

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective Oct. 1, 2015, see section 1003 of Pub. L. 114-94, set out as an Effective Date of 2015 Amendment note under section 5313 of Title 5, Government Organization and Employees.

CONSTRUCTION OF 2019 AMENDMENT

Pub. L. 115-420, §4(b)(2), Jan. 3, 2019, 132 Stat. 5444, provided that: “Nothing in this subsection [amending this section] or an amendment made by this subsection shall affect a grant request made under section 24319 of title 49, United States Code, before the date of enactment of this Act [Jan. 3, 2019].”

§ 24320. Amtrak 5-year service line and asset line plans

(a) IN GENERAL.—

(1) FINAL PLANS.—Not later than February 15, 2020, and biennially thereafter, Amtrak shall submit to Congress and the Secretary of Transportation final 5-year service line plans and 5-year asset line plans prepared in accordance with this section. These final plans shall form the basis for Amtrak’s general and legislative annual report to the President and Congress required by section 24315(b). Each plan shall cover a period of 5 fiscal years, beginning with the first fiscal year after the date on which the plan is completed. During each year in which Amtrak is not required to submit a plan under this paragraph, Amtrak shall submit to Congress updated financial sources and uses statements and forecasts with the annual report required under section 24315(b).

(2) FISCAL CONSTRAINT.—Each plan prepared under this section shall be based on funding levels authorized or otherwise available to Amtrak in a fiscal year. In the absence of an authorization or appropriation of funds for a fiscal year, the plans shall be based on the amount of funding available in the previous fiscal year, plus inflation. Amtrak may include an appendix to the asset line plan required under subsection (c) that describes any funding needs in excess of amounts authorized or otherwise available to Amtrak in a fiscal year.

(b) AMTRAK 5-YEAR SERVICE LINE PLANS.—

(1) AMTRAK SERVICE LINES.—Amtrak shall prepare a 5-year service line plan for each of the following service lines and services:

- (A) Northeast Corridor train services.
- (B) Amtrak State-supported train services.
- (C) Long-distance train services operated by Amtrak.

(D) Ancillary services operated by Amtrak, including commuter operations and other revenue generating activities as determined by the Secretary in coordination with Amtrak.

(E) Infrastructure access services for use of Amtrak-owned or Amtrak-controlled infrastructure and facilities.

(2) CONTENTS OF 5-YEAR SERVICE LINE PLANS.—The 5-year service line plan for each service line shall include, at a minimum—

(A) a statement of Amtrak’s objectives, goals, and service plan for the service line, in consultation with any entities that are

contributing capital or operating funding to support passenger rail services within those service lines, and aligned with Amtrak’s 5-year asset line plans under subsection (c);

(B) a detailed description of any plans to permanently change a route’s or service’s frequency or station stops for the service line;

(C) all projected revenues and expenditures for the service line, including identification of revenues and expenditures incurred by—

- (i) passenger operations;
- (ii) non-passenger operations that are directly related to the service line; and
- (iii) governmental funding sources, including revenues and other funding received from States;

(D) projected ridership levels for all passenger operations;

(E) estimates of long-term and short-term debt and associated principal and interest payments (both current and forecasts);

(F) annual sources and uses statements and forecasts and balance sheets;

(G) a statement describing the methodologies and significant assumptions underlying estimates and forecasts;

(H) specific performance measures that demonstrate year over year changes in the results of Amtrak’s operations;

(I) financial performance for each route, if deemed applicable by the Secretary, within each service line, including descriptions of the cash operating loss or contribution;

(J) specific costs and savings estimates resulting from reform initiatives;

(K) prior fiscal year and projected equipment reliability statistics; and

(L) an identification and explanation of any major adjustments made from previously-approved plans.

(3) 5-YEAR SERVICE LINE PLANS PROCESS.—In meeting the requirements of this section, Amtrak shall—

(A) not later than 180 days after the date of enactment of the Passenger Rail Expansion and Rail Safety Act of 2021, submit to the Secretary, for approval, a consultation process for the development of each service line plan that requires Amtrak to—

(i) consult with the Secretary in the development of the service line plans;

(ii) for the Northeast Corridor service line plan, consult with the Northeast Corridor Commission and transmit to the Commission the final plan under subsection (a)(1), and consult with other entities, as appropriate;

(iii) for the State-supported route service line plan, consult with the State-Supported Route Committee established under section 24712 and submit the final service line plan required under subsection (a)(1) to the State-Supported Route Committee;

(iv) for the long-distance route service line plan, consult with any States or Interstate Compacts that provide funding for such routes, as appropriate; and

(v) for the infrastructure access service line plan, consult with the Northeast Cor-

ridor Commission and other entities, as appropriate, and submit the final asset line plan under subsection (a)(1) to the Northeast Corridor Commission;

(B) ensure that Amtrak's general and legislative annual report, required under section 24315(b), to the President and Congress is consistent with the information in the 5-year service line plans; and

(C) identify the appropriate Amtrak officials that are responsible for each service line.

(4) 5-YEAR SERVICE LINE PLANS UPDATES.—Amtrak may modify the content to be included in the service line plans described in paragraph (1), upon the approval of the Secretary, if the Secretary determines that such modifications are necessary to improve the transparency, oversight, and delivery of Amtrak services and the use of Federal funds by Amtrak.

(5) DEFINITION OF NORTHEAST CORRIDOR.—Notwithstanding section 24102, for purposes of this section, the term "Northeast Corridor" means the Northeast Corridor main line between Boston, Massachusetts, and the District of Columbia, and facilities and services used to operate and maintain that line.

(c) AMTRAK 5-YEAR ASSET LINE PLANS.—

(1) ASSET LINES.—Amtrak shall prepare a 5-year asset line plan for each of the following asset lines:

(A) Transportation, including activities and resources associated with the operation and movement of Amtrak trains, onboard services, and amenities.

(B) Infrastructure, including all Amtrak-controlled Northeast Corridor assets and other Amtrak-owned infrastructure, and the associated facilities and maintenance-of-way equipment that support the operation, maintenance, and improvement of those assets.

(C) Equipment, including all Amtrak-controlled rolling stock, locomotives, and mechanical shop facilities that are used to overhaul equipment.

(D) Stations, including all Amtrak-controlled passenger rail stations and elements of other stations for which Amtrak has legal responsibility or intends to make capital investments.

(E) National assets, including national reservations, security, training and training centers, and other assets associated with Amtrak's national rail passenger transportation system.

(2) CONTENTS OF 5-YEAR ASSET LINE PLANS.—Each asset line plan shall include, at a minimum—

(A) a summary of Amtrak's 5-year strategic plan for each asset line, including goals, objectives, any relevant performance metrics, and statutory or regulatory actions affecting the assets;

(B) an inventory of existing Amtrak capital assets, to the extent practicable, including information regarding shared use or ownership, if applicable;

(C) a prioritized list of proposed capital investments that—

(i) categorizes each capital project as being primarily associated with—

(I) normalized capital replacement;

(II) backlog capital replacement;

(III) improvements to support service enhancements or growth;

(IV) strategic initiatives that will improve overall operational performance, lower costs, or otherwise improve Amtrak's corporate efficiency; or

(V) statutory, regulatory, or other legal mandates;

(ii) identifies each project or program that is associated with more than 1 category described in clause (i); and

(iii) describes the anticipated business outcome of each project or program identified under this subparagraph, including an assessment of—

(I) the potential effect on passenger operations, safety, reliability, and resilience;

(II) the potential effect on Amtrak's ability to meet regulatory requirements if the project or program is not funded; and

(III) the benefits and costs;

(D) annual sources and uses statements and forecasts for each asset line; and

(E) other elements that Amtrak elects to include.

(3) 5-YEAR ASSET LINE PLAN PROCESS.—In meeting the requirements of this subsection, Amtrak shall—

(A) not later than 180 days after the date of enactment of the Passenger Rail Expansion and Rail Safety Act of 2021, submit to the Secretary, for approval, a consultation process for the development of each asset line plan that requires Amtrak to—

(i) consult with each service line described in subsection (b)(1) in the preparation of each 5-year asset line plan and ensure integration of each 5-year asset line plan with the 5-year service line plans; and

(ii) consult with the Secretary of Transportation in the development of asset line plans and, as applicable, consult with the Northeast Corridor Commission, the State-Supported Route Committee, and owners of assets affected by 5-year asset line plans; and

(B) identify the appropriate Amtrak officials that are responsible for each asset line.

(4) 5-YEAR ASSET LINE PLAN UPDATES.—Amtrak may modify the content to be included in the asset line plans described in paragraph (1), on approval of the Secretary, if the Secretary determines that such modifications are necessary to improve the transparency, oversight, and delivery of Amtrak services and the use of Federal funds by Amtrak.

(5) EVALUATION OF NATIONAL ASSETS COSTS.—The Secretary shall—

(A) evaluate the costs and scope of all national assets, but shall not include corporate services (as defined pursuant to section 24317(b)); and

(B) determine the activities and costs that are—

(i) required in order to ensure the efficient operations of a national rail passenger system;

(ii) appropriate for allocation to 1 of the other Amtrak business lines; and

(iii) extraneous to providing an efficient national rail passenger system or are too costly relative to the benefits or performance outcomes they provide.

(6) DEFINITION OF NATIONAL ASSETS.—In this section, the term “national assets” means the Nation’s core rail assets shared among Amtrak services, including national reservations, security, training and training centers, and other assets associated with Amtrak’s national rail passenger transportation system.

(7) RESTRUCTURING OF NATIONAL ASSETS.—Not later than 1 year after the date of completion of the evaluation under paragraph (5), the Administrator of the Federal Railroad Administration, in consultation with the Amtrak Board of Directors, the governors of each relevant State, and the Mayor of the District of Columbia, or their designees, shall restructure or reallocate, or both, the national assets costs in accordance with the determination under that section, including making appropriate updates to Amtrak’s cost accounting methodology and system.

(8) EXEMPTION.—

(A) IN GENERAL.—Upon written request from the Amtrak Board of Directors, the Secretary may exempt Amtrak from including in a plan required under this subsection any information described in paragraphs (1) and (2).

(B) PUBLIC AVAILABILITY.—The Secretary shall make available to the public on the Department’s Internet Web site any exemption granted under subparagraph (A) and a detailed justification for granting such exemption.

(C) INCLUSION IN PLAN.—Amtrak shall include in the plan required under this subsection any request granted under subparagraph (A) and justification under subparagraph (B).

(d) STANDARDS TO PROMOTE FINANCIAL STABILITY.—In preparing plans under this section, Amtrak shall—

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

(2) use the categories specified in the financial accounting and reporting system developed under section 203 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24101 note).

(Added Pub. L. 114–94, div. A, title XI, §11203(a), Dec. 4, 2015, 129 Stat. 1630; amended Pub. L. 117–58, div. B, title II, §§22204(b), 22207(a), Nov. 15, 2021, 135 Stat. 699, 703.)

Editorial Notes

REFERENCES IN TEXT

The date of enactment of the Passenger Rail Expansion and Rail Safety Act of 2021, referred to in subsecs. (b)(3)(A) and (c)(3)(A), is the date of enactment of title

II of div. B of Pub. L. 117–58, which was approved Nov. 15, 2021.

AMENDMENTS

2021—Pub. L. 117–58, §22207(a)(1), substituted “service line and asset line plans” for “business line and asset plans” in section catchline.

Subsec. (a)(1). Pub. L. 117–58, §22207(a)(2)(A), substituted “, 2020, and biennially thereafter” for “of each year” and “5-year service line plans and 5-year asset line plans” for “5-year business line plans and 5-year asset plans” and inserted at end “During each year in which Amtrak is not required to submit a plan under this paragraph, Amtrak shall submit to Congress updated financial sources and uses statements and forecasts with the annual report required under section 24315(b).”

Subsec. (a)(2). Pub. L. 117–58, §22207(a)(2)(B), substituted “asset line plan required under” for “asset plan required in”.

Subsec. (b). Pub. L. 117–58, §22207(a)(3)(A), substituted “Service” for “Business” in heading.

Subsec. (b)(1). Pub. L. 117–58, §22207(a)(3)(B)(i), (ii), substituted “service” for “business” in heading and “service” for “business” in two places in introductory provisions.

Subsec. (b)(1)(B). Pub. L. 117–58, §22207(a)(3)(B)(iii), amended subpar. (B) generally. Prior to amendment, subpar. (B) read as follows: “State-supported routes operated by Amtrak.”

Subsec. (b)(1)(C). Pub. L. 117–58, §22207(a)(3)(B)(iv), substituted “train services” for “routes”.

Subsec. (b)(1)(E). Pub. L. 117–58, §22207(a)(3)(B)(v), added subpar. (E).

Subsec. (b)(2). Pub. L. 117–58, §22207(a)(3)(C)(i), (ii), substituted “service” for “business” in heading and “service” for “business” wherever appearing in text.

Subsec. (b)(2)(A). Pub. L. 117–58, §22207(a)(3)(C)(iii), substituted “5-year asset line plans” for “Strategic Plan and 5-year asset plans”.

Subsec. (b)(2)(B) to (E). Pub. L. 117–58, §22204(b), added subpar. (B) and redesignated former subpars. (B) to (D) as (C) to (E), respectively. Former subpar. (E) redesignated (F).

Subsec. (b)(2)(F). Pub. L. 117–58, §22207(a)(3)(C)(iv), substituted “sources and uses” for “profit and loss”.

Pub. L. 117–58, §22204(b)(1), redesignated subpar. (E) as (F). Former subpar. (F) redesignated (G).

Subsec. (b)(2)(G). Pub. L. 117–58, §22207(a)(3)(C)(vi), redesignated subpar. (H) as (G).

Pub. L. 117–58, §22207(a)(3)(C)(v), struck out subpar. (G). Prior to amendment, subpar. (G) read as follows: “annual cash flow forecasts;”.

Pub. L. 117–58, §22204(b)(1), redesignated subpar. (F) as (G). Former subpar. (G) redesignated (H).

Subsec. (b)(2)(H). Pub. L. 117–58, §22207(a)(3)(C)(vi), redesignated subpar. (I) as (H). Former subpar. (H) redesignated (G).

Pub. L. 117–58, §22204(b)(1), redesignated subpar. (G) as (H). Former subpar. (H) redesignated (I).

Subsec. (b)(2)(I). Pub. L. 117–58, §22207(a)(3)(C)(vii), amended subpar. (I) generally. Prior to amendment, subpar. (I) read as follows: “financial performance for each route within each business line, including descriptions of the cash operating loss or contribution and productivity for each route;”.

Pub. L. 117–58, §22207(a)(3)(C)(vi), redesignated subpar. (J) as (I). Former subpar. (I) redesignated (H).

Pub. L. 117–58, §22204(b)(1), redesignated subpar. (H) as (I). Former subpar. (I) redesignated (J).

Subsec. (b)(2)(J) to (L). Pub. L. 117–58, §22207(a)(3)(C)(vi), redesignated subpars. (K) to (M) as (J) to (L), respectively. Former subpar. (J) redesignated (I).

Pub. L. 117–58, §22204(b)(1), redesignated subpars. (I) to (K) as (J) to (L), respectively. Former subpar. (L) redesignated (M).

Subsec. (b)(2)(M). Pub. L. 117–58, §22204(b)(1), redesignated subpar. (L) as (M).

Subsec. (b)(3). Pub. L. 117–58, §22207(a)(3)(D)(i), (ii), substituted “service” for “business” in heading and “service” for “business” wherever appearing in text.

Subsec. (b)(3)(A). Pub. L. 117–58, § 22207(a)(3)(D)(iii), (iv), inserted subpar. (A) designation and introductory provisions, redesignated former subpars. (A) to (D) as cls. (i) to (iv), respectively, of subpar. (A), and realigned margins.

Subsec. (b)(3)(A)(iii). Pub. L. 117–58, § 22207(a)(3)(D)(v)(I), inserted “and submit the final service line plan required under subsection (a)(1) to the State-Supported Route Committee” before semicolon at end.

Subsec. (b)(3)(A)(v). Pub. L. 117–58, § 22207(a)(3)(D)(v)(II), (III), added cl. (v).

Subsec. (b)(3)(B), (C). Pub. L. 117–58, § 22207(a)(3)(D)(vi), redesignated subpars. (E) and (F) as (B) and (C), respectively.

Subsec. (b)(4), (5). Pub. L. 117–58, § 22207(a)(3)(E), (F), added par. (4) and redesignated former par. (4) as (5).

Subsec. (c). Pub. L. 117–58, § 22207(a)(4)(A), inserted “Line” after “Asset” in heading.

Subsec. (c)(1). Pub. L. 117–58, § 22207(a)(4)(B)(i), (ii), substituted “lines” for “categories” in heading and “asset line plan for each of the following asset lines” for “asset plan for each of the following asset categories” in introductory provisions.

Subsec. (c)(1)(A). Pub. L. 117–58, § 22207(a)(4)(B)(iv), added subpar. (A). Former subpar. (A) redesignated (B).

Subsec. (c)(1)(B). Pub. L. 117–58, § 22207(a)(4)(B)(iii), (v), redesignated subpar. (A) as (B) and inserted “and maintenance-of-way equipment” after “facilities”. Former subpar. (B) redesignated (C).

Subsec. (c)(1)(C). Pub. L. 117–58, § 22207(a)(4)(B)(iii), (vi), redesignated subpar. (B) as (C) and substituted “Equipment” for “Passenger rail equipment”. Former subpar. (C) redesignated (D).

Subsec. (c)(1)(D), (E). Pub. L. 117–58, § 22207(a)(4)(B)(iii), redesignated subpars. (C) and (D) as (D) and (E), respectively.

Subsec. (c)(2). Pub. L. 117–58, § 22207(a)(4)(C)(i), (ii), inserted “line” after “asset” in heading and introductory provisions.

Subsec. (c)(2)(A). Pub. L. 117–58, § 22207(a)(4)(C)(iii), substituted “line” for “category”.

Subsec. (c)(2)(D). Pub. L. 117–58, § 22207(a)(4)(C)(v), amended subpar. (D) generally. Prior to amendment, subpar. (D) read as follows: “annual profit and loss statements and forecasts and balance sheets for each asset category.”

Subsec. (c)(2)(E). Pub. L. 117–58, § 22207(a)(4)(C)(iv), (vi), added subpar. (E).

Subsec. (c)(3). Pub. L. 117–58, § 22207(a)(4)(D)(i), inserted “line” after “asset” in heading.

Subsec. (c)(3)(A). Pub. L. 117–58, § 22207(a)(4)(D)(ii), (iii), inserted subpar. (A) designation and introductory provisions, redesignated former subpars. (A) and (B) as cls. (i) and (ii), respectively, of subpar. (A), and realigned margins.

Subsec. (c)(3)(A)(i). Pub. L. 117–58, § 22207(a)(4)(D)(iv)(I), substituted “service” for “business” in two places and inserted “line” after “asset” in two places and “and” at end.

Subsec. (c)(3)(A)(ii). Pub. L. 117–58, § 22207(a)(4)(D)(iv)(II), inserted “consult with the Secretary of Transportation in the development of asset line plans and,” before “as applicable” and “line” after “5-year asset”.

Subsec. (c)(3)(B). Pub. L. 117–58, § 22207(a)(4)(D)(v), (vi), redesignated subpar. (C) as (B) and substituted “line” for “category”.

Subsec. (c)(4), (5). Pub. L. 117–58, § 22207(a)(4)(F), (G), added par. (4) and redesignated former par. (4) as (5). Former par. (5) redesignated (6).

Subsec. (c)(5)(A). Pub. L. 117–58, § 22207(a)(4)(G), inserted “, but shall not include corporate services (as defined pursuant to section 24317(b))” after “national assets”.

Subsec. (c)(6). Pub. L. 117–58, § 22207(a)(4)(E), redesignated par. (5) as (6). Former par. (6) redesignated (7).

Subsec. (c)(7). Pub. L. 117–58, § 22207(a)(4)(E), (H), redesignated par. (6) as (7) and substituted “paragraph (5)” for “paragraph (4)”. Former par. (7) redesignated (8).

Subsec. (c)(8). Pub. L. 117–58, § 22207(a)(4)(E), redesignated par. (7) as (8).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective Oct. 1, 2015, see section 1003 of Pub. L. 114–94, set out as an Effective Date of 2015 Amendment note under section 5313 of Title 5, Government Organization and Employees.

Pub. L. 114–94, div. A, title XI, § 11203(b), Dec. 4, 2015, 129 Stat. 1634, as amended by Pub. L. 117–58, div. B, title II, § 22207(c), Nov. 15, 2021, 135 Stat. 706, provided that: “The requirement for Amtrak to submit 5-year service line plans under section 24320(a)(1) of title 49, United States Code, shall take effect on February 15, 2017, the due date of the first service line plans. The requirement for Amtrak to submit 5-year asset line plans under section 24320(a)(1) of such title shall take effect on February 15, 2019, the due date of the first asset line plans.”

ELIMINATION OF DUPLICATIVE REPORTING

Pub. L. 114–94, div. A, title XI, § 11215, Dec. 4, 2015, 129 Stat. 1644, provided that: “Not later than 1 year after the date of enactment of this Act [Dec. 4, 2015], the Secretary [of Transportation] shall—

“(1) review existing Amtrak reporting requirements and identify where the existing requirements are duplicative with the business line and asset plans required by section 24320 of title 49, United States Code, or any other planning or reporting requirements under Federal law or regulation;

“(2) if the duplicative requirements identified under paragraph (1) are administrative, eliminate such requirements; and

“(3) submit to Congress a report with any recommendations for repealing any other duplicative requirements.”

§ 24321. Food and beverage service

(a) WORKING GROUP.—

(1) ESTABLISHMENT.—Not later than 180 days after enactment of the Passenger Rail Expansion and Rail Safety Act of 2021, Amtrak shall establish a working group to provide recommendations to improve Amtrak’s onboard food and beverage service.

(2) MEMBERSHIP.—The working group shall consist of individuals representing—

(A) Amtrak;

(B) the labor organizations representing Amtrak employees who prepare or provide on-board food and beverage service;

(C) nonprofit organizations representing Amtrak passengers; and

(D) States that are providing funding for State-supported routes.

(b) REPORT.—Not later than 1 year after the establishment of the working group pursuant to subsection (a), the working group shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives containing recommendations for improving Amtrak’s food and beverage service, including—

(1) ways to improve the financial performance of Amtrak;

(2) ways to increase and retain ridership;

(3) the differing needs of passengers traveling on long-distance routes, State supported routes, and the Northeast Corridor;

(4) Amtrak passenger survey data about the food and beverages offered on Amtrak trains;