

16 Section 502(b)(1) (45 U.S.C. 822(b)(1)) is amend-
17 ed—

18 (1) in subparagraph (A), by inserting “, and
19 costs related to these activities, including pre-con-
20 struction costs” after “shops”;

21 (2) in subparagraph (B), by striking “subpara-
22 graph (A); or” and inserting “subparagraph (A) or
23 (C);”;

24 (3) in subparagraph (C), by striking the period
25 at the end and inserting a semicolon; and

1 (4) by adding at the end the following:

2 “(D) reimburse planning and design ex-
3 penses relating to projects described in subpara-
4 graph (A) or (C); or

5 “(E) finance economic development, in-
6 cluding commercial and residential development,
7 and related infrastructure and activities, that—

8 “(i) incorporates private investment;

9 “(ii) is physically or functionally re-
10 lated to a passenger rail station or
11 multimodal station that includes rail serv-
12 ice;

13 “(iii) has a high probability of the ap-
14 plicant commencing the contracting proc-
15 ess for construction not later than 90 days
16 after the date on which the direct loan or
17 loan guarantee is obligated for the project
18 under this title; and

19 “(iv) has a high probability of reduc-
20 ing the need for financial assistance under
21 any other Federal program for the relevant
22 passenger rail station or service by increas-
23 ing ridership, tenant lease payments, or
24 other activities that generate revenue ex-
25 ceeding costs.”.

1 **SEC. 5605. PROGRAM ADMINISTRATION.**

2 (a) APPLICATION PROCESSING PROCEDURES.—Sec-
3 tion 502(i) (45 U.S.C. 822(i)) is amended to read as fol-
4 lows:

5 “(i) APPLICATION PROCESSING PROCEDURES.—

6 “(1) APPLICATION STATUS NOTICES.—Not later
7 than 30 days after the date that the Secretary re-
8 ceives an application under this section, the Sec-
9 retary shall provide the applicant written notice as
10 to whether the application is complete or incomplete.

11 “(2) INCOMPLETE APPLICATIONS.—If the Sec-
12 retary determines that an application is incomplete,
13 the Secretary shall—

14 “(A) provide the applicant with a descrip-
15 tion of all of the specific information or mate-
16 rial that is needed to complete the application;
17 and

18 “(B) allow the applicant to resubmit the
19 information and material described under sub-
20 paragraph (A) to complete the application.

21 “(3) APPLICATION APPROVALS AND DIS-
22 APPROVALS.—

23 “(A) IN GENERAL.—Not later than 60
24 days after the date the Secretary notifies an ap-
25 plicant that an application is complete under
26 paragraph (1), the Secretary shall provide the

1 applicant written notice as to whether the Sec-
2 retary has approved or disapproved the applica-
3 tion.

4 “(B) ACTIONS BY THE OFFICE OF MAN-
5 AGEMENT AND BUDGET.—In order to enable
6 compliance with the time limit under subpara-
7 graph (A), the Office of Management and
8 Budget shall take any action required with re-
9 spect to the application within that 60-day pe-
10 riod.

11 “(4) EXPEDITED PROCESSING.—The Secretary
12 shall implement procedures and measures to econo-
13 mize the time and cost involved in obtaining an ap-
14 proval or a disapproval of credit assistance under
15 this title.

16 “(5) DASHBOARD.—The Secretary shall post on
17 the Department of Transportation’s public Web site
18 a monthly report that includes for each applica-
19 tion—

20 “(A) the name of the applicant or appli-
21 cants;

22 “(B) the location of the project;

23 “(C) a brief description of the project, in-
24 cluding its purpose;

1 “(D) the requested direct loan or loan
2 guarantee amount;

3 “(E) the date on which the Secretary pro-
4 vided application status notice under paragraph
5 (1); and

6 “(F) the date that the Secretary provided
7 notice of approval or disapproval under para-
8 graph (3).”.

9 (b) ADMINISTRATION OF DIRECT LOANS AND LOAN
10 GUARANTEES.—Section 503 (45 U.S.C. 823) is amend-
11 ed—

12 (1) in subsection (a), by striking the period at
13 the end and inserting “, including a program guide
14 and standard term sheet and specific timetables.”;

15 (2) by redesignating subsections (c) through (l)
16 as subsections (d) through (m), respectively;

17 (3) by striking “(b) ASSIGNMENT OF LOAN
18 GUARANTEES.—” and inserting “(c) ASSIGNMENT
19 OF LOAN GUARANTEES.—”;

20 (4) in subsection (d), as redesignated—

21 (A) in paragraph (1), by striking “; and”
22 and inserting a semicolon;

23 (B) in paragraph (2), by striking the pe-
24 riod at the end and inserting “; and”; and

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

1 “(3) the modification cost has been covered
2 under section 502(f).”; and

3 (5) by amending subsection (l), as redesignated,
4 to read as follows:

5 “(1) CHARGES AND LOAN SERVICING.—

6 “(1) PURPOSES.—The Secretary may collect
7 and spend from each applicant, obligor, or loan
8 party a reasonable charge for—

9 “(A) the cost of evaluating the application,
10 amendments, modifications, and waivers, in-
11 cluding for evaluating project viability, appli-
12 cant creditworthiness, and the appraisal of the
13 value of the equipment or facilities for which
14 the direct loan or loan guarantee is sought, and
15 for making necessary determinations and find-
16 ings;

17 “(B) the cost of award management and
18 project management oversight;

19 “(C) the cost of services from expert firms,
20 including counsel, and independent financial ad-
21 visors to assist in the underwriting, auditing,
22 servicing, and exercise of rights with respect to
23 direct loans and loan guarantees; and

24 “(D) the cost of all other expenses in-
25 curred as a result of a breach of any term or

1 condition or any event of default on a direct
2 loan or loan guarantee.

3 “(2) STANDARDS.—The Secretary may charge
4 different amounts under this subsection based on the
5 different costs incurred under paragraph (1).

6 “(3) SERVICER.—

7 “(A) IN GENERAL.—The Secretary may
8 appoint a financial entity to assist the Secretary
9 in servicing a direct loan or loan guarantee
10 under this section.

11 “(B) DUTIES.—A servicer appointed under
12 subparagraph (A) shall act as the agent of the
13 Secretary in serving a direct loan or loan guar-
14 antee under this section.

15 “(C) FEES.—A servicer appointed under
16 subparagraph (A) shall receive a servicing fee
17 from the obligor or other loan party, subject to
18 approval by the Secretary.

19 “(4) USE OF OTHER FEDERAL FUNDS.—Not-
20 withstanding any other provision of law, an appli-
21 cant may use grants under chapter 244 of title 49,
22 United States Code, to pay any charge under this
23 subsection.

24 “(5) SAFETY AND OPERATIONS ACCOUNT.—
25 Amounts collected under this subsection shall—

1 “(A) be credited directly to the Safety and
2 Operations account of the Federal Railroad Ad-
3 ministration; and

4 “(B) remain available until expended to
5 pay for the costs described in this subsection.”.

6 **SEC. 5606. LOAN TERMS AND REPAYMENT.**

7 (a) **PREREQUISITES FOR ASSISTANCE.**—Section
8 502(g)(1) (45 U.S.C. 822(g)(1)) is amended by striking
9 “35 years from the date of its execution” and inserting
10 “the lesser of 35 years after the date of substantial com-
11 pletion of the project or the estimated useful life of the
12 rail equipment or facilities to be acquired, rehabilitated,
13 improved, developed, or established”.

14 (b) **REPAYMENT SCHEDULES.**—Section 502(j) (45
15 U.S.C. 822(j)) is amended—

16 (1) in paragraph (1), by striking “the sixth an-
17 niversary date of the original loan disbursement”
18 and inserting “5 years after the date of substantial
19 completion”; and

20 (2) by adding at the end the following:

21 “(3) **DEFERRED PAYMENTS.**—

22 “(A) **IN GENERAL.**—If at any time after
23 the date of substantial completion the project is
24 unable to generate sufficient revenues to pay
25 the scheduled loan repayments of principal and

1 interest on the direct loan, the Secretary, sub-
2 ject to subparagraph (B), may allow, for a max-
3 imum aggregate time of 1 year over the dura-
4 tion of the direct loan, the obligor to add un-
5 paid principal and interest to the outstanding
6 balance of the direct loan.

7 “(B) INTEREST.—A payment deferred
8 under subparagraph (A) shall—

9 “(i) continue to accrue interest under
10 paragraph (2) until the loan is fully repaid;
11 and

12 “(ii) be scheduled to be amortized
13 over the remaining term of the loan.

14 “(4) PREPAYMENTS.—

15 “(A) USE OF EXCESS REVENUES.—Any
16 excess revenues that remain after satisfying
17 scheduled debt service requirements on the
18 project obligations and direct loan and all de-
19 posit requirements under the terms of any trust
20 agreement, bond resolution, or similar agree-
21 ment securing project obligations may be ap-
22 plied annually to prepay the direct loan without
23 penalty.

24 “(B) USE OF PROCEEDS OF REFI-
25 NANCING.—The direct loan may be prepaid at

1 any time without penalty from the proceeds of
2 refinancing from non-Federal funding
3 sources.”.

4 (c) SALE OF DIRECT LOANS.—Section 502 (45
5 U.S.C. 822) is amended by adding at the end the fol-
6 lowing:

7 “(k) SALE OF DIRECT LOANS.—

8 “(1) IN GENERAL.—Subject to paragraph (2)
9 and as soon as practicable after substantial comple-
10 tion of a project, the Secretary, after notifying the
11 obligor, may sell to another entity or reoffer into the
12 capital markets a direct loan for the project if the
13 Secretary determines that the sale or reoffering has
14 a high probability of being made on favorable terms.

15 “(2) CONSENT OF OBLIGOR.—In making a sale
16 or reoffering under paragraph (1), the Secretary
17 may not change the original terms and conditions of
18 the secured loan without the prior written consent of
19 the obligor”.

20 (d) NONSUBORDINATION.—Section 502 (45 U.S.C.
21 822), as amended in subsection (c), is further amended
22 by adding at the end the following:

23 “(l) NONSUBORDINATION.—

24 “(1) IN GENERAL.—Except as provided in para-
25 graph (2)(B), a direct loan shall not be subordinated

1 to the claims of any holder of project obligations in
2 the event of bankruptcy, insolvency, or liquidation of
3 the obligor.

4 “(2) PREEXISTING INDENTURES.—

5 “(A) IN GENERAL.—The Secretary may
6 waive the requirement under paragraph (1) for
7 a public agency borrower that is financing on-
8 going capital programs and has outstanding
9 senior bonds under a preexisting indenture if—

10 “(i) the direct loan is rated in the A
11 category or higher;

12 “(ii) the direct loan is secured and
13 payable from pledged revenues not affected
14 by project performance, such as a tax-
15 based revenue pledge or a system-backed
16 pledge of project revenues; and

17 “(iii) the program share, under this
18 title, of eligible project costs is 50 percent
19 or less.

20 “(B) LIMITATION.—The Secretary may
21 impose limitations for the waiver of the non-
22 subordination requirement under this para-
23 graph if the Secretary determines that such
24 limitations would be in the financial interest of
25 the Federal Government.”.

1 **SEC. 5607. CREDIT RISK PREMIUMS.**

2 Section 502(f) (45 U.S.C. 822(f)) is amended—

3 (1) in paragraph (1), by amending the first sen-
4 tence to read as follows: “In lieu of or in combina-
5 tion with appropriations of budget authority to cover
6 the costs of direct loans and loan guarantees as re-
7 quired under section 504(b)(1) of the Federal Credit
8 Reform Act of 1990 (2 U.S.C. 661c(b)(1)), includ-
9 ing the cost of a modification thereof, the Secretary
10 may accept on behalf of an applicant for assistance
11 under this section a commitment from a non-Federal
12 source, including a State or local government or
13 agency or public benefit corporation or public au-
14 thority thereof, to fund in whole or in part credit
15 risk premiums and modification costs with respect to
16 the loan that is the subject of the application or
17 modification.”;

18 (2) in paragraph (2)—

19 (A) in subparagraph (D), by adding “and”
20 after the semicolon;

21 (B) by striking subparagraph (E); and

22 (C) by redesignating subparagraph (F) as
23 subparagraph (E);

24 (3) by striking paragraph (4);

25 (4) by redesignating paragraph (3) as para-
26 graph (4);

1 (5) by inserting after paragraph (2) the fol-
2 lowing:

3 “(3) CREDITWORTHINESS.—An applicant may
4 propose and the Secretary may accept as a basis for
5 determining the amount of the credit risk premium
6 under paragraph (2) any of the following in addition
7 to the value of any tangible asset:

8 “(A) The net present value of a future
9 stream of State or local subsidy income or other
10 dedicated revenues to secure the direct loan or
11 loan guarantee.

12 “(B) Adequate coverage requirements to
13 ensure repayment, on a non-recourse basis,
14 from cash flows generated by the project or any
15 other dedicated revenue source, including—

16 “(i) tolls;

17 “(ii) user fees; or

18 “(iii) payments owing to the obligor
19 under a public-private partnership.

20 “(C) An investment-grade rating on the di-
21 rect loan or loan guarantee, as applicable, ex-
22 cept that if the total amount of the direct loan
23 or loan guarantee is greater than \$75,000,000,
24 the applicant shall have an investment-grade

1 rating from at least 2 rating agencies on the di-
2 rect loan or loan guarantee.”;

3 (6) in paragraph (4), as redesignated, by strik-
4 ing “amounts” and inserting “amounts (and in the
5 case of a modification, before the modification is ex-
6 ecuted), to the extent appropriations are not avail-
7 able to the Secretary to meet the costs of direct
8 loans and loan guarantees, including costs of modi-
9 fications thereof”; and

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

11 “(5) 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 part or all of a credit
15 risk premium or modification cost under this sub-
16 section.”.

17 **SEC. 5608. MASTER CREDIT AGREEMENTS.**

18 Section 502 (45 U.S.C. 822), as amended by sub-
19 sections (c) and (d) of section 5606 of this Act, is further
20 amended by adding at the end the following:

21 “(m) MASTER CREDIT AGREEMENTS.—

22 “(1) IN GENERAL.—Subject to section 502(d)
23 and paragraph (2) of this subsection, the Secretary
24 may enter into a master credit agreement that pro-
25 vides for all of the conditions for the provision of a

1 direct loan or loan guarantee, as applicable, under
2 this title and other applicable requirements to be
3 satisfied prior to the issuance of the direct loan or
4 loan guarantee.

5 “(2) CONDITIONS.—Each master credit agree-
6 ment shall—

7 “(A) establish the maximum amount and
8 general terms and conditions of each applicable
9 direct loan or loan guarantee;

10 “(B) identify 1 or more dedicated non-
11 Federal revenue sources that will secure the re-
12 payment of each applicable direct loan or loan
13 guarantee;

14 “(C) provide for the obligation of funds for
15 the direct loans or loan guarantees after all re-
16 quirements have been met for the projects sub-
17 ject to the master credit agreement; and

18 “(D) provide 1 or more dates, as deter-
19 mined by the Secretary, before which the mas-
20 ter credit agreement results in each of the di-
21 rect loans or loan guarantees or in the release
22 of the master credit agreement.”.

23 **SEC. 5609. PRIORITIES AND CONDITIONS.**

24 (a) PRIORITY PROJECTS.—Section 502(c) (45 U.S.C.
25 822(c)) is amended—

1 (1) in paragraph (1), by inserting “, including
2 projects for the installation of a positive train con-
3 trol system (as defined in section 20157(i) of title
4 49, United States Code)” after “public safety”;

5 (2) by redesignating paragraphs (2) and (3) as
6 paragraphs (3) and (2), respectively;

7 (3) in paragraph (5), by inserting “or chapter
8 227 of title 49” after “section 135 of title 23”;

9 (4) by redesignating paragraphs (6) through
10 (8) as paragraphs (7) through (9), respectively; and

11 (5) by inserting after paragraph (5) the fol-
12 lowing:

13 “(6) improve railroad stations and passenger
14 facilities and increase transit-oriented develop-
15 ment;”.

16 (b) CONDITIONS OF ASSISTANCE.—Section 502(h)
17 (45 U.S.C. 822(h)) is amended—

18 (1) in paragraph (2), by inserting “, if applica-
19 ble” after “project”; and

20 (2) by adding at the end the following:

21 “(4) For a project described in subsection
22 (b)(1)(E), the Secretary shall require the applicant,
23 obligor, or other loan party, in addition to the inter-
24 est required under subsection (e), to provide the
25 sponsor of the intercity passenger rail service or its

1 designee, a fee or payment in an amount determined
2 appropriate by the Secretary to provide an equitable
3 share of project revenue to support the capital or op-
4 erating costs of the routes serving the passenger rail
5 station or multimodal station where the development
6 is located.”.

7 **SEC. 5610. SAVINGS PROVISION.**

8 (a) IN GENERAL.—Except as provided in subsection
9 (b), this subtitle, and the amendments made by this sub-
10 title, shall not affect any direct loan (or direct loan obliga-
11 tion) or an outstanding loan guarantee (or loan guarantee
12 commitment) that was in effect prior to the date of enact-
13 ment of this Act. Any such transaction entered into before
14 the date of enactment of this Act shall be administered
15 until completion under its terms as if this Act were not
16 enacted.

17 (b) MODIFICATION COSTS.—At the discretion of the
18 Secretary, the authority to accept modification costs on
19 behalf of an applicant under section 502(f) of the Railroad
20 Revitalization and Regulatory Reform Act of 1976 (45
21 U.S.C. 822(f)), as amended by section 5607 of this Act,
22 may apply with respect to any direct loan (or direct loan
23 obligation) or an outstanding loan guarantee (or loan
24 guarantee commitment) that was in effect prior to the
25 date of enactment of this Act.