

“(1) consider the technological, privacy, operational, and security impacts of such a decision; and

“(2) describe such impacts in any strategic plan developed under subsection (c).

“(c) STRATEGIC PLAN.—If the Administrator decides to grant the request by Amtrak under subsection (a), the decision shall include a strategic plan for working with rail stakeholders to enhance passenger rail security by—

“(1) vetting passengers using terrorist watch lists maintained by the Federal Government or a similar passenger vetting system maintained by the Transportation Security Administration; and

“(2) where applicable and in consultation with the Commissioner of U.S. Customs and Border Protection, assessing whether the vetting process should be integrated into preclearance operations established under section 813 of the Trade Facilitation and Trade Enforcement Act of 2015 (19 U.S.C. 4432).

“(d) NOTICES.—The Administrator shall notify the appropriate committees of Congress [Committees on Commerce, Science and Transportation and Homeland Security and Governmental Affairs of the Senate and Committee on Homeland Security of the House of Representatives] of any decision made under subsection (a) and the details of the strategic plan under subsection (c).

“(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit the Administrator’s authority to set the access to, or terms and conditions of using, the Secure Flight Program or a similar passenger vetting system.”

§ 1165. Fire and life safety improvements

(a) Life-safety needs

There are authorized to be appropriated to the Secretary of Transportation for making grants to Amtrak for the purpose of carrying out projects to make fire and life safety improvements to Amtrak tunnels on the Northeast Corridor the following amounts:

(1) For the 6 New York and New Jersey tunnels to provide ventilation, electrical, and fire safety technology improvements, emergency communication and lighting systems, and emergency access and egress for passengers—

- (A) \$25,000,000 for fiscal year 2008;
- (B) \$30,000,000 for fiscal year 2009;
- (C) \$45,000,000 for fiscal year 2010; and
- (D) \$60,000,000 for fiscal year 2011.

(2) For the Baltimore Potomac Tunnel and the Union Tunnel, together, to provide adequate drainage and ventilation, communication, lighting, standpipe, and passenger egress improvements—

- (A) \$5,000,000 for fiscal year 2008;
- (B) \$5,000,000 for fiscal year 2009;
- (C) \$5,000,000 for fiscal year 2010; and
- (D) \$5,000,000 for fiscal year 2011.

(3) For the Union Station tunnels in the District of Columbia to improve ventilation, communication, lighting, and passenger egress improvements—

- (A) \$5,000,000 for fiscal year 2008;
- (B) \$5,000,000 for fiscal year 2009;
- (C) \$5,000,000 for fiscal year 2010; and
- (D) \$5,000,000 for fiscal year 2011.

(b) Infrastructure upgrades

Out of funds appropriated pursuant to section 1153 of this title, there shall be made available to the Secretary of Transportation for fiscal year 2008, \$3,000,000 for the preliminary design of

options for a new tunnel on a different alignment to augment the capacity of the existing Baltimore tunnels.

(c) Availability of amounts

Amounts appropriated pursuant to this section shall remain available until expended.

(d) Plans required

The Secretary of Transportation may not make amounts available to Amtrak for obligation or expenditure under subsection (a)—

(1) until Amtrak has submitted to the Secretary of Transportation, and the Secretary of Transportation has approved, an engineering and financial plan for such projects; and

(2) unless, for each project funded pursuant to this section, the Secretary of Transportation has approved a project management plan prepared by Amtrak.

(e) Review of plans

(1) In general

The Secretary of Transportation shall complete the review of a plan required under subsection (d) and approve or disapprove the plan within 45 days after the date on which each such plan is submitted by Amtrak.

(2) Incomplete or deficient plan

If the Secretary of Transportation determines that a plan is incomplete or deficient, the Secretary of Transportation shall notify Amtrak of the incomplete items or deficiencies and Amtrak shall, within 30 days after receiving the Secretary of Transportation’s notification, submit a modified plan for the Secretary of Transportation’s review.

(3) Approval of plan

Within 15 days after receiving additional information on items previously included in the plan, and within 45 days after receiving items newly included in a modified plan, the Secretary of Transportation shall either approve the modified plan, or if the Secretary of Transportation finds the plan is still incomplete or deficient, the Secretary of Transportation shall—

(A) identify in writing to the appropriate congressional committees the portions of the plan the Secretary finds incomplete or deficient;

(B) approve all other portions of the plan;

(C) obligate the funds associated with those portions; and

(D) execute an agreement with Amtrak within 15 days thereafter on a process for resolving the remaining portions of the plan.

(f) Financial contribution from other tunnel users

The Secretary of Transportation, taking into account the need for the timely completion of all portions of the tunnel projects described in subsection (a), shall—

(1) consider the extent to which railroad carriers other than Amtrak use or plan to use the tunnels;

(2) consider the feasibility of seeking a financial contribution from those other railroad carriers toward the costs of the projects; and

(3) obtain financial contributions or commitments from such other railroad carriers at lev-

els reflecting the extent of their use or planned use of the tunnels, if feasible.

(Pub. L. 110-53, title XV, §1515, Aug. 3, 2007, 121 Stat. 437.)

§ 1166. Railroad carrier exercises

(a) In general

The Secretary shall establish a program for conducting security exercises for railroad carriers for the purpose of assessing and improving the capabilities of entities described in subsection (b) to prevent, prepare for, mitigate, respond to, and recover from acts of terrorism.

(b) Covered entities

Entities to be assessed under the program shall include—

- (1) Federal, State, and local agencies and tribal governments;
- (2) railroad carriers;
- (3) governmental and nongovernmental emergency response providers, law enforcement agencies, and railroad and transit police, as appropriate; and
- (4) any other organization or entity that the Secretary determines appropriate.

(c) Requirements

The Secretary shall ensure that the program—

- (1) consolidates existing security exercises for railroad carriers administered by the Department and the Department of Transportation, as jointly determined by the Secretary and the Secretary of Transportation, unless the Secretary waives this consolidation requirement as appropriate;
- (2) consists of exercises that are—
 - (A) scaled and tailored to the needs of the carrier, including addressing the needs of the elderly and individuals with disabilities;
 - (B) live, in the case of the most at-risk facilities to a terrorist attack;
 - (C) coordinated with appropriate officials;
 - (D) as realistic as practicable and based on current risk assessments, including credible threats, vulnerabilities, and consequences;
 - (E) inclusive, as appropriate, of railroad frontline employees; and
 - (F) consistent with the National Incident Management System, the National Response Plan, the National Infrastructure Protection Plan, the National Preparedness Guidance, the National Preparedness Goal, and other such national initiatives;
- (3) provides that exercises described in paragraph (2) will be—
 - (A) evaluated by the Secretary against clear and consistent performance measures;
 - (B) assessed by the Secretary to identify best practices, which shall be shared, as appropriate, with railroad carriers, nonprofit employee organizations that represent railroad carrier employees, Federal, State, local, and tribal officials, governmental and nongovernmental emergency response providers, law enforcement personnel, including railroad carrier and transit police, and other stakeholders; and
 - (C) used to develop recommendations, as appropriate, from the Secretary to railroad

carriers on remedial action to be taken in response to lessons learned;

(4) allows for proper advanced notification of communities and local governments in which exercises are held, as appropriate; and

(5) assists State, local, and tribal governments and railroad carriers in designing, implementing, and evaluating additional exercises that conform to the requirements of paragraph (1)¹.

(d) National Exercise Program

The Secretary shall ensure that the exercise program developed under subsection (c) is a component of the National Exercise Program established under section 748 of this title.

(Pub. L. 110-53, title XV, §1516, Aug. 3, 2007, 121 Stat. 438.)

§ 1167. Railroad security training program

(a) In general

Not later than 6 months after August 3, 2007, the Secretary shall develop and issue regulations for a training program to prepare railroad frontline employees for potential security threats and conditions. The regulations shall take into consideration any current security training requirements or best practices.

(b) Consultation

The Secretary shall develop the regulations under subsection (a) in consultation with—

- (1) appropriate law enforcement, fire service, emergency response, security, and terrorism experts;
- (2) railroad carriers;
- (3) railroad shippers; and
- (4) nonprofit employee labor organizations representing railroad employees or emergency response personnel.

(c) Program elements

The regulations developed under subsection (a) shall require security training programs described in subsection (a) to include, at a minimum, elements to address the following, as applicable:

- (1) Determination of the seriousness of any occurrence or threat.
- (2) Crew and passenger communication and coordination.
- (3) Appropriate responses to defend or protect oneself.
- (4) Use of personal and other protective equipment.
- (5) Evacuation procedures for passengers and railroad employees, including individuals with disabilities and the elderly.
- (6) Psychology, behavior, and methods of terrorists, including observation and analysis.
- (7) Training related to psychological responses to terrorist incidents, including the ability to cope with hijacker behavior and passenger responses.
- (8) Live situational training exercises regarding various threat conditions, including tunnel evacuation procedures.
- (9) Recognition and reporting of dangerous substances, suspicious packages, and situations.

¹ So in original. Probably should be “(2)”.