

110TH CONGRESS  
1ST SESSION

# H. R. 4122

To support the development of high-speed rail in the United States, and  
for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 8, 2007

Mr. COSTA introduced the following bill; which was referred to the Committee  
on Transportation and Infrastructure

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## A BILL

To support the development of high-speed rail in the United  
States, 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 “American Investment  
5 in Safe, Reliable High-Speed Rail Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) The Intermodal Surface Transportation Ef-  
9 ficiency Act of 1991 (ISTEA) (Public Law 102-  
10 240) discussed high-speed rail as part of an inter-

1 modal transportation system for the United States,  
2 and directed the Department of Transportation to  
3 “lead and coordinate Federal efforts in the research  
4 and development of high-speed ground transpor-  
5 tation technologies in order to foster implementation  
6 of magnetic levitation and high-speed steel wheel on  
7 rail transportation systems as alternatives to exist-  
8 ing transportation systems.”.

9 (2) The Department of Transportation has des-  
10 igned eleven high-speed rail corridors in the  
11 United States.

12 (3) High-speed rail development will be a state-  
13 of-the-art transportation system that will have im-  
14 pact on climate change.

15 (4) High-speed rail is an efficient, practical,  
16 and less polluting transportation mode that can fill  
17 the gap between future demand and present capac-  
18 ity.

19 (5) High-speed rail will greatly reduce carbon  
20 dioxide emissions by reducing vehicle travel and  
21 make major contributes to efforts to reduce green-  
22 houses gas emissions and combat global warming.

23 (6) High-speed rail will drastically reduce the  
24 traffic congestion currently plaguing our Nation’s  
25 busiest highway systems.

1           (7) Most of the high-speed rail tracks will be at  
2 ground level, only needing a minimum path 50 feet  
3 wide, comparable to a new two-lane road with shoul-  
4 ders, but providing 20 times the transportation ca-  
5 pacity.

6           (8) The future growth of the United States will  
7 require multimodal of transportation to ease travel  
8 across the country.

9           (9) High-speed rail can provide a viable alter-  
10 native to airspace capacity problems the Federal  
11 Aviation Administration admits it cannot solve in  
12 the Los Angeles to Bay Area air corridor. High-  
13 speed rail will have comparable and often shorter  
14 travel times when compared to air travel on trips  
15 200 to 500 miles in length, allowing it to signifi-  
16 cantly reduce airspace congestion.

17           (10) The only current fast train lines in the  
18 country only average a speed of 82.2 miles per hour.

19           (11) Rail track will be fully grade-separated  
20 from road traffic with bridges or underpasses.

21           (12) At peak travel times, trains can be ex-  
22 panded to accommodate more passengers than the  
23 current congested highway system.

24           (13) The Federal Government has traditionally  
25 participated in significant infrastructure improve-

1       ments such as the Transcontinental Railroad, Inter-  
2       state Highway System, and the Tennessee Valley  
3       Authority, as well as our Nation's port and harbor  
4       systems.

5           (14) The economic strength and development of  
6       our Nation has been led by advances in transpor-  
7       tation projects, such as the Erie Canal, Trans-  
8       continental Railroad, Interstate Highway System,  
9       and airports.

10          (15) Improving the linkage of major metropoli-  
11       tan areas across the country using rail systems can  
12       bring great economic growth.

13          (16) Expanding the Nation's highways and air-  
14       ports is costly, and constrained by environmental re-  
15       strictions.

16          (17) High-speed rail construction will yield mil-  
17       lions of jobs throughout the country.

18          (18) Advances in rail technology have allowed  
19       high-speed rail systems in Europe and Japan to at-  
20       tain speeds of up to 357 miles per hour and provide  
21       a much needed alternative for trips in the 200 to  
22       500-mile range.

23          (19) The Shinkansen high-speed trains in  
24       Japan carry over 300,000,000 passengers a year,

1 and the system's 1,540 miles of track continues to  
2 expand due to demand for travel.

3 (20) High-speed rail will save up to tens of mil-  
4 lions of barrels of oil per year.

5 **SEC. 3. PURPOSE.**

6 The purpose of this Act is to establish high-speed rail  
7 in the United States—

8 (1) to further right-of-way purchases, designs,  
9 and construction of high-speed rail systems in the  
10 United States;

11 (2) to create a 21st century intermodal trans-  
12 portation system;

13 (3) to alleviate the air and highway congestion  
14 plaguing our Nation; and

15 (4) to develop an environmentally friendly and  
16 efficient mass transportation system to reduce  
17 greenhouse gas emissions.

18 **SEC. 4. CAPITAL ASSISTANCE FOR INTERCITY PASSENGER**

19 **RAIL SERVICE.**

20 (a) IN GENERAL.—Part C of subtitle V of title 49,  
21 United States Code, is amended by inserting the following  
22 after chapter 243:

1 **“CHAPTER 244—INTERCITY PASSENGER**  
 2 **RAIL SERVICE CORRIDOR CAPITAL AS-**  
 3 **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 first-dollar liability of grant project.

“24405. Grant conditions.

4 **“§ 24401. Definitions**

5 “In this chapter:

6 “(1) **APPLICANT**.—The term ‘applicant’ means  
 7 a State (including the District of Columbia), a group  
 8 of States, an Interstate Compact, a public agency  
 9 established by one or more States, or a public-pri-  
 10 vate or private entity which is responsible for pro-  
 11 viding intercity passenger rail service.

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

15 “(A) design, right-of-way acquisition, and  
 16 construction of high-speed rail in the United  
 17 States;

18 “(B) acquiring, constructing, improving, or  
 19 inspecting equipment, track, and track struc-  
 20 tures, or a facility for use in or for the primary  
 21 benefit of intercity passenger rail service, ex-  
 22 penses incidental to the acquisition or construc-

1 tion (including designing, engineering, location  
2 surveying, mapping, environmental studies, and  
3 acquiring rights-of-way), payments for the cap-  
4 ital portions of rail trackage rights agreements,  
5 highway-rail grade crossing improvements re-  
6 lated to intercity passenger rail service, secu-  
7 rity, mitigating environmental impacts, commu-  
8 nication and signalization improvements, reloca-  
9 tion assistance, acquiring replacement housing  
10 sites, and acquiring, constructing, relocating,  
11 and rehabilitating replacement housing;

12 “(C) rehabilitating, remanufacturing, or  
13 overhauling rail rolling stock and facilities used  
14 primarily in intercity passenger rail service;

15 “(D) costs associated with developing State  
16 rail plans; and

17 “(E) the first-dollar liability costs for in-  
18 surance related to the provision of intercity pas-  
19 senger rail service under section 24404.

20 “(3) INTERCITY PASSENGER RAIL SERVICE.—

21 The term ‘intercity passenger rail service’ means  
22 transportation services with the primary purpose of  
23 passenger transportation between towns, cities, and  
24 metropolitan areas by rail, including high-speed rail,  
25 as defined in section 24102.

1 **“§ 24402. Capital investment grants to support inter-**  
2 **city passenger rail service**

3 “(a) GENERAL AUTHORITY.—(1) The Secretary of  
4 Transportation may make grants under this section to an  
5 applicant to assist in high-speed right-of-way acquisition,  
6 design, and construction of capital projects, and the fi-  
7 nancing of the capital costs of facilities and equipment  
8 necessary to provide or improve intercity passenger rail  
9 transportation.

10 “(2) The Secretary shall require that a grant under  
11 this section be subject to the terms, conditions, require-  
12 ments, and provisions the Secretary decides are necessary  
13 or appropriate for the purposes of this section, including  
14 requirements for the disposition of net increases in value  
15 of real property resulting from the project assisted under  
16 this section, and shall prescribe procedures and schedules  
17 for the awarding of grants under this chapter, including  
18 application and qualification procedures and a record of  
19 decision on applicant eligibility. The Secretary shall issue  
20 a final rule establishing such procedures not later than  
21 90 days after the date of enactment of this chapter.

22 “(b) PROJECT AS PART OF STATE RAIL PLAN.—(1)  
23 The Secretary may not approve a grant for a project  
24 under this section unless the Secretary finds that the  
25 project is part of a State rail plan developed under chapter  
26 225 of this title, and that the applicant or recipient has

1 or will have the legal, financial, and technical capacity to  
2 carry out the project, satisfactory continuing control over  
3 the use of the equipment or facilities, and the capability  
4 and willingness to maintain the equipment or facilities.

5 “(2) An applicant shall provide sufficient information  
6 upon which the Secretary can make the findings required  
7 by this subsection.

8 “(3) If an applicant has not selected the proposed op-  
9 erator of its service competitively, the applicant shall pro-  
10 vide written justification to the Secretary showing why the  
11 proposed operator is the best, taking into account price  
12 and other factors, and that use of the proposed operator  
13 will not unnecessarily increase the cost of the project.

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

17 “(1) require that each proposed project meet all  
18 safety and security requirements that are applicable  
19 to the project under law;

20 “(2) give preference to projects with high levels  
21 of estimated ridership, increased on-time perform-  
22 ance, reduced trip time, additional service frequency  
23 to meet anticipated or existing demand, or other sig-  
24 nificant service enhancements;

1           “(3) encourage intermodal connectivity through  
2 projects that provide direct connections between  
3 train stations, airports, bus terminals, subway sta-  
4 tions, ferry ports, and other modes of transpor-  
5 tation;

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

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

11                “(B) the national rail plan (if it is avail-  
12 able);

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

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

17                “(B) Projects that also improve freight or  
18 commuter rail operations.

19                “(C) Projects that have significant envi-  
20 ronmental benefits particularly through reduced  
21 carbon emissions resulting from the lower use  
22 of other competing modes in the same travel  
23 corridor.

24                “(D) Projects that are—

1           “(i) at a stage of preparation that all  
2           precommencement compliance with envi-  
3           ronmental protection requirements has al-  
4           ready been completed; and

5           “(ii) ready to be commenced.

6           “(E) Projects with positive economic and  
7           employment impacts.

8           “(F) Projects that encourage the use of  
9           positive train control technologies.

10          “(G) Projects that have commitments of  
11          funding from non-Federal Government sources  
12          in a total amount that exceeds the minimum  
13          amount of the non-Federal contribution re-  
14          quired for the project.

15          “(H) Projects that involve donated prop-  
16          erty interests or services.

17          “(I) Projects that are identified by the  
18          Surface Transportation Board as necessary to  
19          improve the on time performance and reliability  
20          of intercity passenger rail under section  
21          24308(f).

22          “(J) Projects described in section  
23          5302(a)(1)(G) of this title that are designed to  
24          support intercity passenger rail service.

1           “(K) Projects that provide viable solutions  
2           to the airside capacity problems in critical cor-  
3           ridors identified by the Federal Aviation Ad-  
4           ministration; and

5           “(6) give preference to the following projects  
6           designated as a high-speed rail corridor:

7           “(A) California Corridor connecting the  
8           San Francisco Bay area and Sacramento to Los  
9           Angeles and San Diego.

10          “(B) Chicago Hub Corridor Network with  
11          the following spokes:

12                 “(i) Chicago to Detroit.

13                 “(ii) Chicago to Minneapolis/St. Paul,  
14                 MN, via Milwaukee, WI.

15                 “(iii) Chicago to Kansas City, MO, via  
16                 Springfield, IL, and St Louis, MO.

17                 “(iv) Chicago to Louisville, KY, via  
18                 Indianapolis, IN, and Cincinnati, OH.

19                 “(v) Chicago to Cleveland, OH, via  
20                 Toledo, OH.

21                 “(vi) Cleveland, OH, to Cincinnati,  
22                 OH, via Columbus, OH.

23          “(C) Empire State Corridor from New  
24          York City, NY, through Albany, NY to Buffalo,  
25          NY.

1           “(D) Florida High-Speed Rail Corridor  
2 from Tampa through Orlando to Miami.

3           “(E) Gulf Coast Corridor from Houston  
4 TX, through New Orleans, LA, to Mobile, AL,  
5 with a branch from New Orleans, through Me-  
6 ridian, MS, and Birmingham, AL, to Atlanta,  
7 GA.

8           “(F) Keystone Corridor from Philadelphia,  
9 PA, through Harrisburg, PA, to Pittsburgh,  
10 PA.

11           “(G) Northeast Corridor from Washington,  
12 DC, through New York City, NY, New Haven,  
13 CT, and Providence, RI, to Boston, MA.

14           “(H) New England Corridor from Boston,  
15 MA, to Portland and Auburn, ME, and from  
16 Boston, MA, through Concord, NH, and Mont-  
17 pelier, VT, to Montreal, PQ.

18           “(I) Pacific Northwest Corridor from Eu-  
19 gene, OR, through Portland, OR, and Seattle,  
20 WA, to Vancouver, BC.

21           “(J) South Central Corridor from San An-  
22 tonio, TX, through Dallas/ Fort Worth to Little  
23 Rock, AK, with a branch from Dallas/Fort  
24 Worth through Oklahoma City, OK, to Tulsa,  
25 OK.

1           “(K) Southeast Corridor from Washington,  
2           DC, through Richmond, VA, Raleigh, NC, Co-  
3           lumbia, SC, Savannah, GA, and Jesup, GA, to  
4           Jacksonville, FL, with a branch from Raleigh,  
5           NC, through Charlotte, NC, and Greenville, SC,  
6           to Atlanta, GA, a branch from Richmond, VA,  
7           to Hampton Roads/Norfolk, VA, and a con-  
8           necting route between Atlanta, GA, to Jesup,  
9           GA.

10          “(d) AMTRAK ELIGIBILITY.—To receive a grant  
11 under this section, the National Railroad Passenger Cor-  
12 poration may enter into a cooperative agreement with 1  
13 or more States to carry out 1 or more projects on a State  
14 rail plan’s ranked list of rail capital projects developed  
15 under section 22505(a)(5) of this title.

16          “(e) LETTERS OF INTENT, FULL FUNDING GRANT  
17 AGREEMENTS, AND EARLY SYSTEMS WORK AGREE-  
18 MENTS.—(1)(A) The Secretary may issue a letter of intent  
19 to an applicant announcing an intention to obligate, for  
20 a major capital project under this section, an amount from  
21 future available budget authority specified in law that is  
22 not more than the amount stipulated as the financial par-  
23 ticipation of the Secretary in the project.

24          “(B) At least 30 days before issuing a letter under  
25 subparagraph (A) of this paragraph or entering into a full

1 funding grant agreement, the Secretary shall notify in  
2 writing the Committee on Transportation and Infrastruc-  
3 ture of the House of Representatives and the Committee  
4 on Commerce, Science, and Transportation of the Senate  
5 and the House and Senate Committees on Appropriations  
6 of the proposed letter or agreement. The Secretary shall  
7 include with the notification a copy of the proposed letter  
8 or agreement as well as the evaluations and ratings for  
9 the project.

10 “(C) An obligation or administrative commitment  
11 may be made only when amounts are appropriated.

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

14 “(i) establish the terms of participation by the  
15 United States Government in a project under this  
16 section;

17 “(ii) establish the maximum amount of Govern-  
18 ment financial assistance for the project;

19 “(iii) cover the period of time for completing  
20 the project, including a period extending beyond the  
21 period of an authorization; and

22 “(iv) make timely and efficient management of  
23 the project easier according to the laws of the  
24 United States.

1       “(B) An agreement under this paragraph obligates  
2 an amount of available budget authority specified in law  
3 and may include a commitment, contingent on amounts  
4 to be specified in law in advance for commitments under  
5 this paragraph, to obligate an additional amount from fu-  
6 ture available budget authority specified in law. The  
7 agreement shall state that the contingent commitment is  
8 not an obligation of the Government and is subject to the  
9 availability of appropriations made by Federal law and to  
10 Federal laws in force on or enacted after the date of the  
11 contingent commitment. Interest and other financing costs  
12 of efficiently carrying out a part of the project within a  
13 reasonable time are a cost of carrying out the project  
14 under a full funding grant agreement, except that eligible  
15 costs may not be more than the cost of the most favorable  
16 financing terms reasonably available for the project at the  
17 time of borrowing. The applicant shall certify, in a way  
18 satisfactory to the Secretary, that the applicant has shown  
19 reasonable diligence in seeking the most favorable financ-  
20 ing terms.

21       “(3)(A) The Secretary may make an early systems  
22 work agreement with an applicant if a record of decision  
23 under the National Environmental Policy Act of 1969 (42  
24 U.S.C. 4321 et seq.) has been issued on the project and  
25 the Secretary finds there is reason to believe—

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

3           “(ii) the terms of the work agreement will pro-  
4 mote ultimate completion of the project more rapidly  
5 and at less cost.

6           “(B) A work agreement under this paragraph obli-  
7 gates an amount of available budget authority specified  
8 in law and shall provide for reimbursement of preliminary  
9 costs of carrying out the project, including land acquisi-  
10 tion, timely procurement of system elements for which  
11 specifications are decided, and other activities the Sec-  
12 retary decides are appropriate to make efficient, long-term  
13 project management easier. A work agreement shall cover  
14 the period of time the Secretary considers appropriate.  
15 The period may extend beyond the period of current au-  
16 thorization. Interest and other financing costs of effi-  
17 ciently carrying out the work agreement within a reason-  
18 able time are a cost of carrying out the agreement, except  
19 that eligible costs may not be more than the cost of the  
20 most favorable financing terms reasonably available for  
21 the project at the time of borrowing. The applicant shall  
22 certify, in a way satisfactory to the Secretary, that the  
23 applicant has shown reasonable diligence in seeking the  
24 most favorable financing terms. If an applicant does not  
25 carry out the project for reasons within the control of the

1 applicant, the applicant shall repay all Government pay-  
2 ments made under the work agreement plus reasonable in-  
3 terest and penalty charges the Secretary establishes in the  
4 agreement, unless the Secretary determines that comple-  
5 tion of the project to date is sufficient to serve the national  
6 transportation interest.

7       “(4) The total estimated amount of future obligations  
8 of the Government and contingent commitments to incur  
9 obligations covered by all outstanding letters of intent, full  
10 funding grant agreements, and early systems work agree-  
11 ments may be not more than the amount authorized by  
12 law for such purposes, less an amount the Secretary rea-  
13 sonably estimates is necessary for grants under this sec-  
14 tion not covered by a letter. The total amount covered by  
15 new letters and contingent commitments included in full  
16 funding grant agreements and early systems work agree-  
17 ments may be not more than a limitation specified in law.

18       “(f) FEDERAL SHARE OF NET PROJECT COST.—  
19 (1)(A) Based on engineering studies, studies of economic  
20 feasibility, and information on the expected use of equip-  
21 ment or facilities, the Secretary shall estimate the net  
22 project cost.

23       “(B) A grant for the project shall not exceed 80 per-  
24 cent of the project net capital cost.

1       “(C) The Secretary shall give priority in allocating  
2 future obligations and contingent commitments to incur  
3 obligations to grant requests seeking a lower Federal  
4 share of the project net capital cost.

5       “(2) Up to an additional 20 percent of the required  
6 non-Federal funds may be funded from amounts appro-  
7 priated to or made available to a department or agency  
8 of the Federal Government that are eligible to be expended  
9 for transportation.

10       “(3) 50 percent of the average amounts expended by  
11 a State or group of States (including the District of Co-  
12 lumbia) for capital projects to benefit intercity passenger  
13 rail service and operating costs of such service of up to  
14 \$5,000,000 per fiscal year, beginning in fiscal year 2007,  
15 shall be credited towards the matching requirements for  
16 grants awarded under this section. The Secretary may re-  
17 quire such information as necessary to verify such expend-  
18 itures.

19       “(g) UNDERTAKING PROJECTS IN ADVANCE.—(1)  
20 The Secretary may pay the Federal share of the net cap-  
21 ital project cost to an applicant that carries out any part  
22 of a project described in this section according to all appli-  
23 cable procedures and requirements if—

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

25               “(B) the Secretary approves the payment; and

1           “(C) before carrying out the part of the project,  
2           the Secretary approves the plans and specifications  
3           for the part in the same way as other projects under  
4           this section.

5           “(2) The cost of carrying out part of a project in-  
6           cludes the amount of interest earned and payable on bonds  
7           issued by the applicant to the extent proceeds of the bonds  
8           are expended in carrying out the part. However, the  
9           amount of interest under this paragraph may not be more  
10          than the most favorable interest terms reasonably avail-  
11          able for the project at the time of borrowing. The appli-  
12          cant shall certify, in a manner satisfactory to the Sec-  
13          retary, that the applicant has shown reasonable diligence  
14          in seeking the most favorable financial terms.

15          “(3) The Secretary shall consider changes in capital  
16          project cost indices when determining the estimated cost  
17          under paragraph (2) of this subsection.

18          “(h) 2-YEAR AVAILABILITY.—Funds appropriated  
19          under this section shall remain available until expended.  
20          If any amount provided as a grant under this section is  
21          not obligated or expended for the purposes described in  
22          subsection (a) within 2 years after the date on which the  
23          State received the grant, such sums shall be returned to  
24          the Secretary for other intercity passenger rail develop-

1 ment projects under this section at the discretion of the  
2 Secretary.

3 “(i) PUBLIC-PRIVATE PARTNERSHIPS.—

4 “(1) IN GENERAL.—A metropolitan planning  
5 organization, State transportation department, or  
6 other project sponsor may enter into an agreement  
7 with any public, private, or nonprofit entity to coop-  
8 eratively implement any project funded with a grant  
9 under this chapter.

10 “(2) FORMS OF PARTICIPATION.—Participation  
11 by an entity under paragraph (1) may consist of—

12 “(A) ownership or operation of any land,  
13 facility, locomotive, rail car, vehicle, or other  
14 physical asset associated with the project;

15 “(B) cost-sharing of any project expense;

16 “(C) carrying out administration, construc-  
17 tion management, project management, project  
18 operation, or any other management or oper-  
19 ational duty associated with the project; and

20 “(D) any other form of participation ap-  
21 proved by the Secretary.

22 “(3) SUBALLOCATION.—A State may allocate  
23 funds under this section to any entity described in  
24 paragraph (1).

1       “(j) SPECIAL TRANSPORTATION CIRCUMSTANCES.—

2 In carrying out this section, the Secretary shall allocate  
3 an appropriate portion of the amounts available under this  
4 section to provide grants to States—

5           “(1) in which there is no intercity passenger  
6 rail service for the purpose of funding freight rail  
7 capital projects that are on a State rail plan devel-  
8 oped under chapter 225 of this title that provide  
9 public benefits (as defined in chapter 225) as deter-  
10 mined by the Secretary; or

11           “(2) in which the rail transportation system is  
12 not physically connected to rail systems in the conti-  
13 nental United States or may not otherwise qualify  
14 for a grant under this section due to the unique  
15 characteristics of the geography of that State or  
16 other relevant considerations,  
17 for the purpose of funding transportation-related capital  
18 projects.

19       “(k) SMALL CAPITAL PROJECTS.—The Secretary  
20 shall make available \$10,000,000 annually from the  
21 amounts otherwise authorized by law beginning in fiscal  
22 year 2008 for grants for capital projects eligible under this  
23 section not exceeding \$2,000,000. The Secretary may  
24 waive requirements of this section, including State rail plan  
25 requirements, as appropriate.

1 **“§ 24403. Project management oversight**

2       “(a) PROJECT MANAGEMENT PLAN REQUIRE-  
3 MENTS.—To receive Federal financial assistance for a  
4 major capital project under this chapter, an applicant  
5 must have a record of decision under the National Envi-  
6 ronmental Policy Act of 1969 (42 U.S.C. 4321 et seq.)  
7 issued on the project, and prepare and carry out a project  
8 management plan approved by the Secretary of Transpor-  
9 tation. The plan shall provide for—

10               “(1) adequate recipient staff organization with  
11 well-defined reporting relationships, statements of  
12 functional responsibilities, job descriptions, and job  
13 qualifications;

14               “(2) a budget covering the project management  
15 organization, appropriate consultants, property ac-  
16 quisition, utility relocation, systems demonstration  
17 staff, audits, and miscellaneous payments the recipi-  
18 ent may be prepared to justify;

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

20               “(4) a document control procedure and record-  
21 keeping system;

22               “(5) a change order procedure that includes a  
23 documented, systematic approach to handling the  
24 construction change orders;

1           “(6) organizational structures, management  
2 skills, and staffing levels required throughout the  
3 construction phase;

4           “(7) quality control and quality assurance func-  
5 tions, procedures, and responsibilities for construc-  
6 tion, system installation, and integration of system  
7 components;

8           “(8) material testing policies and procedures;

9           “(9) internal plan implementation and reporting  
10 requirements;

11           “(10) criteria and procedures to be used for  
12 testing the operational system or its major compo-  
13 nents;

14           “(11) periodic updates of the plan, especially  
15 related to project budget and project schedule, fi-  
16 nancing, and ridership estimates; and

17           “(12) the recipient’s commitment to submit a  
18 project budget and project schedule to the Secretary  
19 each month.

20           “(b) SECRETARIAL OVERSIGHT.—(1) The Secretary  
21 may use no more than 0.5 percent of amounts made avail-  
22 able in a fiscal year for capital projects under this chapter  
23 to enter into contracts to oversee the construction of such  
24 projects.



1 “(1) REQUIREMENT.—

2 “(A) IN GENERAL.—In carrying out a  
3 project funded in whole or in part with a grant  
4 under this chapter, the grant recipient shall  
5 purchase only—

6 “(i) unmanufactured articles, mate-  
7 rial, and supplies mined or produced in the  
8 United States; or

9 “(ii) manufactured articles, material,  
10 and supplies manufactured in the United  
11 States substantially from articles, material,  
12 and supplies mined, produced, or manufac-  
13 tured in the United States.

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

17 “(2) EXEMPTIONS.—On application of a recipi-  
18 ent, the Secretary may exempt a recipient from the  
19 requirements of this subsection if the Secretary de-  
20 cides that, for particular articles, material, or sup-  
21 plies—

22 “(A) such requirements are inconsistent  
23 with the public interest;

24 “(B) the cost of imposing the requirements  
25 is unreasonable; or

1           “(C) the articles, material, or supplies, or  
2           the articles, material, or supplies from which  
3           they are manufactured, are not mined, pro-  
4           duced, or manufactured in the United States in  
5           sufficient and reasonably available commercial  
6           quantities and are not of a satisfactory quality.

7           “(3) UNITED STATES DEFINED.—In this sub-  
8           section, the term ‘the United States’ means the  
9           States, territories, and possessions of the United  
10          States and the District of Columbia.

11          “(b) OPERATORS DEEMED RAIL CARRIERS AND EM-  
12          PLOYERS FOR CERTAIN PURPOSES.—A person that con-  
13          ducts rail operations over rail infrastructure constructed  
14          or improved with funding provided in whole or in part in  
15          a grant made under this chapter shall be considered a rail  
16          carrier as defined in section 10102(5) of this title for pur-  
17          poses of this title and any other statute that adopts the  
18          that definition or in which that definition applies, includ-  
19          ing—

20                 “(1) the Railroad Retirement Act of 1974 (45  
21                 U.S.C. 231 et seq.); and

22                 “(2) the Railway Labor Act (43 U.S.C. 151 et  
23                 seq.).

24          “(c) GRANT CONDITIONS.—The Secretary shall re-  
25          quire as a condition of making any grant under this chap-

1 ter for a project that uses rights-of-way owned by a rail-  
2 road that—

3 “(1) a written agreement exist between the ap-  
4 plicant and the railroad regarding such use and  
5 ownership, including—

6 “(A) any compensation for such use;

7 “(B) assurances regarding the adequacy of  
8 infrastructure capacity to accommodate both  
9 existing and future freight and passenger oper-  
10 ations;

11 “(C) an assurance by the railroad that col-  
12 lective bargaining agreements with the rail-  
13 road’s employees (including terms regulating  
14 the contracting of work) will remain in full  
15 force and effect according to their terms for  
16 work performed by the railroad on the railroad  
17 transportation corridor;

18 “(D) an assurance that an applicant com-  
19 plies with liability requirements consistent with  
20 section 28103 of this title; and

21 “(E) for high-speed rail projects a record  
22 of decision under the National Environmental  
23 Policy Act of 1969 (42 U.S.C. 4321 et seq.)  
24 has been issued on the project; and

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

1           “(A) the standards of section 24312 of this  
2 title, as such section was in effect on September  
3 1, 2003, with respect to the project in the same  
4 manner that the National Railroad Passenger  
5 Corporation is required to comply with those  
6 standards for construction work financed under  
7 an agreement made under section 24308(a) of  
8 this title; and

9           “(B) the protective arrangements estab-  
10 lished under section 504 of the Railroad Revi-  
11 talization and Regulatory Reform Act of 1976  
12 (45 U.S.C. 836) with respect to employees af-  
13 fected by actions taken in connection with the  
14 project to be financed in whole or in part by  
15 grants under this chapter.

16       “(d) REPLACEMENT OF EXISTING INTERCITY PAS-  
17 Senger Rail Service.—

18           “(1) COLLECTIVE BARGAINING AGREEMENT  
19 FOR INTERCITY PASSENGER RAIL PROJECTS.—Any  
20 entity providing intercity passenger railroad trans-  
21 portation that begins operations after the date of en-  
22 actment of this chapter on a project funded in whole  
23 or in part by grants made under this chapter and  
24 replaces intercity rail passenger service that was  
25 provided by Amtrak, unless such service was pro-

1 vided solely by Amtrak to another entity, as of such  
2 date shall enter into an agreement with the author-  
3 ized bargaining agent or agents for adversely af-  
4 fected employees of the predecessor provider that—

5 “(A) gives each such qualified employee of  
6 the predecessor provider priority in hiring ac-  
7 cording to the employee’s seniority on the pred-  
8 ecessor provider for each position with the re-  
9 placing entity that is in the employee’s craft or  
10 class and is available within 3 years after the  
11 termination of the service being replaced;

12 “(B) establishes a procedure for notifying  
13 such an employee of such positions;

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

16 “(D) establishes rates of pay, rules, and  
17 working conditions.

18 “(2) IMMEDIATE REPLACEMENT SERVICE.—

19 “(A) NEGOTIATIONS.—If the replacement  
20 of preexisting intercity rail passenger service oc-  
21 curs concurrent with or within a reasonable  
22 time before the commencement of the replacing  
23 entity’s rail passenger service, the replacing en-  
24 tity shall give written notice of its plan to re-  
25 place existing rail passenger service to the au-

1           thorized collective bargaining agent or agents  
2           for the potentially adversely affected employees  
3           of the predecessor provider at least 90 days be-  
4           fore the date on which it plans to commence  
5           service. Within 5 days after the date of receipt  
6           of such written notice, negotiations between the  
7           replacing entity and the collective bargaining  
8           agent or agents for the employees of the prede-  
9           cessor provider shall commence for the purpose  
10          of reaching agreement with respect to all mat-  
11          ters set forth in subparagraphs (A) through (D)  
12          of paragraph (1). The negotiations shall con-  
13          tinue for 30 days or until an agreement is  
14          reached, whichever is sooner. If at the end of  
15          30 days the parties have not entered into an  
16          agreement with respect to all such matters, the  
17          unresolved issues shall be submitted for arbitra-  
18          tion in accordance with the procedure set forth  
19          in subparagraph (B).

20                 “(B) ARBITRATION.—If an agreement has  
21                 not been entered into with respect to all mat-  
22                 ters set forth in subparagraphs (A) through (D)  
23                 of paragraph (1) as described in subparagraph  
24                 (A) of this paragraph, the parties shall select  
25                 an arbitrator. If the parties are unable to agree

1           upon the selection of such arbitrator within 5  
2           days, either or both parties shall notify the Na-  
3           tional Mediation Board, which shall provide a  
4           list of seven arbitrators with experience in arbi-  
5           trating rail labor protection disputes. Within 5  
6           days after such notification, the parties shall al-  
7           ternately strike names from the list until only  
8           1 name remains, and that person shall serve as  
9           the neutral arbitrator. Within 45 days after se-  
10          lection of the arbitrator, the arbitrator shall  
11          conduct a hearing on the dispute and shall  
12          render a decision with respect to the unresolved  
13          issues among the matters set forth in subpara-  
14          graphs (A) through (D) of paragraph (1). This  
15          decision shall be final, binding, and conclusive  
16          upon the parties. The salary and expenses of  
17          the arbitrator shall be borne equally by the par-  
18          ties; all other expenses shall be paid by the  
19          party incurring them.

20               “(3) SERVICE COMMENCEMENT.—A replacing  
21          entity under this subsection shall commence service  
22          only after an agreement is entered into with respect  
23          to the matters set forth in subparagraphs (A)  
24          through (D) of paragraph (1) or the decision of the  
25          arbitrator has been rendered.

1           “(4) SUBSEQUENT REPLACEMENT OF SERV-  
2           ICE.—If the replacement of existing rail passenger  
3           service takes place within 3 years after the replacing  
4           entity commences intercity passenger rail service,  
5           the replacing entity and the collective bargaining  
6           agent or agents for the adversely affected employees  
7           of the predecessor provider shall enter into an agree-  
8           ment with respect to the matters set forth in sub-  
9           paragraphs (A) through (D) of paragraph (1). If the  
10          parties have not entered into an agreement with re-  
11          spect to all such matters within 60 days after the  
12          date on which the replacing entity replaces the pred-  
13          ecessor provider, the parties shall select an arbi-  
14          trator using the procedures set forth in paragraph  
15          (2)(B), who shall, within 20 days after the com-  
16          mencement of the arbitration, conduct a hearing and  
17          decide all unresolved issues. This decision shall be  
18          final, binding, and conclusive upon the parties.

19          “(e) INAPPLICABILITY TO CERTAIN RAIL OPER-  
20          ATIONS.—Nothing in this section applies to—

21                 “(1) commuter rail passenger transportation  
22                 (as defined in section 24102(4) of this title) oper-  
23                 ations of a State or local government authority (as  
24                 those terms are defined in section 5302(11) and (6),  
25                 respectively, of this title) eligible to receive financial

1 assistance under section 5307 of this title, or to its  
 2 contractor performing services in connection with  
 3 commuter rail passenger operations (as so defined);

4 “(2) the Alaska Railroad or its contractors;

5 “(3) the National Railroad Passenger Corpora-  
 6 tion’s access rights to railroad rights-of-way and fa-  
 7 cilities under current law; or

8 “(4) high-speed rail corridors.”

9 (b) CONFORMING AMENDMENTS.—(1) The table of  
 10 chapters for title 49, United States Code, is amended by  
 11 inserting the following after the item relating to chapter  
 12 243:

“244. Intercity passenger rail service corridor capital  
 assistance .....24401”.

13 (2) The chapter analysis for subtitle V of such title  
 14 is amended by inserting the following after the item relat-  
 15 ing to chapter 243:

“244. Intercity passenger rail service corridor capital  
 assistance .....24401”.

16 **SEC. 5. STATE RAIL PLANS.**

17 (a) IN GENERAL.—Part B of subtitle V of title 49,  
 18 United States Code, is amended by adding at the end the  
 19 following:

20 **“CHAPTER 225—STATE RAIL PLANS AND**  
 21 **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 or  
8           security, reduction of public expenditures  
9           due to improved transportation efficiency  
10          or infrastructure preservation, and any  
11          other positive community effects as defined  
12          by the 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 ommendations 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 stakeholders.

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 and  
18 security, including all major projects funded under  
19 section 130 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 chapter,  
21           including standardized format and data requirements.  
22           State rail plans completed before the date of enactment  
23           of this chapter that substantially meet the requirements  
24           of this chapter, as determined by the Secretary, shall be

1 deemed by the Secretary to have met the requirements of  
2 this chapter.”.

3 (b) CONFORMING AMENDMENTS.—(1) The table of  
4 chapters for title 49, United States Code, is amended by  
5 inserting the following after the item relating to chapter  
6 223:

“225. State rail plans and high priority projects .....22501”.

7 (2) The chapter analysis for subtitle V of such title  
8 is amended by inserting the following after the item relat-  
9 ing to chapter 223:

“225. State rail plans and high priority projects .....22501”.

10 **SEC. 6. NEXT GENERATION CORRIDOR TRAIN EQUIPMENT**

11 **POOL.**

12 (a) IN GENERAL.—Within 180 days after the date  
13 of enactment of this Act, Amtrak shall establish a Next  
14 Generation Corridor Equipment Pool Committee, com-  
15 prised of representatives of Amtrak, the Federal Railroad  
16 Administration, and interested States. The purpose of the  
17 Committee shall be to design, develop specifications for,  
18 and procure standardized next-generation corridor equip-  
19 ment.

20 (b) FUNCTIONS.—The Committee may—

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

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

3           (3) subject to agreements between Amtrak and  
4           States, utilize services provided by Amtrak to design,  
5           maintain, and remanufacture equipment.

6           (c) COOPERATIVE AGREEMENTS.—Amtrak and  
7           States participating in the Committee may enter into  
8           agreements for the funding, procurement, remanufacture,  
9           ownership, and management of corridor equipment, in-  
10          cluding equipment currently owned or leased by Amtrak  
11          and next-generation corridor equipment acquired as a re-  
12          sult of the Committee’s actions, and may establish a cor-  
13          poration, which may be owned or jointly-owned by Am-  
14          trak, participating States or other entities, to perform  
15          these functions.

16          (d) FUNDING.—Capital projects to carry out the pur-  
17          poses of this section shall be eligible for grants made pur-  
18          suant to chapter 244 of title 49, United States Code.

19       **SEC. 7. FEDERAL RAIL POLICY.**

20          Section 103 of title 49, United States Code, is  
21          amended—

22               (1) by inserting “IN GENERAL.—” before “The  
23          Federal” in subsection (a);

24               (2) by striking the second and third sentences  
25          of subsection (a);

1           (3) by inserting “ADMINISTRATOR.—” before  
2           “‘The head’” in subsection (b);

3           (4) by redesignating subsections (c), (d), and  
4           (e) as subsections (d), (e), and (f), respectively;

5           (5) by inserting after subsection (b) the fol-  
6           lowing:

7           “(c) SAFETY.—To carry out all railroad safety laws  
8 of the United States, the Administration is divided on a  
9 geographical basis into at least 8 safety offices. The Sec-  
10 retary of Transportation is responsible for all acts taken  
11 under those laws and for ensuring that the laws are uni-  
12 formly administered and enforced among the safety of-  
13 fices.”;

14           (6) by inserting “POWERS AND DUTIES.—” be-  
15 fore “‘The Administrator’” in subsection (d), as re-  
16 designated;

17           (7) by striking “and” after the semicolon in  
18 paragraph (1) of subsection (d), as redesignated;

19           (8) by redesignating paragraph (2) of sub-  
20 section (d), as redesignated, as paragraph (3) and  
21 inserting after paragraph (1) the following:

22           “(2) the duties and powers related to railroad  
23 policy and development under subsection (e); and”;

24           (9) by inserting “TRANSFERS OF DUTY.—” be-  
25 fore “‘A duty’” in subsection (e), as redesignated;

1           (10) by inserting “CONTRACTS, GRANTS,  
2 LEASES, COOPERATIVE AGREEMENTS, AND SIMILAR  
3 TRANSACTIONS.—” before “Subject” in subsection  
4 (f), as redesignated;

5           (11) by striking the last sentence in subsection  
6 (f), as redesignated; and

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

8           “(g) ADDITIONAL DUTIES OF THE ADMINIS-  
9 TRATOR.—The Administrator shall—

10           “(1) provide assistance to States in developing  
11 State rail plans prepared under chapter 225 and re-  
12 view all State rail plans submitted under that chap-  
13 ter;

14           “(2) develop a long range national rail plan  
15 that is consistent with approved State rail plans on  
16 high-speed rail, its status, potential funding opportu-  
17 nities, and source, and future activities, and the rail  
18 needs of the Nation, as determined by the Secretary  
19 in order to promote an integrated, cohesive, efficient,  
20 and optimized national rail system for the movement  
21 of goods and people;

22           “(3) develop a preliminary national rail plan  
23 within a year after the date of enactment of this  
24 subsection;

1           “(4) develop and enhance partnerships with the  
2 freight and passenger railroad industry, States, and  
3 the public concerning rail development;

4           “(5) support rail intermodal development and  
5 high-speed rail development, including high-speed  
6 rail planning, and develop options and strategies for  
7 Federal funds and participation in the financing of  
8 high-speed rail partnerships with States and the pri-  
9 vate sector, identifying Federal funding sources, pos-  
10 sible levels of Federal funding, and legal and institu-  
11 tional barriers to these partnerships with the Fed-  
12 eral Government;

13           “(6) ensure that programs and initiatives devel-  
14 oped under this section benefit the public and work  
15 toward achieving regional and national transpor-  
16 tation goals; and

17           “(7) facilitate and coordinate efforts to assist  
18 freight and passenger rail carriers, transit agencies  
19 and authorities, municipalities, and States in pas-  
20 senger-freight service integration on shared rights-  
21 of-way by providing neutral assistance at the joint  
22 request of affected rail service providers and infra-  
23 structure owners relating to operations and capacity  
24 analysis, capital requirements, operating costs, and  
25 other research and planning related to corridors

1 shared by passenger or commuter rail service and  
2 freight rail operations.

3 “(h) PERFORMANCE GOALS AND REPORTS.—

4 “(1) PERFORMANCE GOALS.—In conjunction  
5 with the objectives established and activities under-  
6 taken under subsection (g), the Administrator shall  
7 develop a schedule for achieving specific, measurable  
8 performance goals, including specific performance  
9 measures and timetables for establishing high-speed  
10 rail operations in the United States.

11 “(2) RESOURCE NEEDS.—The strategy and an-  
12 nual plans shall include estimates of the funds and  
13 staff resources needed to accomplish each goal and  
14 the additional duties required under subsection (g).

15 “(3) SUBMISSION WITH PRESIDENT’S BUDG-  
16 ET.—Beginning with fiscal year 2009, and each fis-  
17 cal year thereafter, the Secretary shall submit to  
18 Congress, at the same time as the President’s budg-  
19 et submission, the Administration’s performance  
20 goals and schedule developed under paragraph (1),  
21 including an assessment of the progress of the Ad-  
22 ministration toward achieving its performance  
23 goals.”.

1 **SEC. 8. RAIL COOPERATIVE RESEARCH PROGRAM.**

2 (a) ESTABLISHMENT AND CONTENT.—Chapter 249  
3 of title 49, United States Code, is amended by adding at  
4 the end the following:

5 **“§ 24910. Rail cooperative research program**

6 “(a) IN GENERAL.—The Secretary shall establish  
7 and carry out a rail cooperative research program. The  
8 program shall—

9 “(1) address, among other matters, intercity  
10 rail passenger and freight rail services, including ex-  
11 isting rail passenger and freight technologies and  
12 speeds, incrementally enhanced rail systems and in-  
13 frastructure, and new high-speed wheel-on-rail sys-  
14 tems and rail security;

15 “(2) address ways to expand the transportation  
16 of international trade traffic by rail, enhance the ef-  
17 ficiency of intermodal interchange at ports and other  
18 intermodal terminals, and increase capacity and  
19 availability of rail service for seasonal freight needs;

20 “(3) consider research on the interconnected-  
21 ness of commuter rail, passenger rail, freight rail,  
22 high-speed rail, and other rail networks; and

23 “(4) give consideration to regional concerns re-  
24 garding rail passenger and freight transportation,  
25 including meeting research needs common to des-  
26 ignated high-speed corridors, long-distance rail serv-

1 ices, and regional intercity rail corridors, projects,  
2 and entities.

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

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

7 “(2) to develop more accurate models for evalu-  
8 ating the impact of rail passenger and freight serv-  
9 ice, including the effects on highway and airport and  
10 airway congestion, environmental quality, and energy  
11 consumption;

12 “(3) to develop a better understanding of modal  
13 choice as it affects rail passenger and freight trans-  
14 portation, including development of better models to  
15 predict utilization;

16 “(4) to recommend priorities for technology  
17 demonstration and development;

18 “(5) to meet additional priorities as determined  
19 by the advisory board established under subsection  
20 (c), including any recommendations made by the Na-  
21 tional Academy of Sciences;

22 “(6) to explore improvements in management,  
23 financing, and institutional structures;

24 “(7) to address rail capacity constraints that  
25 affect passenger and freight rail service through a

1 wide variety of options, ranging from operating im-  
2 provements to dedicated new infrastructure, taking  
3 into account the impact of such options on oper-  
4 ations;

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

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

14 “(10) to review the impact of equipment and  
15 operational safety standards on the further develop-  
16 ment of high-speed passenger rail operations con-  
17 nected to or integrated with nonhigh-speed freight or  
18 passenger rail operations;

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

1           “(12) to recommend ways to integrate com-  
2           muter, passenger, and high-speed rail Federal fund-  
3           ing and plans to allow for the maximum efficiency  
4           and coordination of Federal funds used for these rail  
5           purposes, and identify legal and institutional bar-  
6           riers to such integration and coordination and the  
7           potential costs or cost savings from such an integra-  
8           tion;

9           “(13) to analyze the environmental benefits and  
10          carbon reductions in the air from the electrification  
11          of commuter and passenger rail, and from the devel-  
12          opment of high-speed rail, in noncompliant air qual-  
13          ity locations and corridors as compared to current  
14          and alternative fuels for current services, and com-  
15          pare high-speed rail carbon reductions to other com-  
16          peting modes in short-haul markets; and

17          “(14) analyze the impact of high speed rail on  
18          transportation capacity in congested corridors in  
19          comparison to the impact of investing in highway or  
20          airport expansion, for example in the Los Angeles,  
21          California, to San Francisco, California, corridor,  
22          building upon the May 2007 Federal Aviation Ad-  
23          ministration study indicating that there were no air  
24          side capacity improvements to this and other air cor-  
25          ridors.

1 “(c) ADVISORY BOARD.—

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

8 “(2) MEMBERSHIP.—The advisory board shall  
9 include—

10 “(A) representatives of State transpor-  
11 tation agencies;

12 “(B) transportation and environmental  
13 economists, scientists, and engineers; and

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

19 “(d) NATIONAL ACADEMY OF SCIENCES.—The Sec-  
20 retary may make grants to, and enter into cooperative  
21 agreements with, the National Academy of Sciences to  
22 carry out such activities relating to the research, tech-  
23 nology, and technology transfer activities described in sub-  
24 section (b) as the Secretary deems appropriate.”.

1           (b) CLERICAL AMENDMENT.—The chapter analysis  
2 for chapter 249 of title 49, United States Code, is amend-  
3 ed by adding at the end the following:

“24910. Rail cooperative research program.”.

