

Calendar No. 779

110TH CONGRESS
2D SESSION

H. R. 6003

IN THE SENATE OF THE UNITED STATES

JUNE 12, 2008

Received; read twice and placed on the calendar

AN ACT

To reauthorize Amtrak, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Passenger Rail Invest-
5 ment and Improvement Act of 2008”.

6 **SEC. 2. AMENDMENT OF TITLE 49, UNITED STATES CODE.**

7 Except as otherwise specifically provided, whenever in
8 this Act an amendment is expressed in terms of an amend-
9 ment to a section or other provision of law, the reference
10 shall be considered to be made to a section or other provi-
11 sion of title 49, United States Code.

1 SEC. 3. TABLE OF CONTENTS.

2 The table of contents for this Act is as follows:

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- Sec. 2. Amendment of title 49, United States Code.
- Sec. 3. Table of contents.

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1 **TITLE I—AUTHORIZATIONS**2 **SEC. 101. AUTHORIZATION FOR AMTRAK CAPITAL AND OP-
3 ERATING EXPENSES AND STATE CAPITAL
4 GRANTS.**

5 (a) OPERATING GRANTS.—There are authorized to
6 be appropriated to the Secretary of Transportation for the
7 use of Amtrak for operating costs the following amounts:
8 (1) For fiscal year 2009, \$525,000,000.
9 (2) For fiscal year 2010, \$600,000,000.
10 (3) For fiscal year 2011, \$614,000,000.
11 (4) For fiscal year 2012, \$638,000,000.
12 (5) For fiscal year 2013, \$654,000,000.

13 (b) INSPECTOR GENERAL.—Out of the amounts au-
14 thorized under subsection (a), there are authorized to be
15 appropriated to the Secretary of Transportation for the
16 Office of the Inspector General of Amtrak the following
17 amounts:

18 (1) For fiscal year 2009, \$20,368,900.
19 (2) For fiscal year 2010, \$22,586,000.
20 (3) For fiscal year 2011, \$24,337,000.

1 (4) For fiscal year 2012, \$26,236,000.

2 (5) For fiscal year 2013, \$28,287,000.

3 (c) ACCESSIBILITY IMPROVEMENTS AND BARRIER
4 REMOVAL FOR PEOPLE WITH DISABILITIES.—There are
5 authorized to be appropriated to the Secretary of Trans-
6 portation for the use of Amtrak to improve the accessi-
7 bility of facilities, including rail platforms, and services the
8 following amounts:

9 (1) For fiscal year 2009, \$68,500,000.

10 (2) For fiscal year 2010, \$240,000,000.

11 (3) For fiscal year 2011, \$240,000,000.

12 (4) For fiscal year 2012, \$240,000,000.

13 (5) For fiscal year 2013, \$240,000,000.

14 (d) CAPITAL GRANTS.—There are authorized to be
15 appropriated to the Secretary of Transportation for the
16 use of Amtrak for capital projects (as defined in subpara-
17 graphs (A) and (B) of section 24401(2) of title 49, United
18 States Code) to bring the Northeast Corridor (as defined
19 in section 24102(a)) to a state-of-good-repair, for capital
20 expenses of the national rail passenger transportation sys-
21 tem, and for purposes of making capital grants under sec-
22 tion 24402 of that title to States, the following amounts:

23 (1) For fiscal year 2009, \$1,202,000,000.

24 (2) For fiscal year 2010, \$1,321,000,000.

25 (3) For fiscal year 2011, \$1,321,000,000.

1 (4) For fiscal year 2012, \$1,427,000,000.

2 (5) For fiscal year 2013, \$1,427,000,000.

3 (e) AMOUNTS FOR STATE GRANTS.—Out of the
4 amounts authorized under subsection (d), the following
5 percentage shall be available each fiscal year for capital
6 grants to States under section 24402 of title 49, United
7 States Code, to be administered by the Secretary of Trans-
8 portation:

9 (1) 41.60 percent for fiscal year 2009.

10 (2) 38 percent for fiscal year 2010.

11 (3) 38 percent for fiscal year 2011.

12 (4) 35 percent for fiscal year 2012.

13 (5) 35 percent for fiscal year 2013.

14 (f) PROJECT MANAGEMENT OVERSIGHT.—The Sec-
15 retary may withhold up to ½ of 1 percent of amounts
16 appropriated pursuant to subsection (d) for the costs of
17 project management oversight of capital projects carried
18 out by Amtrak.

19 SEC. 102. REPAYMENT OF LONG-TERM DEBT AND CAPITAL

20 LEASES.

21 (a) AMTRAK PRINCIPAL AND INTEREST PAY-
22 MENTS.—

1 trak for retirement of principal and payment of in-
2 terest on loans for capital equipment, or capital
3 leases, not more than the following amounts:

4 (A) For fiscal year 2009, \$345,000,000.
5 (B) For fiscal year 2010, \$345,000,000.
6 (C) For fiscal year 2011, \$345,000,000.
7 (D) For fiscal year 2012, \$345,000,000.
8 (E) For fiscal year 2013, \$345,000,000.

9 (2) EARLY BUYOUT OPTION.—There are au-
10 thorized to be appropriated to the Secretary of
11 Transportation such sums as may be necessary for
12 the use of Amtrak for the payment of costs associ-
13 ated with early buyout options if the exercise of
14 those options is determined to be advantageous to
15 Amtrak.

16 (3) LEGAL EFFECT OF PAYMENTS UNDER THIS
17 SECTION.—The payment of principal and interest on
18 secured debt, with the proceeds of grants authorized
19 by this section shall not—

20 (A) modify the extent or nature of any in-
21 debtedness of the National Railroad Passenger
22 Corporation to the United States in existence of
23 the date of enactment of this Act;
24 (B) change the private nature of Amtrak's
25 or its successors' liabilities; or

1 (C) imply any Federal guarantee or com-
2 mitment to amortize Amtrak's outstanding in-
3 debtiness.

4 SEC. 103. OTHER AUTHORIZATIONS.

5 There are authorized to be appropriated to the Sec-
6 retary of Transportation—

21 SEC. 104. TUNNEL PROJECT.

22 (a) NEW TUNNEL ALIGNMENT AND ENVIRON-
23 MENTAL REVIEW.—Not later than September 30, 2013,
24 the Federal Railroad Administration, working with Am-

1 trak, the City of Baltimore, State of Maryland, and rail
2 operators described in subsection (b), shall—

3 (1) approve a new rail tunnel alignment in Bal-
4 timore that will permit an increase in train speed
5 and service reliability; and

6 (2) ensure completion of the related environ-
7 mental review process.

8 (b) AFFECTED RAIL OPERATORS.—Rail operators
9 other than Amtrak may participate in activities described
10 in subsection (a) to the extent that they can demonstrate
11 the intention and ability to contribute to the construction
12 of the new tunnel.

13 (c) AUTHORIZATION OF APPROPRIATIONS.—There
14 are authorized to be appropriated to the Federal Railroad
15 Administration for carrying out this section \$60,000,000
16 for the period encompassing fiscal years 2009 through
17 2013.

18 SEC. 105. COMPLIANCE WITH IMMIGRATION AND NATION-
19 ALITY ACT.

20 Notwithstanding any other provision of this Act, none
21 of the funds authorized by this Act may be used to employ
22 workers in violation of section 274A of the Immigration
23 and Nationality Act (8 U.S.C. 1324a).

1 SEC. 106. AUTHORIZATION FOR CAPITAL AND PREVENTIVE
2 MAINTENANCE PROJECTS FOR WASHINGTON
3 METROPOLITAN AREA TRANSIT AUTHORITY.

4 (a) AUTHORIZATION.—

16 (2) DEFINITIONS.—In this section—

21 (B) the term “Compact” means the Wash-
22 ington Metropolitan Area Transit Authority
23 Compact (80 Stat. 1324; Public Law 89-774).

24 (b) USE OF FUNDS.—The Federal grants made pur-
25 suant to the authorization under this section shall be sub-
26 ject to the following limitations and conditions:

20 (c) APPLICABILITY OF REQUIREMENTS FOR MASS
21 TRANSPORTATION CAPITAL PROJECTS RECEIVING FUNDS
22 UNDER FEDERAL TRANSPORTATION LAW.—Except as
23 specifically provided in this section, the use of any
24 amounts appropriated pursuant to the authorization under
25 this section shall be subject to the requirements applicable

1 to capital projects for which funds are provided under
2 chapter 53 of title 49, United States Code, except to the
3 extent that the Secretary of Transportation determines
4 that the requirements are inconsistent with the purposes
5 of this section.

6 (d) AMENDMENTS TO COMPACT.—No amounts may
7 be provided to the Transit Authority pursuant to the au-
8 thorization under this section until the Transit Authority
9 notifies the Secretary of Transportation that each of the
10 following amendments to the Compact (and any further
11 amendments which may be required to implement such
12 amendments) have taken effect:

13 (1)(A) An amendment requiring that all pay-
14 ments by the local signatory governments for the
15 Transit Authority for the purpose of matching any
16 Federal funds appropriated in any given year au-
17 thorized under subsection (a) for the cost of oper-
18 ating and maintaining the adopted regional system
19 are made from amounts derived from dedicated
20 funding sources.

21 (B) For purposes of this paragraph, the term
22 “dedicated funding source” means any source of
23 funding which is earmarked or required under State
24 or local law to be used to match Federal appropria-

1 tions authorized under this Act for payments to the
2 Transit Authority.

3 (2) An amendment establishing an Office of the
4 Inspector General of the Transit Authority.

5 (3) An amendment expanding the Board of Di-
6 rectors of the Transit Authority to include 4 addi-
7 tional Directors appointed by the Administrator of
8 General Services, of whom 2 shall be nonvoting and
9 2 shall be voting, and requiring one of the voting
10 members so appointed to be a regular passenger and
11 customer of the bus or rail service of the Transit
12 Authority.

13 (e) ACCESS TO WIRELESS SERVICE IN METRORAIL
14 SYSTEM.—

15 (1) REQUIRING TRANSIT AUTHORITY TO PRO-
16 VIDE ACCESS TO SERVICE.—No amounts may be
17 provided to the Transit Authority pursuant to the
18 authorization under this section unless the Transit
19 Authority ensures that customers of the rail service
20 of the Transit Authority have access within the rail
21 system to services provided by any licensed wireless
22 provider that notifies the Transit Authority (in ac-
23 cordance with such procedures as the Transit Au-
24 thority may adopt) of its intent to offer service to

1 the public, in accordance with the following time-
2 table:

3 (A) Not later than 1 year after the date of
4 the enactment of this Act, in the 20 under-
5 ground rail station platforms with the highest
6 volume of passenger traffic.

7 (B) Not later than 4 years after such date,
8 throughout the rail system.

9 (2) ACCESS OF WIRELESS PROVIDERS TO SYS-
10 TEM FOR UPGRADES AND MAINTENANCE.—No
11 amounts may be provided to the Transit Authority
12 pursuant to the authorization under this section un-
13 less the Transit Authority ensures that each licensed
14 wireless provider who provides service to the public
15 within the rail system pursuant to paragraph (1) has
16 access to the system on an ongoing basis (subject to
17 such restrictions as the Transit Authority may im-
18 pose to ensure that such access will not unduly im-
19 pact rail operations or threaten the safety of cus-
20 tomers or employees of the rail system) to carry out
21 emergency repairs, routine maintenance, and up-
22 grades to the service.

23 (3) PERMITTING REASONABLE AND CUSTOMARY
24 CHARGES.—Nothing in this subsection may be con-
25 strued to prohibit the Transit Authority from requir-

1 ing a licensed wireless provider to pay reasonable
2 and customary charges for access granted under this
3 subsection.

4 (4) REPORTS.—Not later than 1 year after the
5 date of the enactment of this Act, and each of the
6 3 years thereafter, the Transit Authority shall sub-
7 mit to the Committee on Oversight and Government
8 Reform of the House of Representatives and the
9 Committee on Homeland Security and Governmental
10 Affairs of the Senate a report on the implementation
11 of this subsection.

12 (5) DEFINITION.—In this subsection, the term
13 “licensed wireless provider” means any provider of
14 wireless services who is operating pursuant to a Fed-
15 eral license to offer such services to the public for
16 profit.

17 (f) AMOUNT.—There are authorized to be appro-
18 priated to the Secretary of Transportation for grants
19 under this section an aggregate amount not to exceed
20 \$1,500,000,000 to be available in increments over 10 fis-
21 cal years beginning in fiscal year 2009, or until expended.

22 (g) AVAILABILITY.—Amounts appropriated pursuant
23 to the authorization under this section shall remain avail-
24 able until expended.

1 **TITLE II—AMTRAK REFORM AND**
2 **OPERATIONAL IMPROVEMENTS**

3 **SEC. 201. NATIONAL RAILROAD PASSENGER TRANSPOR-**
4 **TATION SYSTEM DEFINED.**

5 (a) IN GENERAL.—Section 24102 is amended—
6 (1) by striking paragraph (2);
7 (2) by redesignating paragraphs (3), (4), and
8 (5) as paragraphs (2), (3), and (4), respectively; and
9 (3) by inserting after paragraph (4) as so re-
10 designated the following:

11 “(5) ‘national rail passenger transportation sys-
12 tem’ means—

13 “(A) the segment of the Northeast Cor-
14 ridor between Boston, Massachusetts and
15 Washington, DC;

16 “(B) rail corridors that have been des-
17 ignated by the Secretary of Transportation as
18 high-speed corridors (other than corridors de-
19 scribed in subparagraph (A)), but only after
20 they have been improved to permit operation of
21 high-speed service;

22 “(C) long distance routes of more than
23 750 miles between endpoints operated by Am-
24 trak as of the date of enactment of the Pas-

1 senger Rail Investment and Improvement Act of
2 2008; and

3 “(D) short-distance corridors, or routes of
4 not more than 750 miles between endpoints, op-
5 erated by—

6 “(i) Amtrak; or
7 “(ii) another rail carrier that receives
8 funds under chapter 244.”.

9 (b) AMTRAK ROUTES WITH STATE FUNDING.—

10 (1) IN GENERAL.—Chapter 247 is amended by
11 inserting after section 24701 the following:

12 **“§ 24702. Transportation requested by States, au-**
13 **thorities, and other persons**

14 “(a) CONTRACTS FOR TRANSPORTATION.—Amtrak
15 may enter into a contract with a State, a regional or local
16 authority, or another person for Amtrak to operate an
17 intercity rail service or route not included in the national
18 rail passenger transportation system upon such terms as
19 the parties thereto may agree.

20 “(b) DISCONTINUANCE.—Upon termination of a con-
21 tract entered into under this section, or the cessation of
22 financial support under such a contract by either party,
23 Amtrak may discontinue such service or route, notwith-
24 standing any other provision of law.”.

“24702. Transportation requested by States, authorities, and other persons.”.

5 (c) AMTRAK TO CONTINUE TO PROVIDE NON-HIGH-
6 SPEED SERVICES.—Nothing in this Act is intended to pre-
7 clude Amtrak from restoring, improving, or developing
8 non-high-speed intercity passenger rail service.

9 (d) APPLICABILITY OF SECTION 24706.—Section
10 24706 is amended by adding at the end the following:

11 “(c) APPLICABILITY.—This section applies to all
12 service over routes provided by Amtrak, notwithstanding
13 any provision of section 24701 of this title or any other
14 provision of this title except section 24702(b).”.

15 SEC. 202. AMTRAK BOARD OF DIRECTORS.

16 (a) IN GENERAL.—Section 24302 is amended to read
17 as follows:

18 “§ 24302. Board of Directors

19 "(a) COMPOSITION AND TERMS.—

20 “(1) The Board of Directors of Amtrak is com-
21 posed of the following 10 directors, each of whom
22 must be a citizen of the United States:

23 “(A) The Secretary of Transportation.

24 “(B) The President of Amtrak, who shall
25 serve ex officio, as a non-voting member.

1 “(C) Eight individuals appointed by the
2 President of the United States, by and with the
3 advice and consent of the Senate, with general
4 business and financial experience, experience or
5 qualifications in transportation, freight and
6 passenger rail transportation, travel, hospi-
7 tality, cruise line, and passenger air transpor-
8 tation businesses, or representatives of employ-
9 ees or users of passenger rail transportation or
10 a State government.

11 “(2) In selecting individuals described in para-
12 graph (1) for nominations for appointments to the
13 Board, the President shall consult with the Speaker
14 of the House of Representatives, the minority leader
15 of the House of Representatives, the majority leader
16 of the Senate, and the minority leader of the Senate
17 and try to provide adequate and balanced repres-
18 tation of the major geographic regions of the United
19 States served by Amtrak.

20 “(3) An individual appointed under paragraph
21 (1)(C) of this subsection serves for 5 years or until
22 the individual's successor is appointed and qualified.
23 Not more than 5 individuals appointed under para-
24 graph (1)(C) may be members of the same political
25 party.

1 “(4) The Board shall elect a chairman and a
2 vice chairman from among its membership. The vice
3 chairman shall serve as chairman in the absence of
4 the chairman.

5 “(5) The Secretary may be represented at
6 board meetings by the Secretary's designee.

7 “(b) PAY AND EXPENSES.—Each director not em-
8 ployed by the United States Government is entitled to
9 \$300 a day when performing Board duties. Each Director
10 is entitled to reimbursement for necessary travel, reason-
11 able secretarial and professional staff support, and sub-
12 sistence expenses incurred in attending Board meetings.

13 “(c) VACANCIES.—A vacancy on the Board is filled
14 in the same way as the original selection, except that an
15 individual appointed by the President of the United States
16 under subsection (a)(1)(C) of this section to fill a vacancy
17 occurring before the end of the term for which the prede-
18 cessor of that individual was appointed is appointed for
19 the remainder of that term. A vacancy required to be filled
20 by appointment under subsection (a)(1)(C) must be filled
21 not later than 120 days after the vacancy occurs.

22 “(d) QUORUM.—A majority of the members serving
23 shall constitute a quorum for doing business.

24 “(e) BYLAWS.—The Board may adopt and amend by-
25 laws governing the operation of Amtrak. The bylaws shall

1 be consistent with this part and the articles of incorpora-
2 tion.”.

3 (b) EFFECTIVE DATE FOR DIRECTORS' PROVI-
4 SION.—The amendment made by subsection (a) shall take
5 effect 6 months after the date of enactment of this Act.
6 The members of the Amtrak Board serving on the date
7 of enactment of this Act may continue to serve for the
8 remainder of the term to which they were appointed.

9 **SEC. 203. ESTABLISHMENT OF IMPROVED FINANCIAL AC-**

10 **COUNTING SYSTEM.**

11 (a) IN GENERAL.—The Amtrak Board of Directors—

12 (1) may employ an independent financial con-
13 sultant with experience in railroad accounting to as-
14 sist Amtrak in improving Amtrak's financial ac-
15 counting and reporting system and practices;

16 (2) shall implement a modern financial account-
17 ing and reporting system not later than 1 year after
18 the date of enactment of this Act; and

19 (3) shall, not later than 90 days after the end
20 of each fiscal year through fiscal year 2013—

21 (A) submit to Congress a comprehensive
22 report that allocates all of Amtrak's revenues
23 and costs to each of its routes, each of its lines
24 of business, and each major activity within each
25 route and line of business activity, including—

10 (b) VERIFICATION OF SYSTEM; REPORT.—The In-
11 spector General of the Department of Transportation shall
12 review the accounting system designed and implemented
13 under subsection (a) to ensure that it accomplishes the
14 purposes for which it is intended. The Inspector General
15 shall report his findings and conclusions, together with
16 any recommendations, to the House of Representatives
17 Committee on Transportation and Infrastructure and the
18 Senate Committee on Commerce, Science, and Transpor-
19 tation.

20 (c) CATEGORIZATION OF REVENUES AND EX-
21 PENSES.—

22 (1) IN GENERAL.—In carrying out subsection
23 (a), the Amtrak Board of Directors shall separately
24 categorize routes, assigned revenues, and attrib-
25 utable expenses by type of service, including long

1 distance routes, State-sponsored routes, commuter
2 contract routes, and Northeast Corridor routes.

3 (2) NORTHEAST CORRIDOR.—Amtrak revenues
4 generated by freight and commuter railroads oper-
5 ating on the Northeast Corridor shall be separately
6 listed to include the charges per car mile assessed by
7 Amtrak to other freight and commuter railroad enti-
8 ties.

9 (3) FIXED OVERHEAD EXPENSES.—Fixed over-
10 head expenses that are not directly assigned or at-
11 tributed to any route (or group of routes) shall be
12 listed separately by line item and expense category.

13 **SEC. 204. DEVELOPMENT OF 5-YEAR FINANCIAL PLAN.**

14 (a) DEVELOPMENT OF 5-YEAR FINANCIAL PLAN.—
15 The Amtrak Board of Directors shall submit an annual
16 budget and business plan for Amtrak, and a 5-year finan-
17 cial plan for the fiscal year to which that budget and busi-
18 ness plan relate and the subsequent 4 years, prepared in
19 accordance with this section, to the Secretary of Transpor-
20 tation and the Inspector General of the Department of
21 Transportation no later than—

22 (1) the first day of each fiscal year beginning
23 after the date of enactment of this Act; or

4 (b) CONTENTS OF 5-YEAR FINANCIAL PLAN.—The
5 5-year financial plan for Amtrak shall include, at a min-
6 imum—

7 (1) all projected revenues and expenditures for
8 Amtrak, including governmental funding sources;

11 (3) revenue and expenditure forecasts for non-
12 passenger operations;

21 (6) projected capital and operating require-
22 ments, ridership, and revenue for any new passenger
23 service operations or service expansions;

24 (7) an assessment of the continuing financial
25 stability of Amtrak, such as Amtrak's ability to effi-

1 ciently manage its workforce, and Amtrak's ability
2 to effectively provide passenger train service;

3 (8) estimates of long-term and short-term debt
4 and associated principal and interest payments (both
5 current and anticipated);

6 (9) annual cash flow forecasts;

7 (10) a statement describing methods of esti-
8 mation and significant assumptions;

9 (11) specific measures that demonstrate meas-
10 urable improvement year over year in the financial
11 results of Amtrak's operations;

12 (12) prior fiscal year and projected operating
13 ratio, cash operating loss, and cash operating loss
14 per passenger on a route, business line, and cor-
15 porate basis;

16 (13) prior fiscal year and projected specific
17 costs and savings estimates resulting from reform
18 initiatives;

19 (14) prior fiscal year and projected labor pro-
20 ductivity statistics on a route, business line, and cor-
21 porate basis; and

22 (15) prior fiscal year and projected equipment
23 reliability statistics.

1 (c) STANDARDS TO PROMOTE FINANCIAL STA-
2 BILITY.—In meeting the requirements of subsection (b),
3 Amtrak shall—

4 (1) apply sound budgetary practices, including
5 reducing costs and other expenditures, improving
6 productivity, increasing revenues, or combinations of
7 such practices;

8 (2) use the categories specified in the financial
9 accounting and reporting system developed under
10 section 203 when preparing its 5-year financial plan;
11 and

12 (3) ensure that the plan is consistent with the
13 authorizations of appropriations under title I of this
14 Act.

15 **SEC. 205. ESTABLISHMENT OF GRANT PROCESS.**

16 (a) GRANT REQUESTS.—Amtrak shall submit grant
17 requests (including a schedule for the disbursement of
18 funds), consistent with the requirements of this Act, to
19 the Secretary of Transportation for funds authorized to
20 be appropriated to the Secretary for the use of Amtrak
21 under sections 101(a), (c), and (d), 102, and 103(2) of
22 this Act.

23 (b) PROCEDURES FOR GRANT REQUESTS.—The Sec-
24 retary shall establish substantive and procedural require-
25 ments, including schedules, for grant requests under this

1 section not later than 30 days after the date of enactment
2 of this Act and shall transmit copies to the Committee
3 on Transportation and Infrastructure of the House of
4 Representatives and the Committee on Commerce,
5 Science, and Transportation of the Senate.

6 (c) REVIEW AND APPROVAL.—

7 (1) 30-DAY APPROVAL PROCESS.—The Sec-
8 retary shall complete the review of a complete grant
9 request (including the disbursement schedule) and
10 approve or disapprove the request within 30 days
11 after the date on which Amtrak submits the grant
12 request. If the Secretary disapproves the request or
13 determines that the request is incomplete or defi-
14 cient, the Secretary shall include the reason for dis-
15 approval or the incomplete items or deficiencies in
16 the notice to Amtrak.

17 (2) 15-DAY MODIFICATION PERIOD.—Within 15
18 days after receiving notification from the Secretary
19 under the preceding sentence, Amtrak shall submit
20 a modified request for the Secretary's review.

21 (3) REVISED REQUESTS.—Within 15 days after
22 receiving a modified request from Amtrak, the Sec-
23 retary shall either approve the modified request, or,
24 if the Secretary finds that the request is still incom-
25 plete or deficient, the Secretary shall identify in

1 writing to the House of Representatives Committee
2 on Transportation and Infrastructure and the Sen-
3 ate Committee on Commerce, Science, and Trans-
4 portation the remaining deficiencies and recommend
5 a process for resolving the outstanding portions of
6 the request.

7 **SEC. 206. STATE-SUPPORTED ROUTES.**

8 (a) IN GENERAL.—Within 2 years after the date of
9 enactment of this Act, the Board of Directors of Amtrak,
10 in consultation with the Secretary of Transportation and
11 the governors of each relevant State and the Mayor of the
12 District of Columbia or groups representing those officials,
13 shall develop and implement a single, Nationwide stand-
14 ardized methodology for establishing and allocating the
15 operating and capital costs among the States and Amtrak
16 associated with trains operated on routes described in sec-
17 tion 24102(5)(B) or (D) or section 24702 that—

18 (1) ensures, within 5 years after the date of en-
19 actment of this Act, equal treatment in the provision
20 of like services of all States and groups of States
21 (including the District of Columbia); and

22 (2) allocates to each route the costs incurred
23 only for the benefit of that route and a propor-
24 tionate share, based upon factors that reasonably re-

1 flect relative use, of costs incurred for the common
2 benefit of more than 1 route.

3 (b) REVIEW.—If Amtrak and the States (including
4 the District of Columbia) in which Amtrak operates such
5 routes do not voluntarily adopt and implement the meth-
6 odology developed under subsection (a) in allocating costs
7 and determining compensation for the provision of service
8 in accordance with the date established therein, the Sur-
9 face Transportation Board shall determine the appro-
10 priate methodology required under subsection (a) for such
11 services in accordance with the procedures and procedural
12 schedule applicable to a proceeding under section 24904(c)
13 of title 49, United States Code, and require the full imple-
14 mentation of this methodology with regards to the provi-
15 sion of such service within 1 year after the Board's deter-
16 mination of the appropriate methodology.

17 (c) USE OF CHAPTER 244 FUNDS.—Funds provided
18 to a State under chapter 244 of title 49, United States
19 Code, may be used, as provided in that chapter, to pay
20 capital costs determined in accordance with this section.

21 **SEC. 207. METRICS AND STANDARDS.**

22 (a) IN GENERAL.—Within 180 days after the date
23 of enactment of this Act, the Administrator of the Federal
24 Railroad Administration and Amtrak shall jointly, in con-
25 sultation with the Surface Transportation Board, rail car-

1 riers over whose rail lines Amtrak trains operate, States,
2 Amtrak employees, nonprofit employee organizations rep-
3 resenting Amtrak employees, and groups representing
4 Amtrak passengers, as appropriate, develop new or im-
5 prove existing metrics and minimum standards for meas-
6 uring the performance and service quality of intercity pas-
7 senger train operations, including cost recovery, on-time
8 performance and minutes of delay, ridership, on-board
9 services, stations, facilities, equipment, and other services.
10 Such metrics, at a minimum, shall include the percentage
11 of avoidable and fully allocated operating costs covered by
12 passenger revenues on each route, ridership per train mile
13 operated, measures of on-time performance and delays in-
14 curred by intercity passenger trains on the rail lines of
15 each rail carrier and, for long distance routes, measures
16 of connectivity with other routes in all regions currently
17 receiving Amtrak service and the transportation needs of
18 communities and populations that are not well-served by
19 other forms of public transportation. Amtrak shall provide
20 reasonable access to the Federal Railroad Administration
21 in order to enable the Administration to carry out its duty
22 under this section.

23 (b) QUARTERLY REPORTS.—The Administrator of
24 the Federal Railroad Administration shall collect the nec-
25 essary data and publish a quarterly report on the perform-

1 ance and service quality of intercity passenger train oper-
2 ations, including Amtrak's cost recovery, ridership, on-
3 time performance and minutes of delay, causes of delay,
4 on-board services, stations, facilities, equipment, and other
5 services.

6 (c) CONTRACT WITH HOST RAIL CARRIERS.—To the
7 extent practicable, Amtrak and its host rail carriers shall
8 incorporate the metrics and standards developed under
9 subsection (a) into their access and service agreements.

10 (d) ARBITRATION.—If the development of the metrics
11 and standards is not completed within the 180-day period
12 required by subsection (a), any party involved in the devel-
13 opment of those standards may petition the Surface
14 Transportation Board to appoint an arbitrator to assist
15 the parties in resolving their disputes through binding ar-
16 bitration.

17 **SEC. 208. NORTHEAST CORRIDOR STATE-OF-GOOD-REPAIR**
18 **PLAN.**

19 (a) IN GENERAL.—Within 9 months after the date
20 of enactment of this Act, the National Railroad Passenger
21 Corporation, in consultation with the Secretary and the
22 States (including the District of Columbia) that make up
23 the Northeast Corridor (as defined in section 24102 of
24 title 49, United States Code), shall prepare a capital
25 spending plan for capital projects required to return the

1 railroad right-of-way (including track, signals, and auxil-
2 iary structures), facilities, stations, and equipment, of the
3 Northeast Corridor to a state of good repair by the end
4 of fiscal year 2024, consistent with the funding levels au-
5 thorized in this Act and shall submit the plan to the Sec-
6 retary.

7 (b) APPROVAL BY THE SECRETARY.—

8 (1) The Corporation shall submit the capital
9 spending plan prepared under this section to the
10 Secretary of Transportation for review and approval
11 pursuant to the procedures developed under section
12 205 of this Act.

13 (2) The Secretary of Transportation shall re-
14 quire that the plan be updated at least annually and
15 shall review and approve such updates. During re-
16 view, the Secretary shall seek comments and review
17 from the commission established under section
18 24905 of title 49, United States Code, and other
19 Northeast Corridor users regarding the plan.

20 (3) The Secretary shall make grants to the Cor-
21 poration with funds authorized by section 101(d) of
22 this Act for Northeast Corridor capital investments
23 contained within the capital spending plan prepared
24 by the Corporation and approved by the Secretary.

8 (c) ELIGIBILITY OF EXPENDITURES.—The Federal
9 share of expenditures for capital improvements under this
10 section may not exceed 100 percent.

11 SEC. 209. NORTHEAST CORRIDOR INFRASTRUCTURE AND
12 OPERATIONS IMPROVEMENTS.

13 (a) IN GENERAL.—Section 24905 is amended to read
14 as follows:

17 "(a) NORTHEAST CORRIDOR INFRASTRUCTURE AND
18 OPERATIONS ADVISORY COMMISSION —

19 “(1) Within 180 days after the date of enact-
20 ment of the Passenger Rail Investment and Im-
21 provement Act of 2008, the Secretary of Transpor-
22 tation shall establish a Northeast Corridor Infra-
23 structure and Operations Advisory Commission
24 (hereinafter referred to in this section as the ‘Com-
25 mission’) to promote mutual cooperation and plan-

1 ning pertaining to the rail operations and related ac-
2 tivities of the Northeast Corridor. The Commission
3 shall be made up of—

4 “(A) members representing the National
5 Railroad Passenger Corporation;

6 “(B) members representing the Secretary
7 of Transportation and the Federal Railroad Ad-
8 ministration;

9 “(C) one member from each of the States
10 (including the District of Columbia) that con-
11 stitute the Northeast Corridor as defined in sec-
12 tion 24102, designated by, and serving at the
13 pleasure of, the chief executive officer thereof;
14 and

15 “(D) non-voting representatives of freight
16 railroad carriers using the Northeast Corridor
17 selected by the Secretary.

18 “(2) The Secretary shall ensure that the mem-
19 bership belonging to any of the groups enumerated
20 under subparagraph (1) shall not constitute a major-
21 ity of the commission’s memberships.

22 “(3) The commission shall establish a schedule
23 and location for convening meetings, but shall meet
24 no less than four times per fiscal year, and the com-

1 mission shall develop rules and procedures to govern
2 the commission's proceedings.

3 “(4) A vacancy in the Commission shall be
4 filled in the manner in which the original appoint-
5 ment was made.

6 “(5) Members shall serve without pay but shall
7 receive travel expenses, including per diem in lieu of
8 subsistence, in accordance with sections 5702 and
9 5703 of title 5, United States Code.

10 “(6) The Chairman of the Commission shall be
11 elected by the members.

12 “(7) The Commission may appoint and fix the
13 pay of such personnel as it considers appropriate.

14 “(8) Upon request of the Commission, the head
15 of any department or agency of the United States
16 may detail, on a reimbursable basis, any of the per-
17 sonnel of that department or agency to the Commis-
18 sion to assist it in carrying out its duties under this
19 section.

20 “(9) Upon the request of the Commission, the
21 Administrator of General Services shall provide to
22 the Commission, on a reimbursable basis, the admin-
23 istrative support services necessary for the Commis-
24 sion to carry out its responsibilities under this sec-
25 tion.

1 “(10) The commission shall consult with other
2 entities as appropriate.

3 “(b) GENERAL RECOMMENDATIONS.—The Commis-
4 sion shall develop recommendations concerning Northeast
5 Corridor rail infrastructure and operations including pro-
6 posals addressing, as appropriate—

7 “(1) short-term and long-term capital invest-
8 ment needs beyond the state-of-good-repair under
9 section 208 of the Passenger Rail Investment and
10 Improvement Act of 2008;

11 “(2) future funding requirements for capital
12 improvements and maintenance;

13 “(3) operational improvements of intercity pas-
14 senger rail, commuter rail, and freight rail services;

15 “(4) opportunities for additional non-rail uses
16 of the Northeast Corridor;

17 “(5) scheduling and dispatching;

18 “(6) safety enhancements;

19 “(7) equipment design;

20 “(8) marketing of rail services;

21 “(9) future capacity requirements; and

22 “(10) potential funding and financing mecha-
23 nisms for projects of corridor-wide significance.

24 “(c) ACCESS COSTS.—

1 “(1) DEVELOPMENT OF FORMULA.—Within 1
2 year after verification of Amtrak’s new financial ac-
3 counting system pursuant to section 203(b) of the
4 Passenger Rail Investment and Improvement Act of
5 2008, the Commission shall—

6 “(A) develop a standardized formula for
7 determining and allocating costs, revenues, and
8 compensation for Northeast Corridor commuter
9 rail passenger transportation, as defined in sec-
10 tion 24102 of this title, that use National Rail-
11 road Passenger Corporation facilities or services
12 or that provide such facilities or services to the
13 National Railroad Passenger Corporation that
14 ensure that—

15 “(i) there is no cross-subsidization of
16 commuter rail passenger, intercity rail pas-
17 senger, or freight rail transportation;

18 “(ii) each service is assigned the costs
19 incurred only for the benefit of that serv-
20 ice, and a proportionate share, based upon
21 factors that reasonably reflect relative use,
22 of costs incurred for the common benefit of
23 more than 1 service; and

24 “(iii) all financial contributions made
25 by an operator of a service, including but

1 not limited to, for any capital infrastruc-
2 ture investments, as well as for any in-kind
3 services, are considered;

4 “(B) develop a proposed timetable for im-
5 plementing the formula before the end of the
6 6th year following the date of enactment of that
7 Act;

10 “(D) at the request of a Commission mem-
11 ber, petition the Surface Transportation Board
12 to appoint a mediator to assist the Commission
13 members through non-binding mediation to
14 reach an agreement under this section.

15 “(2) IMPLEMENTATION.—The National Rail-
16 road Passenger Corporation and the commuter au-
17 thorities providing commuter rail passenger trans-
18 portation on the Northeast Corridor shall implement
19 new agreements for usage of facilities or services
20 based on the formula proposed in paragraph (1) in
21 accordance with the timetable established therein. If
22 the entities fail to implement such new agreements
23 in accordance with the timetable, the Commission
24 shall petition the Surface Transportation Board to
25 determine the appropriate compensation amounts for

1 such services in accordance with section 24904(c) of
2 this title. The Surface Transportation Board shall
3 enforce its determination on the party or parties in-
4 volved.

5 “(d) TRANSMISSION OF RECOMMENDATIONS.—The
6 commission shall annually transmit the recommendations
7 developed under subsection (b) and the formula and time-
8 table developed under subsection (c)(1) to the Committee
9 on Transportation and Infrastructure of the House of
10 Representatives and the Committee on Commerce,
11 Science, and Transportation of the Senate.”.

12 (b) CONFORMING AMENDMENTS.—(1) Section
13 24904(c)(2) is amended by—

14 (A) inserting “commuter rail passenger and”
15 after “between”; and

16 (B) striking “freight” in the second sentence.

17 (2) The chapter analysis for chapter 249 is amended
18 by striking the item relating to section 24905 and insert-
19 ing the following:

“24905. Northeast Corridor Infrastructure and Operations Advisory Commis-
sion.”.

20 (c) ACELA SERVICE STUDY.—

21 (1) IN GENERAL.—Amtrak shall conduct a con-
22 duct a study to determine the infrastructure and
23 equipment improvements necessary to provide reg-
24 ular Acela service—

1 (A) between Washington, DC and New
2 York City—

3 (i) in 2 hours and 30 minutes;

4 (ii) in 2 hours and 15 minutes; and

5 (iii) in 2 hours; and

6 (B) between New York City and Boston—

7 (i) in 3 hours and 15 minutes;

8 (ii) in 3 hours; and

9 (iii) in 2 hours and 45 minutes.

10 (2) ISSUES.—The study conducted under para-
11 graph (1) shall include—

12 (A) an estimated time frame for achieving

the trip time described in paragraph (1);

14 (B) an analysis of any significant obstacles
15 that would hinder such an achievement, includ-
16 ing but not limited to, any adverse impact on
17 existing and projected intercity, commuter, and
18 freight service; and

19 (C) a detailed description and cost esti-
20 mate of the specific infrastructure and equip-
21 ment improvements necessary for such an
22 achievement.

23 (3) REPORT.—Within 1 year after the date of
24 enactment of this Act, Amtrak shall submit a writ-

1 ten report containing the results of the study re-
2 quired under this subsection to—

3 (A) the Committee on Transportation and
4 Infrastructure of the House of Representatives;

5 (B) the Committee on Appropriations of
6 the House of Representatives;

7 (C) the Committee on Commerce, Science,
8 and Transportation of the Senate;

9 (D) the Committee on Appropriations of
10 the Senate; and

11 (E) the Federal Railroad Administration.

12 (4) AUTHORIZATION OF APPROPRIATIONS.—

13 There are authorized to be appropriated to the Sec-
14 retary of Transportation to enable Amtrak to con-
15 duct the study under this subsection \$5,000,000.

16 **SEC. 210. RESTRUCTURING LONG-TERM DEBT AND CAP-
17 ITAL LEASES.**

18 (a) IN GENERAL.—The Secretary of the Treasury, in
19 consultation with the Secretary of Transportation and
20 Amtrak, may make agreements to restructure Amtrak's
21 indebtedness as of the date of enactment of this Act. This
22 authorization expires 18 months after the date of enact-
23 ment of this Act.

24 (b) DEBT RESTRUCTURING.—The Secretary of the
25 Treasury, in consultation with the Secretary of Transpor-

1 tation and Amtrak, shall enter into negotiations with the
2 holders of Amtrak debt, including leases, outstanding on
3 the date of enactment of this Act for the purpose of re-
4 structuring (including repayment) and repaying that debt.
5 The Secretary of the Treasury may secure agreements for
6 restructuring or repayment on such terms as the Secretary
7 of the Treasury deems favorable to the interests of the
8 Government.

9 (c) CRITERIA.—In restructuring Amtrak's indebted-
10 ness, the Secretary of the Treasury and Amtrak—

11 (1) shall take into consideration repayment
12 costs, the term of any loan or loans, and market
13 conditions; and

14 (2) shall ensure that the restructuring results
15 in significant savings to Amtrak and the United
16 States Government.

17 (d) PAYMENT OF RENEGOTIATED DEBT.—If the cri-
18 teria under subsection (c) are met, the Secretary of the
19 Treasury may assume or repay the restructured debt, as
20 appropriate.

21 (e) AMTRAK PRINCIPAL AND INTEREST PAY-
22 MENTS.—

23 (1) PRINCIPAL ON DEBT SERVICE.—Unless the
24 Secretary of the Treasury makes sufficient payments
25 to creditors under subsection (d) so that Amtrak is

1 required to make no payments to creditors in a fis-
2 cal year, the Secretary of Transportation shall use
3 funds authorized by section 102(a)(1) of this Act for
4 the use of Amtrak for retirement of principal on
5 loans for capital equipment, or capital leases.

6 (2) INTEREST ON DEBT.—Unless the Secretary
7 of the Treasury makes sufficient payments to credi-
8 tors under subsection (d) so that Amtrak is required
9 to make no payments to creditors in a fiscal year,
10 the Secretary of Transportation shall use funds au-
11 thorized by section 102(a)(1) of this Act for the use
12 of Amtrak for the payment of interest on loans for
13 capital equipment, or capital leases.

14 (3) REDUCTIONS IN AUTHORIZATION LEVELS.—
15 Whenever action taken by the Secretary of the
16 Treasury under subsection (a) results in reductions
17 in amounts of principal or interest that Amtrak
18 must service on existing debt, the corresponding
19 amounts authorized by section 102(a)(1) shall be re-
20 duced accordingly.

21 (f) LEGAL EFFECT OF PAYMENTS UNDER THIS SEC-
22 TION.—The payment of principal and interest on secured
23 debt, other than debt assumed under subsection (d), with
24 the proceeds of grants under subsection (e) shall not—

10 (g) SECRETARY APPROVAL.—Amtrak may not incur
11 more debt after the date of enactment of this Act without
12 the express advance approval of the Secretary of Trans-
13 portation.

14 (h) REPORT.—The Secretary of the Treasury shall
15 transmit a report to the Committee on Transportation and
16 Infrastructure of the House of Representatives, the Com-
17 mittee on Appropriations of the House of Representatives,
18 the Committee on Commerce, Science, and Transportation
19 of the Senate, and the Committee on Appropriations of
20 the Senate, by November 1, 2009—

21 (1) describing in detail any agreements to re-
22 structure the Amtrak debt; and

23 (2) providing an estimate of the savings to Am-
24 trak and the United States Government.

1 **SEC. 211. STUDY OF COMPLIANCE REQUIREMENTS AT EX-**2 **ISTING INTERCITY RAIL STATIONS.**

3 Amtrak, in consultation with station owners and
4 other railroads operating service through the existing sta-
5 tions that it serves, shall evaluate the improvements nec-
6 essary to make these stations readily accessible to and us-
7 able by individuals with disabilities, as required by such
8 section 242(e)(2) of the Americans with Disabilities Act
9 of 1990, as amended (42 U.S.C. 12162(e)(2)). The eval-
10 uation shall include, for each applicable station, improve-
11 ments required to bring it into compliance with the appli-
12 cable parts of such section 242(e)(2), any potential bar-
13 riers to achieving compliance, including issues related to
14 the raising of passenger rail station platforms, the esti-
15 mated cost of the improvements necessary, the identifica-
16 tion of the responsible person (as defined in section 241(5)
17 of that Act (42 U.S.C. 12161(5))), and the earliest prac-
18 ticable date when such improvements can be made. The
19 evaluation shall also include a detailed plan and schedule
20 for bringing all applicable stations into compliance with
21 the applicable parts of section 242(e)(2) by the 2010 stat-
22 utory deadline for station accessibility. Amtrak shall sub-
23 mit the evaluation to the Committee on Transportation
24 and Infrastructure of the House of Representatives; the
25 Committee on Commerce, Science, and Transportation of
26 the Senate; the Department of Transportation; and the

1 National Council on Disability by February 1, 2009, along
2 with recommendations for funding the necessary improve-
3 ments. Should the Department of Transportation issue the
4 Final Rule to its Notice of Proposed Rulemaking of Feb-
5 ruary 27, 2006, on “Transportation for Individuals with
6 Disabilities,” after Amtrak submits its evaluation, Amtrak
7 shall, not later than 120 days after the date the Final
8 Rule is published, submit to the above parties a supple-
9 mental evaluation on the impact of those changes on its
10 cost and schedule for achieving full compliance.

11 **SEC. 212. OVERSIGHT OF AMTRAK’S COMPLIANCE WITH AC-
12 CESSIBILITY REQUIREMENTS.**

13 Using the funds authorized by section 101(f) of this
14 Act, the Federal Railroad Administration shall monitor
15 and conduct periodic reviews of Amtrak’s compliance with
16 applicable sections of the Americans with Disabilities Act
17 of 1990 and the Rehabilitation Act of 1974 to ensure that
18 Amtrak’s services and facilities are accessible to individ-
19 uals with disabilities to the extent required by law.

20 **SEC. 213. ACCESS TO AMTRAK EQUIPMENT AND SERVICES.**

21 If a State desires to select or selects an entity other
22 than Amtrak to provide services required for the operation
23 of an intercity passenger train route described in section
24 24102(5)(D) or 24702 of title 49, United States Code,
25 the State may make an agreement with Amtrak to use

1 facilities and equipment of, or have services provided by,
2 Amtrak under terms agreed to by the State and Amtrak
3 to enable the State to utilize an entity other than Amtrak
4 to provide services required for operation of the route. If
5 the parties cannot agree upon terms, and the Surface
6 Transportation Board finds that access to Amtrak's facili-
7 ties or equipment, or the provision of services by Amtrak,
8 is necessary to carry out this provision and that the oper-
9 ation of Amtrak's other services will not be impaired
10 thereby, the Surface Transportation Board shall, within
11 120 days after submission of the dispute, issue an order
12 that the facilities and equipment be made available, and
13 that services be provided, by Amtrak, and shall determine
14 reasonable compensation, liability and other terms for use
15 of the facilities and equipment and provision of the serv-
16 ices. Compensation shall be determined in accordance with
17 the methodology established pursuant to section 206 of
18 this Act.

19 **SEC. 214. GENERAL AMTRAK PROVISIONS.**

20 (a) REPEAL OF SELF-SUFFICIENCY REQUIRE-
21 MENTS.—

22 (1) PLAN REQUIRED.—Section 24101(d) is
23 amended—

24 (A) by striking “plan to operate within the
25 funding levels authorized by section 24104 of

1 this chapter, including budgetary goals for fis-
2 cal years 1998 through 2002.” and inserting
3 “plan, consistent with section 204 of the Pas-
4 senger Rail Investment and Improvement Act of
5 2008, including the budgetary goals for fiscal
6 years 2009 through 2013.”; and

7 (B) by striking the last sentence and in-
8 serting “Amtrak and its Board of Directors
9 shall adopt a long-term plan that minimizes the
10 need for Federal operating subsidies.”.

11 (2) AMTRAK REFORM AND ACCOUNTABILITY
12 ACT AMENDMENTS.—Title II of the Amtrak Reform
13 and Accountability Act of 1997 (49 U.S.C. 24101
14 nt) is amended by striking sections 204 and 205.

15 (b) LEASE ARRANGEMENTS.—Amtrak may obtain
16 services from the Administrator of General Services, and
17 the Administrator may provide services to Amtrak, under
18 section 201(b) and 211(b) of the Federal Property and
19 Administrative Service Act of 1949 (40 U.S.C. 481(b) and
20 491(b)) for each of fiscal years 2009 through 2013.

21 **SEC. 215. AMTRAK MANAGEMENT ACCOUNTABILITY.**

22 (a) IN GENERAL.—Chapter 243 is amended by in-
23 serting after section 24309 the following:

1 **“§ 24310. Management accountability**

2 “(a) IN GENERAL.—Three years after the date of en-
3 actment of the Passenger Rail Investment and Improve-
4 ment Act of 2008, and 2 years thereafter, the Inspector
5 General of the Department of Transportation shall com-
6 plete an overall assessment of the progress made by Am-
7 trak management and the Department of Transportation
8 in implementing the provisions of that Act.

9 “(b) ASSESSMENT.—The management assessment
10 undertaken by the Inspector General may include a review
11 of—

12 “(1) effectiveness in improving annual financial
13 planning;

14 “(2) effectiveness in implementing improved fi-
15 nancial accounting;

16 “(3) efforts to implement minimum train per-
17 formance standards;

18 “(4) progress maximizing revenues and mini-
19 mizing Federal subsidies and improving financial re-
20 sults; and

21 “(5) any other aspect of Amtrak operations the
22 Inspector General finds appropriate to review.”.

23 (b) CONFORMING AMENDMENT.—The chapter anal-
24 ysis for chapter 243 is amended by inserting after the item
25 relating to section 24309 the following:

“24310. Management accountability.”.

1 **SEC. 216. PASSENGER RAIL STUDY.**

2 (a) IN GENERAL.—The Comptroller General of the
3 General Accountability Office shall conduct a study to de-
4 termine the potential cost and benefits of expanding pas-
5 senger rail service options in underserved communities.

6 (b) SUBMISSION.—Not later than 1 year after the
7 date of the enactment of this Act, the Comptroller General
8 shall submit a report containing the results of the study
9 conducted under this section to—

10 (1) the Committee on Transportation and In-
11 frastructure of the House of Representatives; and
12 (2) the Committee on Commerce, Science, and
13 Transportation of the Senate.

14 **SEC. 217. CONGESTION GRANTS.**

15 (a) AUTHORITY.—The Secretary of Transportation
16 may make grants to States, or to Amtrak in cooperation
17 with States, for financing the capital costs of facilities, in-
18 frastructure, and equipment for high priority rail corridor
19 projects necessary to reduce congestion or facilitate rider-
20 ship growth in intercity passenger rail transportation.

21 (b) ELIGIBLE PROJECTS.—Projects eligible for
22 grants under this section include projects—

23 (1) identified by Amtrak as necessary to reduce
24 congestion or facilitate ridership growth in intercity
25 passenger rail transportation along heavily traveled
26 rail corridors; and

5 (c) COMPLIANCE WITH ENVIRONMENTAL LAWS.—

6 The Secretary shall not make a grant under this section
7 for a project without adequate assurances that the project
8 will be completed in full compliance with all applicable
9 Federal and State environmental laws and regulations.

10 (d) FEDERAL SHARE.—The Federal share of the cost
11 of a project financed under this section shall not exceed
12 80 percent.

13 (e) EMPLOYEE PROTECTION.—The recipient of a
14 grant under this section shall agree to comply with the
15 standards of section 24312 of title 49, United States
16 Code, as such section was in effect on September 1, 2003,
17 with respect to the project in the same manner that the
18 National Railroad Passenger Corporation is required to
19 comply with those standards for construction work fi-
20 nanced under an agreement made under section 24308(a)
21 of such title.

22 SEC. 218. PLAN FOR RESTORATION OF SERVICE.

23 (a) IN GENERAL.—Not later than 9 months after the
24 date of enactment of this Act, Amtrak shall transmit to
25 the Committee on Transportation and Infrastructure of

1 the House of Representatives and the Committee on Com-
2 merce, Science, and Transportation of the Senate a plan
3 for restoring passenger rail service between New Orleans,
4 Louisiana, and Sanford, Florida. The plan shall include
5 a projected timeline for restoring such service, the costs
6 associated with restoring such service, and any proposals
7 for legislation necessary to support such restoration of
8 service. In developing the plan, Amtrak shall consult with
9 representatives from the States of Louisiana, Alabama,
10 Mississippi, and Florida, railroad carriers whose tracks
11 may be used for such service, rail passengers, rail labor,
12 and other entities as appropriate.

13 (b) AUTHORIZATION OF APPROPRIATIONS.—There
14 are authorized to be appropriated to the Secretary of
15 Transportation to enable Amtrak to conduct the study
16 under this subsection \$1,000,000.

17 **SEC. 219. LOCOMOTIVE BIOFUEL STUDY.**

18 (a) IN GENERAL.—The Administrator of the Federal
19 Railroad Administration, in consultation with the Sec-
20 retary of Energy and the Administrator of the Environ-
21 mental Protection Agency, shall conduct a study to deter-
22 mine the extent to which freight and passenger rail opera-
23 tors could use biofuel blends to power its locomotive fleet
24 and other vehicles that operate on rail tracks.

1 (b) DEFINITION.—For purposes of this section, the
2 term “biofuel” means a fuel that utilizes renewable re-
3 sources and is composed substantially of a renewable re-
4 source blended with ethanol, methanol, or other additive.

5 (c) FACTORS.—In conducting the study, the Federal
6 Railroad Administration shall consider—

7 (1) the energy intensity of various biofuel
8 blends compared to diesel fuel;

9 (2) the emission benefits of using various
10 biofuel blends compared to locomotive diesel fuel;

11 (3) the cost of purchasing biofuel blends;

12 (4) the public benefits derived from the use of
13 such fuels; and

14 (5) the effect of biofuel use on relevant loco-
15 motive and other vehicle performance.

16 (d) LOCOMOTIVE TESTING.—As part of the study,
17 the Federal Railroad Administration shall test locomotive
18 engine performance and emissions using blends of biofuel
19 and diesel fuel in order to recommend a premium loco-
20 motive biofuel blend.

21 (e) REPORT.—Not later than 1 year after the date
22 of enactment of this Act, the Federal Railroad Adminis-
23 tration shall issue the results of this study to the Com-
24 mittee on Transportation and Infrastructure of the House

1 of Representatives and the Committee on Commerce,
2 Science, and Transportation of the Senate.

3 (f) AUTHORIZATION OF APPROPRIATIONS.—There
4 are authorized to be appropriated to the Secretary of
5 Transportation \$1,000,000 to carry out this section, to
6 remain available until expended.

7 **SEC. 220. STUDY OF THE USE OF BIOBASED LUBRICANTS.**

8 Not later than 180 days after the date of enactment
9 of this Act, the Federal Railroad Administration shall
10 transmit to the Committee on Transportation and Infra-
11 structure of the House of Representatives and the Com-
12 mittee on Commerce, Science, and Transportation of the
13 Senate a report containing the results of a study of the
14 feasibility of using readily biodegradable lubricants by
15 freight and passenger railroads. The Federal Railroad Ad-
16 ministration shall work with an agricultural-based lubri-
17 cant testing facility or facilities to complete this study.

18 The study shall include—

19 (1) an analysis of the potential use of soy-based
20 grease and soy-based hydraulic fluids to perform ac-
21 cording to railroad industry standards;

22 (2) an analysis of the potential use of other
23 readily biodegradable lubricants to perform accord-
24 ing to railroad industry standards;

4 (4) a comparison of the environmental impact
5 of petroleum-based lubricants with biobased lubri-
6 cants, which shall include rate and effects of
7 biodegradability.

8 SEC. 221. APPLICABILITY OF BUY AMERICAN ACT.

9 Section 24305(f) is amended to read as follows:

10 “(f) APPLICABILITY OF BUY AMERICAN ACT.—Am-
11 trak shall be subject to the Buy American Act (41 U.S.C.
12 10a–d) and the regulations thereunder, for purchases of
13 \$100,000 or more.”.

14 SEC. 222. INTERCITY PASSENGER RAIL SERVICE PERFORM-
15 ANCE.

16 (a) DEVELOPMENT OF EVALUATION METRICS.—Not
17 later than 6 months after the date of enactment of this
18 Act, the Inspector General of the Department of Trans-
19 portation shall, using the financial and performance
20 metrics developed under section 207, develop metrics for
21 the evaluation of the performance and service quality of
22 intercity passenger rail services including cost recovery,
23 on-time performance and minutes of delay, ridership, on-
24 board services, maintenance of facilities and equipment,
25 and other services.

1 (b) IDENTIFICATION OF WORST PERFORMING
2 ROUTES.—On the basis of these metrics, the Inspector
3 General shall identify the five worst performing Amtrak
4 routes.

5 (c) ALTERNATIVE ROUTES.—The Inspector General
6 shall also establish criteria for evaluating routes not cur-
7 rently served by Amtrak which might be able to support
8 passenger rail service at a reasonable cost.

9 (d) REPORT TO CONGRESS.—The Inspector General
10 shall submit a report to the Committee on Transportation
11 and Infrastructure of the House of Representatives and
12 the Committee on Commerce, Science, and Transportation
13 of the Senate recommending a process for the Department
14 of Transportation to consider proposals by Amtrak and
15 others to serve underperforming routes, and routes not
16 currently served by Amtrak. The proposals shall require
17 that applicants follow grant requirements of section 504.
18 The Inspector General shall recommend one route not cur-
19 rently served by Amtrak and two routes (from among the
20 five worst routes identified under subsection (b)) currently
21 served by Amtrak, for the Department of Transportation
22 to consider under the selection process.

23 (e) IMPLEMENTATION.—The Secretary shall not im-
24 plement the selection process recommended by the Inspec-

1 tor General under subsection (d) until legislation has been
2 enacted authorizing the Secretary to take such action.

3 **SEC. 223. AMTRAK INSPECTOR GENERAL UTILIZATION**

4 **STUDY.**

5 Not later than 9 months after the date of enactment
6 of this Act, the Amtrak Inspector General shall transmit
7 to the Committee on Transportation and Infrastructure
8 of the House of Representatives and the Committee on
9 Commerce, Science, and Transportation of the Senate a
10 report on Amtrak's utilization of its facilities, including
11 the Beech Grove Repair facility in Indiana. The report
12 shall include an examination of Amtrak's utilization of its
13 existing facilities to determine the extent Amtrak is maxi-
14 mizing the opportunities for each facility, including any
15 attempts to provide maintenance and repair to other rail
16 carriers. In developing this report, the Amtrak Inspector
17 General shall consult with other railroad carriers as it
18 deems appropriate.

19 **SEC. 224. AMTRAK SERVICE PREFERENCE STUDY.**

20 Not later than 6 months after the date of enactment
21 of this Act, the Surface Transportation Board shall trans-
22 mit to the Congress a report containing—

23 (1) the findings of a study of the effectiveness
24 of the implementation of section 24308(c) of title
25 49, United States Code, in ensuring the preference

1 of Amtrak service over freight transportation service;
2 and

3 (2) recommendations with respect to any regu-
4 latory or legislative actions that would improve such
5 effectiveness.

6 **SEC. 225. HISTORIC PRESERVATION AND RAILROAD SAFE-
7 TY.**

8 (a) STUDY; OTHER ACTIONS.—The Secretary of
9 Transportation shall—

10 (1) conduct a study, in consultation with the
11 Advisory Council on Historic Preservation, the Na-
12 tional Conference of State Historic Preservation Of-
13 ficers, the Department of the Interior, appropriate
14 representatives of the railroad industry, and rep-
15 resentative stakeholders, on ways to streamline com-
16 pliance with the requirements of section 303 of title
17 49, United States Code, and section 106 of the Na-
18 tional Historic Preservation Act (16 U.S.C. 470f)
19 for federally funded railroad infrastructure repair
20 and improvement projects;

21 (2) take immediate action to cooperate with the
22 Alaska Railroad, the Alaska State Historic Preserva-
23 tion Office, the Advisory Council on Historic Preser-
24 vation, and the Department of the Interior, in expe-
25 diting the decisionmaking process for safety-related

1 projects of the railroad involving property and facilities that have disputed historic significance; and

3 (3) take immediate action to cooperate with the
4 North Carolina Department of Transportation, the
5 North Carolina State Historic Preservation Office,
6 the Virginia State Historic Preservation Office, the
7 Advisory Council on Historic Preservation, and the
8 Department of the Interior, in expediting the decisionmaking process for safety-related projects of the
10 railroad and the Southeast High Speed Rail Corridor involving property and facilities that have disputed historic significance.

13 (b) REPORT.—Not later than 1 year after the date
14 of enactment of this Act, the Secretary shall submit, to
15 the Committee on Transportation and Infrastructure of
16 the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, a report
17 on the results of the study conducted under subsection
18 (a)(1) and the actions directed under subsection (a)(2)
19 and (3). The report shall include recommendations for any
21 regulatory or legislative amendments that may streamline
22 compliance with the requirements described in subsection
23 (a)(1) in a manner consistent with railroad safety and the
24 policies and purposes of section 106 of the National Historic
25 Preservation Act (16 U.S.C. 470f), section 303 of

1 title 49, United States Code, and section 8(d) of Public
2 Law 90-543 (16 U.S.C. 1247(d)).

3 **SEC. 226. COMMUTER RAIL EXPANSION.**

4 (a) FINDINGS.—The Congress find the following:

5 (1) In 2006, Americans took 10,100,000,000
6 trips on public transportation for the first time since
7 1949.

8 (2) The Northeast region is one of the Nation's
9 largest emerging transportation "megaregions"
10 where infrastructure expansion and improvements
11 are most needed.

12 (3) New England's road traffic has increased
13 two to three times faster than its population since
14 1990.

15 (4) Connecticut has one of the Nation's longest
16 average commute times according to the United
17 States Census Bureau, and 80 percent of Con-
18 necticut commuters drive by themselves to work,
19 demonstrating the need for expanded commuter rail
20 access.

21 (5) The Connecticut Department of Transpor-
22 tation has pledged to modernize, repair, and
23 strengthen the rail line infrastructure to provide for
24 increased safety and security along a crucial trans-
25 portation corridor in the Northeast.

24 (b) SENSE OF CONGRESS.—It is the Sense of the
25 Congress that expanded commuter rail service on the rail

1 line between New Haven, Connecticut, and Springfield,
2 Massachusetts, is an important transportation priority,
3 and Amtrak should work cooperatively with the States of
4 Connecticut and Massachusetts to enable expanded com-
5 muter rail service on such line.

6 (c) INFRASTRUCTURE MAINTENANCE REPORT.—Am-
7 trak shall submit a report to Congress and the State De-
8 partments of Transportation of Connecticut and Massa-
9 chusetts on the total cost of uncompleted infrastructure
10 maintenance on the rail line between New Haven, Con-
11 necticut, and Springfield, Massachusetts.

12 **SEC. 227. SERVICE EVALUATION.**

13 Not later than 1 year after the date of enactment
14 of this Act, Amtrak shall transmit to the Committee on
15 Transportation and Infrastructure of the House of Rep-
16 resentatives and the Committee on Commerce, Science,
17 and Transportation of the Senate a report containing the
18 results of an evaluation of passenger rail service between
19 Cornwells Heights, PA, and New York City, NY, and be-
20 tween Princeton Junction, NJ, and New York City, NY,
21 to determine whether to expand passenger rail service by
22 increasing the frequency of stops or reducing commuter
23 ticket prices for this route.

TITLE III—INTERCITY PASSENGER RAIL POLICY

3 SEC. 301. CAPITAL ASSISTANCE FOR INTERCITY PAS-
4 SENTER RAIL SERVICE; STATE RAIL PLANS.

5 (a) IN GENERAL.—Part C of subtitle V is amended
6 by inserting the following after chapter 243:

7 **“CHAPTER 244—INTERCITY PASSENGER**
8 **RAIL SERVICE CORRIDOR CAPITAL AS-**
9 **SISTANCE**

“Sec.

“24401. Definitions.

“24402. Capital investment grants to support intercity passenger rail service.
“24403. Project management oversight.

“24404. Use of capital grants to finance...

“24405 Grant conditions

24405. Grant conditions.

10 “§ 24401. Definitions

II “In this chapter:

12 “(1) APPLICANT.—The term ‘applicant’ means
13 a State (including the District of Columbia), a group
14 of States, an Interstate Compact, or a public agency
15 established by one or more States and having re-
16 sponsibility for providing intercity passenger rail
17 service.

18 “(2) CAPITAL PROJECT.—The term ‘capital
19 project’ means a project or program in a State rail
20 plan developed under chapter 225 of this title for—

21 “(A) acquiring, constructing, improving, or
22 inspecting equipment, track and track struc-

1 tures, or a facility for use in or for the primary
2 benefit of intercity passenger rail service, ex-
3 penses incidental to the acquisition or construc-
4 tion (including designing, engineering, location
5 surveying, mapping, environmental studies, and
6 acquiring rights-of-way), payments for the cap-
7 ital portions of rail trackage rights agreements,
8 highway-rail grade crossing improvements re-
9 lated to intercity passenger rail service, miti-
10 gating environmental impacts, communication
11 and signalization improvements, relocation as-
12 sistance, acquiring replacement housing sites,
13 and acquiring, constructing, relocating, and re-
14 habilitating replacement housing;

15 “(B) rehabilitating, remanufacturing or
16 overhauling rail rolling stock and facilities used
17 primarily in intercity passenger rail service;

23 “(3) INTERCITY PASSENGER RAIL SERVICE.—
24 The term ‘intercity passenger rail service’ means
25 transportation services with the primary purpose of

1 passenger transportation between towns, cities and
2 metropolitan areas by rail, including high-speed rail,
3 as defined in section 24102 of this title.

4 **“§ 24402. Capital investment grants to support inter-**

5 **city passenger rail service**

6 **“(a) GENERAL AUTHORITY.—**

7 **“(1) The Secretary of Transportation may**
8 make grants under this section to an applicant to
9 assist in financing the capital costs of facilities, in-
10 frastructure, and equipment necessary to provide or
11 improve intercity passenger rail transportation.

12 **“(2) The Secretary shall require that a grant**
13 under this section be subject to the terms, condi-
14 tions, requirements, and provisions the Secretary de-
15 cides are necessary or appropriate for the purposes
16 of this section, including requirements for the dis-
17 position of net increases in value of real property re-
18 sulting from the project assisted under this section
19 and shall prescribe procedures and schedules for the
20 awarding of grants under this title, including appli-
21 cation and qualification procedures and a record of
22 decision on applicant eligibility. The Secretary shall
23 issue a final rule establishing such procedures not
24 later than 90 days after the date of enactment of

1 the Passenger Rail Investment and Improvement
2 Act of 2008.

3 “(b) PROJECT AS PART OF STATE RAIL PLAN.—

4 “(1) The Secretary may not approve a grant for
5 a project under this section unless the Secretary
6 finds that the project is part of a State rail plan de-
7 veloped under chapter 225 of this title, or under the
8 plan required by section 302 of the Passenger Rail
9 Investment and Improvement Act of 2008, and that
10 the applicant or recipient has or will have the legal,
11 financial, and technical capacity to carry out the
12 project, satisfactory continuing control over the use
13 of the equipment or facilities, and the capability and
14 willingness to maintain the equipment or facilities.

15 “(2) An applicant shall provide sufficient infor-
16 mation upon which the Secretary can make the find-
17 ings required by this subsection.

18 “(3) If an applicant has not selected the pro-
19 posed operator of its service competitively, the appli-
20 cant shall provide written justification to the Sec-
21 retary showing why the proposed operator is the
22 best, taking into account price and other factors,
23 and that use of the proposed operator will not un-
24 necessarily increase the cost of the project.

1 “(c) PROJECT SELECTION CRITERIA.—The Sec-
2 retary, in selecting the recipients of financial assistance
3 to be provided under subsection (a), shall—

4 “(1) require that each proposed project meet all
5 safety requirements that are applicable to the
6 project under law;

7 “(2) give preference to projects with high levels
8 of estimated ridership, increased on-time perform-
9 ance, reduced trip time, additional service frequency
10 to meet anticipated or existing demand, or other sig-
11 nificant service enhancements as measured against
12 minimum standards developed under section 207 of
13 the Passenger Rail Investment and Improvement
14 Act of 2008;

15 “(3) encourage intermodal connectivity through
16 projects that provide direct connections between
17 train stations, airports, bus terminals, subway sta-
18 tions, ferry ports, and other modes of transpor-
19 tation;

20 “(4) ensure that each project is compatible
21 with, and is operated in conformance with—

22 “(A) plans developed pursuant to the re-
23 quirements of section 135 of title 23, United
24 States Code; and

1 “(B) the national rail plan (if it is avail-
2 able); and

3 “(5) favor the following kinds of projects:

4 “(A) Projects that are expected to have a
5 significant favorable impact on air or highway
6 traffic congestion, capacity, or safety.

7 “(B) Projects that improve freight or com-
8 muter rail operations.

9 “(C) Projects that have significant envi-
10 ronmental benefits, including projects that in-
11 volve the purchase of environmentally sensitive,
12 fuel-efficient, and cost-effective passenger rail
13 equipment.

14 “(D) Projects that are—

15 “(i) at a stage of preparation that all
16 pre-commencement compliance with envi-
17 ronmental protection requirements has al-
18 ready been completed; and

19 “(ii) ready to be commenced.

20 “(E) Projects with positive economic and
21 employment impacts.

22 “(F) Projects that encourage the use of
23 positive train control technologies.

24 “(G) Projects that have commitments of
25 funding from non-Federal Government sources

1 in a total amount that exceeds the minimum
2 amount of the non-Federal contribution re-
3 quired for the project.

4 “(H) Projects that involve donated prop-
5 erty interests or services.

6 “(I) Projects that are identified by the
7 Surface Transportation Board as necessary to
8 improve the on time performance and reliability
9 of intercity passenger rail under section
10 24308(f).

11 “(J) Projects described in section
12 5302(a)(1)(G) of this title that are designed to
13 support intercity passenger rail service.

14 “(K) Projects that encourage intermodal
15 connectivity, create significant opportunity for
16 State and private contributions toward station
17 development, are energy and environmentally
18 efficient, and have economic benefits.

19 “(d) AMTRAK ELIGIBILITY.—To receive a grant
20 under this section, the National Railroad Passenger Cor-
21 poration may enter into a cooperative agreement with 1
22 or more States to carry out 1 or more projects on a State
23 rail plan’s ranked list of rail capital projects developed
24 under section 22504(a)(5) of this title.

1 “(e) LETTERS OF INTENT, FULL FUNDING GRANT
2 AGREEMENTS, AND EARLY SYSTEMS WORK AGREEMENTS.—

4 “(1)(A) The Secretary may issue a letter of in-
5 tent to an applicant announcing an intention to obli-
6 gate, for a major capital project under this section,
7 an amount from future available budget authority
8 specified in law that is not more than the amount
9 stipulated as the financial participation of the Sec-
10 retary in the project.

11 “(B) At least 30 days before issuing a letter
12 under subparagraph (A) of this paragraph or enter-
13 ing into a full funding grant agreement, the Sec-
14 etary shall notify in writing the Committee on
15 Transportation and Infrastructure of the House of
16 Representatives and the Committee on Commerce,
17 Science, and Transportation of the Senate and the
18 House and Senate Committees on Appropriations of
19 the proposed letter or agreement. The Secretary
20 shall include with the notification a copy of the pro-
21 posed letter or agreement as well as the evaluations
22 and ratings for the project.

23 “(C) An obligation or administrative commit-
24 ment may be made only when amounts are appro-
25 priated.

1 “(2)(A) The Secretary may make a full funding
2 grant agreement with an applicant. The agreement
3 shall—

4 “(i) establish the terms of participation by
5 the United States Government in a project
6 under this section;

7 “(ii) establish the maximum amount of
8 Government financial assistance for the project;

9 “(iii) cover the period of time for com-
10 pleting the project, including a period extending
11 beyond the period of an authorization; and

12 “(iv) make timely and efficient manage-
13 ment of the project easier according to the law
14 of the United States.

15 “(B) An agreement under this paragraph obli-
16 gates an amount of available budget authority speci-
17 fied in law and may include a commitment, contin-
18 gent on amounts to be specified in law in advance
19 for commitments under this paragraph, to obligate
20 an additional amount from future available budget
21 authority specified in law. The agreement shall state
22 that the contingent commitment is not an obligation
23 of the Government and is subject to the availability
24 of appropriations made by Federal law and to Fed-
25 eral laws in force on or enacted after the date of the

1 contingent commitment. Interest and other financing
2 costs of efficiently carrying out a part of the project
3 within a reasonable time are a cost of carrying out
4 the project under a full funding grant agreement,
5 except that eligible costs may not be more than the
6 cost of the most favorable financing terms reason-
7 ably available for the project at the time of bor-
8 rowing. The applicant shall certify, in a way satis-
9 factory to the Secretary, that the applicant has
10 shown reasonable diligence in seeking the most fa-
11 vorable financing terms.

12 “(3)(A) The Secretary may make an early sys-
13 tems work agreement with an applicant if a record
14 of decision under the National Environmental Policy
15 Act of 1969 (42 U.S.C. 4321 et seq.) has been
16 issued on the project and the Secretary finds there
17 is reason to believe—

18 “(i) a full funding grant agreement for the
19 project will be made; and

20 “(ii) the terms of the work agreement will
21 promote ultimate completion of the project
22 more rapidly and at less cost.

23 “(B) A work agreement under this paragraph
24 obligates an amount of available budget authority
25 specified in law and shall provide for reimbursement

1 of preliminary costs of carrying out the project, in-
2 cluding land acquisition, timely procurement of sys-
3 tem elements for which specifications are decided,
4 and other activities the Secretary decides are appro-
5 priate to make efficient, long-term project manage-
6 ment easier. A work agreement shall cover the pe-
7 riod of time the Secretary considers appropriate.
8 The period may extend beyond the period of current
9 authorization. Interest and other financing costs of
10 efficiently carrying out the work agreement within a
11 reasonable time are a cost of carrying out the agree-
12 ment, except that eligible costs may not be more
13 than the cost of the most favorable financing terms
14 reasonably available for the project at the time of
15 borrowing. The applicant shall certify, in a way sat-
16 isfactory to the Secretary, that the applicant has
17 shown reasonable diligence in seeking the most fa-
18 vorable financing terms. If an applicant does not
19 carry out the project for reasons within the control
20 of the applicant, the applicant shall repay all Gov-
21 ernment payments made under the work agreement
22 plus reasonable interest and penalty charges the
23 Secretary establishes in the agreement.

24 “(4) The total estimated amount of future obli-
25 gations of the Government and contingent commit-

1 ments to incur obligations covered by all outstanding
2 letters of intent, full funding grant agreements, and
3 early systems work agreements may be not more
4 than the amount authorized under section 101(d) of
5 the Passenger Rail Investment and Improvement
6 Act of 2008, less an amount the Secretary reason-
7 ably estimates is necessary for grants under this sec-
8 tion not covered by a letter. The total amount cov-
9 ered by new letters and contingent commitments in-
10 cluded in full funding grant agreements and early
11 systems work agreements may be not more than a
12 limitation specified in law.

13 “(f) FEDERAL SHARE OF NET PROJECT COST.—

14 “(1)(A) Based on engineering studies, studies
15 of economic feasibility, and information on the ex-
16 pected use of equipment or facilities, the Secretary
17 shall estimate the net project cost.

18 “(B) A grant for the project shall not exceed 80
19 percent of the project net capital cost.

20 “(C) The Secretary shall give priority in allo-
21 cating future obligations and contingent commit-
22 ments to incur obligations to grant requests seeking
23 a lower Federal share of the project net capital cost.

24 “(2) Up to an additional 20 percent of the re-
25 quired non-Federal funds may be funded from

1 amounts appropriated to or made available to a de-
2 partment or agency of the Federal Government that
3 are eligible to be expended for transportation.

4 “(3) 50 percent of the average amounts ex-
5 pended by a State or group of States (including the
6 District of Columbia) for capital projects to benefit
7 intercity passenger rail service and operating costs
8 in fiscal years 2002, 2003, 2004, 2005, 2006, 2007,
9 and 2008 shall be credited towards the matching re-
10 quirements for grants awarded in fiscal years 2009,
11 2010, and 2011 under this section. The Secretary
12 may require such information as necessary to verify
13 such expenditures.

14 “(4) 50 percent of the average amounts ex-
15 pended by a State or group of States (including the
16 District of Columbia) in a fiscal year, beginning in
17 fiscal year 2007, for capital projects to benefit inter-
18 city passenger rail service or for the operating costs
19 of such service above the average capital and oper-
20 ating expenditures made for such service in fiscal
21 years 2004, 2005, 2006, 2007, and 2008 shall be
22 credited towards the matching requirements for
23 grants awarded under this section. The Secretary
24 may require such information as necessary to verify
25 such expenditures.

1 “(g) UNDERTAKING PROJECTS IN ADVANCE.—

2 “(1) The Secretary may pay the Federal share
3 of the net capital project cost to an applicant that
4 carries out any part of a project described in this
5 section according to all applicable procedures and re-
6 quirements if—

7 “(A) the applicant applies for the payment;

8 “(B) the Secretary approves the payment;

9 and

10 “(C) before carrying out the part of the
11 project, the Secretary approves the plans and
12 specifications for the part in the same way as
13 other projects under this section.14 “(2) The cost of carrying out part of a project
15 includes the amount of interest earned and payable
16 on bonds issued by the applicant to the extent pro-
17 ceeds of the bonds are expended in carrying out the
18 part. However, the amount of interest under this
19 paragraph may not be more than the most favorable
20 interest terms reasonably available for the project at
21 the time of borrowing. The applicant shall certify, in
22 a manner satisfactory to the Secretary, that the ap-
23 plicant has shown reasonable diligence in seeking the
24 most favorable financial terms.

1 “(3) The Secretary shall consider changes in
2 capital project cost indices when determining the es-
3 timated cost under paragraph (2) of this subsection.

4 “(h) 2-YEAR AVAILABILITY.—Funds appropriated
5 under this section shall remain available until expended.
6 If any amount provided as a grant under this section is
7 not obligated or expended for the purposes described in
8 subsection (a) within 2 years after the date on which the
9 State received the grant, such sums shall be returned to
10 the Secretary for other intercity passenger rail develop-
11 ment projects under this section at the discretion of the
12 Secretary.

13 “(i) SPECIAL TRANSPORTATION CIRCUMSTANCES.—
14 In carrying out this section, the Secretary shall allocate
15 an appropriate portion of the amounts available under this
16 section to provide grants to States—

17 “(1) in which there is no intercity passenger
18 rail service for the purpose of funding freight rail
19 capital projects that are on a State rail plan devel-
20 oped under chapter 225 of this title that provide
21 public benefits (as defined in chapter 225) as deter-
22 mined by the Secretary; or

23 “(2) in which the rail transportation system is
24 not physically connected to rail systems in the conti-
25 nental United States or may not otherwise qualify

1 for a grant under this section due to the unique
2 characteristics of the geography of that State or
3 other relevant considerations, for the purpose of
4 funding transportation-related capital projects.

5 “(j) SMALL CAPITAL PROJECTS.—The Secretary
6 shall make available \$10,000,000 annually from the
7 amounts authorized under section 101(d) of the Passenger
8 Rail Investment and Improvement Act of 2008 beginning
9 in fiscal year 2009 for grants for capital projects eligible
10 under this section not exceeding \$2,000,000, including
11 costs eligible under section 206(c) of that Act. The Sec-
12 retary may waive requirements of this section, including
13 state rail plan requirements, as appropriate.

14 “(k) BICYCLE ACCESS.—Grants under this chapter
15 may be used to provide bicycle access into rolling stock,
16 and to provide bicycle racks in trains.

17 **“§ 24403. Project management oversight**

18 “(a) PROJECT MANAGEMENT PLAN REQUIRE-
19 MENTS.—To receive Federal financial assistance for a
20 major capital project under this chapter, an applicant
21 must prepare and carry out a project management plan
22 approved by the Secretary of Transportation. The plan
23 shall provide for—

24 “(1) adequate recipient staff organization with
25 well-defined reporting relationships, statements of

1 functional responsibilities, job descriptions, and job
2 qualifications;

3 “(2) a budget covering the project management
4 organization, appropriate consultants, property ac-
5 quisition, utility relocation, systems demonstration
6 staff, audits, and miscellaneous payments the recipi-
7 ent may be prepared to justify;

8 “(3) a construction schedule for the project;

9 “(4) a document control procedure and record-
10 keeping system;

11 “(5) a change order procedure that includes a
12 documented, systematic approach to handling the
13 construction change orders;

14 “(6) organizational structures, management
15 skills, and staffing levels required throughout the
16 construction phase;

17 “(7) quality control and quality assurance func-
18 tions, procedures, and responsibilities for construc-
19 tion, system installation, and integration of system
20 components;

21 “(8) material testing policies and procedures;

22 “(9) internal plan implementation and reporting
23 requirements;

1 “(10) criteria and procedures to be used for
2 testing the operational system or its major compo-
3 nents;

4 “(11) periodic updates of the plan, especially
5 related to project budget and project schedule, fi-
6 nancing, and ridership estimates; and

7 “(12) the recipient’s commitment to submit a
8 project budget and project schedule to the Secretary
9 each month.

10 “(b) SECRETARIAL OVERSIGHT.—

11 “(1) The Secretary may use no more than 0.5
12 percent of amounts made available in a fiscal year
13 for capital projects under this chapter to enter into
14 contracts to oversee the construction of such
15 projects.

16 “(2) The Secretary may use amounts available
17 under paragraph (1) of this subsection to make con-
18 tracts for safety, procurement, management, and fi-
19 nancial compliance reviews and audits of a recipient
20 of amounts under paragraph (1).

21 “(3) The Federal Government shall pay the en-
22 tire cost of carrying out a contract under this sub-
23 section.

24 “(c) ACCESS TO SITES AND RECORDS.—Each recipi-
25 ent of assistance under this chapter shall provide the Sec-

1 retary and a contractor the Secretary chooses under sub-
2 section (c) of this section with access to the construction
3 sites and records of the recipient when reasonably nec-
4 essary.

7 “Notwithstanding the requirements of section 24402
8 of this chapter, the Secretary of Transportation may ap-
9 prove the use of capital assistance under this chapter to
10 fund self-insured retention of risk for the first tier of li-
11 ability insurance coverage for rail passenger service associ-
12 ated with the capital assistance grant, but the coverage
13 may not exceed \$20,000,000 per occurrence or
14 \$20,000,000 in aggregate per year.

15 “§ 24405. Grant conditions

16 "(a) DOMESTIC BUYING PREFERENCE.—

17 “(1) REQUIREMENT.—

18 “(A) IN GENERAL.—In carrying out a
19 project funded in whole or in part with a grant
20 under this title, the grant recipient shall pur-
21 chase only—

1 “(ii) manufactured articles, material,
2 and supplies manufactured in the United
3 States substantially from articles, material,
4 and supplies mined, produced, or manufac-
5 tured in the United States.

6 “(B) DE MINIMIS AMOUNT.—Subpara-
7 graph (A) applies only to a purchase in an total
8 amount that is not less than \$1,000,000.

9 “(2) EXEMPTIONS.—On application of a recipi-
10 ent, the Secretary may exempt a recipient from the
11 requirements of this subsection if the Secretary de-
12 cides that, for particular articles, material, or sup-
13 plies—

14 “(A) such requirements are inconsistent
15 with the public interest;

16 “(B) the cost of imposing the requirements
17 is unreasonable; or

18 “(C) the articles, material, or supplies, or
19 the articles, material, or supplies from which
20 they are manufactured, are not mined, pro-
21 duced, or manufactured in the United States in
22 sufficient and reasonably available commercial
23 quantities and are not of a satisfactory quality.

24 “(3) UNITED STATES DEFINED.—In this sub-
25 section, the term ‘the United States’ means the

1 States, territories, and possessions of the United
2 States and the District of Columbia.

3 “(b) OPERATORS DEEMED RAIL CARRIERS AND EM-
4 PLOYERS FOR CERTAIN PURPOSES.—A person that con-
5 ducts rail operations over rail infrastructure constructed
6 or improved with funding provided in whole or in part in
7 a grant made under this title shall be considered a rail
8 carrier as defined in section 10102(5) of this title for pur-
9 poses of this title and any other statute that adopts that
10 definition or in which that definition applies, including—

11 “(1) the Railroad Retirement Act of 1974 (45
12 U.S.C. 231 et seq.);

13 “(2) the Railway Labor Act (43 U.S.C. 151 et
14 seq.); and

15 “(3) the Railroad Unemployment Insurance Act
16 (45 U.S.C. 351 et seq.).

17 “(c) GRANT CONDITIONS.—The Secretary shall re-
18 quire as a condition of making any grant under this title
19 for a project that uses rights-of-way owned by a railroad
20 that—

21 “(1) a written agreement exist between the ap-
22 plicant and the railroad regarding such use and
23 ownership, including—

24 “(A) any compensation for such use;

1 “(B) assurances regarding the adequacy of
2 infrastructure capacity to accommodate both
3 existing and future freight and passenger oper-
4 ations;

5 “(C) an assurance by the railroad that col-
6 lective bargaining agreements with the rail-
7 road’s employees (including terms regulating
8 the contracting of work) will remain in full
9 force and effect according to their terms for
10 work performed by the railroad on the railroad
11 transportation corridor; and

12 “(D) an assurance that an applicant com-
13 plies with liability requirements consistent with
14 section 28103 of this title; and

15 “(2) the applicant agrees to comply with—

16 “(A) the standards of section 24312 of this
17 title, as such section was in effect on September
18 1, 2003, with respect to the project in the same
19 manner that the National Railroad Passenger
20 Corporation is required to comply with those
21 standards for construction work financed under
22 an agreement made under section 24308(a) of
23 this title; and

24 “(B) the protective arrangements estab-
25 lished under section 504 of the Railroad Revi-

1 talization and Regulatory Reform Act of 1976
2 (45 U.S.C. 836) with respect to employees af-
3 fected by actions taken in connection with the
4 project to be financed in whole or in part by
5 grants under this chapter.

6 "(d) REPLACEMENT OF EXISTING INTERCITY PAS-
7 SSENGER RAIL SERVICE.—

8 “(1) COLLECTIVE BARGAINING AGREEMENT
9 FOR INTERCITY PASSENGER RAIL PROJECTS.—Any
10 entity providing intercity passenger railroad trans-
11 portation that begins operations after the date of en-
12 actment of this Act on a project funded in whole or
13 in part by grants made under this title and replaces
14 intercity rail passenger service that was provided by
15 Amtrak, unless such service was provided solely by
16 Amtrak to another entity, as of such date shall enter
17 into an agreement with the authorized bargaining
18 agent or agents for adversely affected employees of
19 the predecessor provider that—

20 “(A) gives each such qualified employee of
21 the predecessor provider priority in hiring ac-
22 cording to the employee’s seniority on the pred-
23 ecessor provider for each position with the re-
24 placing entity that is in the employee’s craft or

1 class and is available within 3 years after the
2 termination of the service being replaced;

3 “(B) establishes a procedure for notifying
4 such an employee of such positions;

5 “(C) establishes a procedure for such an
6 employee to apply for such positions; and

7 “(D) establishes rates of pay, rules, and
8 working conditions.

9 “(2) IMMEDIATE REPLACEMENT SERVICE.—

10 “(A) NEGOTIATIONS.—If the replacement
11 of preexisting intercity rail passenger service oc-
12 curs concurrent with or within a reasonable
13 time before the commencement of the replacing
14 entity’s rail passenger service, the replacing en-
15 tity shall give written notice of its plan to re-
16 place existing rail passenger service to the au-
17 thorized collective bargaining agent or agents
18 for the potentially adversely affected employees
19 of the predecessor provider at least 90 days be-
20 fore the date on which it plans to commence
21 service. Within 5 days after the date of receipt
22 of such written notice, negotiations between the
23 replacing entity and the collective bargaining
24 agent or agents for the employees of the prede-
25 cessor provider shall commence for the purpose

1 of reaching agreement with respect to all mat-
2 ters set forth in subparagraphs (A) through (D)
3 of paragraph (1). The negotiations shall con-
4 tinue for 30 days or until an agreement is
5 reached, whichever is sooner. If at the end of
6 30 days the parties have not entered into an
7 agreement with respect to all such matters, the
8 unresolved issues shall be submitted for arbitra-
9 tion in accordance with the procedure set forth
10 in subparagraph (B).

11 “(B) ARBITRATION.—If an agreement has
12 not been entered into with respect to all mat-
13 ters set forth in subparagraphs (A) through (D)
14 of paragraph (1) as described in subparagraph
15 (A) of this paragraph, the parties shall select
16 an arbitrator. If the parties are unable to agree
17 upon the selection of such arbitrator within 5
18 days, either or both parties shall notify the Na-
19 tional Mediation Board, which shall provide a
20 list of seven arbitrators with experience in arbi-
21 trating rail labor protection disputes. Within 5
22 days after such notification, the parties shall al-
23 ternately strike names from the list until only
24 1 name remains, and that person shall serve as
25 the neutral arbitrator. Within 45 days after se-

1 lection of the arbitrator, the arbitrator shall
2 conduct a hearing on the dispute and shall
3 render a decision with respect to the unresolved
4 issues among the matters set forth in subpara-
5 graphs (A) through (D) of paragraph (1). This
6 decision shall be final, binding, and conclusive
7 upon the parties. The salary and expenses of
8 the arbitrator shall be borne equally by the par-
9 ties; all other expenses shall be paid by the
10 party incurring them.

11 “(3) SERVICE COMMENCEMENT.—A replacing
12 entity under this subsection shall commence service
13 only after an agreement is entered into with respect
14 to the matters set forth in subparagraphs (A)
15 through (D) of paragraph (1) or the decision of the
16 arbitrator has been rendered.

17 “(4) SUBSEQUENT REPLACEMENT OF SERV-
18 ICE.—If the replacement of existing rail passenger
19 service takes place within 3 years after the replacing
20 entity commences intercity passenger rail service,
21 the replacing entity and the collective bargaining
22 agent or agents for the adversely affected employees
23 of the predecessor provider shall enter into an agree-
24 ment with respect to the matters set forth in sub-
25 paragraphs (A) through (D) of paragraph (1). If the

1 parties have not entered into an agreement with re-
2 spect to all such matters within 60 days after the
3 date on which the replacing entity replaces the pred-
4 ecessor provider, the parties shall select an arbit-
5 rator using the procedures set forth in paragraph
6 (2)(B), who shall, within 20 days after the com-
7 mencement of the arbitration, conduct a hearing and
8 decide all unresolved issues. This decision shall be
9 final, binding, and conclusive upon the parties.

10 "(e) INAPPLICABILITY TO CERTAIN RAIL OPER-
11 ATIONS.—Nothing in this section applies to—

12 “(1) the Alaska Railroad or its contractors; or
13 “(2) the National Railroad Passenger Corpora-
14 tion’s access rights to railroad rights of way and fa-
15 cilities under current law.”.

16 (b) CONFORMING AMENDMENT.—The chapter anal-
17 ysis for subtitle V is amended by inserting the following
18 after the item relating to chapter 243:

“244. INTERCITY PASSENGER RAIL SERVICE CORRIDOR
CAPITAL ASSISTANCE 24401”

19 SEC. 302. STATE RAIL PLANS.

20 (a) IN GENERAL.—Part B of subtitle V is amended
21 by adding at the end the following:

22 "CHAPTER 225—STATE RAIL PLANS AND 23 HIGH PRIORITY PROJECTS

“Sec.
“22501. Definitions.

“22502. Authority.
“22503. Purposes.
“22504. Transparency; coordination; review.
“22505. Content.
“22506. Review.

1 **“§ 22501. Definitions**

2 “In this chapter:

3 “(1) PRIVATE BENEFIT.—

4 “(A) IN GENERAL.—The term ‘private
5 benefit’—

6 “(i) means a benefit accrued to a per-
7 son or private entity, other than the Na-
8 tional Railroad Passenger Corporation,
9 that directly improves the economic and
10 competitive condition of that person or en-
11 tity through improved assets, cost reduc-
12 tions, service improvements, or any other
13 means as defined by the Secretary; and

14 “(ii) shall be determined on a project-
15 by-project basis, based upon an agreement
16 between the parties.

17 “(B) CONSULTATION.—The Secretary may
18 seek the advice of the States and rail carriers
19 in further defining this term.

20 “(2) PUBLIC BENEFIT.—

21 “(A) IN GENERAL.—The term ‘public ben-
22 efit’—

1 “(i) means a benefit accrued to the
2 public in the form of enhanced mobility of
3 people or goods, environmental protection
4 or enhancement, congestion mitigation, en-
5 hanced trade and economic development,
6 improved air quality or land use, more effi-
7 cient energy use, enhanced public safety,
8 reduction of public expenditures due to im-
9 proved transportation efficiency or infra-
10 structure preservation, and any other posi-
11 tive community effects as defined by the
12 Secretary; and

13 “(ii) shall be determined on a project-
14 by-project basis, based upon an agreement
15 between the parties.

16 “(B) CONSULTATION.—The Secretary may
17 seek the advice of the States and rail carriers
18 in further defining this term.

19 “(3) STATE.—The term ‘State’ means any of
20 the 50 States and the District of Columbia.

21 “(4) STATE RAIL TRANSPORTATION AUTHOR-
22 ITY.—The term ‘State rail transportation authority’
23 means the State agency or official responsible under
24 the direction of the Governor of the State or a State

1 law for preparation, maintenance, coordination, and
2 administration of the State rail plan.

3 **“§ 22502. Authority”**

4 “(a) IN GENERAL.—Each State may prepare and
5 maintain a State rail plan in accordance with the provi-
6 sions of this chapter.

7 “(b) REQUIREMENTS.—For the preparation and peri-
8 odic revision of a State rail plan, a State shall—

9 “(1) establish or designate a State rail trans-
10 portation authority to prepare, maintain, coordinate,
11 and administer the plan;

12 “(2) establish or designate a State rail plan ap-
13 proval authority to approve the plan;

14 “(3) submit the State’s approved plan to the
15 Secretary of Transportation for review; and

16 “(4) revise and resubmit a State-approved plan
17 no less frequently than once every 5 years for re-
18 approval by the Secretary.

19 **“§ 22503. Purposes”**

20 “(a) PURPOSES.—The purposes of a State rail plan
21 are as follows:

22 “(1) To set forth State policy involving freight
23 and passenger rail transportation, including com-
24 muter rail operations, in the State.

1 “(2) To establish the period covered by the
2 State rail plan.

3 “(3) To present priorities and strategies to en-
4 hance rail service in the State that benefits the pub-
5 lic.

6 “(4) To serve as the basis for Federal and
7 State rail investments within the State.

8 “(b) COORDINATION.—A State rail plan shall be co-
9 ordinated with other State transportation planning goals
10 and programs and set forth rail transportation’s role with-
11 in the State transportation system.

12 **“§ 22504. Transparency; coordination; review**

13 “(a) PREPARATION.—A State shall provide adequate
14 and reasonable notice and opportunity for comment and
15 other input to the public, rail carriers, commuter and tran-
16 sit authorities operating in, or affected by rail operations
17 within the State, units of local government, and other in-
18 terested parties in the preparation and review of its State
19 rail plan.

20 “(b) INTERGOVERNMENTAL COORDINATION.—A
21 State shall review the freight and passenger rail service
22 activities and initiatives by regional planning agencies, re-
23 gional transportation authorities, and municipalities with-
24 in the State, or in the region in which the State is located,
25 while preparing the plan, and shall include any rec-

1 commendations made by such agencies, authorities, and
2 municipalities as deemed appropriate by the State.

3 **“§ 22505. Content**

4 “(a) IN GENERAL.—Each State rail plan shall con-
5 tain the following:

6 “(1) An inventory of the existing overall rail
7 transportation system and rail services and facilities
8 within the State and an analysis of the role of rail
9 transportation within the State’s surface transpor-
10 tation system.

11 “(2) A review of all rail lines within the State,
12 including proposed high-speed rail corridors and sig-
13 nificant rail line segments not currently in service.

14 “(3) A statement of the State’s passenger rail
15 service objectives, including minimum service levels,
16 for rail transportation routes in the State.

17 “(4) A general analysis of rail’s transportation,
18 economic, and environmental impacts in the State,
19 including congestion mitigation, trade and economic
20 development, air quality, land-use, energy-use, and
21 community impacts.

22 “(5) A long-range rail investment program for
23 current and future freight and passenger infrastruc-
24 ture in the State that meets the requirements of
25 subsection (b).

1 “(6) A statement of public financing issues for
2 rail projects and service in the State, including a list
3 of current and prospective public capital and oper-
4 ating funding resources, public subsidies, State tax-
5 ation, and other financial policies relating to rail in-
6 frastructure development.

7 “(7) An identification of rail infrastructure
8 issues within the State that reflects consultation
9 with all relevant stake holders.

10 “(8) A review of major passenger and freight
11 intermodal rail connections and facilities within the
12 State, including seaports, and prioritized options to
13 maximize service integration and efficiency between
14 rail and other modes of transportation within the
15 State.

16 “(9) A review of publicly funded projects within
17 the State to improve rail transportation safety, in-
18 cluding all major projects funded under section 130
19 of title 23.

20 “(10) A performance evaluation of passenger
21 rail services operating in the State, including pos-
22 sible improvements in those services, and a descrip-
23 tion of strategies to achieve those improvements.

24 “(11) A compilation of studies and reports on
25 high-speed rail corridor development within the

1 State not included in a previous plan under this
2 chapter, and a plan for funding any recommended
3 development of such corridors in the State.

4 “(12) A statement that the State is in compli-
5 ance with the requirements of section 22102.

6 “(b) LONG-RANGE SERVICE AND INVESTMENT PRO-
7 GRAM.—

8 “(1) PROGRAM CONTENT.—A long-range rail
9 investment program included in a State rail plan
10 under subsection (a)(5) shall include the following
11 matters:

12 “(A) A list of any rail capital projects ex-
13 pected to be undertaken or supported in whole
14 or in part by the State.

15 “(B) A detailed funding plan for those
16 projects.

17 “(2) PROJECT LIST CONTENT.—The list of rail
18 capital projects shall contain—

19 “(A) a description of the anticipated public
20 and private benefits of each such project; and

21 “(B) a statement of the correlation be-
22 tween—

23 “(i) public funding contributions for
24 the projects; and

25 “(ii) the public benefits.

1 “(3) CONSIDERATIONS FOR PROJECT LIST.—In
2 preparing the list of freight and intercity passenger
3 rail capital projects, a State rail transportation au-
4 thority should take into consideration the following
5 matters:

6 “(A) Contributions made by non-Federal
7 and non-State sources through user fees,
8 matching funds, or other private capital involve-
9 ment.

10 “(B) Rail capacity and congestion effects.

11 “(C) Effects on highway, aviation, and
12 maritime capacity, congestion, or safety.

13 “(D) Regional balance.

14 “(E) Environmental impact.

15 “(F) Economic and employment impacts.

16 “(G) Projected ridership and other service
17 measures for passenger rail projects.

18 **“§ 22506. Review**

19 “The Secretary shall prescribe procedures for States
20 to submit State rail plans for review under this title, in-
21 cluding standardized format and data requirements. State
22 rail plans completed before the date of enactment of the
23 Passenger Rail Investment and Improvement Act of 2008
24 that substantially meet the requirements of this chapter,

1 as determined by the Secretary, shall be deemed by the
2 Secretary to have met the requirements of this chapter.”.

3 (b) CONFORMING AMENDMENT.—The chapter anal-
4 ysis for subtitle V is amended by inserting the following
5 after the item relating to chapter 223:

“225. STATE RAIL PLANS AND HIGH PRIORITY PROJECTS 22501”.

6 **SEC. 303. NEXT GENERATION CORRIDOR TRAIN EQUIP-
7 MENT POOL.**

8 (a) IN GENERAL.—Within 180 days after the date
9 of enactment of this Act, Amtrak shall establish a Next
10 Generation Corridor Equipment Pool Committee, com-
11 prised of representatives of Amtrak, the Federal Railroad
12 Administration, host freight railroad companies, passenger
13 railroad equipment manufacturers, and other passenger
14 railroad operators as appropriate and interested States.
15 The purpose of the Committee shall be to design, develop
16 specifications for, and procure standardized next-genera-
17 tion corridor equipment.

18 (b) FUNCTIONS.—The Committee may—

19 (1) determine the number of different types of
20 equipment required, taking into account variations
21 in operational needs and corridor infrastructure;

22 (2) establish a pool of equipment to be used on
23 corridor routes funded by participating States; and

4 (c) COOPERATIVE AGREEMENTS.—Amtrak and
5 States participating in the Committee may enter into
6 agreements for the funding, procurement, remanufacture,
7 ownership and management of corridor equipment, includ-
8 ing equipment currently owned or leased by Amtrak and
9 next-generation corridor equipment acquired as a result
10 of the Committee’s actions, and may establish a corpora-
11 tion, which may be owned or jointly owned by Amtrak,
12 participating States or other entities, to perform these
13 functions.

14 (d) FUNDING.—In addition to the authorization pro-
15 vided in section 103(2) of this Act, capital projects to
16 carry out the purposes of this section shall be eligible for
17 grants made pursuant to chapter 244 of title 49, United
18 States Code.

19 SEC. 304. RAIL COOPERATIVE RESEARCH PROGRAM.

20 (a) ESTABLISHMENT AND CONTENT.—Chapter 249
21 is amended by adding at the end the following:

22 “§ 24910. Rail cooperative research program

23 "(a) IN GENERAL.—The Secretary shall establish
24 and carry out a rail cooperative research program. The
25 program shall—

1 “(1) address, among other matters, intercity
2 rail passenger and freight rail services, including ex-
3 isting rail passenger and freight technologies and
4 speeds, incrementally enhanced rail systems and in-
5 frastructure, and new high-speed wheel-on-rail sys-
6 tems;

7 “(2) address ways to expand the transportation
8 of international trade traffic by rail, enhance the ef-
9 ficiency of intermodal interchange at ports and other
10 intermodal terminals, and increase capacity and
11 availability of rail service for seasonal freight needs;

12 “(3) consider research on the interconnected-
13 ness of commuter rail, passenger rail, freight rail,
14 and other rail networks; and

15 “(4) give consideration to regional concerns re-
16 garding rail passenger and freight transportation,
17 including meeting research needs common to des-
18 ignated high-speed corridors, long-distance rail serv-
19 ices, and regional intercity rail corridors, projects,
20 and entities.

21 “(b) CONTENT.—The program to be carried out
22 under this section shall include research designed—

23 “(1) to identify the unique aspects and at-
24 tributes of rail passenger and freight service;

1 “(2) to develop more accurate models for evalu-
2 ating the impact of rail passenger and freight serv-
3 ice, including the effects on highway and airport and
4 airway congestion, environmental quality, and energy
5 consumption;

6 “(3) to develop a better understanding of modal
7 choice as it affects rail passenger and freight trans-
8 portation, including development of better models to
9 predict utilization;

10 “(4) to recommend priorities for technology
11 demonstration and development;

12 “(5) to meet additional priorities as determined
13 by the advisory board established under subsection
14 (c), including any recommendations made by the Na-
15 tional Research Council;

16 “(6) to explore improvements in management,
17 financing, and institutional structures;

18 “(7) to address rail capacity constraints that
19 affect passenger and freight rail service through a
20 wide variety of options, ranging from operating im-
21 provements to dedicated new infrastructure, taking
22 into account the impact of such options on oper-
23 ations;

1 “(8) to improve maintenance, operations, cus-
2 tomer service, or other aspects of intercity rail pas-
3 senger and freight service;

4 “(9) to recommend objective methodologies for
5 determining intercity passenger rail routes and serv-
6 ices, including the establishment of new routes, the
7 elimination of existing routes, and the contraction or
8 expansion of services or frequencies over such
9 routes;

10 “(10) to review the impact of equipment and
11 operational safety standards on the further develop-
12 ment of high-speed passenger rail operations con-
13 nected to or integrated with non-high-speed freight
14 or passenger rail operations;

15 “(11) to recommend any legislative or regu-
16 latory changes necessary to foster further develop-
17 ment and implementation of high-speed passenger
18 rail operations while ensuring the safety of such op-
19 erations that are connected to or integrated with
20 non-high-speed freight or passenger rail operations;

21 “(12) to review rail crossing safety improve-
22 ments, including improvements using new safety
23 technology; and

24 “(13) the development and use of train horn
25 technology, including, but not limited to, broadband

1 horns, with an emphasis on reducing train horn
2 noise and its effect on communities.

3 “(c) ADVISORY BOARD.—

4 “(1) ESTABLISHMENT.—In consultation with
5 the heads of appropriate Federal departments and
6 agencies, the Secretary shall establish an advisory
7 board to recommend research, technology, and tech-
8 nology transfer activities related to rail passenger
9 and freight transportation.

10 “(2) MEMBERSHIP.—The advisory board shall
11 include—

12 “(A) representatives of State transpor-
13 tation agencies;

14 “(B) transportation and environmental
15 economists, scientists, and engineers; and

16 “(C) representatives of Amtrak, the Alaska
17 Railroad, freight railroads, transit operating
18 agencies, intercity rail passenger agencies, rail-
19 way labor organizations, and environmental or-
20 ganizations.

21 “(d) NATIONAL ACADEMY OF SCIENCES.—The Sec-
22 retary may make grants to, and enter into cooperative
23 agreements with, the National Academy of Sciences to
24 carry out such activities relating to the research, tech-

1 nology, and technology transfer activities described in sub-
2 section (b) as the Secretary deems appropriate.”.

3 (b) CLERICAL AMENDMENT.—The chapter analysis
4 for chapter 249 is amended by adding at the end the fol-
5 lowing:

“24910. Rail cooperative research program.”.

6 SEC. 305. PASSENGER RAIL SYSTEM COMPARISON STUDY.

7 (a) IN GENERAL.—Not later than 1 year after the
8 date of the enactment of this Act, the Comptroller General
9 of the United States shall complete a study that compares
10 the passenger rail system in the United States with the
11 passenger rail systems in Canada, Germany, Great Brit-
12 ain, France, China, Spain, and Japan.

13 (b) ISSUES TO BE STUDIED.—The study conducted
14 under subsection (a) shall include a country-by-country
15 comparison of—

- 16 (1) the development of high-speed rail;
- 17 (2) passenger rail operating costs;
- 18 (3) the amount and payment source of rail line
19 construction and maintenance costs;
- 20 (4) the amount and payment source of station
21 construction and maintenance costs;
- 22 (5) passenger rail debt service costs;
- 23 (6) passenger rail labor agreements and associ-
24 ated costs;

7 (9) the method used by the government to pro-
8 vide the subsidies described in paragraph (8).

9 (c) REPORT.—Not later than 180 days after the com-
10 pletion of the study under subsection (a), the Comptroller
11 General shall submit a report containing the findings of
12 such study to—

TITLE IV—COMMUTER RAIL TRANSIT ENHANCEMENT

19 SEC. 401. COMMUTER RAIL TRANSIT ENHANCEMENT.

20 (a) AMENDMENT.—Part E of subtitle V is amended
21 by adding at the end the following:

“CHAPTER 285—COMMUTER RAIL TRANSIT ENHANCEMENT

“Sec.

“28501. Definitions

“28502. Surface Transportation Board mediation of trackage use requests.

“28503. Surface Transportation Board mediation of rights-of-way use requests.

“28504. Applicability of other laws.

“28505. Rules and regulations.

1 **“§ 28501. Definitions**

2 “In this chapter—

3 “(1) the term ‘Board’ means the Surface
4 Transportation Board;

5 “(2) the term ‘capital work’ means maintenance, restoration, reconstruction, capacity enhancement, or rehabilitation work on trackage that would
6 be treated, in accordance with generally accepted accounting principles, as a capital item rather than an
7 expense;

8 “(3) the term ‘fixed guideway transportation’
9 means public transportation (as defined in section
10 5302(a)(10)) provided on, by, or using a fixed guideway (as defined in section 5302(a)(4));

11 “(4) the term ‘public transportation authority’
12 means a local governmental authority (as defined in section 5302(a)(6)) established to provide, or make
13 a contract providing for, fixed guideway transpor-
14 tation;

15 “(5) the term ‘rail carrier’ means a person,
16 other than a governmental authority, providing common carrier railroad transportation for compensation
17 subject to the jurisdiction of the Board under chapter 105;

1 “(6) the term ‘segregated fixed guideway facil-
2 ity’ means a fixed guideway facility constructed
3 within the railroad right-of-way of a rail carrier but
4 physically separate from trackage, including relo-
5 cated trackage, within the right-of-way used by a
6 rail carrier for freight transportation purposes; and

7 “(7) the term ‘trackage’ means a railroad line
8 of a rail carrier, including a spur, industrial, team,
9 switching, side, yard, or station track, and a facility
10 of a rail carrier.

11 "§ 28502. Surface Transportation Board mediation of
12 trackage use requests

13 “If, after a reasonable period of negotiation, a public
14 transportation authority cannot reach agreement with a
15 rail carrier to use trackage of, and have related services
16 provided by, the rail carrier for purposes of fixed guideway
17 transportation, the public transportation authority or the
18 rail carrier may apply to the Board for nonbinding medi-
19 ation. The Board shall conduct the nonbinding mediation
20 in accordance with the mediation process of section 1109.4
21 of title 49, Code of Federal Regulations, as in effect on
22 the date of enactment of this section.

1 **“§ 28503. Surface Transportation Board mediation of**
2 **rights-of-way use requests**

3 “If, after a reasonable period of negotiation, a public
4 transportation authority cannot reach agreement with a
5 rail carrier to acquire an interest in a railroad right-of-
6 way for the construction and operation of a segregated
7 fixed guideway facility, the public transportation authority
8 or the rail carrier may apply to the Board for nonbinding
9 mediation. The Board shall conduct the nonbinding medi-
10 ation in accordance with the mediation process of section
11 1109.4 of title 49, Code of Federal Regulations, as in ef-
12 fect on the date of enactment of this section.

13 **“§ 28504. Applicability of other laws**

14 “Nothing in this chapter shall be construed to limit
15 a rail transportation provider’s right under section
16 28103(b) to enter into contracts that allocate financial re-
17 sponsibility for claims.

18 **“§ 28505. Rules and regulations**

19 “Not later than 180 days after the date of enactment
20 of this section, the Board shall issue such rules and regu-
21 lations as may be necessary to carry out this chapter.”.

22 (b) CLERICAL AMENDMENT.—The table of chapters
23 of such subtitle is amended by adding after the item relat-
24 ing to chapter 283 the following:

“285. COMMUTER RAIL TRANSIT ENHANCEMENT 28501”.

1 **SEC. 402. ROUTING EFFICIENCY DISCUSSIONS WITH AM-**2 **TRAK.**

3 Amtrak shall engage in good faith discussions, with
4 commuter rail entities and regional and State public
5 transportation authorities operating on the same trackage
6 owned by a rail carrier as Amtrak, with respect to the
7 routing and timing of trains to most efficiently move a
8 maximal number of commuter, intercity, and regional rail
9 passengers, particularly during the peak times of com-
10 muter usage at the morning and evening hours marking
11 the start and end of a typical work day, and with respect
12 to the expansion and enhancement of commuter rail and
13 regional rail public transportation service.

14 **TITLE V—HIGH-SPEED RAIL**15 **SEC. 501. HIGH-SPEED RAIL CORRIDOR PROGRAM.**

16 (a) IN GENERAL.—Chapter 261 is amended by add-
17 ing at the end thereof the following:

18 **“§ 26106. High-speed rail corridor program**

19 “(a) IN GENERAL.—The Secretary of Transportation
20 shall establish and implement a high-speed rail corridor
21 program.

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

24 “(1) APPLICANT.—The term ‘applicant’ means
25 a State, a group of States, an Interstate Compact,
26 a public agency established by one or more States

1 and having responsibility for providing high-speed
2 rail service, or Amtrak.

3 “(2) CORRIDOR.—The term ‘corridor’ means a
4 corridor designated by the Secretary pursuant to
5 section 104(d)(2) of title 23.

6 “(3) CAPITAL PROJECT.—The term ‘capital
7 project’ means a project or program in a State rail
8 plan developed under chapter 225 of this title for ac-
9 quiring, constructing, improving, or inspecting
10 equipment, track, and track structures, or a facility
11 of use in or for the primary benefit of high-speed
12 rail service, expenses incidental to the acquisition or
13 construction (including designing, engineering, loca-
14 tion surveying, mapping, environmental studies, and
15 acquiring rights-of-way), payments for the capital
16 portions of rail trackage rights agreements, highway-
17 rail grade crossing improvements related to high-
18 speed rail service, mitigating environmental impacts,
19 communication and signalization improvements, relo-
20 cation assistance, acquiring replacement housing
21 sites, and acquiring, constructing, relocating, and re-
22 habilitating replacement housing.

23 “(4) HIGH-SPEED RAIL.—The term ‘high-speed
24 rail’ means intercity passenger rail service that is

1 reasonably expected to reach speeds of at least 110
2 miles per hour.

3 “(5) INTERCITY PASSENGER RAIL SERVICE.—
4 The term ‘intercity passenger rail service’ means
5 transportation services with the primary purpose of
6 passenger transportation between towns, cities, and
7 metropolitan areas by rail, including high-speed rail,
8 as defined in section 24102 of this title.

9 “(6) SECRETARY.—The term ‘Secretary’ means
10 the Secretary of Transportation.

11 “(7) STATE.—The term ‘State’ means any of
12 the 50 States or the District of Columbia.

13 “(c) GENERAL AUTHORITY.—The Secretary may
14 make grants under this section to an applicant to finance
15 capital projects in high-speed rail corridors.

16 “(d) APPLICATIONS.—Each applicant seeking to re-
17 ceive a grant under this section to develop a high-speed
18 rail corridor shall submit to the Secretary an application
19 in such form and in accordance with such requirements
20 as the Secretary shall establish.

21 “(e) COMPETITIVE GRANT SELECTION AND CRI-
22 TERIA FOR GRANTS.—

23 “(1) IN GENERAL.—The Secretary shall—

1 “(A) establish criteria for selecting among
2 projects that meet the criteria specified in para-
3 graph (2);

4 “(B) conduct a national solicitation for ap-
5 plications; and

6 “(C) award grants on a competitive basis.

7 “(2) GRANT CRITERIA.—The Secretary may ap-
8 prove a grant under this section for a project only
9 if the Secretary determines that the project—

10 “(A) is part of a State rail plan developed
11 under chapter 225 of this title, or under the
12 plan required by section 302 of the Passenger
13 Rail Investment and Improvement Act of 2008;

14 “(B) is based on the results of preliminary
15 engineering;

16 “(C) has the legal, financial, and technical
17 capacity to carry out the project; and

18 “(D) is justified based on the ability of the
19 project—

20 “(i) to generate national economic
21 benefits, including creating jobs, expanding
22 business opportunities, and impacting the
23 gross domestic product;

24 “(ii) to increase mobility of United
25 States citizens and reduce congestion, in-

5 “(3) PROJECT SELECTION CRITERIA.—In se-
6 lecting a project under this section, the Secretary
7 shall consider the extent to which the project—

8 “(A) makes a substantial contribution to
9 providing the infrastructure and equipment re-
10 quired to complete a high-speed rail corridor;

11 “(B) leverages Federal investment by en-
12 couraging non-Federal financial commitments,
13 including evidence of stable and dependable fi-
14 nancing sources to construct, maintain, and op-
15 erate the high-speed rail corridor and service;
16 and

17 “(C) helps protect the environment

18 "(f) FEDERAL SHARE.—The Federal share of the
19 cost of a project financed under this section shall not ex-
20 ceed 80 percent of the project net capital cost.

21 "(g) ISSUANCE OF REGULATIONS.—Not later than 1
22 year after the date of enactment of this section, the Sec-
23 retary shall issue regulations for carrying out this section.

24 "(h) AUTHORIZATION.—There are authorized to be
25 appropriated to the Secretary to carry out this section

1 \$350,000,000 for each of fiscal years 2009 through
2 2013.”.

3 (b) TABLE OF SECTIONS AMENDMENT.—The table of
4 sections for chapter 261 is amended by adding after the
5 item relating to section 26105 the following new item:

“26106. High-speed rail corridor program.”.

6 SEC. 502. ADDITIONAL HIGH-SPEED PROJECTS.

7 (a) SOLICITATION OF PROPOSALS.—

8 (1) IN GENERAL.—

9 (A) NORTHEAST CORRIDOR.—Not later
10 than 60 days after the date of enactment of
11 this Act, the Secretary of Transportation shall
12 issue a request for proposals for projects for the
13 financing, design, construction, and operation
14 of an initial high-speed rail system operating
15 between Washington, DC, and New York City.
16 Such proposals shall be submitted to the Sec-
17 retary not later than 150 days after the publi-
18 cation of such request for proposals.

19 (B) OTHER PROJECTS.—After a report is
20 transmitted under subsection (e) with respect to
21 projects described in subparagraph (A), the
22 Secretary of Transportation may issue a re-
23 quest for proposals for additional projects for
24 the financing, design, construction, and oper-
25 ation of a high-speed rail system operating on

1 any other corridor in the United States. Such
2 proposals shall be submitted to the Secretary
3 not later than 150 days after the publication of
4 such request for proposals.

5 (2) CONTENTS.—A proposal submitted under
6 paragraph (1) shall include—

7 (A) the names and qualifications of the
8 persons submitting the proposal;

9 (B) a detailed description of the proposed
10 route and its engineering characteristics and of
11 all infrastructure improvements required to
12 achieve the planned operating speeds and trip
13 times;

14 (C) how the project would comply with
15 Federal rail safety regulations which govern the
16 track and equipment safety requirements for
17 high-speed rail operations;

18 (D) the peak and average operating speeds
19 to be attained;

20 (E) the type of equipment to be used, in-
21 cluding any technologies for—

22 (i) maintaining an operating speed the
23 Secretary determines appropriate; or

24 (ii) in the case of a proposal sub-
25 mitted under paragraph (1)(A), achieving

1 less than 2-hour express service between
2 Washington, DC, and New York City;

3 (F) the locations of proposed stations,
4 identifying, in the case of a proposal submitted
5 under paragraph (1) (A), a plan allowing for
6 station stops at or in close proximity to the
7 busiest Amtrak stations;

8 (G) a detailed description of any proposed
9 legislation needed to facilitate the project;

10 (H) a financing plan identifying—

11 (i) sources of revenue;

12 (ii) the amount of any proposed public
13 contribution toward capital costs or oper-
14 ations;

15 (iii) ridership projections;

16 (iv) the amount of private investment;

17 (v) projected revenue;

18 (vi) annual operating and capital
19 costs;

20 (vii) the amount of projected capital
21 investments required (both initially and in
22 subsequent years to maintain a state of
23 good repair); and

24 (viii) the sources of the private invest-
25 ment required, including the identity of

1 any person or entity that has made or is
2 expected to make a commitment to provide
3 or secure funding and the amount of such
4 commitment;

5 (I) a description of how the project would
6 contribute to the development of a national
7 high-speed rail system, and an intermodal plan
8 describing how the system will connect with
9 other transportation links;

10 (J) labor protections that would comply
11 with the requirements of section 504;

12 (K) provisions to ensure that the proposal
13 will be designed to operate in harmony with ex-
14 isting and projected future intercity, commuter,
15 and freight service;

16 (L) provisions for full fair market com-
17 pensation for any asset, property right or inter-
18 est, or service acquired from, owned, or held by
19 a private person or non-Federal entity that
20 would be acquired, impaired, or diminished in
21 value as a result of a project, except as other-
22 wise agreed to by the private person or entity;

23 and

(M) a detailed description of the environmental impacts of the project, and how any adverse impacts would be mitigated.

7 (b) DETERMINATION OF COST EFFECTIVENESS AND
8 ESTABLISHMENT OF COMMISSIONS.—Not later than 60
9 days after receipt of a proposal under subsection (a), the
10 Secretary of Transportation shall—

13 (2) for each corridor for which one or more cost
14 effective proposals are received, establish a commis-
15 sion under subsection (c).

16 (c) COMMISSIONS.—

19 (A) the governor of the affected State or
20 States, or their respective designees:

21 (B) a rail labor representative, a representative from a rail freight carrier using the relevant corridor, and a commuter authority using the relevant corridor, appointed by the Secretary of Transportation, in consultation with

1 the chairman and ranking minority member of
2 the Committee on Transportation and Infra-
3 structure of the House of Representatives and
4 the Committee on Commerce, Science, and
5 Transportation of the Senate;

6 (C) the Secretary of Transportation or his
7 designee;

8 (D) the president of Amtrak or his des-
9 ignee; and

10 (E) the mayors of the three largest munici-
11 palities serviced by the proposed high-speed rail
12 corridor.

13 (2) CHAIRPERSON AND VICE-CHAIRPERSON SE-
14 LECTION.—The Chairperson and Vice Chairperson
15 shall be elected from among members of the Com-
16 mission.

17 (3) QUORUM AND VACANCY.—

18 (A) QUORUM.—A majority of the members
19 of the Commission shall constitute a quorum.

20 (B) VACANCY.—Any vacancy in the Com-
21 mission shall not affect its powers and shall be
22 filled in the same manner in which the original
23 appointment was made.

24 (d) COMMISSION CONSIDERATION.—

12 (A) a summary of each proposal received;

13 (B) a ranking of the order of the proposals
14 according to cost effectiveness, advantages over
15 existing services, projected revenue, and cost
16 and benefit to the public and private parties;

17 (C) an indication of which proposal or pro-
18 posals are recommended by the commission;
19 and

20 (D) an identification of any proposed legis-
21 lative provisions which would facilitate imple-
22 mentation of the recommended project.

1 (e) SELECTION BY SECRETARY.—Not later than 60
2 days after receiving a report from a commission under
3 subsection (d)(1), the Secretary of Transportation shall
4 transmit to the Congress a report that ranks all of the
5 recommended proposals according to cost effectiveness,
6 advantages over existing services, projected revenue, and
7 cost and benefit to the public and private parties.

8 (f) NORTHEAST CORRIDOR ECONOMIC DEVELOP-
9 MENT STUDY.—Not later than 9 months after the date
10 of enactment of this Act, the Secretary of Transportation
11 shall transmit to the Committee on Transportation and
12 Infrastructure of the House of Representatives and the
13 Committee on Commerce, Science, and Transportation of
14 the Senate the results of an economic development study
15 of Amtrak's Northeast Corridor service between Wash-
16 ington, DC, and New York City. Such study shall examine
17 how to achieve maximum utilization of the Northeast Cor-
18 ridor as a transportation asset, including—

19 (1) maximizing the assets of the Northeast Cor-
20 ridor for potential economic development purposes;
21 (2) real estate improvement and financial re-
22 turn;
23 (3) improved intercity, commuter, and freight
24 services;

6 SEC. 503. HIGH-SPEED RAIL STUDY.

7 Not later than 1 year after the date of enactment
8 of this Act, the Secretary of Transportation shall con-
9 duct—

15 (2) a feasibility analysis regarding the expansion
16 of the South Central High-Speed Rail Corridor
17 to the Port of Houston, Texas;

21 (4) a feasibility analysis regarding the expan-
22 sion of the South Central High-Speed Rail Corridor
23 south of San Antonio to a location in far south
24 Texas to be chosen at the discretion of the Sec-
25 retary.

1 These analyses shall consider changes that have occurred
2 in the region's population, anticipated patterns of popu-
3 lation growth, connectivity with other modes of transpor-
4 tation, ability of the designation to reduce regional traffic
5 congestion, and the ability of current and proposed
6 routings to meet the needs of tourists. The Secretary shall
7 submit recommendations to the Committee on Transpor-
8 tation and Infrastructure of the House of Representatives
9 and the Committee on Commerce, Science, and Transpor-
10 tation of the Senate and conduct a redesignation of one
11 or both corridors if necessary.

12 **SEC. 504. GRANT CONDITIONS.**

13 (a) DOMESTIC BUYING PREFERENCE.—

14 (1) REQUIREMENT.—

15 (A) IN GENERAL.—In carrying out a
16 project funded in whole or in part with a grant
17 under this title, or the amendments made by
18 this title, the grant recipient shall purchase
19 only—

20 (i) unmanufactured articles, material,
21 and supplies mined or produced in the
22 United States; or

23 (ii) manufactured articles, material,
24 and supplies manufactured in the United
25 States substantially from articles, material,

1 and supplies mined, produced, or manufac-
2 tured in the United States.

3 (B) DE MINIMIS AMOUNT.—Subparagraph
4 (A) applies only to a purchase in an total
5 amount that is not less than \$1,000,000.

6 (2) EXEMPTIONS.—On application of a recipi-
7 ent, the Secretary may exempt a recipient from the
8 requirements of this subsection if the Secretary de-
9 cides that, for particular articles, material, or sup-
10 plies—

11 (A) such requirements are inconsistent
12 with the public interest;

13 (B) the cost of imposing the requirements
14 is unreasonable; or

15 (C) the articles, material, or supplies, or
16 the articles, material, or supplies from which
17 they are manufactured, are not mined, pro-
18 duced, or manufactured in the United States in
19 sufficient and reasonably available commercial
20 quantities and are not of a satisfactory quality.

21 (3) UNITED STATES DEFINED.—In this sub-
22 section, the term “the United States” means the
23 States, territories, and possessions of the United
24 States and the District of Columbia.

1 (b) OPERATORS DEEMED RAIL CARRIERS AND EM-
2 PLOYERS FOR CERTAIN PURPOSES.—A person that con-
3 ducts rail operations over rail infrastructure constructed
4 or improved with funding provided in whole or in part in
5 a grant made under this title, or the amendments made
6 by this title, shall be considered a rail carrier as defined
7 in section 10102(5) of title 49, United States Code, for
8 purposes of this title and any other statute that adopts
9 that definition or in which that definition applies, includ-
10 ing—

11 (1) the Railroad Retirement Act of 1974 (45
12 U.S.C. 231 et seq.);

13 (2) the Railway Labor Act (43 U.S.C. 151 et
14 seq.); and

15 (3) the Railroad Unemployment Insurance Act
16 (45 U.S.C. 351 et seq.).

17 (c) GRANT CONDITIONS.—The Secretary shall re-
18 quire as a condition of making any grant under this title,
19 or the amendments made by this title, for a project that
20 uses rights-of-way owned by a railroad that—

21 (1) a written agreement exist between the appli-
22 cant and the railroad regarding such use and owner-
23 ship, including—

24 (A) any compensation for such use;

5 (C) an assurance by the railroad that col-
6 lective bargaining agreements with the rail-
7 road's employees (including terms regulating
8 the contracting of work) will remain in full
9 force and effect according to their terms for
10 work performed by the railroad on the railroad
11 transportation corridor; and

12 (D) an assurance that an applicant com-
13 plies with liability requirements consistent with
14 section 28103 of title 49, United States Code;
15 and

16 (2) the applicant agrees to comply with—

17 (A) the standards of section 24312 of title
18 49, United States Code, as such section was in
19 effect on September 1, 2003, with respect to
20 the project in the same manner that the Na-
21 tional Railroad Passenger Corporation is re-
22 quired to comply with those standards for con-
23 struction work financed under an agreement
24 made under section 24308(a) of title 49, United
25 States Code; and

8 (d) REPLACEMENT OF EXISTING INTERCITY PAS-
9 SINGER RAIL SERVICE.—

(1) COLLECTIVE BARGAINING AGREEMENT FOR
INTERCITY PASSENGER RAIL PROJECTS.—Any entity
providing intercity passenger railroad transportation
that begins operations after the date of enactment of
this Act on a project funded in whole or in part by
grants made under this title, or the amendments
made by this title, and replaces intercity rail pas-
senger service that was provided by Amtrak, unless
such service was provided solely by Amtrak to an-
other entity, as of such date shall enter into an
agreement with the authorized bargaining agent or
agents for adversely affected employees of the prede-
cessor provider that—

23 (A) gives each such qualified employee of
24 the predecessor provider priority in hiring ac-
25 cording to the employee's seniority on the pred-

1 cessor provider for each position with the re-
2 placing entity that is in the employee's craft or
3 class and is available within 3 years after the
4 termination of the service being replaced;

5 (B) establishes a procedure for notifying
6 such an employee of such positions;

7 (C) establishes a procedure for such an
8 employee to apply for such positions; and

9 (D) establishes rates of pay, rules, and
10 working conditions.

11 (2) IMMEDIATE REPLACEMENT SERVICE.—

12 (A) NEGOTIATIONS.—If the replacement of
13 preexisting intercity rail passenger service oc-
14 curs concurrent with or within a reasonable
15 time before the commencement of the replacing
16 entity's rail passenger service, the replacing en-
17 tity shall give written notice of its plan to re-
18 place existing rail passenger service to the au-
19 thorized collective bargaining agent or agents
20 for the potentially adversely affected employees
21 of the predecessor provider at least 90 days be-
22 fore the date on which it plans to commence
23 service. Within 5 days after the date of receipt
24 of such written notice, negotiations between the
25 replacing entity and the collective bargaining

1 agent or agents for the employees of the prede-
2 cessor provider shall commence for the purpose
3 of reaching agreement with respect to all mat-
4 ters set forth in subparagraphs (A) through (D)
5 of paragraph (1). The negotiations shall con-
6 tinue for 30 days or until an agreement is
7 reached, whichever is sooner. If at the end of
8 30 days the parties have not entered into an
9 agreement with respect to all such matters, the
10 unresolved issues shall be submitted for arbitra-
11 tion in accordance with the procedure set forth
12 in subparagraph (B).

13 (B) ARBITRATION.—If an agreement has
14 not been entered into with respect to all mat-
15 ters set forth in subparagraphs (A) through (D)
16 of paragraph (1) as described in subparagraph
17 (A) of this paragraph, the parties shall select
18 an arbitrator. If the parties are unable to agree
19 upon the selection of such arbitrator within 5
20 days, either or both parties shall notify the Na-
21 tional Mediation Board, which shall provide a
22 list of seven arbitrators with experience in arbi-
23 trating rail labor protection disputes. Within 5
24 days after such notification, the parties shall al-
25 ternately strike names from the list until only

1 1 name remains, and that person shall serve as
2 the neutral arbitrator. Within 45 days after se-
3 lection of the arbitrator, the arbitrator shall
4 conduct a hearing on the dispute and shall
5 render a decision with respect to the unresolved
6 issues among the matters set forth in subpara-
7 graphs (A) through (D) of paragraph (1). This
8 decision shall be final, binding, and conclusive
9 upon the parties. The salary and expenses of
10 the arbitrator shall be borne equally by the par-
11 ties; all other expenses shall be paid by the
12 party incurring them.

13 (3) SERVICE COMMENCEMENT.—A replacing
14 entity under this subsection shall commence service
15 only after an agreement is entered into with respect
16 to the matters set forth in subparagraphs (A)
17 through (D) of paragraph (1) or the decision of the
18 arbitrator has been rendered.

19 (4) SUBSEQUENT REPLACEMENT OF SERV-
20 ICE.—If the replacement of existing rail passenger
21 service takes place within 3 years after the replacing
22 entity commences intercity passenger rail service,
23 the replacing entity and the collective bargaining
24 agent or agents for the adversely affected employees
25 of the predecessor provider shall enter into an agree-

1 ment with respect to the matters set forth in sub-
2 paragraphs (A) through (D) of paragraph (1). If the
3 parties have not entered into an agreement with re-
4 spect to all such matters within 60 days after the
5 date on which the replacing entity replaces the pred-
6 ecessor provider, the parties shall select an arbit-
7 rator using the procedures set forth in paragraph
8 (2)(B), who shall, within 20 days after the com-
9 mencement of the arbitration, conduct a hearing and
10 decide all unresolved issues. This decision shall be
11 final, binding, and conclusive upon the parties.

12 (e) INAPPLICABILITY TO CERTAIN RAIL OPER-
13 ATIONS.—Nothing in this section applies to—
14 (1) the Alaska Railroad or its contractors; or
15 (2) the National Railroad Passenger Corpora-
16 tion's access rights to railroad rights of way and fa-
17 cilities under current law.

Passed the House of Representatives June 11, 2008.

Attest: LORRAINE C. MILLER,

Clerk.

By ROBERT F. REEVES,

Deputy Clerk.

Calendar No. 779

110TH CONGRESS
2D SESSION
H. R. 6003

AN ACT

To reauthorize Amtrak, and for other purposes.

JUNE 12, 2008

Received; read twice and placed on the calendar