

**Calendar No. 478**114TH CONGRESS  
2D SESSION**S. 1732**

To authorize elements of the Department of Transportation, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JULY 9, 2015

Mr. THUNE (for himself, Mrs. FISCHER, and Mr. MORAN) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

MAY 23, 2016

Reported by Mr. THUNE, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

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**A BILL**

To authorize elements of the Department of Transportation,  
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,*

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

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

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

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

**TITLE I—OFFICE OF THE SECRETARY**

**Subtitle A—Accelerating Project Delivery**

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

**Subtitle B—Freight**

Sec. 1201. Establishment of freight chapter.  
 Sec. 1202. National multimodal freight policy.  
 Sec. 1203. National multimodal freight network.  
 Sec. 1204. National Freight Strategic Plan.  
 Sec. 1205. State freight plans.  
 Sec. 1206. Freight investment grants.  
 Sec. 1207. Reports.  
 Sec. 1208. Repeals.  
 Sec. 1209. Savings provision.

**Subtitle C—Research**

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

**Subtitle D—Port Performance Act**

Sec. 1401. Short title.  
 Sec. 1402. Findings.  
 Sec. 1403. Port performance freight statistics program.

Sec. 1404. Monthly reports on performance at United States ports.

TITLE II—COMMERCIAL MOTOR VEHICLE AND DRIVER  
PROGRAMS

Subtitle A—Compliance, Safety, and Accountability Reform

PART I—COMPLIANCE, SAFETY, AND ACCOUNTABILITY

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

PART II—INTERIM HIRING STANDARD

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

Subtitle B—Drug Free Commercial Driver Act of 2015

- Sec. 2201. Short title.
- Sec. 2202. Authorization of hair testing.
- Sec. 2203. Exemption from mandatory urinalysis.
- Sec. 2204. Guidelines for hair testing.
- Sec. 2205. Annual report to Congress.

Subtitle C—Transparency and Accountability

- Sec. 2301. Rulemaking requirements.
- Sec. 2302. Petitions for regulatory relief.
- Sec. 2303. Inspector standards.
- Sec. 2304. Technology improvements.

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

- Sec. 2401. Update on statutory requirements.
- Sec. 2402. Statutory rulemaking.
- Sec. 2403. Guidance reform.
- Sec. 2404. Petitions.
- Sec. 2405. Regulatory reform.

Subtitle E—State Authorities

- Sec. 2501. Emergency route working group.
- Sec. 2502. Additional State authority.
- Sec. 2503. Commercial driver access.

Subtitle F—Motor Carrier Safety Grant Consolidation

- Sec. 2601. Definitions.
- Sec. 2602. Grants to States.
- Sec. 2603. New entrant safety review program study.

- Sec. 2604. Performance and registration information systems management.
- Sec. 2605. Authorization of appropriations.
- Sec. 2606. Commercial driver's license program implementation.
- Sec. 2607. Extension of Federal motor carrier safety programs for fiscal year 2016.
- Sec. 2608. Motor carrier safety assistance program allocation.
- Sec. 2609. Maintenance of effort calculation.

#### Subtitle G—Miscellaneous Provisions

- Sec. 2701. Windshield technology.
- Sec. 2702. Electronic logging devices requirements.
- Sec. 2703. Lapse of required financial security; suspension of registration.
- Sec. 2704. Access to National Driver Register.
- Sec. 2705. Study on commercial motor vehicle driver commuting.
- Sec. 2706. Household goods consumer protection working group.

### TITLE III—HAZARDOUS MATERIALS

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

### TITLE IV—HIGHWAY AND MOTOR VEHICLE SAFETY

#### Subtitle A—Highway Traffic Safety

##### PART I—HIGHWAY SAFETY

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

##### PART II—STOP MOTORCYCLE CHECKPOINT FUNDING ACT

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

##### PART III—IMPROVING DRIVER SAFETY ACT OF 2015

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

##### PART IV—TECHNICAL AND CONFORMING AMENDMENTS

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

#### Subtitle B—Vehicle Safety

- Sec. 4201. Authorization of appropriations.
- Sec. 4202. Inspector General recommendations.

- Sec. 4203. Improvements in availability of recall information.
- Sec. 4204. Recall process.
- Sec. 4205. Pilot grant program for State notification to consumers of motor vehicle recall status.
- Sec. 4206. Recall obligations under bankruptcy.
- Sec. 4207. Dealer requirement to check for open recall.
- Sec. 4208. Extension of time period for remedy of tire defects.
- Sec. 4209. Rental car safety.
- Sec. 4210. Motor vehicle equipment.
- Sec. 4211. Transfer to Highway Trust Fund of certain motor vehicle safety penalties.

#### Subtitle C—Research and Development and Vehicle Electronics

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

#### Subtitle D—Miscellaneous Provisions

### PART I—DRIVER PRIVACY ACT OF 2015

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

### PART II—SAFETY THROUGH INFORMED CONSUMERS ACT OF 2015

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

### TITLE V—RAILROAD REFORM, ENHANCEMENT, AND EFFICIENCY

- Sec. 5001. Passenger transportation; definitions.

#### Subtitle A—Authorization of Appropriations

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

#### Subtitle B—Amtrak Reform

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

- Sec. 5212. Amtrak pilot program for passengers transporting domesticated cats and dogs.
- Sec. 5213. Amtrak board of directors.

#### Subtitle C—Intercity Passenger Rail Policy

- Sec. 5301. Competitive operating grants.
- Sec. 5302. Federal-State partnership for state-of-good-repair.
- Sec. 5303. Large capital project requirements.
- Sec. 5304. Small business participation study.
- Sec. 5305. Gulf coast rail service working group.
- Sec. 5306. Integrated passenger rail working group.
- Sec. 5307. Shared-use study.
- Sec. 5308. Northeast Corridor Commission.
- Sec. 5309. Northeast Corridor through-ticketing and procurement efficiencies.
- Sec. 5310. Data and analysis.
- Sec. 5311. Disaster relief.
- Sec. 5312. Performance-based proposals.
- Sec. 5313. Amtrak Inspector General.
- Sec. 5314. Miscellaneous provisions.

#### Subtitle D—Rail Safety

##### PART I—SAFETY IMPROVEMENT

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

##### PART II—CONSOLIDATED RAIL INFRASTRUCTURE AND SAFETY IMPROVEMENTS

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

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

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

## PART IV—POSITIVE TRAIN CONTROL

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

## Subtitle E—Project Delivery

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

## Subtitle F—Financing

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

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

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

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

1           **TITLE I—OFFICE OF THE**  
 2                           **SECRETARY**  
 3       **Subtitle A—Accelerating Project**  
 4                           **Delivery**

5   **SEC. 1101. DELEGATION OF AUTHORITY.**

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

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

9           “(a) IN GENERAL.—Notwithstanding section  
 10 3346(a)(2) of title 5, a person may serve as an acting offi-  
 11 cer for an administration in the Department of Transpor-  
 12 tation under section 3345 of that title for the 210-day pe-  
 13 riod under section 3346(a)(1) of that title, which period  
 14 may only be extended if a nomination for the office is re-  
 15 ceived by the Senate. If the 210-day period under section  
 16 3346(a)(1) of title 5 expires before a nomination for the  
 17 office is received by the Senate, the Secretary of Transpor-  
 18 tation, notwithstanding section 3345 or subsections (b)  
 19 and (c) of section 3348 of that title, shall successively des-  
 20 ignate, until a nomination for the office is received by the  
 21 Senate, another officer or employee within the administra-  
 22 tion concerned to perform the functions and duties of the  
 23 office temporarily in an acting capacity for no longer than  
 24 210 days. This section is a statutory provision to which  
 25 section 3347(a)(1) of title 5 applies.



1       “(b) **TERMINATION OF AUTHORITY.**—Any authority  
 2 delegated to a person while serving as an acting officer  
 3 under subsection (a) shall terminate effective on the date  
 4 that a nomination for that office is confirmed by the Sen-  
 5 ate or the date that another acting officer for that office  
 6 is designated by the Secretary, as required by subsection  
 7 (a), whichever is sooner.

8       “(c) **EXTRA PAY PROHIBITED.**—An officer or em-  
 9 ployee may not receive pay in addition to the pay for his  
 10 or her regular office or employment for performing the  
 11 functions and duties of an office temporarily under sub-  
 12 section (a).”.

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

“116. Administrations; acting officers.”.

16       (c) **APPLICATION.**—The amendment under subsection  
 17 (a) shall apply to any applicable office with a position des-  
 18 igned for a Senate confirmed official.

19 **SEC. 1102. INFRASTRUCTURE PERMITTING IMPROVEMENT**  
 20 **CENTER.**

21       (a) **IN GENERAL.**—Subchapter I of chapter 3, as  
 22 amended by sections 1104 and 1106 of this Act, is further  
 23 amended by inserting after section 311 the following:

1 **“§ 312. Interagency Infrastructure Permitting Im-**  
2 **provement Center**

3 “(a) IN GENERAL.—There is established in the Office  
4 of the Secretary an Interagency Infrastructure Permitting  
5 Improvement Center (referred to in this section as the  
6 ‘Center’).

7 “(b) ROLES AND RESPONSIBILITIES.—

8 “(1) GOVERNANCE.—The Center shall report to  
9 the chair of the Steering Committee described in  
10 paragraph (2) to ensure that the perspectives of all  
11 member agencies are represented.

12 “(2) INFRASTRUCTURE PERMITTING STEERING  
13 COMMITTEE.—An Infrastructure Permitting Steer-  
14 ing Committee (referred to in this section as the  
15 ‘Steering Committee’) is established to oversee the  
16 work of the Center. The Steering Committee shall be  
17 chaired by the Federal Chief Performance Officer in  
18 consultation with the Chair of the Council on Envi-  
19 ronmental Quality and shall be comprised of Dep-  
20 uty-level representatives from the following depart-  
21 ments and agencies:

22 “(A) The Department of Defense.

23 “(B) The Department of the Interior.

24 “(C) The Department of Agriculture.

25 “(D) The Department of Commerce.

26 “(E) The Department of Transportation.

1           “(F) The Department of Energy.

2           “(G) The Department of Homeland Security.  
3

4           “(H) The Environmental Protection Agency.  
5

6           “(I) The Advisory Council on Historic  
7 Preservation.

8           “(J) The Department of the Army.

9           “(K) The Department of Housing and  
10 Urban Development.

11           “(L) Other agencies the Chair of the  
12 Steering Committee invites to participate.

13           “(3) ACTIVITIES.—The Center shall support the  
14 Chair of the Steering Committee and undertake the  
15 following:

16           “(A) Coordinate and support implementa-  
17 tion of priority reform actions for Federal agen-  
18 cy permitting and reviews for areas as defined  
19 and identified by the Steering Committee.

20           “(B) Support modernization efforts at  
21 Federal agencies and interagency pilots for in-  
22 novative approaches to the permitting and re-  
23 view of infrastructure projects.

24           “(C) Provide technical assistance and  
25 training to field and headquarters staff of Fed-

1           eral agencies on policy changes, innovative ap-  
 2           proaches to project delivery, and other topics as  
 3           appropriate.

4           “(D) Identify, develop, and track metrics  
 5           for timeliness of permit reviews, permit deci-  
 6           sions, and project outcomes.

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

9           “(i) tracking and reporting of metrics;

10           “(ii) development and posting of  
 11           schedules for permit reviews and permit  
 12           decisions; and

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

15           “(F) Provide reporting to the President on  
 16           progress toward achieving greater efficiency in  
 17           permitting decisions and review of infrastruc-  
 18           ture projects and progress toward achieving  
 19           better outcomes for communities and the envi-  
 20           ronment.

21           “(4) INFRASTRUCTURE SECTORS COVERED.—

22           The Center shall support process improvements in  
 23           the permitting and review of projects in the fol-  
 24           lowing sectors:

25           “(A) Surface transportation.

- 1           “(B) Aviation.
- 2           “(C) Ports and waterways.
- 3           “(D) Water resource projects.
- 4           “(E) Renewable energy generation.
- 5           “(F) Electricity transmission.
- 6           “(G) Broadband.
- 7           “(H) Pipelines.
- 8           “(I) Other sectors, as determined by the
- 9           Steering Committee.”.

10       (b) CONFORMING AMENDMENT.—The table of con-

11       tents of chapter 3, as amended by sections 1104 and 1106

12       of this Act, is further amended by inserting after the item

13       relating to section 311 the following:

“312. Interagency Infrastructure Permitting Improvement Center.”.

14       **SEC. 1103. ACCELERATED DECISIONMAKING IN ENVIRON-**

15       **MENTAL REVIEWS.**

16       (a) IN GENERAL.—Subchapter I of chapter 3 is

17       amended by inserting after section 304 the following:

18       **“§ 304a. Accelerated decisionmaking in environ-**

19       **mental reviews**

20       “(a) IN GENERAL.—In preparing a final environ-

21       mental impact statement under the National Environ-

22       mental Policy Act of 1969 (42 U.S.C. 4321 et seq.), if

23       the Department of Transportation, when acting as lead

24       agency, modifies the statement in response to comments

25       that are minor and are confined to factual corrections or

1 explanations of why the comments do not warrant addi-  
 2 tional Departmental response, the Department may write  
 3 on errata sheets attached to the statement instead of re-  
 4 writing the draft statement, subject to the condition that  
 5 the errata sheets—

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

8           “(2) if appropriate, indicate the circumstances  
 9 that would trigger Departmental reappraisal or fur-  
 10 ther response.

11       “(b) INCORPORATION.—To the maximum extent  
 12 practicable, the Department shall expeditiously develop a  
 13 single document that consists of a final environmental im-  
 14 pact statement and a record of decision, unless—

15           “(1) the final environmental impact statement  
 16 makes substantial changes to the proposed action  
 17 that are relevant to environmental or safety con-  
 18 cerns; or

19           “(2) there are significant new circumstances or  
 20 information relevant to environmental concerns and  
 21 that bear on the proposed action or the impacts of  
 22 the proposed action.”.

23       “(b) CONFORMING AMENDMENT.—The table of con-  
 24 tents of chapter 3 is amended by inserting after the item  
 25 relating to section 304 the following:

“304a. Accelerated decisionmaking in environmental reviews.”.

1 **SEC. 1104. ENVIRONMENTAL REVIEW ALIGNMENT AND RE-**  
 2 **FORM.**

3 (a) IN GENERAL.—Subchapter I of chapter 3 is  
 4 amended by inserting after section 309 the following:

5 **“§ 310. Aligning Federal environmental reviews**

6 “(a) COORDINATED AND CONCURRENT ENVIRON-  
 7 MENTAL REVIEWS.—Not later than 1 year after the date  
 8 of enactment of the Comprehensive Transportation and  
 9 Consumer Protection Act of 2015, the Department of  
 10 Transportation, in coordination with the Steering Com-  
 11 mittee described in section 312 of this title, shall develop  
 12 a coordinated and concurrent environmental review and  
 13 permitting process for transportation projects when initi-  
 14 ating an environmental impact statement under the Na-  
 15 tional Environmental Policy Act of 1969 (42 U.S.C. 4321  
 16 et seq.) (referred to in this section as ‘NEPA’). The co-  
 17 ordinated and concurrent environmental review and per-  
 18 mitting process shall—

19 “(1) ensure that the Department of Transpor-  
 20 tation and Federal agencies of jurisdiction possess  
 21 sufficient information early in the review process to  
 22 determine a statement of a transportation project’s  
 23 purpose and need and range of alternatives for anal-  
 24 ysis that the lead agency and agencies of jurisdiction  
 25 will rely upon for concurrent environmental reviews

1 and permitting decisions required for the proposed  
2 project;

3 “(2) achieve early concurrence or issue resolu-  
4 tion during the NEPA scoping process on the De-  
5 partment of Transportation’s statement of a  
6 project’s purpose and need and during development  
7 of the environmental impact statement on the range  
8 of alternatives for analysis that the lead agency and  
9 agencies of jurisdiction will rely upon for concurrent  
10 environmental reviews and permitting decisions re-  
11 quired for the proposed project absent circumstances  
12 that require reconsideration in order to meet an  
13 agency of jurisdiction’s legal obligations; and

14 “(3) achieve concurrence or issue resolution in  
15 an expedited manner if circumstances arise that re-  
16 quire a reconsideration of the purpose and need or  
17 range of alternatives considered during any Federal  
18 agency’s environmental or permitting review in order  
19 to meet an agency of jurisdiction’s legal obligations.

20 “(b) ENVIRONMENTAL CHECKLIST.—The Secretary  
21 of Transportation and Federal agencies of jurisdiction  
22 likely to have substantive review or approval responsibil-  
23 ities on transportation projects, not later than 90 days  
24 after the date of enactment of the Comprehensive Trans-  
25 portation and Consumer Protection Act of 2015, shall



1 jointly develop a checklist to help project sponsors identify  
2 potential natural, cultural, and historic resources in the  
3 area of a proposed project. The purpose of the checklist  
4 is—

5           “(1) to identify agencies of jurisdiction and co-  
6           operating agencies;

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

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

12          “(e) INTERAGENCY COLLABORATION.—Consistent  
13 with Federal environmental statutes and the priority re-  
14 form actions for Federal agency permitting and reviews  
15 defined and identified by the Steering Committee estab-  
16 lished under section 312, the Secretary shall facilitate an-  
17 nual interagency collaboration sessions at the appropriate  
18 jurisdictional level to coordinate business plans and facili-  
19 tate coordination of workload planning and workforce  
20 management. This engagement shall ensure agency staff  
21 is fully engaged and utilizing the flexibility of existing reg-  
22 ulations, policies, and guidance and identifying additional  
23 actions to facilitate high quality, efficient, and targeted  
24 environmental reviews and permitting decisions. The ses-  
25 sions and the interagency collaborations they generate

1 shall focus on how to work with State and local transpor-  
 2 tation entities to improve project planning, siting, and ap-  
 3 plication quality and how to consult and coordinate with  
 4 relevant stakeholders and Federal, tribal, State, and local  
 5 representatives early in permitting processes.

6 “(d) PERFORMANCE MEASUREMENT.—Not later  
 7 than 1 year after the date of enactment of the Comprehen-  
 8 sive Transportation and Consumer Protection Act of  
 9 2015, the Secretary of Transportation, in coordination  
 10 with the Steering Committee established under section  
 11 312, shall establish a program to measure and report on  
 12 progress towards aligning Federal reviews as outlined in  
 13 this section.”.

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

“310. Aligning Federal environmental reviews.”.

17 **SEC. 1105. MULTIMODAL CATEGORICAL EXCLUSIONS.**

18 Section 304 is amended—

19 (1) in subsection (a)—

20 (A) in paragraph (1)—

21 (i) by striking “operating authority”  
 22 and inserting “operating administration or  
 23 secretarial office”;

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

1 (iii) by inserting “proposed  
2 multimodal” before “project”;

3 (B) by amending paragraph (2) to read as  
4 follows:

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

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

17 (2) in subsection (b), by striking “under this  
18 title” and inserting “by the Secretary of Transpor-  
19 tation”;

20 (3) in subsection (c)—

21 (A) in the matter preceding paragraph

22 (1)—

23 (i) by striking “a categorical exclusion  
24 designated under the implementing regula-  
25 tions or” and inserting “categorical exclu-

1 sions designated under the National Envi-  
 2 ronmental Policy Act of 1969 (42 U.S.C.  
 3 4321 et seq.) implementing”; and

4 (ii) by striking “other components of  
 5 the” and inserting “a proposed  
 6 multimodal”;

7 (B) by amending paragraphs (1) and (2)  
 8 to read as follows:

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

14 “(2) the cooperating authority does not object  
 15 to the lead authority’s preliminary determination of  
 16 its applicability;”;

17 (C) in paragraph (3)—

18 (i) by inserting “the lead authority de-  
 19 termines that” before “the component of”;  
 20 and

21 (ii) by inserting “proposed  
 22 multimodal” before “project to be cov-  
 23 ered”; and

24 (D) by amending paragraph (4) to read as  
 25 follows:

1           “(4) the lead authority, with the concurrence of  
2 the cooperating authority—

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

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

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

17           (4) by amending subsection (d) to read as fol-  
18 lows:

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

1 **SEC. 1106. IMPROVING TRANSPARENCY IN ENVIRON-**  
 2 **MENTAL REVIEWS.**

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

6 **“§ 311. Improving transparency in environmental re-**  
 7 **views**

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

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

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

7       (b) CONFORMING AMENDMENT.—The table of con-  
 8 tents of subchapter I of chapter 3, as amended by section  
 9 1104 of this Act, is further amended by inserting after  
 10 the item relating to section 310, the following:

“311. Improving transparency in environmental reviews.”.

## 11                               **Subtitle B—Freight**

### 12       **SEC. 1201. ESTABLISHMENT OF FREIGHT CHAPTER.**

13       (a) SENSE OF CONGRESS.—It is the sense of Con-  
 14 gress that—

15               (1) freight policy and planning should incor-  
 16 porate the many modes of transportation that move  
 17 goods;

18               (2) the Secretary of Transportation should  
 19 oversee and facilitate multimodal freight planning ef-  
 20 forts;

21               (3) the Under Secretary for Policy of the De-  
 22 partment of Transportation should serve as the pri-  
 23 mary coordinator of multimodal planning efforts;

1 (4) efficient and reliable freight infrastructure  
2 is critical to our Nation's economy and international  
3 competitiveness;

4 (5) the Nation's limited Federal discretionary  
5 infrastructure funding resources should be focused  
6 on freight infrastructure; and

7 (6) as such, the sole discretionary national in-  
8 frastructure investment grant program annually ap-  
9 propriated without authorization, should be reformed  
10 and refocused into the Freight Investment Grant  
11 program.

12 (b) FREIGHT.—Subtitle III is amended by inserting  
13 after chapter 53 the following:

## 14 “CHAPTER 54—FREIGHT

“Sec.

“5401. Definitions.

“5402. National multimodal freight policy.

“5403. National multimodal freight network.

“5404. National Freight Strategic Plan.

“5405. State freight plans.

“5406. Freight investment grants.

“5407. Reports.

### 15 “§ 5401. Definitions

16 “In this chapter:

17 “(1) ECONOMIC COMPETITIVENESS.—The term  
18 ‘economic competitiveness’ means the ability of the  
19 economy to efficiently move freight and people,  
20 produce goods, and deliver services, including—



1           “(A) reductions in the travel time of  
2 freight;

3           “(B) reductions in the congestion caused  
4 by the movement of freight;

5           “(C) improvements to freight travel time  
6 reliability; and

7           “(D) reductions in freight transportation  
8 costs due to congestion and insufficient infra-  
9 structure.

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

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

16           “(A) the infrastructure supporting any  
17 mode of transportation that moves freight, in-  
18 cluding highways, ports, waterways, rail facili-  
19 ties, and pipelines; and

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

22          “(4) INTELLIGENT FREIGHT TRANSPORTATION  
23 SYSTEM.—The term ‘intelligent freight transpor-  
24 tation system’ means—

1           “(A) an innovative or intelligent techno-  
2           logical transportation system, infrastructure, or  
3           facilities, including electronic roads, driverless  
4           trucks, elevated freight transportation facilities,  
5           automated port technologies, and other similar  
6           freight transportation systems; and

7           “(B) communications or information proc-  
8           essing systems used singly or in combination  
9           for intelligent freight lanes and conveyances  
10          that improve the efficiency, security, or safety  
11          of the freight system or that operate to convey  
12          freight or improve existing freight movements.

13          “(5) NATIONAL MULTIMODAL FREIGHT NET-  
14          WORK.—The term ‘national multimodal freight net-  
15          work’ means the network established under section  
16          5403.

17          “(6) NATIONAL MULTIMODAL FREIGHT STRA-  
18          TEGIC PLAN.—The term ‘national multimodal  
19          freight strategic plan’ means the strategic plan de-  
20          veloped under section 5404.

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

23          “(8) STATE.—The term ‘State’ means a State  
24          of the United States, the District of Columbia, the  
25          Commonwealth of Puerto Rico, the Commonwealth

1 of the Northern Mariana Islands, Guam, American  
 2 Samoa, and the United States Virgin Islands.”.

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

4 Subtitle III, as amended by section 1201 of this Act,  
 5 is further amended by adding after section 5401 the fol-  
 6 lowing:

7 **“§ 5402. National multimodal freight policy**

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

9 “(1) to support investment to maintain and im-  
 10 prove the condition and performance of the national  
 11 multimodal freight network;

12 “(2) to ensure that the United States maxi-  
 13 mizes its competitiveness in the global economy by  
 14 increasing the overall productivity and connectivity  
 15 of the national freight system; and

16 “(3) to pursue the goals described in subsection  
 17 (b).

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

20 “(1) To enhance the economic competitiveness  
 21 of the United States by investing in infrastructure  
 22 improvements and implementing operational im-  
 23 provements on the freight network of the United  
 24 States that achieve 1 or more of the following:

1           “(A) Strengthen the contribution of the  
2 national freight network to the economic com-  
3 petitiveness of the United States.

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

6           “(C) Reduce the cost of freight transpor-  
7 tation.

8           “(D) Improve the reliability of freight  
9 transportation.

10          “(E) Increase productivity, particularly for  
11 domestic industries and businesses that create  
12 jobs.

13          “(2) To improve the safety, security, efficiency,  
14 and resiliency of freight transportation in rural and  
15 urban areas.

16          “(3) To improve the condition of the national  
17 freight network.

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

20          “(5) To incorporate concepts of performance,  
21 innovation, competition, and accountability into the  
22 operation and maintenance of the national freight  
23 network.

24          “(6) To improve the efficiency and productivity  
25 of the national freight network.

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

3           “(e) STRATEGIES.—The United States may achieve  
4 the goals set forth in subsection (b) by—

5           “(1) providing funding to maintain and improve  
6 freight infrastructure facilities;

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

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

11           “(4) promoting workforce development; and

12           “(5) using performance management activities.

13           “(d) IMPLEMENTATION.—The Under Secretary for  
14 Policy, who shall be responsible for the oversight and im-  
15 plementation of the national multimodal freight policy,  
16 shall—

17           “(1) assist with the coordination of modal  
18 freight planning;

19           “(2) ensure consistent, expedited review of  
20 multimodal freight projects;

21           “(3) review the project planning and approval  
22 processes at each modal administration to identify  
23 modeling and metric inconsistencies, approvals, and  
24 terminology differences that could hamper  
25 multimodal project approval;

- 1           “(4) identify interagency data sharing opportu-  
2           nities to promote freight planning and coordination;  
3           “(5) identify multimodal efforts and connec-  
4           tions;  
5           “(6) designate the lead agency for multimodal  
6           freight projects;  
7           “(7) develop recommendations for State incen-  
8           tives for multi-modal planning efforts, which may in-  
9           clude—  
10                   “(A) reducing the State cost share; or  
11                   “(B) expediting the review of agreements  
12           for multimodal or freight specific projects;  
13           “(8) consider opportunities to reduce project  
14           delays by issuing categorical exclusions or allowing  
15           self-certifications of right-of-way acquisitions for  
16           freight projects; and  
17           “(9) submit a report to the Committee on Com-  
18           merce, Science, and Transportation of the Senate  
19           and the Committee on Transportation and Infra-  
20           structure of the House of Representatives that iden-  
21           tifies required reports, statutory requirements, and  
22           other limitations on efficient freight project delivery  
23           that could be streamlined or consolidated.”.

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

2 Subtitle III as amended by section 1202 of this Act,  
3 is further amended by adding after section 5402 the fol-  
4 lowing:

5 **“§ 5403. National multimodal freight network**

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

8 “(1) to assist States in strategically directing  
9 resources toward improved system performance for  
10 the efficient movement of freight on transportation  
11 networks;

12 “(2) to inform freight transportation planning;

13 “(3) to assist in the prioritization of Federal in-  
14 vestment; and

15 “(4) to assess and support Federal investments  
16 to achieve the national multimodal freight policy  
17 goals described in section 5402(b).

18 “(b) NETWORK COMPONENTS.—The national  
19 multimodal freight network established under this section  
20 shall consist of all connectors, corridors, and facilities in  
21 all freight transportation modes that are the most critical  
22 to the current and future movement of freight to achieve  
23 the national multimodal freight policy goals described in  
24 section 5402(b).

25 “(c) INITIAL DESIGNATION OF PRIMARY FREIGHT  
26 SYSTEM.—

1           “(1) IN GENERAL.—Not later than 1 year after  
2           the date of enactment of the Comprehensive Trans-  
3           portation and Consumer Protection Act of 2015, the  
4           Secretary, after soliciting input from stakeholders,  
5           including multimodal freight system users, transport  
6           providers, metropolitan planning organizations, local  
7           governments, ports, airports, railroads, and States,  
8           through a public process to identify critical freight  
9           facilities and corridors that are vital to achieve the  
10          national multimodal freight policy goals described in  
11          section 5402(b), and after providing notice and op-  
12          portunity for comment on a draft system, shall des-  
13          ignate a primary freight system with the goal of—

14                 “(A) improving network and intermodal  
15                 connectivity; and

16                 “(B) using measurable data as part of the  
17                 assessment of the significance of freight move-  
18                 ment, including the consideration of points of  
19                 origin, destination, and linking components of  
20                 domestic and international supply chains.

21          “(2) FACTORS.—In designating or redesign-  
22          nating a primary freight system, the Secretary shall  
23          consider—



1           “(A) origins and destinations of freight  
2 movement within, to, and from the United  
3 States;

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

6           “(C) access to border crossings, airports,  
7 seaports, and pipelines;

8           “(D) economic factors, including balance of  
9 trade;

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

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

14          “(G) intermodal links and intersections  
15 that promote connectivity;

16          “(H) freight choke points and other im-  
17 pediments contributing to significant measur-  
18 able congestion, delay in freight movement, or  
19 inefficient modal connections;

20          “(I) impacts on all freight transportation  
21 modes and modes that share significant freight  
22 infrastructure;

23          “(J) elements and transportation corridors  
24 identified by a multi-State coalition, a State, a  
25 State advisory committee, or a metropolitan

1           planning organization, using national or local  
2           data, as having critical freight importance to  
3           the region;

4           “(K) intermodal connectors, major dis-  
5           tribution centers, inland intermodal facilities,  
6           and first- and last-mile facilities;

7           “(L) the annual average daily truck traffic  
8           on principal arterials; and

9           “(M) the significance of goods movement,  
10          including consideration of global and domestic  
11          supply chains.

12          “(3) REQUIREMENTS FOR DESIGNATION.—A  
13          designation may be made under this subsection if  
14          the freight transportation facility or infrastructure  
15          being considered—

16                 “(A) is in an urbanized area, regardless of  
17                 population;

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

20                 “(C) connects an intermodal facility to—

21                         “(i) the primary freight network; or

22                         “(ii) an intermodal freight facility;

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

1           “(ii) provides an alternative option impor-  
2 tant to goods movement;

3           “(E) serves a major freight generator, lo-  
4 gistic center, agricultural region, or manufac-  
5 turing or warehouse industrial land; or

6           “(F) is important to the movement of  
7 freight within a State or metropolitan region, as  
8 determined by the State or the metropolitan  
9 planning organization.

10       “(d) REDESIGNATION OF PRIMARY FREIGHT SYS-  
11 TEM.—

12           “(1) IN GENERAL.—Beginning on the date that  
13 is 5 years after the initial designation under sub-  
14 section (e), and every 5 years thereafter, the Sec-  
15 retary, using the designation factors described in  
16 subsection (e)(3), shall redesignate the primary  
17 freight system.

18           “(2) CONSIDERATIONS.—In redesignating the  
19 primary freight system under paragraph (1), the  
20 Secretary shall—

21           “(A) use, to the extent practicable, meas-  
22 urable data to assess the significance of goods  
23 movement, including the consideration of points  
24 of origin, destination, and linking components

1 of the United States global and domestic supply  
2 chains;

3 “(B) consider—

4 “(i) the factors described in sub-  
5 section (e)(2); and

6 “(ii) any changes in the economy or  
7 freight transportation network demand;  
8 and

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

12 “(3) STATE INPUT.—

13 “(A) IN GENERAL.—Each State that pro-  
14 poses increased designations on the primary  
15 freight system shall—

16 “(i) consider nominations for addi-  
17 tional designations from metropolitan plan-  
18 ning organizations within the State;

19 “(ii) consider nominations for the ad-  
20 ditional designations from owners and op-  
21 erators of port, rail, pipeline, and airport  
22 facilities; and

23 “(iii) ensure that additional designa-  
24 tions are consistent with the State Trans-

1           portation Improvement Program or freight  
2           plan.

3           “(B) REVISIONS.—States may revise  
4           routes certified under section 4006 of the Inter-  
5           modal Surface Transportation Efficiency Act of  
6           1991 (Public Law 102–240; 105 Stat. 2148) to  
7           conform with the designated freight system  
8           under this section.

9           “(C) SUBMISSION AND CERTIFICATION.—  
10          Each State shall submit to the Secretary—

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

13                   “(ii) certification that—

14                           “(I) the State has satisfied the  
15                           requirements under subparagraph (A);  
16                           and

17                           “(II) the designations referred to  
18                           in clause (i) address the factors for  
19                           redesignation described in subsection  
20                           (e)(3).

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

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

3           “(2) provides access or service to energy explo-  
4           ration, development, installation, or production  
5           areas;

6           “(3) provides access or service to—

7                   “(A) a grain elevator;

8                   “(B) an agricultural facility;

9                   “(C) a mining facility;

10                  “(D) a forestry facility; or

11                  “(E) an intermodal facility;

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

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

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

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

19           Subtitle III as amended by section 1203 of this Act,  
20           is further amended by adding after section 5403 the fol-  
21           lowing:

22 **“§ 5404. National Freight Strategic Plan**

23           “(a) INITIAL DEVELOPMENT OF NATIONAL FREIGHT  
24           STRATEGIC PLAN.—Not later than 3 years after the date  
25           of enactment of the Comprehensive Transportation and

1 Consumer Protection Act of 2015, the Secretary, in con-  
 2 sultation with State departments of transportation, metro-  
 3 politan planning organizations, and other appropriate pub-  
 4 lic and private transportation stakeholders, shall develop,  
 5 and after providing notice and an opportunity for com-  
 6 ment on a draft national freight strategic plan, post on  
 7 the public website of the Department of Transportation,  
 8 a national freight strategic plan that—

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

11           “(2) identifies any bottlenecks on the national  
 12           freight network that create significant freight con-  
 13           gestion based on a quantitative methodology devel-  
 14           oped by the Secretary, which shall include—

15                   “(A) information from the Freight Anal-  
 16                   ysis Framework of the Federal Highway Ad-  
 17                   ministration; and

18                   “(B) to the maximum extent practicable—

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

21                           “(ii) any operational improvements  
 22                           that could be implemented to address each  
 23                           bottleneck;

24           “(3) includes forecasts of freight volumes, based  
 25           on the most recent data available, for the 5-year pe-

1 riod beginning in the year during which the plan is  
2 issued;

3 “(4) identifies major trade gateways and na-  
4 tional freight corridors that connect major economic  
5 corridors, population centers, trade gateways, and  
6 other major freight generators for current and fore-  
7 ecasted traffic and freight volumes;

8 “(5) provides an assessment of statutory, regu-  
9 latory, technological, institutional, financial, and  
10 other barriers to improved freight transportation  
11 performance, including opportunities for overcoming  
12 such barriers;

13 “(6) identifies—

14 “(A) routes for providing access to energy  
15 exploration, development, installation, or pro-  
16 duction areas; and

17 “(B) routes for providing access to major  
18 areas for manufacturing, agriculture, or natural  
19 resources;

20 “(7) includes best practices for—

21 “(A) improving the performance of the na-  
22 tional freight network; and

23 “(B) improving urban and rural access to  
24 critical freight corridors;

25 “(8) includes a process for—



1                   “(A) addressing multistate projects; and

2                   “(B) encouraging jurisdictions to collabo-  
3                   rate on multistate projects;

4                   “(9) identifies—

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

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

8                   “(10) includes strategies to improve freight  
9                   intermodal connectivity.

10                  “(b) UPDATES TO NATIONAL FREIGHT STRATEGIC

11 PLAN.—Not later than 5 years after the date of comple-

12 tion of the first national freight strategic plan under para-

13 graph (1) and every 5 years thereafter, the Secretary shall

14 update and repost on the public website of the Department

15 of Transportation a revised national freight strategic plan,

16 which shall include a revision of the major trade gateways

17 and national freight corridors identified under subsection

18 (a)(4).

19                  “(c) TRANSPORTATION INVESTMENT DATA AND

20 PLANNING TOOLS.—

21                   “(1) IN GENERAL.—Not later than 1 year after

22 the date of enactment of the Comprehensive Trans-

23 portation and Consumer Protection Act of 2015, the

24 Secretary shall—

1           “(A) begin developing new tools and im-  
2           proving existing tools to support State-based  
3           outcome-oriented, performance-based ap-  
4           proaches to evaluate proposed freight-related  
5           and other transportation projects, including—

6                   “(i) methodologies for systematic  
7                   analysis of benefits and costs on a national  
8                   and regional basis;

9                   “(ii) tools for ensuring that the eval-  
10                  uation of freight-related and other trans-  
11                  portation projects could consider safety,  
12                  economic competitiveness, urban and rural  
13                  access, and system condition in the project  
14                  selection process;

15                  “(iii) improved methods for data col-  
16                  lection and trend analysis;

17                  “(iv) encouragement of public-private  
18                  partnerships to carry out data sharing ac-  
19                  tivities and maintaining the confidentiality  
20                  of all proprietary data; and

21                  “(v) other tools to assist in effective  
22                  transportation planning;

23           “(B) identify transportation-related model  
24           data elements to support a broad range of eval-  
25           uation methods and techniques to assist in

1 making transportation investment decisions;  
2 and

3 “(C) consider, in consultation with other  
4 relevant Federal agencies, any improvements to  
5 existing freight flow data collection efforts that  
6 could—

7 “(i) reduce identified freight data  
8 gaps and deficiencies; and

9 “(ii) help to improve forecasts of  
10 freight transportation demand.

11 “(2) CONSULTATION.—The Secretary shall con-  
12 sult with other Federal agencies, State governments,  
13 and other stakeholders to develop, improve, and im-  
14 plement the tools and collect the data described in  
15 paragraph (1).”.

16 **SEC. 1205. STATE FREIGHT PLANS.**

17 Subtitle III as amended by section 1204 of this Act,  
18 is further amended by adding after section 5404 the fol-  
19 lowing:

20 **“§ 5405. State freight plans**

21 “(a) STATE FREIGHT ADVISORY COMMITTEES.—

22 “(1) IN GENERAL.—Each State may establish a  
23 freight advisory committee, which should consist of  
24 a representative cross-section of public and private  
25 sector freight stakeholders, including representatives

1 of ports, shippers, carriers, freight-related associa-  
2 tions, the freight industry workforce, the State  
3 transportation department, and local governments.

4 “(2) **ROLE OF COMMITTEE.**—A freight advisory  
5 committee described in paragraph (1) may—

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

8 “(B) serve as a forum for discussion for  
9 State transportation decisions affecting freight  
10 mobility;

11 “(C) communicate and coordinate with  
12 other organizations regarding regional prior-  
13 ities; and

14 “(D) promote the sharing of information  
15 between the private and public sectors on  
16 freight issues.

17 “(b) **STATE FREIGHT PLANS.**—

18 “(1) **IN GENERAL.**—Each State may develop a  
19 freight plan, or integrate such planning into other  
20 transportation planning documents, that provides a  
21 comprehensive plan for the immediate and long-  
22 range planning activities and investments of the  
23 State with respect to freight.

24 “(2) **PLAN CONTENTS.**—A freight plan de-  
25 scribed in paragraph (1) should—

1           “(A) identify significant freight system  
2 trends, needs, and issues with respect to the  
3 State;

4           “(B) describe the freight policies, strate-  
5 gies, and performance measures that will guide  
6 the freight-related transportation investment  
7 decisions of the State;

8           “(C) include, if applicable, a listing of crit-  
9 ical rural and urban freight corridors des-  
10 igned within the State under this chapter;

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

14           “(E) include evidence of consideration of  
15 innovative technologies and operational strate-  
16 gies, including intelligent transportation sys-  
17 tems, that improve the safety and efficiency of  
18 freight movement;

19           “(F) include—

20           “(i) an inventory of facilities within  
21 the State with freight mobility issues, such  
22 as freight bottlenecks; and

23           “(ii) a description of the strategies the  
24 State is employing to address such freight  
25 mobility issues;

1           “(G) consider—

2                   “(i) any significant congestion or  
3                   delay caused by freight movements; and

4                   “(ii) any strategies to mitigate such  
5                   congestion or delay; and

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

8                   “(i) includes a list of priority projects;  
9                   and

10                   “(ii) describes how funds made avail-  
11                   able to carry out this chapter would be in-  
12                   vested and matched.

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

14           The freight investment plan component described in  
15           paragraph (2)(H) shall include a project, or an iden-  
16           tified phase of a project, only if funding for comple-  
17           tion of the project can reasonably be anticipated to  
18           be available for the project within the time period  
19           identified in the freight investment plan. Unfunded  
20           project plans should be included in a separate sec-  
21           tion.

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

24           “(5) UPDATES.—

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

4           “(B) FREIGHT INVESTMENT PLAN.—A  
5           State may update the freight investment plan  
6           more frequently than is required under sub-  
7           paragraph (A).

8           “(c) INTELLIGENT FREIGHT TRANSPORTATION SYS-  
9           TEM.—

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

12                   “(A)(i) along freight corridors; or

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

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

17           “(2) OPERATING STANDARDS.—The Secretary  
18           shall determine the need for establishing operating  
19           standards for intelligent freight transportation sys-  
20           tems.”.

21 **SEC. 1206. FREIGHT INVESTMENT GRANTS.**

22           Subtitle III as amended by section 1205 of this Act,  
23           is further amended by adding after section 5405 the fol-  
24           lowing:

1 **“§ 5406. Freight investment grants**

2       “(a) ESTABLISHMENT.—The Secretary shall estab-  
3 lish and implement a freight investment grant program  
4 for capital investments in major freight transportation in-  
5 frastructure projects to improve the movement of goods  
6 through the transportation network of the United States.

7       “(b) APPLICATIONS.—

8           “(1) IN GENERAL.—An eligible applicant seek-  
9 ing a grant under this section shall submit an appli-  
10 cation to the Secretary in such form as the Sec-  
11 retary prescribes and containing the data described  
12 in paragraph (2) and the total amount of the grant  
13 requested.

14           “(2) CONTENTS.—Each application submitted  
15 under this subsection shall include, to the extent  
16 practicable, available data on the most recent system  
17 performance and estimated system improvements  
18 that will result from completion of the eligible  
19 project, including projections for improvements 5  
20 and 10 years after completion of the project.

21           “(3) ACCOUNTABILITY MEASURES.—The Sec-  
22 retary shall establish accountability measures for the  
23 management of the Freight Investment Grant Pro-  
24 gram—

25                   “(A) to establish clear procedures for ad-  
26                   dressing late-arriving applications;



1           “(B) to publicly communicate its decisions  
2           to accept or reject applications described in sub-  
3           paragraph (A); and

4           “(C) to document and approve major deci-  
5           sions in the application evaluation and project  
6           selection process through a decision memo-  
7           randum or similar mechanism that provides a  
8           clear rationale for decisions—

9           “(i) to advance for senior review ap-  
10          plications other than those rated as highly  
11          recommended;

12          “(ii) to not advance applications rated  
13          as highly recommended; and

14          “(iii) to change the technical evalua-  
15          tion rating of an application.

16          “(4) RESUBMISSION OF APPLICATIONS.—An eli-  
17          gible applicant whose project is not selected under  
18          this section may resubmit an application with an ad-  
19          dendum identifying any project updates in a subse-  
20          quent solicitation.

21          “(e) CRITERIA FOR PROJECT EVALUATION AND SE-  
22          LECTION.—

23          “(1) IN GENERAL.—The Administrator may se-  
24          lect a project for funding under this section only if  
25          the Administrator determines that the project—

1           “(A) is consistent with the goals described  
2 in section 5402(b);

3           “(B) will significantly improve the national  
4 or regional performance of the freight transpor-  
5 tation network;

6           “(C) is based on the results of preliminary  
7 engineering;

8           “(D) is consistent with the long-range  
9 statewide transportation plan;

10          “(E) cannot be readily and efficiently com-  
11 pleted without Federal financial assistance;

12          “(F) is justified based on the ability of the  
13 project—

14           “(i) to generate national economic  
15 benefits that reasonably exceed the costs of  
16 the project;

17           “(ii) to reduce long-term congestion,  
18 including impacts on a regional and state-  
19 wide basis; or

20           “(iii) to increase the speed, reliability,  
21 and accessibility of the movement of  
22 freight; and

23          “(G) is supported by a sufficient amount  
24 of non-Federal funding, including evidence of  
25 stable and dependable financing to construct,

1 maintain, and operate the infrastructure facil-  
2 ity.

3 “(2) *ADDITIONAL CONSIDERATIONS.*—In evalu-  
4 ating a project under this section, in addition to the  
5 criteria described in paragraph (1), the Secretary  
6 shall consider the extent to which the project—

7 “(A) leverages Federal investment by en-  
8 couraging non-Federal contributions to the  
9 project, including contributions from public-pri-  
10 vate partnerships;

11 “(B) is able to begin construction by the  
12 date that is not later than 12 months after the  
13 date on which the project is selected;

14 “(C) incorporates innovative project deliv-  
15 ery and financing to the maximum extent prac-  
16 ticable;

17 “(D) improves freight facilities vital to ag-  
18 ricultural or national energy security;

19 “(E) improves or upgrades current or des-  
20 ignated future Interstate System routes;

21 “(F) uses innovative technologies, includ-  
22 ing intelligent transportation systems, that en-  
23 hance the efficiency of the project;

24 “(G) helps to improve mobility and accessi-  
25 bility; and

1           “(H) improves transportation safety, in-  
2           cluding reducing transportation accident and  
3           serious injuries and fatalities.

4           “(d) GEOGRAPHIC DISTRIBUTION.—In awarding  
5 grants under this section, the Secretary shall take meas-  
6 ures to ensure, to the maximum extent practicable—

7           “(1) an equitable geographic distribution of  
8           amounts; and

9           “(2) an appropriate balance in addressing the  
10 needs of rural and urban communities.

11          “(e) ELIGIBLE PROJECTS.—

12          “(1) IN GENERAL.—A project is eligible for a  
13 grant under this section if the project—

14           “(A) is difficult to complete with existing  
15 Federal, State, local, and private funds;

16           “(B)(i) enhances the economic competitive-  
17 ness of the United States; or

18           “(ii) improves the flow of freight or re-  
19 duces bottlenecks in our Nation’s freight infra-  
20 structure; and

21           “(C) will advance 1 or more of the fol-  
22 lowing objectives:

23           “(i) Generate regional or national eco-  
24 nomic benefits and an increase in the glob-

1 al economic competitiveness of the United  
2 States:

3 “(ii) Improve transportation resources  
4 vital to agriculture or national energy secu-  
5 rity.

6 “(iii) Improve the efficiency, reli-  
7 ability, and affordability of the movement  
8 of freight.

9 “(iv) Improve existing freight infra-  
10 structure projects.

11 “(v) Improve the movement of people  
12 by improving rural and metropolitan  
13 freight routes.

14 “(2) EXAMPLES.—Eligible projects for grant  
15 funding under this section shall include—

16 “(A) a freight intermodal facility, includ-  
17 ing—

18 “(i) an intermodal facility serving a  
19 seaport;

20 “(ii) an intermodal or cargo access fa-  
21 cility serving an airport;

22 “(iii) an intermodal facility serving a  
23 port on the inland waterways;

24 “(iv) a bulk intermodal/transload fa-  
25 cility; or

1                   “(v) a highway/rail intermodal facility;

2                   “(B) highway or bridge projects eligible  
3 under title 23;

4                   “(C) public transportation projects that re-  
5 duce congestion on freight corridors and are eli-  
6 gible under chapter 53;

7                   “(D) freight rail transportation projects  
8 (including rail-grade separations); and

9                   “(E) port infrastructure investments (in-  
10 cluding inland port infrastructure).

11           “(f) ELIGIBLE APPLICANTS.—An applicant is eligible  
12 to receive a grant under this section if the applicant is—

13                   “(1) a State or a group of States;

14                   “(2) a local government or a group of local gov-  
15 ernments;

16                   “(3) a tribal government or a group of tribal  
17 governments;

18                   “(4) a transit agency or a group of transit  
19 agencies;

20                   “(5) a special purpose district or a public au-  
21 thority with a transportation function;

22                   “(6) a port authority;

23                   “(7) a political subdivision of a State or local  
24 government;

1           “(8) a Federal land management agency, which  
2 is applying jointly with a State; or

3           “(9) a multistate or multijurisdictional group of  
4 entities described in any of paragraphs (1) through  
5 (8).

6           “(g) REQUIREMENTS.—

7           “(1) COMPETITIVE GRANTS.—The Secretary  
8 shall distribute amounts appropriated for grants  
9 under this section to States, local governments, tran-  
10 sit agencies, or a collaboration among such entities  
11 on a competitive basis for projects that will have a  
12 significant impact on freight movement.

13           “(2) CONSIDERATIONS.—In selecting projects  
14 to receive grant funding under this section, the Sec-  
15 retary shall—

16           “(A) consider—

17                   “(i) projected freight volumes; and

18                   “(ii) how projects will enhance eco-  
19 nomic efficiency, productivity, and competi-  
20 tiveness; and

21           “(B) give priority to projects dedicated  
22 to—

23                   “(i) improving freight infrastructure  
24 facilities;

1                   “(ii) reducing travel time for freight  
2                   projects; and

3                   “(iii) reducing freight transportation  
4                   costs.

5                   “(3) ~~EQUITABLE DISTRIBUTION OF FUNDS.~~—In  
6                   distributing funding for grants under this section,  
7                   the Secretary shall take such measures to ensure—

8                   “(A) an equitable geographic distribution  
9                   of funds;

10                  “(B) an appropriate balance in addressing  
11                  the needs of urban and rural areas; and

12                  “(C) the investment in a variety of trans-  
13                  portation modes.

14                  “(4) ~~AMOUNT.~~—

15                  “(A) ~~IN GENERAL.~~—Except as provided  
16                  under subparagraph (B)(i), a grant under this  
17                  heading shall be not less than \$10,000,000 and  
18                  not greater than \$100,000,000.

19                  “(B) ~~PROJECTS IN RURAL AREAS.~~—If a  
20                  grant awarded under this section is for a  
21                  project located in a rural area—

22                  “(i) the amount of the grant shall be  
23                  at least \$1,000,000; and



1                   “(ii) the Secretary may increase the  
2                   Federal share of costs to greater than 80  
3                   percent.

4                   “(5) FEDERAL SHARE.—Except as provided  
5                   under paragraph (4)(B)(ii), the Federal share of the  
6                   costs for a project receiving a grant under this sec-  
7                   tion shall be up to 80 percent.

8                   “(6) PRIORITY.—The Secretary shall give pri-  
9                   ority to projects that require a contribution of Fed-  
10                  eral funds in order to complete an overall financing  
11                  package.

12                  “(7) RURAL AREAS.—Not less than 25 percent  
13                  of the funding provided under this section shall be  
14                  for projects located in rural areas.

15                  “(8) NEW COMPETITION.—The Secretary shall  
16                  conduct a new competition to select the grants and  
17                  credit assistance awarded under this section.

18                  “(9) CONGRESSIONAL NOTIFICATION.—Not  
19                  later than 72 hours before public notification of a  
20                  grant awarded under this section, the Secretary shall  
21                  notify the Committee on Commerce, Science, and  
22                  Transportation of the Senate, the Committee on En-  
23                  vironment and Public Works of the Senate, the  
24                  Committee on Banking, Housing, and Urban Affairs  
25                  of the Senate, the Committee on Appropriations of

1 the Senate, the Committee on Transportation and  
 2 Infrastructure of the House of Representatives, and  
 3 the Committee on Appropriations of the House of  
 4 Representatives of such award.

5 “(h) TIFIA AND RRIF PROGRAMS.—On the request  
 6 of an eligible entity under this section, the Secretary may  
 7 use amounts awarded to the entity to pay subsidy and ad-  
 8 ministrative costs necessary to provide the entity Federal  
 9 credit assistance under section 6 of title 23 or section 822  
 10 of title 45 with respect to the project for which the grant  
 11 was awarded.

12 “(i) AUTHORIZATION OF APPROPRIATIONS.—

13 “(1) IN GENERAL.—There is authorized to be  
 14 appropriated from the general fund of the Treasury,  
 15 \$500,000,000 for each of the fiscal years 2016  
 16 through 2021 to carry out this section.

17 “(2) ADMINISTRATIVE AND OVERSIGHT  
 18 COSTS.—The Secretary may retain up to 0.5 percent  
 19 of the amounts appropriated pursuant to paragraph  
 20 (1)—

21 “(A) to administer the freight investment  
 22 grant program; and

23 “(B) to oversee eligible projects funded  
 24 under this section.

1           “(3) ADMINISTRATION OF FUNDS.—Amounts  
2           appropriated pursuant to this subsection shall be  
3           available for obligation until expended.”.

4 **SEC. 1207. REPORTS.**

5           Subtitle III, as amended by section 1206 of this Act,  
6 is further amended by adding after section 5406 the fol-  
7 lowing:

8 **“§ 5407. Reports**

9           “(a) FREIGHT TRANSPORTATION CONDITIONS AND  
10 PERFORMANCE REPORTS.—Not later than 3 years after  
11 the date of enactment of the Comprehensive Transpor-  
12 tation and Consumer Protection Act of 2015, and every  
13 5 years thereafter, the Secretary shall submit a report to  
14 Congress that describes the conditions and performance  
15 of the national freight network in the United States.

16           “(b) ANNUAL REPORT.—At the end of each fiscal  
17 year, the Secretary shall post, on a public website, an an-  
18 nual report that lists each project for which assistance has  
19 been provided under this chapter during that fiscal year.

20           “(c) GAO ASSESSMENT AND REPORT.—

21           “(1) ASSESSMENT.—The Comptroller General  
22 of the United States shall conduct an assessment of  
23 the administrative establishment, solicitation, selec-  
24 tion, and justification process for funding of projects  
25 under this chapter.

1           “(2) REPORT.—Not later than 1 year after the  
2 first funding is awarded under this chapter, and not  
3 later than 6 months after each funding solicitation,  
4 the Comptroller General of the United States shall  
5 submit a report to the Committee on Commerce,  
6 Science, and Transportation of the Senate, the Com-  
7 mittee on Environment and Public Works of the  
8 Senate, the Committee on Banking, Housing and  
9 Urban Affairs of the Senate, the Committee on Ap-  
10 propriations of the Senate, the Committee on Trans-  
11 portation and Infrastructure of the House of Rep-  
12 resentatives, and the Committee on Appropriations  
13 of the House of Representatives that describes—

14           “(A) the adequacy and fairness of the  
15 process by which each project was selected;

16           “(B) the justification provided by the De-  
17 partment for the selection of each project;

18           “(C) whether the project met the criteria  
19 described in subsection (c); and

20           “(D) whether the Secretary provided ade-  
21 quate feedback to applicants who were not se-  
22 lected for an award.”.

1 **SEC. 1208. REPEALS.**

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

5 **SEC. 1209. SAVINGS PROVISION.**

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

10                                   **Subtitle C—Research**

11 **SEC. 1301. FINDINGS.**

12       Congress makes the following findings:

13               (1) Federal transportation research planning  
14 and coordination—

15                       (A) should occur within the Office of the  
16 Secretary; and

17                       (B) should be, to the extent practicable,  
18 multimodal and not occur solely within the sub-  
19 agencies of the Department of Transportation.

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

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

24                       (B) prevent duplication of efforts and  
25 waste of limited Federal resources.

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

3                   (A) give stakeholders a formal opportunity  
4           to address concerns;

5                   (B) ensure unbiased research; and

6                   (C) improve the overall research products  
7           of the Department.

8           (4) Increasing transparency of transportation  
9           research efforts will—

10                   (A) build stakeholder confidence in the  
11           final product; and

12                   (B) lead to the improved implementation  
13           of research findings.

14 **SEC. 1302. MODAL RESEARCH PLANS.**

15           (a) IN GENERAL.—Not later than June 15 of the  
16           year preceding the research fiscal year, the head of each  
17           modal administration and joint program office of the De-  
18           partment of Transportation shall submit a comprehensive  
19           annual research plan to the Assistant Secretary for Re-  
20           search and Technology of the Department of Transpor-  
21           tation (referred to in this subtitle as the “Assistant Sec-  
22           retary”).

23           (b) REVIEW.—

1           (1) ~~IN GENERAL.~~—Not later than October 1,  
2           the Assistant Secretary, for each plan submitted  
3           pursuant to subsection (a), shall—

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

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

6                   (ii) request that the plan be revised.

7           (2) ~~PUBLICATIONS.~~—Not later than January  
8           30 of each year, the Secretary shall publish each  
9           plan that has been approved under paragraph  
10          (1)(B)(i) on a public website.

11          (3) ~~REJECTION OF DUPLICATIVE RESEARCH EF-~~  
12          ~~FORTS.~~—The Assistant Secretary may not approve  
13          any plan submitted by the head of a modal adminis-  
14          tration pursuant to subsection (a) if such plan dupli-  
15          cates the research efforts of any other modal admin-  
16          istration.

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

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

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

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

7           (d) **DUPLICATIVE RESEARCH.**—

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

13          (2) **EXCEPTIONS.**—Paragraph (1) shall not  
 14          apply to—

15                (A) updates to previously commissioned re-  
 16                search;

17                (B) research commissioned to carry out an  
 18                Act of Congress; or

19                (C) research commissioned before the date  
 20                of enactment of this Act.

21          (e) **CERTIFICATION.**—

22          (1) **IN GENERAL.**—The Secretary shall annually  
 23          certify to Congress that—

24                (A) each modal research plan has been re-  
 25                viewed; and



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

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

9            (A) notify Congress of the duplicative re-  
 10           search; and

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

14 **SEC. 1303. CONSOLIDATED RESEARCH PROSPECTUS AND**  
 15 **STRATEGIC PLAN.**

16 (a) PROSPECTUS.—

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

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

- 1 (A) include the consolidated modal re-  
2 search plans approved under section 1302;
- 3 (B) describe the research objectives,  
4 progress, and allocated funds for each research  
5 project;
- 6 (C) identify research projects with  
7 multimodal applications;
- 8 (D) specify how relevant modal administra-  
9 tions have assisted, will contribute to, or plan  
10 to use the findings from the research projects  
11 identified under paragraph (1);
- 12 (E) identify areas in which multiple modal  
13 administrations are conducting research  
14 projects on similar subjects or subjects which  
15 have bearing on multiple modes;
- 16 (F) describe the interagency and cross  
17 modal communication and coordination that has  
18 occurred to prevent duplication of research ef-  
19 forts within the Department of Transportation;
- 20 (G) indicate how research is being dissemi-  
21 nated to improve the efficiency and safety of  
22 transportation systems;
- 23 (H) describe how agencies developed their  
24 research plans; and

1           (†) describe the opportunities for public  
2           and stakeholder input.

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

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

11          (2) the amount proposed in the current budget  
12          for transportation research and development.

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

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

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

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

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

1           (d) TRANSPORTATION RESEARCH AND DEVELOP-  
2     MENT STRATEGIC PLAN.—

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

7           (2) CONSISTENCY.—The strategie plan devel-  
8     oped under paragraph (1) shall be consistent with—

9           (A) section 306 of title 5, United States  
10     Code;

11           (B) sections 1115 and 1116 of title 31,  
12     United States Code; and

13           (C) any other research and development  
14     plan within the Department of Transportation.

15           (3) CONTENTS.—The strategie plan developed  
16     under paragraph (1) shall—

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

20                   (i) promoting safety;

21                   (ii) reducing congestion;

22                   (iii) improving mobility;

23                   (iv) preserving the existing transpor-  
24     tation system;

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

4                   (vi) improving goods movement;

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

10                   (i) fundamental research in the phys-  
11                   ical and natural sciences;

12                   (ii) applied research;

13                   (iii) technology research; and

14                   (iv) social science research intended  
15                   for each topic; and

16                   (C) for each research and development  
17                   topic—

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

21                   (ii) include any additional information  
22                   the Department of Transportation expects  
23                   to discover at the end of the period covered  
24                   by the strategic plan as a result of the re-  
25                   search and development in that topic area.

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

4                   (A) reflects input from a wide range of  
5                   stakeholders;

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

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

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

17                          (ii) avoids unnecessary duplication of  
18                          such efforts.

19           (e) ~~TECHNICAL AND CONFORMING AMENDMENTS.~~—

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

22                           (A) by striking section 508;

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

25                           (C) in section 502—

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

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

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

20 (2) INTELLIGENT TRANSPORTATION SYS-  
 21 TEMS.—Section 5205 of the Intelligent Transpor-  
 22 tation Systems Act of 1998 (23 U.S.C. 502 note) is  
 23 amended—

24 (A) in subsection (b), by striking “as part  
 25 of the Surface Transportation Research and

1 Development Strategic Plan developed under  
2 section 508 of title 23, United States Code”  
3 and inserting “as part of the transportation re-  
4 search and development strategic plan under  
5 section 1303 of the Comprehensive Transpor-  
6 tation and Consumer Protection Act of 2015”;  
7 and

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

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

21 (A) in section 5305(h)(3)(A), by striking  
22 “the strategic plan under section 508 of title  
23 23, United States Code” and inserting “the 5-  
24 year transportation research and development  
25 strategic plan under section 1303 of the Com-



1           prehensive Transportation and Consumer Pro-  
2           tection Act of 2015”;

3                   (B) in section 5307(e)(2)(A), by striking  
4           “or the surface transportation research and de-  
5           velopment strategic plan developed under sec-  
6           tion 508 of title 23, United States Code” and  
7           inserting “or the 5-year transportation research  
8           and development strategic plan under section  
9           1303 of the Comprehensive Transportation and  
10          Consumer Protection Act of 2015”.

11 **SEC. 1304. RESEARCH OMBUDSMAN.**

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

14          **“CHAPTER 65—RESEARCH OMBUDSMAN**

        “Sec.

        “6501. Research ombudsman.

15          **“§ 6501. Research ombudsman**

16          “(a) ESTABLISHMENT.—The Assistant Secretary for  
17          Research and Technology shall appoint a career Federal  
18          employee to serve as Research Ombudsman. This appoint-  
19          ment shall not diminish the authority of peer review of  
20          research.

21          “(b) QUALIFICATIONS.—The Research Ombudsman  
22          appointed under subsection (a), to the extent prac-  
23          ticable—

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

4           “(2) shall develop a working knowledge of the  
5           stakeholder communities and research needs of the  
6           transportation field; and

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

9           “(e) RESPONSIBILITIES.—

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

12                   “(A) receive complaints and questions  
13                   about—

14                           “(i) significant alleged omissions, im-  
15                           proprieties, and systemic problems; and

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

18                   “(B) evaluate and address the complaints  
19                   and questions described in subparagraph (A).

20           “(2) PETITIONS.—

21                   “(A) REVIEW.—The Research Ombudsman  
22                   shall review petitions relating to—

23                           “(i) conflicts of interest;

24                           “(ii) the study design and method-  
25                           ology;

1                   “(iii) assumptions and potential bias;  
2                   “(iv) the length of the study; and  
3                   “(v) the composition of any data sam-  
4                   pled.

5                   “(B) RESPONSE TO PETITIONS.—The Re-  
6                   search Ombudsman shall—

7                   “(i) respond to relevant petitions  
8                   within a reasonable period;

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

11                  “(iii) propose a remedy for such defi-  
12                  ciencies to the administrator of the modal  
13                  administration responsible for completing  
14                  the research project.

15                  “(C) RESPONSE TO PROPOSED REMEDY.—  
16                  The administrator of the modal agency charged  
17                  with completing the research project shall re-  
18                  spond to the proposed research remedy.

19                  “(3) REQUIRED REVIEWS.—The Research Om-  
20                  budsman shall evaluate the study plan for all statu-  
21                  torily required studies and reports before the com-  
22                  mencement of such studies to ensure that the re-  
23                  search plan has an appropriate sample size and com-  
24                  position to address the stated purpose of the study.

25                  “(d) REPORTS.—

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

4           “(A) submit a report containing the results  
5 of such review to—

6           “(i) the Secretary;

7           “(ii) the head of the relevant modal  
8 administration; and

9           “(iii) the study or research leader;  
10 and

11           “(B) publish such results on a public  
12 website, with the modal agency response re-  
13 quired under subsection (c)(2)(C).

14           “(2) INDEPENDENCE.—Each report required  
15 under this section shall be provided directly to the  
16 individuals described in paragraph (1) without any  
17 comment or amendment from the Secretary, the  
18 Deputy Secretary of Transportation, the head of any  
19 modal administration of the Department, or any  
20 other officer or employee of the Department or the  
21 Office of Management and Budget.

22           “(c) REPORT TO INSPECTOR GENERAL.—The Re-  
23 search Ombudsman shall submit any evidence of misfea-  
24 sance, malfeasance, waste, fraud, or abuse uncovered dur-

1 ing a review under this section to the Inspector General  
2 for further review.

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

7 (b) **TECHNICAL AND CONFORMING AMENDMENT.**—  
8 The table of chapters for subtitle III is amended by insert-  
9 ing after the item relating to chapter 63 the following:

“65. Research ombudsman ..... 6501”.

10 **SEC. 1305. SMART CITIES TRANSPORTATION PLANNING**  
11 **STUDY.**

12 (a) **IN GENERAL.**—The Secretary shall conduct a  
13 study of digital technologies and information technologies,  
14 including shared mobility, data, transportation network  
15 companies, and on-demand transportation services—

16 (1) to understand the degree to which cities are  
17 adopting these technologies;

18 (2) to assess future planning, infrastructure  
19 and investment needs; and

20 (3) to provide best practices to plan for smart  
21 cities in which information and technology are  
22 used—

23 (A) to improve city operations;

24 (B) to grow the local economy;

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

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

4       (b) COMPONENTS.—The study conducted under sub-  
5 section (a) shall—

6           (1) identify broad issues that influence the abil-  
7           ity of the United States to plan for and invest in  
8           smart cities, including barriers to collaboration and  
9           access to scientific information; and

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

12           (A) enhance the efficiency and effective-  
13           ness of existing transportation networks;

14           (B) optimize demand management serv-  
15           ices;

16           (C) impact low-income and other disadvan-  
17           taged communities;

18           (D) assess opportunities to share, collect,  
19           and use data;

20           (E) change current planning and invest-  
21           ment strategies; and

22           (F) provide opportunities for enhanced co-  
23           ordination and planning.

24       (c) REPORTING.—Not later than 18 months after the  
25 date of enactment of this Act, the Secretary shall publish

1 the report containing the results of the study required  
 2 under subsection (a) to a public website.

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

4 **INDEPENDENCE.**

5 Section 6302 is amended by adding at the end the  
 6 following:

7 “(d) INDEPENDENCE OF BUREAU.—

8 “(1) IN GENERAL.—The Director shall not be  
 9 required—

10 “(A) to obtain the approval of any other  
 11 officer or employee of the Department with re-  
 12 spect to the collection or analysis of any infor-  
 13 mation; or

14 “(B) prior to publication, to obtain the ap-  
 15 proval of any other officer or employee of the  
 16 United States with respect to the substance of  
 17 any statistical technical reports or press re-  
 18 leases lawfully prepared by the Director.

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

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

1           “(B) the disposition and allocation of  
2           amounts paid to the Bureau for cost-reimburs-  
3           able projects.

4           “~~(3)~~ EXCEPTIONS.—The Secretary shall direct  
5           external support functions, such as the coordination  
6           of activities involving multiple modal administra-  
7           tions.

8           “~~(4)~~ INFORMATION TECHNOLOGY.—In consulta-  
9           tion with the Chief Information Officer, the Director  
10          shall have the final authority in decisions regarding  
11          information technology in order to protect the con-  
12          fidentiality of information provided solely for statisti-  
13          cal purposes, in accordance with the Confidential  
14          Information Protection and Statistical Efficiency Act  
15          of 2002 (44 U.S.C. 3501 note).”.

16 **SEC. 1307. CONFORMING AMENDMENTS.**

17          (a) TITLE 49 AMENDMENTS.—

18                 (1) ASSISTANT SECRETARIES; GENERAL COUN-  
19          SEL.—Section 102(c) is amended—

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

22                         (B) in paragraph (1)(A), by inserting “an  
23                         Assistant Secretary for Research and Tech-  
24                         nology,” before “and an Assistant Secretary”.



1           (2) OFFICE OF THE ASSISTANT SECRETARY  
2 FOR RESEARCH AND TECHNOLOGY OF THE DEPART-  
3 MENT OF TRANSPORTATION.—Section 112 is re-  
4 pealed.

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

8           (4) RESEARCH CONTRACTS.—Section 330 is  
9 amended—

10           (A) in the section heading, by striking  
11 “contracts” and inserting “activities”;

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

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

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

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

19           “(d) DUTIES.—The Secretary shall provide for the  
20 following:

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

1           “(2) Advancement, and research and develop-  
2           ment, of innovative technologies, including intelligent  
3           transportation systems.

4           “(3) Comprehensive transportation statistics re-  
5           search, analysis, and reporting.

6           “(4) Education and training in transportation  
7           and transportation-related fields.

8           “(5) Activities of the Volpe National Transpor-  
9           tation Systems Center.

10          “(e) **ADDITIONAL AUTHORITIES.**—The Secretary  
11          may—

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

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

18                         “(B) to carry out other research activities  
19                         of the Department;

20                 “(2) carry out, on a cost-shared basis, collabo-  
21                 rative research and development to encourage inno-  
22                 vative solutions to multimodal transportation prob-  
23                 lems and stimulate the deployment of new tech-  
24                 nology with—

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

7           “(B) Federal laboratories; and

8           “(C) other Federal agencies; and

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

20          “(f) FEDERAL SHARE.—

21           “(1) IN GENERAL.—Subject to paragraph (2),  
22          the Federal share of the cost of an activity carried  
23          out under subsection (e)(3) shall not exceed 50 per-  
24          cent.

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

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

10          “(g) PROGRAM EVALUATION AND OVERSIGHT.—For  
11          fiscal years 2016 through 2021, the Secretary is author-  
12          ized to expend not more than 1½ percent of the amounts  
13          authorized to be appropriated for necessary expenses for  
14          administration and operations of the Office of the Assist-  
15          ant Secretary for Research and Technology for the coordi-  
16          nation, evaluation, and oversight of the programs adminis-  
17          tered under this section.

18          “(h) USE OF TECHNOLOGY.—The research, develop-  
19          ment, or use of a technology under a contract, grant, coop-  
20          erative research and development agreement, or other  
21          agreement entered into under this section, including the  
22          terms under which the technology may be licensed and the  
23          resulting royalties may be distributed, shall be subject to  
24          the Stevenson-Wydler Technology Innovation Act of 1980  
25          (15 U.S.C. 3701 et seq.).

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

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

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

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

14       (b) TITLE 5 AMENDMENTS.—

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

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

22           (3) POSITIONS AT LEVEL IV.—Section 5315 of  
 23 title 5, United States Code, is amended by striking  
 24 “(4)” in the undesignated item relating to Assistant  
 25 Secretaries of Transportation and inserting “(5)”.

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

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

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

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

9 **Subtitle D—Port Performance Act**

10 **SEC. 1401. SHORT TITLE.**

11           This subtitle may be cited as the “Port Performance  
12           Act”.

13 **SEC. 1402. FINDINGS.**

14           Congress finds the following:

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

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

21           (3) Breakdowns in the transportation supply  
22           chain network, particularly at the Nation’s ports,  
23           can result in tremendous economic losses for agri-  
24           culture, businesses, and retailers that rely on timely  
25           shipments.

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

3                   (A) to identify freight bottlenecks;

4                   (B) to indicate performance and trends  
5           over time; and

6                   (C) to inform investment decisions.

7   **SEC. 1403. PORT PERFORMANCE FREIGHT STATISTICS PRO-**  
8                   **GRAM.**

9           (a) **IN GENERAL.**—Chapter 63 is amended by adding  
10   at the end the following:

11   **“§ 6314. Port performance freight statistics program**

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

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

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

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

20           “(b) **ANNUAL REPORTS.**—

21                   “(1) **PORT CAPACITY AND THROUGHPUT.**—Not  
22   later than January 15 of each year, the Director  
23   shall submit an annual report to Congress that in-  
24   cludes statistics on capacity and throughput at the  
25   ports described in subsection (a).

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

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

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

16           “(C) the average number of lifts per hour  
17 of containers by crane;

18           “(D) the average vessel turn time by vessel  
19 type;

20           “(E) the average cargo or container dwell  
21 time;

22           “(F) port storage capacity and utilization;

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

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



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

5           “(e) RECOMMENDATIONS.—

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

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

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

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

18           “(2) WORKING GROUP.—Not later than 60 days  
19           after the date of the enactment of this Act, the Di-  
20           rector shall commission a working group composed  
21           of—

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

24                   “(B) the Coast Guard;

25                   “(C) the Federal Maritime Commission;

1           “(D) U.S. Customs and Border Protection;

2           “(E) the Marine Transportation System  
3 National Advisory Council;

4           “(F) the Army Corps of Engineers;

5           “(G) the Saint Lawrence Seaway Develop-  
6 ment Corporation;

7           “(H) the Advisory Committee on Supply  
8 Chain Competitiveness;

9           “(I) 1 representative from the rail indus-  
10 try;

11           “(J) 1 representative from the trucking in-  
12 dustry;

13           “(K) 1 representative from the port man-  
14 agement industry;

15           “(L) 1 representative from the maritime  
16 shipping industry;

17           “(M) 1 representative from the maritime  
18 labor industry;

19           “(N) representatives of the National  
20 Freight Advisory Committee of the Depart-  
21 ment; and

22           “(O) representatives of the Transportation  
23 Research Board of the National Academies.

24           “(3) RECOMMENDATIONS.—Not later than 1  
25 year after the date of the enactment of the Port

1 Performance Act, the working group commissioned  
 2 under this subsection shall submit its recommenda-  
 3 tions to the Director.

4 “(d) ACCESS TO DATA.—The Director shall ensure  
 5 that the statistics compiled under this section are readily  
 6 accessible to the public, consistent with applicable security  
 7 constraints and confidentiality interests.”

8 (b) PROHIBITION ON CERTAIN DISCLOSURES.—See  
 9 tion 6307(b)(1) is amended by inserting “or section  
 10 6314(b)” after “section 6302(b)(3)(B)” each place it ap-  
 11 pears.

12 (c) COPIES OF REPORTS.—Section 6307(b)(2)(A) is  
 13 amended by inserting “or section 6314(b)” after “section  
 14 6302(b)(3)(B)”.

15 (d) TECHNICAL AND CONFORMING AMENDMENT.—  
 16 The table of contents for chapter 63 is amended by adding  
 17 at the end the following:

“6314. Port performance freight statistics program.”

18 **SEC. 1404. MONTHLY REPORTS ON PERFORMANCE AT**  
 19 **UNITED STATES PORTS.**

20 (a) IN GENERAL.—Not later than 1 year before the  
 21 expiration date of a maritime labor agreement that applies  
 22 to facilities of a United States port, 3 months before the  
 23 expiration date of the maritime labor agreement, and  
 24 monthly thereafter until a new agreement is agreed to, the  
 25 Secretary of Transportation, in consultation with the Sec-

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

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

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

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

17           (3) the number of cancelled vessel calls;

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

21           (5) an estimate of the amount of time required  
22   to clear any congestion;

23           (6) the average number of labor positions or-  
24   dered and filled; and

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

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

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

15       **TITLE II—COMMERCIAL MOTOR**  
16       **VEHICLE AND DRIVER PRO-**  
17       **GRAMS**

18       **Subtitle A—Compliance, Safety,**  
19       **and Accountability Reform**

20       **PART I—COMPLIANCE, SAFETY, AND**  
21       **ACCOUNTABILITY**

22       **SEC. 2001. CORRELATION STUDY.**

23           (a) IN GENERAL.—The Administrator of the Federal  
24           Motor Carrier Safety Administration (referred to in this  
25           part as the “Administrator”) shall commission the Na-

1 tional Research Council of the National Academies to con-  
2 duct a study of—

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

5           (2) the Compliance, Safety, Accountability pro-  
6 gram (referred to in this part as the “CSA pro-  
7 gram”).

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

11           (1) shall analyze—

12                   (A) the accuracy with which the Behavior  
13 Analysis and Safety Improvement Categories  
14 (referred to in this part as “BASIC”) safety  
15 measures used by SMS—

16                           (i) identify high risk drivers and car-  
17 riers; and

18                           (ii) predict or be correlated with fu-  
19 ture crash risk, crash severity, or other  
20 safety indicators for individual drivers,  
21 motor carriers, and the highest risk car-  
22 riers;

23                   (B) the methodology used to calculate  
24 BASIC percentiles and identify carriers for en-  
25 forcement, including the weights assigned to

1 particular violations, and the tie between crash  
2 risk and specific regulatory violations, in order  
3 to accurately identify and predict future crash  
4 risk for motor carriers;

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

7 (D) any data collection gaps or data suffi-  
8 ciency problems that may exist and the impact  
9 of those data gaps and insufficiencies on the ef-  
10 ficacy of the CSA program; and

11 (E) the accuracy of data processing; and  
12 (2) should consider—

13 (A) whether the current SMS provides  
14 comparable precision and confidence for SMS  
15 alerts and percentiles for the relative crash risk  
16 of individual large and small motor carriers;

17 (B) whether alternative systems would  
18 identify high risk carriers or identify high risk  
19 drivers and motor carriers more accurately; and

20 (C) the recommendations and findings of  
21 the Comptroller General of the United States  
22 and the Inspector General, and independent re-  
23 view team reports issued before the date of the  
24 enactment of this Act.

1       (c) REPORT.—Not later than 18 months after the  
2 date of enactment of this Act, the Administrator shall sub-  
3 mit a report containing the results of the completed study  
4 to—

5           (1) the Committee on Commerce, Science, and  
6 Transportation of the Senate;

7           (2) the Committee on Transportation and In-  
8 frastructure of the House of Representatives;

9           (3) the Inspector General of the Department of  
10 Transportation; and

11           (4) the Comptroller General of the United  
12 States.

13       (d) CORRECTIVE ACTION PLAN.—

14           (1) IN GENERAL.—Not later than 120 days  
15 after the Administrator submits a report under sub-  
16 section (c) that identifies a deficiency or opportunity  
17 for improvement in the CSA program or in any ele-  
18 ment of SMS, the Administrator shall submit a cor-  
19 rective action plan to the Committee on Commerce,  
20 Science, and Transportation of the Senate and the  
21 Committee on Transportation and Infrastructure of  
22 the House of Representatives that—

23           (A) responds to the concerns highlighted  
24 by the report;



1           (B) identifies how the Federal Motor Car-  
2           rier Safety Administration will address such  
3           concerns; and

4           (C) provides an estimate of the cost, in-  
5           cluding changes in staffing, enforcement, and  
6           data collection necessary to implement the rec-  
7           ommendations.

8           (2) PROGRAM REFORMS.—The corrective action  
9           plan submitted under paragraph (1) shall include an  
10          implementation plan that—

11           (A) includes benchmarks;

12           (B) includes programmatic reforms, revi-  
13           sions to regulations, or proposals for legislation;  
14           and

15           (C) shall be considered in any rulemaking  
16           by the Department of Transportation that re-  
17           lates to the CSA program, including the SMS  
18           data sets or analysis.

19          (e) INSPECTOR GENERAL REVIEW.—Not later than  
20          120 days after the Administrator issues a corrective action  
21          plan under subsection (d), the Inspector General of the  
22          Department of Transportation shall—

23           (1) review the extent to which such plan imple-  
24          ments—

1           (A) recommendations contained in the re-  
2           port submitted under subsection (e); and

3           (B) recommendations issued by the Comp-  
4           troller General or the Inspector General before  
5           the date of enactment of this Act; and

6           (2) submit a report to the Committee on Com-  
7           merce, Science, and Transportation of the Senate  
8           and the Committee on Transportation and Infra-  
9           structure of the House of Representatives on the re-  
10          sponsiveness of the corrective action plan to the rec-  
11          ommendations described in paragraph (1).

12          (f) FISCAL LIMITATION.—The Administrator shall  
13          carry out the study required under this section using  
14          amounts appropriated to the Federal Motor Carrier Safety  
15          Administration and available for obligation and expendi-  
16          ture as of the date of the enactment of this Act.

17          **SEC. 2002. SAFETY IMPROVEMENT METRICS.**

18          (a) IN GENERAL.—The Administrator shall incor-  
19          porate a methodology into the CSA program or establish  
20          a third-party process to allow recognition, including credit,  
21          improved score, or by establishing a safety BASIC in SMS  
22          for safety technology, tools, programs, and systems ap-  
23          proved by the Administrator through the qualification  
24          process developed under subsection (b) that exceed regu-

1 latory requirements or are used to enhance safety per-  
2 formance, including—

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

5                   (A) collision mitigation systems;

6                   (B) lane departure warnings;

7                   (C) speed limiters;

8                   (D) electronic logging devices;

9                   (E) electronic stability control;

10                  (F) critical event recorders; and

11                  (G) strengthening rear guards and  
12 sideguards for underride protection;

13           (2) the use of enhanced driver fitness measures  
14 that exceed current regulatory requirements, such  
15 as—

16                   (A) additional new driver training;

17                   (B) enhanced and ongoing driver training;

18           and

19                   (C) remedial driver training to address  
20 specific deficiencies as identified in roadside in-  
21 spection or enforcement reports;

22           (3) the adoption of qualifying administrative  
23 fleet safety management tools technologies, driver  
24 performance and behavior management technologies,  
25 and programs; and

1           (4) technologies and measures identified  
2           through the process described in subsection (e).

3           (b) QUALIFICATION.—The Administrator, through  
4 notice and comment rulemaking, shall develop technical or  
5 other performance standards for technology, advanced  
6 safety equipment, enhanced driver fitness measures, tools,  
7 programs, or systems used by motor carriers that will  
8 qualify for credit under this section.

9           (c) ADDITIONAL REQUIREMENTS.—In modifying the  
10 CSA program under subsection (a), the Administrator,  
11 through notice and comment rulemaking, shall develop a  
12 process for identifying and reviewing other technology, ad-  
13 vanced safety equipment, enhanced driver fitness meas-  
14 ures, tools, programs, or systems used by motor carriers  
15 to improve safety performance that—

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

19           (2) seeks input and participation from industry  
20 stakeholders, including drivers, technology manufac-  
21 turers, vehicle manufacturers, motor carriers, en-  
22 forcement communities, and safety advocates, and  
23 the Motor Carrier Safety Advisory Committee; and

24           (3) includes technology, advanced safety equip-  
25 ment, enhanced driver fitness measures, tools, pro-

1 grams, or systems with a date certain for future  
2 statutory or regulatory implementation.

3 (d) SAFETY IMPROVEMENT METRICS USE AND  
4 VERIFICATION.—The Administrator, through notice and  
5 comment rulemaking, shall develop a process for—

6 (1) providing recognition or credit within a  
7 motor carrier's SMS score for the installation and  
8 use of measures in paragraphs (1) through (4) of  
9 subsection (a);

10 (2) ensuring that the safety improvement  
11 metrics developed under this section are presented  
12 with other SMS data;

13 (3) verifying the installation or use of such  
14 technology, advanced safety equipment, enhanced  
15 driver fitness measures, tools, programs, or systems;

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

18 (5) ensuring that the credits or recognition re-  
19 ferred to in paragraph (1) reflect the safety improve-  
20 ment anticipated as a result of the installation or  
21 use of the specific technology, advanced safety equip-  
22 ment, enhanced driver fitness measure, tool, pro-  
23 gram, or system;

24 (6) verifying the deployment and use of quali-  
25 fying equipment or management systems by a motor

1 carrier through a certification from the vehicle man-  
2 ufacturer, the system or service provider, the insur-  
3 ance carrier, or through documents submitted by the  
4 motor carrier to the Department of Transportation;

5 (7) annually reviewing the list of qualifying  
6 safety technology, advanced safety equipment, en-  
7 hanced driver fitness measures, tools, programs, or  
8 systems; and

9 (8) removing systems mandated by law or regu-  
10 lation, or if such systems demonstrate a lack of effi-  
11 cacy, from the list of qualifying technologies, ad-  
12 vanced safety equipment, enhanced driver fitness  
13 measures, tools, programs, or systems eligible for  
14 credit under the CSA program.

15 (c) DISSEMINATION OF INFORMATION.—The Admin-  
16 istrator shall maintain a public website that contains in-  
17 formation regarding—

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

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

24 (3) statistics and information relating to the  
25 use of such technology, advanced safety equipment,

1 enhanced driver fitness measures, tools, programs,  
2 or systems.

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

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

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

14 (3) the number of motor carriers, and a de-  
15 scription of the carrier’s fleet size, that received rec-  
16 ognition or credit under the modified CSA program;  
17 and

18 (4) the pre- and post-adoption safety perform-  
19 ance of the motor carriers described in paragraph  
20 (3).

21 (g) EVALUATION.—

22 (1) IN GENERAL.—Not later than 2 years after  
23 the implementation of SIMS under this section, the  
24 Administrator shall conduct an evaluation of the ef-

1       fectiveness of SIMS by reviewing the impacts of  
2       SIMS on—

3               (A) law enforcement, commercial drivers  
4               and motor carriers, and motor carrier safety;  
5               and

6               (B) safety and adoption of new tech-  
7               nologies.

8       (2) REPORT.—Not later than 30 months after  
9       the implementation of the program, the Adminis-  
10       trator shall submit a report to the Committee on  
11       Commerce, Science, and Transportation of the Sen-  
12       ate and the Committee on Transportation and Infra-  
13       structure of the House of Representatives that de-  
14       scribes—

15              (A) the results of the evaluation conducted  
16              under paragraph (1); and

17              (B) the actions the Federal Motor Carrier  
18              Safety Administration plans to take to modify  
19              the demonstration program based on such re-  
20              sults.

21       (h) USE OF ESTIMATES OF SAFETY EFFECTS.—In  
22       conducting regulatory impact analyses for rulemakings re-  
23       lating to the technology, advanced safety equipment, en-  
24       hanced driver fitness measures, tools, programs, or sys-  
25       tems selected for credit under the CSA program, the Ad-



1 administrator, to the extent practicable, shall use the data  
2 gathered under this section and appropriate statistical  
3 methodology, including sufficient sample sizes, composi-  
4 tion, and appropriate comparison groups, including rep-  
5 resentative motor carriers of all sizes, to estimate the ef-  
6 fects on safety performance and reduction in the number  
7 and severity of accidents with qualifying technology, ad-  
8 vanced safety equipment, tools, programs, and systems.

9 (i) SAVINGS PROVISION.—Nothing in this section  
10 may be construed to provide the Administrator with addi-  
11 tional authority to change the requirements for the oper-  
12 ation of a commercial motor vehicle.

13 **SEC. 2003. DATA CERTIFICATION.**

14 (a) LIMITATION.—Beginning not later than 1 day  
15 after the date of enactment of this Act, none of the anal-  
16 ysis of violation information, enforcement prioritization,  
17 not-at-fault crashes, alerts, or the relative percentile for  
18 each Behavioral Analysis and Safety Improvement Cat-  
19 egory developed through the CSA program may be made  
20 available to the general public (including through requests  
21 under section 552 of title 5, United States Code) until  
22 the Inspector General of the Department of Transpor-  
23 tation certifies that—

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

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

7           (3) the Administrator has fully implemented or  
8 satisfactorily addressed the issues raised in the Feb-  
9 ruary 2014 GAO report entitled “Modifying the  
10 Compliance, Safety, Accountability Program Would  
11 Improve the Ability to Identify High Risk Carriers”  
12 (GAO-14-114), which called into question the accu-  
13 racy and completeness of safety performance calcula-  
14 tions;

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

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

19       (b) **LIMITATION ON USE OF SMS DATA.**—The anal-  
20 ysis of violation information enforcement prioritization,  
21 alerts, or the relative percentile for each Behavioral Anal-  
22 ysis and Safety Improvement Category developed through  
23 the CSA program within the SMS system may not be used  
24 for safety fitness determinations until the requirements  
25 under subsection (a) have been satisfied.

1       (c) **EXCEPTIONS.**—

2           (1) **IN GENERAL.**—Notwithstanding the limita-  
3       tions set forth in subsections (a) and (b)—

4           (A) the Federal Motor Carrier Safety Ad-  
5       ministration and State and local commercial  
6       motor vehicle enforcement agencies may only  
7       use the information referred to in subsection  
8       (a) for purposes of investigation and enforce-  
9       ment prioritization; and

10          (B) motor carriers and commercial motor  
11       vehicle drivers may access information referred  
12       to in subsection (a) that relates directly to the  
13       motor carrier or driver, respectively.

14          (2) **LIMITATION.**—Nothing in subparagraphs  
15       (A) and (B) of paragraph (1) may be construed to  
16       restrict the official use by State enforcement agen-  
17       cies of the data collected by State enforcement per-  
18       sonnel.

19       (d) **CERTIFICATION.**—The certification process de-  
20       scribed in subsection (a) shall occur concurrently with the  
21       implementation of SIMS under section 2002.

22       **SEC. 2004. DATA IMPROVEMENT.**

23       (a) **FUNCTIONAL SPECIFICATIONS.**—Not later than  
24       180 days after the date of enactment of this Act, the Ad-  
25       ministrators shall develop functional specifications to en-

1 sure the consistent and accurate input of data into sys-  
2 tems and databases relating to the CSA program.

3 (b) **FUNCTIONALITY.**—The specifications developed  
4 pursuant to subsection (a)—

5 (1) shall provide for the hardcoding and smart  
6 logic functionality for roadside inspection data col-  
7 lection systems and databases; and

8 (2) shall be made available to public and private  
9 sector developers.

10 (c) **EFFECTIVE DATA MANAGEMENT.**—The Adminis-  
11 trator shall ensure that internal systems and databases  
12 accept and effectively manage data using uniform stand-  
13 ards.

14 (d) **CONSULTATION WITH THE STATES.**—Before im-  
15 plementing the functional specifications described in sub-  
16 section (a) or the standards described in subsection (c);  
17 the Administrator shall seek input from the State agencies  
18 responsible for enforcing section 31102 of title 49, United  
19 States Code.

20 **SEC. 2005. ACCIDENT REPORT INFORMATION.**

21 (a) **REVIEW.**—The Administrator shall initiate a  
22 demonstration program that allows motor carriers and  
23 drivers to request a review of crashes, and the removal  
24 of crash data by the Federal Motor Carrier Safety Admin-  
25 istration of crashes, and removal from any weighting, or

1 carrier safety analysis, if the commercial motor vehicle  
2 was operated legally and another motorist in connection  
3 with the crash is found—

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

5           (2) to have been driving the wrong direction on  
6 a roadway;

7           (3) to have struck the commercial motor vehicle  
8 in the rear;

9           (4) to have struck the commercial motor vehicle  
10 which was legally stopped;

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

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

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

21       (c) SOLICITATION OF OTHER INFORMATION.—Fol-  
22 lowing a notice and comment period, the Administrator  
23 may solicit other types of information to be collected under  
24 subsection (b) to facilitate appropriate reviews under this  
25 section.

1       (d) ~~EVALUATION.~~—The Federal Motor Carrier Safe-  
 2 ty Administration shall review the information submitted  
 3 under subsections (b) and (c).

4       (e) ~~RESULTS.~~—The results of the review under sub-  
 5 section (a)—

6           (1) shall be used to recalculate the motor ear-  
 7 rier's crash BASIC percentile;

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

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

14       (f) ~~FEE SYSTEM.~~—

15           (1) ~~ESTABLISHMENT.~~—The Administrator may  
 16 establish a fee system; in accordance with section  
 17 9701 of title 31, United States Code, in which a  
 18 motor carrier is charged a fee for each review of a  
 19 crash requested by such motor carrier under this  
 20 section.

21           (2) ~~DISPOSITION OF FEES.~~—Fees collected  
 22 under this section—

23           (A) may be credited to the Department of  
 24 Transportation appropriations account for pur-  
 25 pose of carrying out this section; and

1           (B) shall be used to fully fund the oper-  
2           ation of the review program authorized under  
3           this section.

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

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

10          (2) submit a report to Congress that de-  
11          scribes—

12                 (A) the number of crashes reviewed;

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

16                 (C) relevant information relating to the  
17                 program, including the cost to operate the pro-  
18                 gram and the fee structure established.

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

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

23                 (1) to review the data elements of post-accident  
24                 reports, for tow-away accidents involving commercial

1 motor vehicles, that are reported to the Federal Gov-  
2 ernment; and

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

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

13 ~~(c) CONSIDERATIONS.—The working group shall con-~~  
14 ~~sider requiring additional data elements, including—~~

15 ~~(1) the primary cause of the accident, if the pri-~~  
16 ~~mary cause can be determined;~~

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

20 ~~(A) the vehicle configuration;~~

21 ~~(B) the gross vehicle weight if the weight~~  
22 ~~can be readily determined;~~

23 ~~(C) the number of axles; and~~

24 ~~(D) the distance between axles, if the dis-~~  
25 ~~tance can be readily determined; and~~



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

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

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

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

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

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

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

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

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

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

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

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

21 **PART II—INTERIM HIRING STANDARD**

22 **SEC. 2101. DEFINITIONS.**

23 In this part:

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

26 (A) a shipper or a consignee;

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

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

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

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

17          (F) an interchange motor carrier subject  
18 to paragraphs (1)(B) and (2) of section  
19 13902(i); or

20          (G) a warehouse (as defined in Article 7-  
21 102(13) of the Uniform Commercial Code).

22          (2) MOTOR CARRIER.—The term “motor car-  
23 rier”<sup>22</sup> means a motor carrier or a household goods  
24 motor carrier (as such terms are defined in section  
25 13102 of title 49, United States Code) that is sub-

1 ject to Federal motor carrier financial responsibility  
2 and safety regulations.

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

10 **SEC. 2102. NATIONAL HIRING STANDARDS FOR MOTOR**  
11 **CARRIERS.**

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

17 (1) is registered with and authorized by the  
18 Federal Motor Carrier Safety Administration to op-  
19 erate as a motor carrier or household goods motor  
20 carrier, if applicable;

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

23 ~~(3)~~(A) before the safety fitness determination  
24 regulations are issued, does not have an unsatisfac-  
25 tory safety fitness determination issued by the Fed-

1 eral Motor Carrier Safety Administration in force at  
2 the time of such verification; or

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

9 (b) INTERIM USE OF DATA.—

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

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

24 (3) CESSATION OF EFFECTIVENESS.—Para-  
25 graphs (1) and (2) of this subsection cease to be ef-

1       fective on the date of completion of the certification  
2       under section 2003 of this Act.

3 **SEC. 2103. APPLICABILITY.**

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

7 **Subtitle B—Drug Free Commercial**  
8 **Driver Act of 2015**

9 **SEC. 2201. SHORT TITLE.**

10       This subtitle may be cited as the “Drug Free Com-  
11 mercial Driver Act of 2015”.

12 **SEC. 2202. AUTHORIZATION OF HAIR TESTING.**

13       Section 31306 is amended—

14           (1) in subsection (b)(1)—

15               (A) by redesignating subparagraph (B) as  
16               subparagraph (C); and

17               (B) in subparagraph (A), by striking “The  
18               regulations shall permit such motor carriers to  
19               conduct preemployment testing of such employ-  
20               ees for the use of alcohol.” and inserting the  
21               following:

22               “(B) The regulations prescribed under subparagraph  
23 (A) shall permit motor carriers—

1           “(i) to conduct preemployment testing of com-  
2           mercial motor vehicle operators for the use of alco-  
3           hol; and

4           “(ii) to use hair testing as an acceptable alter-  
5           native to urinalysis—

6                   “(I) in conducting preemployment screen-  
7                   ing for the use of a controlled substance; and

8                   “(II) in conducting random screening for  
9                   the use of a controlled substance by individuals  
10                  who were subject to preemployment screening.”;  
11                  and

12                  (2) in subsection (c)(2)—

13                   (A) in subparagraph (B), by striking  
14                   “and” at the end;

15                   (B) in subparagraph (C), by inserting  
16                   “and” after the semicolon; and

17                   (C) by adding at the end the following:

18                           “(D) laboratory protocols and cut-off levels  
19                           for hair testing to detect the use of a controlled  
20                           substance;”.

21 **SEC. 2203. EXEMPTION FROM MANDATORY URINALYSIS.**

22           (a) **IN GENERAL.**—Any motor carrier that dem-  
23           onstrates, to the satisfaction of the Administrator of the  
24           Federal Motor Carrier Safety Administration, that it can  
25           carry out an applicable hair testing program, consistent

1 with generally accepted industry standards, to detect the  
2 use of a controlled substance by commercial motor vehicle  
3 operators, may apply to the Administrator for an exemp-  
4 tion from the mandatory urinalysis testing requirements  
5 set forth in subpart C of part 382 of title 49, Code of  
6 Federal Regulations, until a final rule is issued imple-  
7 menting the amendments made by section 2202 of this  
8 Act.

9 (b) EVALUATION OF APPLICATIONS.—

10 (1) IN GENERAL.—In evaluating an application  
11 for an exemption under subsection (a), the Adminis-  
12 trator shall determine if the applicant's testing pro-  
13 gram employs procedures and protections similar to  
14 fleets that have carried out hair testing programs  
15 for at least 1 year.

16 (2) REQUIREMENTS.—A testing program may  
17 not receive an exemption under subsection (a) unless  
18 the applicable testing laboratories—

19 (A) have obtained laboratory accreditation  
20 specific to hair testing from an accrediting  
21 body, compliant with international or other  
22 Federal standards as appropriate, such as the  
23 College of American Pathologists; and

24 (B) utilize hair testing assays that have  
25 been cleared by the Food and Drug Administra-



1           tion under section 510(k) of the Federal Food,  
2           Drug, and Cosmetic Act (21 U.S.C. 360(k)).

3           (c) **REPORTING REQUIREMENT.**—Any motor carrier  
4 that is granted an exemption under subsection (a) shall  
5 submit records to the national clearinghouse established  
6 under section 31306a of title 49, United States Code, re-  
7 lating to all positive test results and test refusals from  
8 the hair testing program described in that subsection.

9           **SEC. 2204. GUIDELINES FOR HAIR TESTING.**

10          Not later than 1 year after the date of enactment  
11 of this Act, the Secretary of Health and Human Services  
12 shall issue scientific and technical guidelines for hair test-  
13 ing as a method of detecting the use of a controlled sub-  
14 stance for purposes of section 31306 of title 49, United  
15 States Code, as amended by section 2202 of this Act.  
16 When issuing the scientific and technical guidelines, the  
17 Secretary of Health and Human Services may consider  
18 differentiating between exposure to and usage of various  
19 controlled substances.

20           **SEC. 2205. ANNUAL REPORT TO CONGRESS.**

21          Not later than 1 year after the date of enactment  
22 of this Act, and annually thereafter for 5 years, the Sec-  
23 retary of Transportation shall submit a report to Congress  
24 that—

1           (1) summarizes the results of preemployment  
2           and random drug testing using both hair testing and  
3           urinalysis;

4           (2) evaluates the efficacy of each method; and

5           (3) determines which method provides the most  
6           accurate means of detecting the use of controlled  
7           substances over time.

## 8           **Subtitle C—Transparency and** 9           **Accountability**

### 10       **SEC. 2301. RULEMAKING REQUIREMENTS.**

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

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

23           (1) current State insurance requirements;

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

4           (3) the amount of an insurance claim at the  
5 current minimum levels of financial responsibility  
6 that is applied toward—

7                   (A) medical care;

8                   (B) compensation;

9                   (C) attorney fees; or

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

11           (4) the frequency in which an insurance claim  
12 exceeds the current minimum levels of financial re-  
13 sponsibility, including, to the extent practicable, un-  
14 sealed verdicts and settlements.

15           (c) RULEMAKING.—If the Secretary commences a  
16 rulemaking under subsection (a), the Secretary shall in-  
17 clude in the rulemaking—

18                   (1) an estimate of the regulations impact on—

19                           (A) the safety of motor vehicle transpor-  
20 tation;

21                           (B) the economic condition of the motor  
22 carrier industry, including small and minority  
23 motor carriers and independent owner-opera-  
24 tors;

1           (C) the ability of the insurance industry to  
2           provide the required amount of insurance; and

3           (D) the ability of the minimum insurance  
4           level to cover the full cost of injuries, compen-  
5           satory damages, and fatalities; and

6           (2) an estimate of the effects an increase in the  
7           minimum levels of financial responsibility would have  
8           on—

9           (A) small motor carriers;

10          (B) insurance premiums for motor car-  
11          riers, including small and minority motor car-  
12          riers and independent owner-operators; and

13          (C) the availability of insurance to meet  
14          the minimum levels of financial responsibility.

15 **SEC. 2302. PETITIONS FOR REGULATORY RELIEF.**

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

23          (b) REVIEW PROCESS.—

1           (1) ~~IN GENERAL.~~—The Secretary shall establish  
2 the procedures for the application for and the review  
3 of an exemption under subsection (a).

4           (2) ~~PUBLICATION.~~—Not later than 30 days  
5 after the date of receipt of an application for an ex-  
6 emption, the Secretary shall publish the application  
7 in the Federal Register and provide the public with  
8 an opportunity to comment.

9           (3) ~~PUBLIC COMMENT.~~—

10           (A) ~~IN GENERAL.~~—Each application shall  
11 be available for public comment for a 30-day  
12 period, but the Secretary may extend the oppor-  
13 tunity for public comment to 60 days if it is a  
14 significant or complex request.

15           (B) ~~REVIEW.~~—Beginning on the date that  
16 the public comment period under subparagraph  
17 (A) ends, the Secretary shall have 60 days to  
18 review all of the comments received.

19           (4) ~~DETERMINATION.~~—At the end of the 60-  
20 day period under paragraph (3)(B), the Secretary  
21 shall publish a determination in the Federal Reg-  
22 ister, including—

23           (A) the reason for granting or denying the  
24 application; and

25           (B) if the application is granted—

- 1 (i) the specific class of persons eligible  
 2 for the exemption;
- 3 (ii) each provision of the regulations  
 4 to which the exemption applies; and
- 5 (iii) any conditions or limitations ap-  
 6 plied to the exemption.

7 (5) CONSIDERATIONS.—In making a determina-  
 8 tion whether to grant or deny an application for an  
 9 exemption, the Secretary shall consider the safety  
 10 impacts of the request and may provide appropriate  
 11 conditions or limitations on the use of the exemp-  
 12 tion.

13 (e) OPPORTUNITY FOR RESUBMISSION.—If an appli-  
 14 cation is denied and the applicant can reasonably address  
 15 the reason for the denial, the Secretary may allow the  
 16 motor carrier to resubmit the application.

17 (d) PERIOD OF APPLICABILITY.—

18 (1) IN GENERAL.—Except as provided in para-  
 19 graph (2) of this subsection and subsection (f), each  
 20 exemption granted under this section shall be valid  
 21 for a period of 5 years unless the Secretary identi-  
 22 fies a compelling reason for a shorter exemption pe-  
 23 riod.

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

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

4           (B) an applicant may apply under sub-  
5           section (a) for a permanent exemption from  
6           each applicable provision of the regulations.

7           (e) LIMITATION.—No exemption under this section  
8           may be granted to or used by any motor carrier that has  
9           an unsatisfactory safety fitness determination.

10          (f) PERMANENT EXEMPTIONS.—

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

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

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

23           (C) All motor carriers that transport haz-  
24           ardous materials shipments requiring security  
25           plans under regulations of the Pipeline and

1 Hazardous Materials Safety Administration as  
2 published in the Federal Register Volume 80 on  
3 May 1, 2015 (80 Fed. Reg. 25004).

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

7 (E) Passenger vehicle record of duty status  
8 change as published in the Federal Register  
9 Volume 80 on June 4, 2015 (80 Fed. Reg.  
10 31961).

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

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

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

22 (2) ADDITIONAL EXEMPTIONS.—The Secretary  
23 may make any temporary exemption from any provi-  
24 sion of the regulations under part 395 of title 49,  
25 Code of Federal Regulations, for commercial motor



1 vehicle drivers that is in effect on the date of enact-  
2 ment of this Act permanent if the Secretary deter-  
3 mines that the permanent exemption will not de-  
4 grade safety. The Secretary shall provide public no-  
5 tice and comment on a list of the additional provi-  
6 sions to be made permanent under this paragraph.

7 **SEC. 2303. INSPECTOR STANDARDS.**

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

15 **SEC. 2304. TECHNOLOGY IMPROVEMENTS.**

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

22 (b) **REQUIREMENTS.**—The study conducted under  
23 subsection (a) shall—

24 (1) evaluate the efficacy of the existing infor-  
25 mation technology, data collection, processing sys-

1       tems, and data management systems and programs,  
2       including their interaction with each other and their  
3       efficacy in meeting user needs;

4           (2) identify any redundancies among the sys-  
5       tems and programs described in paragraph (1);

6           (3) explore the feasibility of consolidating data  
7       collection and processing systems;

8           (4) evaluate the ability of the systems and pro-  
9       grams described in paragraph (1) to meet the needs  
10      of—

11           (A) the Federal Motor Carrier Safety Ad-  
12       ministration, at both the headquarters and  
13       State level;

14           (B) the State agencies that implement the  
15       Motor Carrier Safety Assistance Program under  
16       section 31102 of title 49, United States Code;  
17       and

18           (C) other users;

19           (5) evaluate the adaptability of the systems and  
20       programs described in paragraph (1), in order to  
21       make necessary future changes to ensure user needs  
22       are met in an easier, timely, and more cost efficient  
23       manner;

24           (6) investigate and make recommendations re-  
25       garding—

1           (A) deficiencies in existing data sets im-  
2           pacting program effectiveness; and

3           (B) methods to improve any and all user  
4           interfaces; and

5           (7) evaluate the appropriate role the Federal  
6           Motor Carrier Safety Administration should take  
7           with respect to software and information systems de-  
8           sign, development, and maintenance for the purpose  
9           of improving the efficacy of the systems and pro-  
10          grams described in paragraph (1).

11 **Subtitle D—Trucking Rules Up-**  
12 **dated by Comprehensive and**  
13 **Key Safety Reform**

14 **SEC. 2401. UPDATE ON STATUTORY REQUIREMENTS.**

15       (a) **IN GENERAL.**—Not later than 90 days after the  
16 date of enactment of this Act, and every 90 days there-  
17 after until a final rule has been issued for each of the  
18 requirements described under paragraphs (1) through (5),  
19 the Administrator of the Federal Motor Carrier Safety Ad-  
20 ministration shall submit to the Committee on Commerce,  
21 Science, and Transportation of the Senate and the Com-  
22 mittee on Transportation and Infrastructure of the House  
23 of Representatives a report on the status of a final rule  
24 for—

1           (1) the minimum entry-level training require-  
2           ments for an individual operating a commercial  
3           motor vehicle under section 31305(e) of title 49,  
4           United States Code;

5           (2) motor carrier safety fitness determinations;

6           (3) visibility of agricultural equipment under  
7           section 31601 of division C of the Moving Ahead for  
8           Progress in the 21st Century Act (49 U.S.C. 30111  
9           note);

10          (4) regulations to require commercial motor ve-  
11          hicles in interstate commerce and operated by a  
12          driver subject to the hours of service and record of  
13          duty status requirements under part 395 of title 49,  
14          Code of Federal Regulations, be equipped with an  
15          electronic control module capable of limiting the  
16          maximum speed of the vehicle; and

17          (5) any outstanding commercial motor vehicle  
18          safety regulation required by law and incomplete for  
19          more than 2 years.

20          (b) CONTENTS.—Each report under subsection (a)  
21          shall include a description of the work plan, an updated  
22          rulemaking timeline, current staff allocations, any re-  
23          source constraints, and any other details associated with  
24          the development of the rulemaking.

1 **SEC. 2402. STATUTORY RULEMAKING.**

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

10 **SEC. 2403. GUIDANCE REFORM.**

11 (a) GUIDANCE.—

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

20 (2) PUBLIC ACCESSIBILITY.—

21 (A) IN GENERAL.—Each guidance docu-  
22 ment and interpretation issued by the Federal  
23 Motor Carrier Safety Administration shall be  
24 published on the Department of Transpor-  
25 tation's public website on the date of issuance.

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

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

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

19                 ~~(A)~~ reissue an updated guidance document;  
20                 and

21                 ~~(B)~~ review and reissue an updated guid-  
22                 ance document every 5 years during the com-  
23                 prehensive review process under subsection ~~(c)~~  
24                 until the date that the guidance document is re-

1 moved or incorporated into the applicable regula-  
2 tions under paragraph (3) of this subsection.

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

10 (c) REVIEW.—

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

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

18 (B) uniformly and consistently enforceable;

19 and

20 (C) guidance is still necessary.

21 (2) NOTICE AND COMMENT.—Prior to begin-  
22 ning the review, the Administrator shall publish in  
23 the Federal Register a notice and request for com-  
24 ment soliciting input from stakeholders on which  
25 regulations should be updated or eliminated.

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

7 **SEC. 2404. PETITIONS.**

8           (a) IN GENERAL.—The Administrator of the Federal  
9           Motor Carrier Safety Administration shall—

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

13           (2) prioritize stakeholder petitions based on the  
14           likelihood of providing safety improvements;

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

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

23           (5) publish, and update as necessary, on the  
24           Department of Transportation’s public website an  
25           inventory of each petition described in paragraph



1 (1), including any applicable disposition information  
 2 for that petition.

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

8 **SEC. 2405. REGULATORY REFORM.**

9 (a) REGULATORY IMPACT ANALYSIS.—

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

14 (A) consider effects of the proposed or  
 15 final rule on a carrier with differing character-  
 16 istics; and

17 (B) formulate estimates and findings on  
 18 the best available science.

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

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

1           ~~(B)~~ consider effects on commercial truck  
2           and bus carriers of various sizes and types.

3           ~~(b)~~ PUBLIC PARTICIPATION.—

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

9           ~~(A)~~ issue an advance notice of proposed  
10           rulemaking; or

11           ~~(B)~~ determine to proceed with a negotiated  
12           rulemaking.

13           ~~(2)~~ REQUIREMENTS.—Each advance notice of  
14           proposed rulemaking issued under paragraph ~~(1)~~  
15           shall—

16           ~~(A)~~ identify the compelling public concern  
17           for a potential regulatory action, such as fail-  
18           ures of private markets to protect or improve  
19           the safety of the public, the environment, or the  
20           well-being of the American people;

21           ~~(B)~~ identify and request public comment  
22           on the best available science or technical infor-  
23           mation on the need for regulatory action and on  
24           the potential regulatory alternatives;

1           (C) request public comment on the benefits  
2           and costs of potential regulatory alternatives  
3           reasonably likely to be included or analyzed as  
4           part of the notice of proposed rulemaking; and

5           (D) request public comment on the avail-  
6           able alternatives to direct regulation, including  
7           providing economic incentives to encourage the  
8           desired behavior.

9           (3) ~~WAIVER.~~—This subsection shall not apply  
10          when the Secretary, for good cause, finds (and incor-  
11          porates the finding and a brief statement of reasons  
12          for such finding in the proposed or final rule) an ad-  
13          vance notice of proposed rulemaking impracticable,  
14          unnecessary, or contrary to the public interest.

15          (c) ~~SAVINGS CLAUSE.~~—Nothing in this section may  
16          be construed to limit the contents of any Advance Notice  
17          of Proposed Rulemaking.

## 18           **Subtitle E—State Authorities**

### 19          **SEC. 2501. EMERGENCY ROUTE WORKING GROUP.**

20          (a) ~~IN GENERAL.~~—

21           (1) ~~ESTABLISHMENT.~~—Not later than 1 year  
22          after the date of enactment of this Act, the Sec-  
23          retary shall establish a working group to determine  
24          best practices for expedient State approval of special

1 permits for vehicles involved in emergency response  
2 and recovery.

3 ~~(2) MEMBERS.—~~The working group shall in-  
4 clude representatives from—

5 ~~(A) State highway transportation depart-~~  
6 ~~ments or agencies;~~

7 ~~(B) relevant modal agencies within the De-~~  
8 ~~partment of Transportation;~~

9 ~~(C) emergency response or recovery ex-~~  
10 ~~perts;~~

11 ~~(D) relevant safety groups; and~~

12 ~~(E) persons affected by special permit re-~~  
13 ~~strictions during emergency response and recov-~~  
14 ~~ery efforts.~~

15 ~~(b) CONSIDERATIONS.—~~In determining best practices  
16 under subsection (a), the working group shall consider  
17 whether—

18 ~~(1) hurdles currently exist that prevent the ex-~~  
19 ~~pedient State approval for special permits for vehi-~~  
20 ~~cles involved in emergency response and recovery;~~

21 ~~(2) it is possible to pre-identify and establish~~  
22 ~~emergency routes between States through which in-~~  
23 ~~frastructure repair materials could be delivered fol-~~  
24 ~~lowing a natural disaster or an emergency;~~

1           (3) a State could pre-designate an emergency  
2 route identified under paragraph (1) as a certified  
3 emergency route if a motor vehicle that exceeds the  
4 otherwise applicable Federal and State truck length  
5 or width limits may safely operate along such route  
6 during period of emergency recovery; and

7           (4) an online map could be created to identify  
8 each pre-designated emergency route under para-  
9 graph (2); including information on specific limita-  
10 tions, obligations, and notification requirements  
11 along that route.

12       (c) REPORT.—Not later than 1 year after the date  
13 of enactment of this Act, the working group shall submit  
14 to the Secretary a report of its findings under this section  
15 and any recommendations for the implementation of the  
16 best practices for expedient State approval of special per-  
17 mits for vehicles involved in emergency recovery. Upon re-  
18 ceipt, the Secretary shall publish the report on a public  
19 website.

20       (d) FEDERAL ADVISORY COMMITTEE ACT EXEMP-  
21 TION.—The Federal Advisory Committee Act (5 U.S.C.  
22 App.) shall not apply to the working group established  
23 under this section.

1 **SEC. 2502. ADDITIONAL STATE AUTHORITY.**

2 Notwithstanding any other provision of law, not later  
3 than 180 days after the date of enactment of this Act,  
4 any State impacted by section 4006 of the Intermodal  
5 Surface Transportation Efficiency Act of 1991 (Public  
6 Law 102-240; 105 Stat. 2148) shall be provided the op-  
7 tion to update the routes listed in the final list as long  
8 as the update shifts routes to divided highways or does  
9 not increase centerline miles by more than 5 percent and  
10 the change is expected to increase safety performance.

11 **SEC. 2503. COMMERCIAL DRIVER ACCESS.**

12 (a) INTERSTATE COMPACT PILOT PROGRAM.—

13 (1) IN GENERAL.—The Administrator of the  
14 Federal Motor Carrier Safety Administration shall  
15 establish a 6-year pilot program to study the feasi-  
16 bility, benefits, and safety impacts of allowing a li-  
17 censed driver between the ages of 18 and 21 to oper-  
18 ate a commercial motor vehicle in interstate com-  
19 merce.

20 (2) INTERSTATE COMPACTS.—The Secretary  
21 shall allow States, including the District of Colum-  
22 bia, to enter into an interstate compact with contig-  
23 uous States to allow a licensed driver between the  
24 ages of 18 and 21 to operate a motor vehicle across  
25 the applicable State lines. The Secretary shall ap-  
26 prove as many as 6 interstate compacts, with no

1 limit on the number of States participating in each  
2 interstate compact.

3 ~~(3) MUTUAL RECOGNITION OF LICENSES.—A~~  
4 valid intrastate commercial driver's licenses issued  
5 by a State participating in an interstate compact  
6 under paragraph (2) shall be recognized as valid in  
7 each State that is participating in that interstate  
8 compact.

9 ~~(4) STANDARDS.—In developing an interstate~~  
10 compact under this subsection, participating States  
11 shall provide for minimum licensure standards ac-  
12 ceptable for interstate travel under this section,  
13 which may include, for a licensed driver between the  
14 ages of 18 and 21 participating in the pilot pro-  
15 gram—

16 ~~(A) age restrictions;~~

17 ~~(B) distance from origin (measured in air~~  
18 ~~miles);~~

19 ~~(C) reporting requirements; or~~

20 ~~(D) additional hours of service restrictions.~~

21 ~~(5) LIMITATIONS.—An interstate compact~~  
22 ~~under paragraph (2) may not permit special configu-~~  
23 ~~ration or hazardous cargo operations to be trans-~~  
24 ~~ported by a licensed driver under the age of 21.~~

1           (6) ~~ADDITIONAL REQUIREMENTS.~~—The Sec-  
2       retary may—

3           ~~(A) prescribe such additional requirements,~~  
4       including training, for a licensed driver between  
5       the ages of 18 and 21 participating in the pilot  
6       program as the Secretary considers necessary;  
7       and

8           ~~(B) provide risk mitigation restrictions and~~  
9       limitations.

10       ~~(b) APPROVAL.~~—An interstate compact under sub-  
11       section ~~(a)(2)~~ may not go into effect until it has been ap-  
12       proved by the governor of each State ~~(or the Mayor of~~  
13       the District of Columbia, if applicable) that is a party to  
14       the interstate compact, after consultation with the Sec-  
15       retary of Transportation and the Administrator of the  
16       Federal Motor Carrier Safety Administration.

17       ~~(c) REPORT.~~—Not earlier than 4 years after the date  
18       the test program is established, the Secretary shall submit  
19       to Congress a report containing the findings of the pilot  
20       program, a determination of whether a licensed driver be-  
21       tween the ages of 18 and 21 can operate a commercial  
22       motor vehicle in interstate commerce with an equivalent  
23       level of safety, and the reasons for that determination.



1     **Subtitle F—Motor Carrier Safety**  
 2                     **Grant Consolidation**

3     **SEC. 2601. DEFINITIONS.**

4             (a) **IN GENERAL.**—Section 31101 is amended—

5                     (1) by redesignating paragraph (4) as para-  
 6             graph (5); and

7                     (2) by inserting after paragraph (3) the fol-  
 8             lowing:

9                     “(4) ‘Secretary’ means the Secretary of Trans-  
 10             portation.”.

11            (b) **TECHNICAL AND CONFORMING AMENDMENTS.**—

12     Section 31101, as amended by subsection (a), is amend-  
 13     ed—

14                     (1) in paragraph (1)(B), by inserting a comma  
 15             after “passengers”; and

16                     (2) in paragraph (1)(C), by striking “of Trans-  
 17             portation”.

18     **SEC. 2602. GRANTS TO STATES.**

19             (a) **MOTOR CARRIER SAFETY ASSISTANCE PRO-**  
 20     **GRAM.**—Section 31102 is amended to read as follows:

21     **“§ 31102. Motor Carrier Safety Assistance Program**

22             “(a) **IN GENERAL.**—The Secretary shall administer  
 23     a motor carrier safety assistance program funded under  
 24     section 31104.

1       “(b) GOAL.—The goal of the program is to ensure  
2 that the Secretary, States, local governments, other polit-  
3 ical jurisdictions, federally recognized Indian tribes, and  
4 other persons work in partnership to establish programs  
5 to improve motor carrier, commercial motor vehicle, and  
6 driver safety to support a safe and efficient surface trans-  
7 portation system—

8               “(1) by making targeted investments to pro-  
9 mote safe commercial motor vehicle transportation,  
10 including the transportation of passengers and haz-  
11 ardous materials;

12               “(2) by investing in activities likely to generate  
13 maximum reductions in the number and severity of  
14 commercial motor vehicle crashes and fatalities re-  
15 sulting from such crashes;

16               “(3) by adopting and enforcing effective motor  
17 carrier, commercial motor vehicle, and driver safety  
18 regulations and practices consistent with Federal re-  
19 quirements; and

20               “(4) by assessing and improving statewide per-  
21 formance by setting program goals and meeting per-  
22 formance standards, measures, and benchmarks.

23       “(c) STATE PLANS.—

24               “(1) IN GENERAL.—The Secretary shall pre-  
25 scribe procedures for a State to submit a multiple-

1 year plan, and annual updates thereto, under which  
2 the State agrees to assume responsibility for improv-  
3 ing motor carrier safety, adopting and enforcing  
4 compatible regulations, standards, and orders of the  
5 Federal Government on commercial motor vehicle  
6 safety and hazardous materials transportation safe-  
7 ty.

8 “(2) CONTENTS.—The Secretary shall approve  
9 a plan if the Secretary determines that the plan is  
10 adequate to comply with the requirements of this  
11 section, and the plan—

12 “(A) implements performance-based activi-  
13 ties, including deployment and maintenance of  
14 technology to enhance the efficiency and effec-  
15 tiveness of commercial motor vehicle safety pro-  
16 grams;

17 “(B) designates a lead State commercial  
18 motor vehicle safety agency responsible for ad-  
19 ministering the plan throughout the State;

20 “(C) contains satisfactory assurances that  
21 the lead State commercial motor vehicle safety  
22 agency has or will have the legal authority, re-  
23 sources, and qualified personnel necessary to  
24 enforce the regulations, standards, and orders;

1           “(D) contains satisfactory assurances that  
2           the State will devote adequate resources to the  
3           administration of the plan and enforcement of  
4           the regulations, standards, and orders;

5           “(E) provides a right of entry and inspec-  
6           tion to carry out the plan;

7           “(F) provides that all reports required  
8           under this section be available to the Secretary  
9           on request;

10          “(G) provides that the lead State commer-  
11          cial motor vehicle safety agency will adopt the  
12          reporting requirements and use the forms for  
13          recordkeeping, inspections, and investigations  
14          that the Secretary prescribes;

15          “(H) requires all registrants of commercial  
16          motor vehicles to demonstrate knowledge of ap-  
17          plicable safety regulations, standards, and or-  
18          ders of the Federal Government and the State;

19          “(I) provides that the State will grant  
20          maximum reciprocity for inspections conducted  
21          under the North American Inspection Stand-  
22          ards through the use of a nationally accepted  
23          system that allows ready identification of pre-  
24          viously inspected commercial motor vehicles;

1           “(J) ensures that activities described in  
2 subsection (h), if financed through grants to  
3 the State made under this section, will not di-  
4 minish the effectiveness of the development and  
5 implementation of the programs to improve  
6 motor carrier, commercial motor vehicle, and  
7 driver safety as described in subsection (b);

8           “(K) ensures that the lead State commer-  
9 cial motor vehicle safety agency will coordinate  
10 the plan, data collection, and information sys-  
11 tems with the State highway safety improve-  
12 ment program required under section 148(c) of  
13 title 23;

14           “(L) ensures participation in appropriate  
15 Federal Motor Carrier Safety Administration  
16 information technology and data systems and  
17 other information systems by all appropriate ju-  
18 risdictions receiving Motor Carrier Safety As-  
19 sistance Program funding;

20           “(M) ensures that information is ex-  
21 changed among the States in a timely manner;

22           “(N) provides satisfactory assurances that  
23 the State will undertake efforts that will em-  
24 phasize and improve enforcement of State and

1 local traffic safety laws and regulations related  
2 to commercial motor vehicle safety;

3 “(O) provides satisfactory assurances in  
4 the plan that the State will address national  
5 priorities and performance goals, including—

6 “(i) activities aimed at removing im-  
7 paired commercial motor vehicle drivers  
8 from the highways of the United States  
9 through adequate enforcement of regula-  
10 tions on the use of alcohol and controlled  
11 substances and by ensuring ready roadside  
12 access to alcohol detection and measuring  
13 equipment;

14 “(ii) activities aimed at providing an  
15 appropriate level of training to State motor  
16 carrier safety assistance program officers  
17 and employees on recognizing drivers im-  
18 paired by alcohol or controlled substances;  
19 and

20 “(iii) when conducted with an appro-  
21 priate commercial motor vehicle inspection,  
22 criminal interdiction activities, and appro-  
23 priate strategies for carrying out those  
24 interdiction activities, including interdic-  
25 tion activities that affect the transpor-

1           tation of controlled substances (as defined  
2           under section 102 of the Comprehensive  
3           Drug Abuse Prevention and Control Act of  
4           1970 (21 U.S.C. 802) and listed in part  
5           1308 of title 21, Code of Federal Regula-  
6           tions, as updated and republished from  
7           time to time) by any occupant of a com-  
8           mercial motor vehicle;

9           “(P) provides that the State has estab-  
10          lished and dedicated sufficient resources to a  
11          program to ensure that—

12                 “(i) the State collects and reports to  
13                 the Secretary accurate, complete, and  
14                 timely motor carrier safety data; and

15                 “(ii) the State participates in a na-  
16                 tional motor carrier safety data correction  
17                 system prescribed by the Secretary;

18           “(Q) ensures that the State will cooperate  
19          in the enforcement of financial responsibility re-  
20          quirements under sections 13906, 31138, and  
21          31139 of this title, and regulations issued  
22          under these sections;

23           “(R) ensures consistent, effective, and rea-  
24          sonable sanctions;

1           “(S) ensures that roadside inspections will  
2 be conducted at locations that are adequate to  
3 protect the safety of drivers and enforcement  
4 personnel;

5           “(T) provides that the State will include in  
6 the training manuals for the licensing examina-  
7 tion to drive both noncommercial motor vehicles  
8 and commercial motor vehicles information on  
9 best practices for driving safely in the vicinity  
10 of noncommercial and commercial motor vehi-  
11 cles;

12           “(U) provides that the State will enforce  
13 the registration requirements of sections 13902  
14 and 31134 of this title by prohibiting the oper-  
15 ation of any vehicle discovered to be operated  
16 by a motor carrier without a registration issued  
17 under those sections or to be operated beyond  
18 the scope of the motor carrier’s registration;

19           “(V) provides that the State will conduct  
20 comprehensive and highly visible traffic enforce-  
21 ment and commercial motor vehicle safety in-  
22 spection programs in high-risk locations and  
23 corridors;

24           “(W) except in the case of an imminent  
25 hazard or obvious safety hazard, ensures that



1 an inspection of a vehicle transporting pas-  
2 sengers for a motor carrier of passengers is  
3 conducted at a station, including a weight sta-  
4 tion, terminal, border crossing, maintenance fa-  
5 cility, destination, or other location where ade-  
6 quate food, shelter, and sanitation facilities are  
7 available for passengers, and reasonable accom-  
8 modations are available for passengers with dis-  
9 abilities;

10 “(X) ensures that the State will transmit  
11 to its roadside inspectors the notice of each  
12 Federal exemption granted under section  
13 31315(b) of this title and sections 390.23 and  
14 390.25 of title 49 of the Code of Federal Regu-  
15 lations and provided to the State by the Sec-  
16 retary, including the name of the person grant-  
17 ed the exemption and any terms and conditions  
18 that apply to the exemption;

19 “(Y) except as provided in subsection (d),  
20 provides that the State—

21 “(i) will conduct safety audits of  
22 interstate and, at the State’s discretion,  
23 intrastate new entrant motor carriers  
24 under section 31144(g) of this title; and

1           “(ii) if the State authorizes a third  
2           party to conduct safety audits under sec-  
3           tion 31144(g) on its behalf, the State  
4           verifies the quality of the work conducted  
5           and remains solely responsible for the  
6           management and oversight of the activi-  
7           ties;

8           “(Z) provides that the State agrees to fully  
9           participate in the performance and registration  
10          information system management under section  
11          31106(b) not later than October 1, 2020, by  
12          complying with the conditions for participation  
13          under paragraph (3) of that section;

14          “(AA) provides that a State that shares a  
15          land border with another country—

16                 “(i) will conduct a border commercial  
17                 motor vehicle safety program focusing on  
18                 international commerce that includes en-  
19                 forcement and related projects; or

20                 “(ii) will forfeit all funds calculated by  
21                 the Secretary based on border-related ac-  
22                 tivities if the State declines to conduct the  
23                 program described in clause (i) in its plan;  
24                 and

1           “(BB) provides that a State that meets the  
2 other requirements of this section and agrees to  
3 comply with the requirements established in  
4 subsection (1)(3) may fund deployment, oper-  
5 ation, and maintenance costs associated with in-  
6 novative technology deployment under sub-  
7 section (1)(3) with Motor Carrier Safety Assist-  
8 ance Program funds authorized under section  
9 31104(a)(1).

10           “(3) PUBLICATION.—

11           “(A) IN GENERAL.—Subject to subpara-  
12 graph (B), the Secretary shall publish each ap-  
13 proved State multiple-year plan, and each an-  
14 nual update thereto, on the Department of  
15 Transportation’s public website not later than  
16 30 days after the date the Secretary approves  
17 the plan or update.

18           “(B) LIMITATION.—Before posting an ap-  
19 proved State multiple-year plan or annual up-  
20 date under subparagraph (A), the Secretary  
21 shall redact any information identified by the  
22 State that, if disclosed—

23                   “(i) would reasonably be expected to  
24 interfere with enforcement proceedings; or

1                   “(ii) would reveal enforcement tech-  
2                   niques or procedures that would reasonable  
3                   by expected to risk circumvention of the  
4                   law.

5           “(d) EXCLUSION OF U.S. TERRITORIES.—The re-  
6           quirement that a State conduct safety audits of new en-  
7           trant motor carriers under subsection (c)(2)(Y) does not  
8           apply to a territory of the United States unless required  
9           by the Secretary.

10          “(e) INTRASTATE COMPATIBILITY.—The Secretary  
11          shall prescribe regulations specifying tolerance guidelines  
12          and standards for ensuring compatibility of intrastate  
13          commercial motor vehicle safety laws, including regula-  
14          tions, with Federal motor carrier safety regulations to be  
15          enforced under subsections (b) and (c). To the extent  
16          practicable, the guidelines and standards shall allow for  
17          maximum flexibility while ensuring a degree of uniformity  
18          that will not diminish motor vehicle safety.

19          “(f) MAINTENANCE OF EFFORT.—

20               “(1) BASELINE.—Except as provided under  
21               paragraphs (2) and (3) and in accordance with sec-  
22               tion 2608 of the Comprehensive Transportation and  
23               Consumer Protection Act of 2015, a State plan  
24               under subsection (c) shall provide that the total ex-  
25               penditure of amounts of the lead State commercial

1 motor vehicle safety agency responsible for admin-  
2 istering the plan will be maintained at a level each  
3 fiscal year at least equal to—

4 “(A) the average level of that expenditure  
5 for fiscal years 2004 and 2005; or

6 “(B) the level of that expenditure for the  
7 year in which the Secretary implements a new  
8 allocation formula under section 2608 of the  
9 Comprehensive Transportation and Consumer  
10 Protection Act of 2015.

11 ~~“(2) ADJUSTED BASELINE AFTER FISCAL YEAR~~  
12 ~~2017.—At the request of a State, the Secretary may~~  
13 ~~evaluate additional documentation related to the~~  
14 ~~maintenance of effort and may make reasonable ad-~~  
15 ~~justments to the maintenance of effort baseline after~~  
16 ~~fiscal year 2017, and this adjusted baseline will re-~~  
17 ~~place the maintenance of effort requirement under~~  
18 ~~paragraph (1).~~

19 ~~“(3) WAIVERS.—At the request of a State, the~~  
20 ~~Secretary may waive or modify the requirements of~~  
21 ~~this subsection for 1 fiscal year if the Secretary de-~~  
22 ~~termines that a waiver or modification is reasonable,~~  
23 ~~based on circumstances described by the State, to~~  
24 ~~ensure the continuation of commercial motor vehicle~~  
25 ~~enforcement activities in the State.~~

1           “(4) LEVEL OF STATE EXPENDITURES.—In es-  
 2           timating the average level of State expenditure  
 3           under paragraph (1), the Secretary—

4                   “(A) may allow the State to exclude State  
 5                   expenditures for federally sponsored demonstra-  
 6                   tion and pilot programs and strike forces;

7                   “(B) may allow the State to exclude ex-  
 8                   penditures for activities related to border en-  
 9                   forcement and new entrant safety audits; and

10                  “(C) shall require the State to exclude  
 11                  State matching amounts used to receive Federal  
 12                  financing under section 31104.

13           “(g) USE OF UNIFIED CARRIER REGISTRATION FEES  
 14           AGREEMENT.—Amounts generated under section 14504a  
 15           of this title and received by a State and used for motor  
 16           carrier safety purposes may be included as part of the  
 17           State’s match required under section 31104 of this title  
 18           or maintenance of effort required by subsection (f).

19           “(h) USE OF GRANTS TO ENFORCE OTHER LAWS.—  
 20           When approved in the States’ plan under subsection (e),  
 21           a State may use Motor Carrier Safety Assistance Program  
 22           funds received under this section—

23                   “(1) if the activities are carried out in conjunc-  
 24                   tion with an appropriate inspection of a commercial

1 motor vehicle to enforce Federal or State commercial  
2 motor vehicle safety regulations, for—

3 “(A) enforcement of commercial motor ve-  
4 hicle size and weight limitations at locations,  
5 excluding fixed weight facilities, such as near  
6 steep grades or mountainous terrains, where  
7 the weight of a commercial motor vehicle can  
8 significantly affect the safe operation of the ve-  
9 hicle, or at ports where intermodal shipping  
10 containers enter and leave the United States;  
11 and

12 “(B) detection of and enforcement actions  
13 taken as a result of criminal activity, including  
14 the trafficking of human beings, in a commer-  
15 cial motor vehicle or by any occupant, including  
16 the operator, of the commercial motor vehicle;

17 “(2) for documented enforcement of State traf-  
18 fic laws and regulations designed to promote the  
19 safe operation of commercial motor vehicles, includ-  
20 ing documented enforcement of such laws and regu-  
21 lations relating to noncommercial motor vehicles  
22 when necessary to promote the safe operation of  
23 commercial motor vehicles, if—

24 “(A) the number of motor carrier safety  
25 activities, including roadside safety inspections,

1 conducted in the State is maintained at a level  
2 at least equal to the average level of such activi-  
3 ties conducted in the State in fiscal years 2004  
4 and 2005; and

5 “(B) the State does not use more than 10  
6 percent of the basic amount the State receives  
7 under a grant awarded under section  
8 31104(a)(1) for enforcement activities relating  
9 to noncommercial motor vehicles necessary to  
10 promote the safe operation of commercial motor  
11 vehicles unless the Secretary determines that a  
12 higher percentage will result in significant in-  
13 creases in commercial motor vehicle safety; and

14 “(3) for the enforcement of household goods  
15 regulations on intrastate and interstate carriers if  
16 the State has adopted laws or regulations compatible  
17 with the Federal household goods regulations.

18 “(i) EVALUATION OF PLANS AND AWARD OF  
19 GRANTS.—

20 “(1) AWARDS.—The Secretary shall establish  
21 criteria for the application, evaluation, and approval  
22 of State plans under this section. Subject to sub-  
23 section (j), the Secretary may allocate the amounts  
24 made available under section 31104(a)(1) among the  
25 States.



1           “(2) OPPORTUNITY TO CURE.—If the Secretary  
2 disapproves a plan under this section, the Secretary  
3 shall give the State a written explanation of the rea-  
4 sons for disapproval and allow the State to modify  
5 and resubmit the plan for approval.

6           “(j) ALLOCATION OF FUNDS.—

7           “(1) IN GENERAL.—The Secretary, by regula-  
8 tion, shall prescribe allocation criteria for funds  
9 made available under section 31104(a)(1).

10           “(2) ANNUAL ALLOCATIONS.—On October 1 of  
11 each fiscal year, or as soon as practicable thereafter,  
12 and after making a deduction under section  
13 31104(e), the Secretary shall allocate amounts made  
14 available in section 31104(a)(1) to carry out this  
15 section for the fiscal year among the States with  
16 plans approved under this section in accordance with  
17 the criteria under paragraph (1).

18           “(3) ELECTIVE ADJUSTMENTS.—Subject to the  
19 availability of funding and notwithstanding fluctua-  
20 tions in the data elements used by the Secretary to  
21 calculate the annual allocation amounts, after the  
22 creation of a new allocation formula under section  
23 2608 of the Comprehensive Transportation and Con-  
24 sumer Protection Act of 2015 the Secretary may not  
25 make elective adjustments to the allocation formula

1 that decrease a State's Federal funding levels by  
2 more than 3 percent in a fiscal year. The 3-percent  
3 limit shall not apply to the withholding provisions of  
4 subsection (k).

5 ~~“(k) PLAN MONITORING.—~~

6 ~~“(1) IN GENERAL.—On the basis of reports~~  
7 ~~submitted by the lead State agency responsible for~~  
8 ~~administering an approved State plan and an inves-~~  
9 ~~tigation by the Secretary, the Secretary shall peri-~~  
10 ~~odically evaluate State implementation of and com-~~  
11 ~~pliance with the State plan.~~

12 ~~“(2) WITHHOLDING OF FUNDS.—~~

13 ~~“(A) DISAPPROVAL.—If, after notice and~~  
14 ~~an opportunity to be heard, the Secretary finds~~  
15 ~~that the State plan previously approved is not~~  
16 ~~being followed or has become inadequate to en-~~  
17 ~~sure enforcement of the regulations, standards,~~  
18 ~~or orders, or the State is otherwise not in com-~~  
19 ~~pliance with the requirements of this section,~~  
20 ~~the Secretary may withdraw approval of the~~  
21 ~~plan and notify the State. The plan is no longer~~  
22 ~~in effect once the State receives notice, and the~~  
23 ~~Secretary shall withhold all funding under this~~  
24 ~~section.~~

1           “(B) NONCOMPLIANCE WITHHOLDING.—In  
 2           lieu of withdrawing approval of the plan, the  
 3           Secretary may, after providing notice and an  
 4           opportunity to be heard, withhold funding from  
 5           the State to which the State would otherwise be  
 6           entitled under this section for the period of the  
 7           State’s noncompliance. In exercising this op-  
 8           tion, the Secretary may withhold—

9                   “(i) up to 5 percent of funds during  
 10                  the fiscal year that the Secretary notifies  
 11                  the State of its noncompliance;

12                  “(ii) up to 10 percent of funds for the  
 13                  first full fiscal year of noncompliance;

14                  “(iii) up to 25 percent of funds for  
 15                  the second full fiscal year of noncompli-  
 16                  ance; and

17                  “(iv) not more than 50 percent of  
 18                  funds for the third and any subsequent full  
 19                  fiscal year of noncompliance.

20           “(3) JUDICIAL REVIEW.—A State adversely af-  
 21           fected by a determination under paragraph (2) may  
 22           seek judicial review under chapter 7 of title 5. Not-  
 23           withstanding the disapproval of a State plan under  
 24           paragraph (2)(A) or the withholding under para-  
 25           graph (2)(B), the State may retain jurisdiction in an

1 administrative or a judicial proceeding that com-  
 2 menced before the notice of disapproval or with-  
 3 holding if the issues involved are not related directly  
 4 to the reasons for the disapproval or withholding.

5 “(1) HIGH PRIORITY FINANCIAL ASSISTANCE PRO-  
 6 GRAM.—

7 “(1) IN GENERAL.—The Secretary shall admin-  
 8 ister a high priority financial assistance program  
 9 funded under section 31104 for the purposes de-  
 10 scribed in paragraphs (2) and (3).

11 “(2) ACTIVITIES RELATED TO MOTOR CARRIER  
 12 SAFETY.—The purpose of this paragraph is to make  
 13 discretionary grants to and cooperative agreements  
 14 with States, local governments, federally recognized  
 15 Indian tribes, other political jurisdictions as nec-  
 16 essary, and any person to carry out high priority ac-  
 17 tivities and projects that augment motor carrier  
 18 safety activities and projects planned in accordance  
 19 with subsections (b) and (c), including activities and  
 20 projects that—

21 “(A) increase public awareness and edu-  
 22 cation on commercial motor vehicle safety;

23 “(B) target unsafe driving of commercial  
 24 motor vehicles and non-commercial motor vehi-

1           eles in areas identified as high risk crash cor-  
2           ridors;

3           “(C) support the enforcement of State  
4           household goods regulations on intrastate and  
5           interstate carriers if the State has adopted laws  
6           or regulations compatible with the Federal  
7           household good laws;

8           “(D) improve the safe and secure move-  
9           ment of hazardous materials;

10          “(E) improve safe transportation of goods  
11          and persons in foreign commerce;

12          “(F) demonstrate new technologies to im-  
13          prove commercial motor vehicle safety;

14          “(G) support participation in performance  
15          and registration information systems manage-  
16          ment under section 31106(b)—

17                 “(i) for entities not responsible for  
18                 submitting the plan under subsection (e);  
19                 or

20                 “(ii) for entities responsible for sub-  
21                 mitting the plan under subsection (e)—

22                         “(I) before October 1, 2020, to  
23                         achieve compliance with the require-  
24                         ments of participation; and

1                   ~~“(H) beginning on October 1,~~  
 2                   ~~2020, or once compliance is achieved,~~  
 3                   ~~whichever is sooner, for special initia-~~  
 4                   ~~tives or projects that exceed routine~~  
 5                   ~~operations required for participation;~~

6                   ~~“(H) conduct safety data improvement~~  
 7                   ~~projects—~~

8                   ~~“(i) that complete or exceed the re-~~  
 9                   ~~quirements under subsection (e)(2)(P) for~~  
 10                   ~~entities not responsible for submitting the~~  
 11                   ~~plan under subsection (e); or~~

12                   ~~“(ii) that exceed the requirements~~  
 13                   ~~under subsection (e)(2)(P) for entities re-~~  
 14                   ~~sponsible for submitting the plan under~~  
 15                   ~~subsection (e); and~~

16                   ~~“(I) otherwise improve commercial motor~~  
 17                   ~~vehicle safety and compliance with commercial~~  
 18                   ~~motor vehicle safety regulations.~~

19                   ~~“(3) INNOVATIVE TECHNOLOGY DEPLOYMENT~~  
 20                   ~~GRANT PROGRAM.—~~

21                   ~~“(A) IN GENERAL.—The Secretary shall~~  
 22                   ~~establish an innovative technology deployment~~  
 23                   ~~grant program to make discretionary grants~~  
 24                   ~~funded under section 31104(a)(2) to eligible~~  
 25                   ~~States for the innovative technology deployment~~

1 of commercial motor vehicle information sys-  
2 tems and networks.

3 “(B) PURPOSES.—The purposes of the  
4 program shall be—

5 “(i) to advance the technological capa-  
6 bility and promote the deployment of intel-  
7 ligent transportation system applications  
8 for commercial motor vehicle operations,  
9 including commercial motor vehicle, com-  
10 mercial driver, and carrier-specific infor-  
11 mation systems and networks; and

12 “(ii) to support and maintain com-  
13 mercial motor vehicle information systems  
14 and networks—

15 “(I) to link Federal motor carrier  
16 safety information systems with State  
17 commercial motor vehicle systems;

18 “(II) to improve the safety and  
19 productivity of commercial motor vehi-  
20 cles and drivers; and

21 “(III) to reduce costs associated  
22 with commercial motor vehicle oper-  
23 ations and Federal and State commer-  
24 cial vehicle regulatory requirements.

1           “(C) ELIGIBILITY.—To be eligible for a  
2 grant under this paragraph, a State shall—

3           “(i) have a commercial motor vehicle  
4 information systems and networks program  
5 plan approved by the Secretary that de-  
6 scribes the various systems and networks  
7 at the State level that need to be refined,  
8 revised, upgraded, or built to accomplish  
9 deployment of commercial motor vehicle in-  
10 formation systems and networks capabili-  
11 ties;

12           “(ii) certify to the Secretary that its  
13 commercial motor vehicle information sys-  
14 tems and networks deployment activities,  
15 including hardware procurement, software  
16 and system development, and infrastruc-  
17 ture modifications—

18           “(I) are consistent with the na-  
19 tional intelligent transportation sys-  
20 tems and commercial motor vehicle in-  
21 formation systems and networks ar-  
22 chitectures and available standards;  
23 and



1                   “(H) promote interoperability  
2                   and efficiency to the extent prac-  
3                   ticable; and

4                   “(iii) agree to execute interoperability  
5                   tests developed by the Federal Motor Car-  
6                   rier Safety Administration to verify that  
7                   its systems conform with the national intel-  
8                   ligent transportation systems architecture,  
9                   applicable standards, and protocols for  
10                  commercial motor vehicle information sys-  
11                  tems and networks.

12                  “(D) USE OF FUNDS.—Grant funds may  
13                  be used—

14                         “(i) for deployment activities and ac-  
15                         tivities to develop new and innovative ad-  
16                         vanced technology solutions that support  
17                         commercial motor vehicle information sys-  
18                         tems and networks;

19                         “(ii) for planning activities, including  
20                         the development or updating of program or  
21                         top level design plans in order to become  
22                         eligible or maintain eligibility under sub-  
23                         paragraph (C); and

1                   “(iii) for the deployment, operation,  
2                   and maintenance costs associated with in-  
3                   novative technology.”

4                   “(E) SECRETARY AUTHORIZATION.—The  
5                   Secretary is authorized to award a State fund-  
6                   ing for the deployment, operation, and mainte-  
7                   nance costs associated with innovative tech-  
8                   nology deployment with funds made available  
9                   under both sections 31104(a)(1) and  
10                  31104(a)(2) of this title.”

11           (b) COMMERCIAL MOTOR VEHICLE OPERATORS  
12 GRANT PROGRAM.—Section 31103 is amended to read as  
13 follows:

14 **“§ 31103. Commercial Motor Vehicle Operators Grant**  
15   **Program**

16           “(a) IN GENERAL.—The Secretary shall administer  
17 a commercial motor vehicle operators grant program fund-  
18 ed under section 31104.

19           “(b) PURPOSE.—The purpose of the grant program  
20 is to train individuals in the safe operation of commercial  
21 motor vehicles (as defined in section 31301).”

22           (c) AUTHORIZATION OF APPROPRIATIONS.—Section  
23 31104 is amended to read as follows:

1 **“§ 31104. Authorization of appropriations**

2 “(a) FINANCIAL ASSISTANCE PROGRAMS.—The fol-  
 3 lowing sums are authorized to be appropriated from the  
 4 Highway Trust Fund for the following Federal Motor Car-  
 5 rier Safety Administration Financial Assistance Pro-  
 6 grams:

7 “(1) MOTOR CARRIER SAFETY ASSISTANCE PRO-  
 8 GRAM.—Subject to paragraph (2) of this subsection  
 9 and subsection (e) of this section, to carry out sec-  
 10 tion 31102—

11 “(A) \$250,389,000 for fiscal year 2017;

12 “(B) \$255,648,000 for fiscal year 2018;

13 “(C) \$261,016,000 for fiscal year 2019;

14 “(D) \$266,497,000 for fiscal year 2020;

15 and

16 “(E) \$272,094,000 for fiscal year 2021.

17 “(2) HIGH PRIORITY ACTIVITIES FINANCIAL AS-  
 18 SISTANCE PROGRAM.—Subject to subsection (e), to  
 19 make grants and cooperative agreements under sec-  
 20 tion 31102(l) of this title, the Secretary may set  
 21 aside from amounts made available under paragraph  
 22 (1) of this subsection up to—

23 “(A) \$42,323,000 for fiscal year 2017;

24 “(B) \$43,212,000 for fiscal year 2018;

25 “(C) \$44,119,000 for fiscal year 2019;

1           “(D) \$45,046,000 for fiscal year 2020;

2           and

3           “(E) \$45,992,000 for fiscal year 2021.

4           “(3) COMMERCIAL MOTOR VEHICLE OPERATORS  
5 GRANT PROGRAM.—To carry out section 31103—

6           “(A) \$1,000,000 for fiscal year 2017;

7           “(B) \$1,000,000 for fiscal year 2018;

8           “(C) \$1,000,000 for fiscal year 2019;

9           “(D) \$1,000,000 for fiscal year 2020; and

10          “(E) \$1,000,000 for fiscal year 2021.

11          “(4) COMMERCIAL DRIVER’S LICENSE PROGRAM  
12 IMPLEMENTATION FINANCIAL ASSISTANCE PRO-  
13 GRAM.—Subject to subsection (c), to carry out sec-  
14 tion 31313—

15          “(A) \$31,273,000 for fiscal year 2017;

16          “(B) \$31,930,000 for fiscal year 2018;

17          “(C) \$32,600,000 for fiscal year 2019;

18          “(D) \$33,285,000 for fiscal year 2020;

19          and

20          “(E) \$33,984,000 for fiscal year 2021.

21          “(b) REIMBURSEMENT AND PAYMENT TO RECIPI-  
22 ENTS FOR GOVERNMENT SHARE OF COSTS.—

23          “(1) IN GENERAL.—Amounts made available  
24          under subsection (a) shall be used to reimburse fi-

1 nancial assistance recipients proportionally for the  
2 Federal Government's share of the costs incurred.

3 “(2) REIMBURSEMENT AMOUNTS.—The Sec-  
4 retary shall reimburse a recipient, in accordance  
5 with a financial assistance agreement made under  
6 section 31102, 31103, or 31313, an amount that is  
7 at least 85 percent of the costs incurred by the re-  
8 cipient in a fiscal year in developing and imple-  
9 menting programs under these sections. The Sec-  
10 retary shall pay the recipient an amount not more  
11 than the Federal Government share of the total  
12 costs approved by the Federal Government in the fi-  
13 nancial assistance agreement. The Secretary shall  
14 include a recipient's in-kind contributions in deter-  
15 mining the reimbursement.

16 “(3) VOUCHERS.—Each recipient shall submit  
17 vouchers at least quarterly for costs the recipient in-  
18 curs in developing and implementing programs  
19 under section 31102, 31103, or 31313.

20 “(e) DEDUCTIONS FOR PARTNER TRAINING AND  
21 PROGRAM SUPPORT.—On October 1 of each fiscal year,  
22 or as soon after that date as practicable, the Secretary  
23 may deduct from amounts made available under para-  
24 graphs (1), (2), and (4) of subsection (a) for that fiscal  
25 year not more than 1.50 percent of those amounts for

1 partner training and program support in that fiscal year.  
2 The Secretary shall use at least 75 percent of those de-  
3 ducted amounts to train non-Federal Government employ-  
4 ees and to develop related training materials in carrying  
5 out these programs.

6       “(d) GRANTS AND COOPERATIVE AGREEMENTS AS  
7 CONTRACTUAL OBLIGATIONS.—The approval of a finan-  
8 cial assistance agreement by the Secretary under section  
9 31102, 31103, or 31313 is a contractual obligation of the  
10 Federal Government for payment of the Federal Govern-  
11 ment’s share of costs in carrying out the provisions of the  
12 grant or cooperative agreement.

13       “(e) ELIGIBLE ACTIVITIES.—The Secretary shall es-  
14 tablish criteria for eligible activities to be funded with fi-  
15 nancial assistance agreements under this section and pub-  
16 lish those criteria in a notice of funding availability before  
17 the financial assistance program application period.

18       “(f) PERIOD OF AVAILABILITY OF FINANCIAL AS-  
19 SISTANCE AGREEMENT FUNDS FOR RECIPIENT EXPENDI-  
20 TURES.—

21               “(1) IN GENERAL.—The period of availability  
22 for a recipient to expend a grant or cooperative  
23 agreement authorized under subsection (a) is as fol-  
24 lows:

1           “(A) For grants made for carrying out sec-  
2           tion 31102, other than section 31102(1), for the  
3           fiscal year in which it is obligated and for the  
4           next fiscal year.

5           “(B) For grants or cooperative agreements  
6           made for carrying out section 31102(1)(2), for  
7           the fiscal year in which it is obligated and for  
8           the next 2 fiscal years.

9           “(C) For grants made for carrying out sec-  
10          tion 31102(1)(3), for the fiscal year in which it  
11          is obligated and for the next 4 fiscal years.

12          “(D) For grants made for carrying out  
13          section 31103, for the fiscal year in which it is  
14          obligated and for the next fiscal year.

15          “(E) For grants or cooperative agreements  
16          made for carrying out 31313, for the fiscal year  
17          in which it is obligated and for the next 4 fiscal  
18          years.

19          “(2) REOBLIGATION.—Amounts not expended  
20          by a recipient during the period of availability shall  
21          be released back to the Secretary for reobligation for  
22          any purpose under sections 31102, 31103, 31104,  
23          and 31313 in accordance with subsection (i) of this  
24          section.

1       “(g) CONTRACT AUTHORITY; INITIAL DATE OF  
2 AVAILABILITY.—Amounts authorized from the Highway  
3 Trust Fund by this section shall be available for obligation  
4 on the date of their apportionment or allocation or on Oc-  
5 tober 1 of the fiscal year for which they are authorized,  
6 whichever occurs first.

7       “(h) AVAILABILITY OF FUNDING.—Amounts made  
8 available under this section shall remain available until ex-  
9 pended.

10       “(i) TRANSFER OF OBLIGATION AUTHORITY.—

11               “(1) IN GENERAL.—Of the contract authority  
12 authorized in this section, the Secretary shall have  
13 authority to transfer available unobligated contract  
14 authority and associated liquidating cash within or  
15 between Federal financial assistance programs au-  
16 thorized under this section and make new Federal fi-  
17 nancial assistance awards under this section.

18               “(2) COST ESTIMATES.—Of the funds trans-  
19 ferred, the contract authority and associated liqui-  
20 dating cash or obligations and expenditures stem-  
21 ming from Federal financial assistance awards made  
22 with this contract authority shall not be scored as  
23 new obligations by the Congressional Budget Office  
24 or by the Secretary.



1           “(3) NO LIMITATION ON TOTAL OF OBLIGA-  
2           TIONS.—Notwithstanding any other provision of law,  
3           no limitation on the total of obligations for Federal  
4           financial assistance programs carried out by the  
5           Federal Motor Carrier Safety Administration under  
6           this section shall apply to unobligated funds trans-  
7           ferred under this subsection.”.

8           (d) TECHNICAL AND CONFORMING AMENDMENTS.—

9           (1) SAFETY FITNESS OF OWNERS AND OPER-  
10          ATOR; SAFETY REVIEWS OF NEW OPERATORS.—Sec-  
11          tion 31144(g) is amended by striking paragraph (5).

12          (2) INFORMATION SYSTEMS; PERFORMANCE  
13          AND REGISTRATION INFORMATION PROGRAM.—Sec-  
14          tion 31106(b) is amended by striking paragraph (4).

15          (3) BORDER ENFORCEMENT GRANTS.—Section  
16          31107 is repealed.

17          (4) PERFORMANCE AND REGISTRATION INFOR-  
18          MATION SYSTEM MANAGEMENT.—Section 31109 is  
19          repealed.

20          (5) TABLE OF CONTENTS.—The table of con-  
21          tents of chapter 311 is amended—

22                  (A) by striking the items relating to 31107  
23                  and 31109; and

1           (B) by striking the items relating to sec-  
 2           tions 31102, 31103, and 31104 and inserting  
 3           the following:

~~“31102. Motor Carrier Safety Assistance Program.~~

~~“31103. Commercial Motor Vehicle Operators Grant Program.~~

~~“31104. Authorization of appropriations.”.~~

4           (6) ~~GRANTS FOR COMMERCIAL DRIVER’S LI-~~  
 5           ~~CENSE PROGRAM IMPLEMENTATION.~~—Section  
 6           ~~31313(a)~~, as amended by section 2606 of this Act,  
 7           is further amended by striking “The Secretary of  
 8           Transportation shall administer a financial assist-  
 9           ance program for commercial driver’s license pro-  
 10          gram implementation for the purposes described in  
 11          paragraphs (1) and (2)” and inserting “The Sec-  
 12          retary of Transportation shall administer a financial  
 13          assistance program for commercial driver’s license  
 14          program implementation funded under section  
 15          31104 of this title for the purposes described in  
 16          paragraphs (1) and (2)”.

17          (7) ~~COMMERCIAL VEHICLE INFORMATION SYS-~~  
 18          ~~TEMS AND NETWORKS DEPLOYMENT.~~—Section 4126  
 19          of ~~SAFETEA-LU~~ (49 U.S.C. 31106 note) is re-  
 20          pealed.

21          (8) ~~SAFETY DATA IMPROVEMENT PROGRAM.~~—  
 22          Section 4128 of ~~SAFETEA-LU~~ (49 U.S.C. 31100  
 23          note) is repealed.

1           (9) GRANT PROGRAM FOR COMMERCIAL MOTOR  
2           VEHICLE OPERATORS.—Section 4134 of SAFETEA-  
3           LU (49 U.S.C. 31301 note) is repealed.

4           (10) WINTER HOME HEATING OIL DELIVERY  
5           STATE FLEXIBILITY PROGRAM.—Section 346 of Na-  
6           tional Highway System Designation Act of 1995 (49  
7           U.S.C. 31166 note) is repealed.

8           (11) MAINTENANCE OF EFFORT AS CONDITION  
9           ON GRANTS TO STATES.—Section 103(e) of the  
10          Motor Carrier Safety Improvement Act of 1999 (49  
11          U.S.C. 31102 note) is repealed.

12          (12) STATE COMPLIANCE WITH CDL REQUIRE-  
13          MENTS.—Section 103(e) of the Motor Carrier Safety  
14          Improvement Act of 1999 (49 U.S.C. 31102 note) is  
15          repealed.

16          (13) BORDER STAFFING STANDARDS.—Section  
17          218(d) of the Motor Carrier Safety Improvement  
18          Act of 1999 (49 U.S.C. 31133 note) is amended—

19                (A) in paragraph (1), by striking “under  
20                section 31104(f)(2)(B) of title 49, United  
21                States Code” and inserting “section  
22                31104(a)(1) of title 49, United States Code”;  
23                and

24                (B) by striking paragraph (3).

1       (e) **EFFECTIVE DATE.**—The amendments made by  
2 this section shall take effect on October 1, 2016.

3       (f) **TRANSITION.**—Notwithstanding the amendments  
4 made by this section, the Secretary shall carry out sections  
5 31102, 31103, 31104, and any sections repealed under  
6 subsection (d) of this section, as necessary, as those sec-  
7 tions were in effect on the day before October 1, 2016,  
8 with respect to applications for grants, cooperative agree-  
9 ments, or contracts under those sections submitted before  
10 October 1, 2016.

11 **SEC. 2603. NEW ENTRANT SAFETY REVIEW PROGRAM**  
12 **STUDY.**

13       (a) **IN GENERAL.**—Not later than 1 year after the  
14 date of enactment of this Act, the Office of Inspector Gen-  
15 eral of the Department of Transportation shall report to  
16 the Committee on Commerce, Science, and Transportation  
17 of the Senate and the Committee on Transportation and  
18 Infrastructure in the House of Representatives on its as-  
19 sessment of the new operator safety review program, re-  
20 quired under section 31144(g) of title 49, United States  
21 Code, including the program’s effectiveness in reducing  
22 commercial motor vehicles involved in crashes, fatalities,  
23 and injuries, and in improving commercial motor vehicle  
24 safety.

1       (b) **REPORT.**—Not later than 90 days after comple-  
 2 tion of the report under subsection (a), the Secretary shall  
 3 submit to the Committee on Commerce, Science, and  
 4 Transportation of the Senate and the Committee on  
 5 Transportation and Infrastructure in the House of Rep-  
 6 resentatives a report on the actions the Secretary will take  
 7 to address any recommendations included in the study  
 8 under subsection (a).

9       (c) **PAPERWORK REDUCTION ACT OF 1995; EXCEP-**  
 10 **TION.**—The study and the Office of the Inspector General  
 11 assessment shall not be subject to section 3506 or section  
 12 3507 of title 44, United States Code.

13 **SEC. 2604. PERFORMANCE AND REGISTRATION INFORMA-**  
 14 **TION SYSTEMS MANAGEMENT.**

15       Section 31106(b) is amended in the heading by strik-  
 16 ing “PROGRAM” and inserting “SYSTEMS MANAGEMENT”.

17 **SEC. 2605. AUTHORIZATION OF APPROPRIATIONS.**

18       (a) **IN GENERAL.**—Subchapter I of chapter 311 is  
 19 amended by adding at the end the following:

20 **“§ 31110. Authorization of appropriations**

21       “(a) **ADMINISTRATIVE EXPENSES.**—There are au-  
 22 thorized to be appropriated from the Highway Trust Fund  
 23 (other than the Mass Transit Account) for the Secretary  
 24 of Transportation to pay administrative expenses of the  
 25 Federal Motor Carrier Safety Administration—

- 1           “(1) \$264,439,000 for fiscal year 2016;  
2           “(2) \$269,992,000 for fiscal year 2017;  
3           “(3) \$275,662,000 for fiscal year 2018;  
4           “(4) \$281,451,000 for fiscal year 2019;  
5           “(5) \$287,361,000 for fiscal year 2020; and  
6           “(6) \$293,396,000 for fiscal year 2021.

7           “(b) USE OF FUNDS.—The funds authorized by this  
8 section shall be used—

- 9           “(1) for personnel costs;  
10           “(2) for administrative infrastructure;  
11           “(3) for rent;  
12           “(4) for information technology;  
13           “(5) for programs for research and technology,  
14 information management, regulatory development,  
15 the administration of the performance and registra-  
16 tion information systems management;  
17           “(6) for programs for outreach and education  
18 under subsection (d);  
19           “(7) to fund the motor carrier safety facility  
20 working capital fund established under subsection  
21 (e);  
22           “(8) for other operating expenses;  
23           “(9) to conduct safety reviews of new operators;  
24           and

1           “(10) for such other expenses as may from time  
2 to time become necessary to implement statutory  
3 mandates of the Federal Motor Carrier Safety Ad-  
4 ministration not funded from other sources.

5           “(e) MOTOR CARRIER SAFETY FACILITY WORKING  
6 CAPITAL FUND.—

7           “(1) IN GENERAL.—The Secretary may estab-  
8 lish a motor carrier safety facility working capital  
9 fund.

10           “(2) PURPOSE.—Amounts in the fund shall be  
11 available for modernization, construction, leases, and  
12 expenses related to vacating, occupying, maintaining,  
13 and expanding motor carrier safety facilities, and as-  
14 sociated activities.

15           “(3) AVAILABILITY.—Amounts in the fund shall  
16 be available without regard to fiscal year limitation.

17           “(4) FUNDING.—Amounts may be appropriated  
18 to the fund from the amounts made available in sub-  
19 section (a).

20           “(5) FUND TRANSFERS.—The Secretary may  
21 transfer funds to the working capital fund from the  
22 amounts made available in subsection (a) or from  
23 other funds as identified by the Secretary.

24           “(d) OUTREACH AND EDUCATION PROGRAM.—

1           “(1) IN GENERAL.—The Secretary may con-  
2           duct, through any combination of grants, contracts,  
3           cooperative agreements, or other activities, an inter-  
4           nal and external outreach and education program to  
5           be administered by the Administrator of the Federal  
6           Motor Carrier Safety Administration.

7           “(2) FEDERAL SHARE.—The Federal share of  
8           an outreach and education program for which a  
9           grant, contract, or cooperative agreement is made  
10          under this subsection may be up to 100 percent of  
11          the cost of the grant, contract, or cooperative agree-  
12          ment.

13          “(3) FUNDING.—From amounts made available  
14          in subsection (a), the Secretary shall make available  
15          such sums as are necessary to carry out this sub-  
16          section each fiscal year.

17          “(e) CONTRACT AUTHORITY; INITIAL DATE OF  
18          AVAILABILITY.—Amounts authorized from the Highway  
19          Trust Fund by this section shall be available for obligation  
20          on the date of their apportionment or allocation or on Oc-  
21          tober 1 of the fiscal year for which they are authorized,  
22          whichever occurs first.

23          “(f) FUNDING AVAILABILITY.—Amounts made avail-  
24          able under this section shall remain available until ex-  
25          ended.



1       “(g) **CONTRACTUAL OBLIGATION.**—The approval of  
2 funds by the Secretary under this section is a contractual  
3 obligation of the Federal Government for payment of the  
4 Federal Government’s share of costs.”.

5       (b) **TECHNICAL AND CONFORMING AMENDMENTS.**—

6           (1) **ADMINISTRATIVE EXPENSES; AUTHORIZA-**  
7 **TION OF APPROPRIATIONS.**—Section 31104 is  
8 amended—

9                   (A) by striking subsection (i); and

10                   (B) by redesignating subsections (j) and  
11 (k) and subsections (i) and (j), respectively.

12           (2) **USE OF AMOUNTS MADE AVAILABLE UNDER**  
13 **SUBSECTION (i).**—Section 4116(d) of SAFETEA-  
14 LU (49 U.S.C. 31104 note) is amended by striking  
15 “section 31104(i)” and inserting “section 31110”.

16           (3) **INTERNAL COOPERATION.**—Section 31161  
17 is amended by striking “31104(i)” and inserting  
18 “31110”.

19           (4) **SAFETEA-LU; OUTREACH AND EDU-**  
20 **CATION.**—Section 4127 of SAFETEA-LU (119  
21 Stat. 1741; Public Law 109–59) is repealed.

22           (5) **TABLE OF CONTENTS.**—The table of con-  
23 tents of subchapter I of chapter 311 is amended by  
24 adding at the end the following:

“31110. Authorization of appropriations.”.

1 **SEC. 2606. COMMERCIAL DRIVER'S LICENSE PROGRAM IM-**  
 2 **PLEMENTATION.**

3 (a) IN GENERAL.—Section 31313 is amended to read  
 4 as follows:

5 **“§ 31313. Commercial driver's license program imple-**  
 6 **mentation financial assistance program**

7 “(a) IN GENERAL.—The Secretary of Transportation  
 8 shall administer a financial assistance program for com-  
 9 mercial driver's license program implementation for the  
 10 purposes described in paragraphs (1) and (2).

11 “(1) STATE COMMERCIAL DRIVER'S LICENSE  
 12 PROGRAM IMPROVEMENT GRANTS.—The Secretary  
 13 of Transportation may make a grant to a State  
 14 agency in a fiscal year—

15 “(A) to comply with the requirements of  
 16 section 31311; and

17 “(B) in the case of a State that is making  
 18 a good faith effort toward substantial compli-  
 19 ance with the requirements of section 31311, to  
 20 improve its implementation of its commercial  
 21 driver's license program, including expenses—

22 “(i) for computer hardware and soft-  
 23 ware;

24 “(ii) for publications, testing, per-  
 25 sonnel, training, and quality control;

1           “(iii) for commercial driver’s license  
2           program coordinators; and

3           “(iv) to implement or maintain a sys-  
4           tem to notify an employer of an operator  
5           of a commercial motor vehicle of the sus-  
6           pension or revocation of the operator’s  
7           commercial driver’s license consistent with  
8           the standards developed under section  
9           32303(b) of the Commercial Motor Vehicle  
10          Safety Enhancement Act of 2012 (49  
11          U.S.C. 31304 note).

12          “(2) PRIORITY ACTIVITIES.—The Secretary  
13          may make a grant or cooperative agreement in a fis-  
14          cal year to a State agency, local government, or any  
15          person for research, development or testing; dem-  
16          onstration projects; public education; or other special  
17          activities and projects relating to commercial driver’s  
18          licensing and motor vehicle safety that—

19                 “(A) benefit all jurisdictions of the United  
20                 States;

21                 “(B) address national safety concerns and  
22                 circumstances;

23                 “(C) address emerging issues relating to  
24                 commercial driver’s license improvements;

1           “(D) support innovative ideas and solu-  
2           tions to commercial driver’s license program  
3           issues; or

4           “(E) address other commercial driver’s li-  
5           cense issues, as determined by the Secretary.

6           “(b) PROHIBITIONS.—A recipient may not use finan-  
7           cial assistance funds awarded under this section to rent,  
8           lease, or buy land or buildings.

9           “(c) REPORT.—The Secretary shall issue an annual  
10          report on the activities carried out under this section.

11          “(d) APPORTIONMENT.—All amounts made available  
12          to carry out this section for a fiscal year shall be appor-  
13          tioned to a State or recipient described in subsection  
14          (a)(2) according to criteria prescribed by the Secretary.”.

15          (b) TECHNICAL AND CONFORMING AMENDMENTS.—  
16          The table of contents of chapter 313 is amended by strik-  
17          ing the item relating to section 31313 and inserting the  
18          following:

“31313. Commercial driver’s license program implementation financial assist-  
  ance program.”.

19       **SEC. 2607. EXTENSION OF FEDERAL MOTOR CARRIER SAFE-**  
20       **TY PROGRAMS FOR FISCAL YEAR 2016.**

21          (a) MOTOR CARRIER SAFETY ASSISTANCE PROGRAM  
22       GRANT EXTENSION.—Section 31104(a) is amended—

23               (1) in paragraph (9), by striking “and” at the  
24               end; and

1           (2) by striking paragraph (10) and inserting  
2           the following:

3           “~~(10) \$218,000,000 for fiscal year 2015; and~~

4           “~~(11) \$218,000,000 for fiscal year 2016.~~”.

5           (b) EXTENSION OF GRANT PROGRAMS.—Section  
6 4101(e) SAFETEA-LU (119 Stat. 1715; Public Law  
7 109–59), is amended to read as follows:

8           “(e) GRANT PROGRAMS FUNDING.—There are au-  
9 thORIZED to be appropriated from the Highway Trust Fund  
10 the following sums for the following Federal Motor Carrier  
11 Safety Administration programs:

12           “~~(1) COMMERCIAL DRIVER’S LICENSE PROGRAM~~  
13           ~~IMPROVEMENT GRANTS.—For carrying out the com-~~  
14           ~~mmercial driver’s license program improvement grants~~  
15           ~~program under section 31313 of title 49, United~~  
16           ~~States Code, \$30,000,000 for fiscal year 2016.~~

17           “~~(2) BORDER ENFORCEMENT GRANTS.—From~~  
18           ~~amounts made available under section 31104(a) of~~  
19           ~~title 49, United States Code, for border enforcement~~  
20           ~~grants under section 31107 of that title,~~  
21           ~~\$32,000,000 for fiscal year 2016.~~

22           “~~(3) PERFORMANCE AND REGISTRATION INFOR-~~  
23           ~~MATION SYSTEMS MANAGEMENT GRANT PRO-~~  
24           ~~GRAMS.—From amounts made available under sec-~~  
25           ~~tion 31104(a) of title 49, United States Code, for~~

1 the performance and registration information sys-  
 2 tems management grant program under section  
 3 31109 of that title, \$5,000,000 for fiscal year 2016.

4 “(4) COMMERCIAL VEHICLE INFORMATION SYS-  
 5 TEMS AND NETWORKS DEPLOYMENT.—For carrying  
 6 out the commercial vehicle information systems and  
 7 networks deployment program under section 4126 of  
 8 this Act (the information technology deployment pro-  
 9 gram), \$25,000,000, for fiscal year 2016.

10 “(5) SAFETY DATA IMPROVEMENT GRANTS.—  
 11 From amounts made available under section  
 12 31104(a) of title 49, United States Code, for safety  
 13 data improvement grants under section 4128 of this  
 14 Act, \$3,000,000 for fiscal year 2016.”

15 (c) HIGH-PRIORITY ACTIVITIES.—Section  
 16 31104(j)(2), as redesignated by section 2605 of this Act  
 17 is amended by striking “2014 and up to \$12,493,151 for  
 18 the period beginning on October 1, 2014, and ending on  
 19 July 31, 2015,” and inserting “2016”.

20 (d) NEW ENTRANT AUDITS.—Section  
 21 31144(g)(5)(B) is amended to read as follows:

22 “(B) SET ASIDE.—The Secretary shall set  
 23 aside from amounts made available by section  
 24 31104(a) up to \$32,000,000 for fiscal year

1           2016 for audits of new entrant motor carriers  
2           conducted under this paragraph.”.

3           ~~(e) GRANT PROGRAM FOR COMMERCIAL MOTOR VE-~~  
4 ~~HICLE OPERATORS.—Section 4134(e) of SAFETEA-LU~~  
5 ~~(49 U.S.C. 31301 note) is amended to read as follows:~~  
6           “(e) FUNDING.—From amounts made available  
7 under section 31110 of title 49, United States Code, the  
8 Secretary shall make available, \$1,000,000 for fiscal year  
9 2016 to carry out the commercial motor vehicle operators  
10 grant program.”.

11          ~~(f) COMMERCIAL VEHICLE INFORMATION SYSTEMS~~  
12 ~~AND NETWORKS DEPLOYMENT.—~~

13           ~~(1) IN GENERAL.—Section 4126 of SAFETEA-~~  
14 ~~LU (49 U.S.C. 31106 note; 119 Stat. 1738; Public~~  
15 ~~Law 109–59) is amended—~~

16                   ~~(A) in subsection (c)—~~

17                           ~~(i) in paragraph (2), by adding at the~~  
18                           ~~end the following: “Funds deobligated by~~  
19                           ~~the Secretary from previous year grants~~  
20                           ~~shall not be counted towards the~~  
21                           ~~\$2,500,000 maximum aggregate amount~~  
22                           ~~for core deployment.”; and~~

23                           ~~(ii) in paragraph (3), by adding at the~~  
24                           ~~end the following: “Funds may also be~~  
25                           ~~used for planning activities, including the~~

1 development or updating of program or top  
2 level design plans.”; and

3 (B) in subsection (d)(4), by adding at the  
4 end the following: “Funds may also be used for  
5 planning activities, including the development  
6 or updating of program or top level design  
7 plans.”.

8 (2) INFORMATION TECHNOLOGY DEPLOYMENT  
9 PROGRAM.—For fiscal year 2016, the commercial ve-  
10 hicle information systems and networks deployment  
11 program under section 4126 of SAFETEA-LU (119  
12 Stat. 1738; Public Law 109–59) may also be re-  
13 ferred to as the information technology deployment  
14 program.

15 **SEC. 2608. MOTOR CARRIER SAFETY ASSISTANCE PRO-**  
16 **GRAM ALLOCATION.**

17 (a) WORKING GROUP.—

18 (1) ESTABLISHMENT.—Not later than 180 days  
19 after the date of enactment of this Act, the Sec-  
20 retary shall establish a motor carrier safety assist-  
21 ance program formula working group (referred to in  
22 this section as the “working group”).

23 (2) MEMBERSHIP.—



1 (A) IN GENERAL.—Subject to subpara-  
2 graph (B), the working group shall consist of  
3 representatives of the following:

4 (i) The Federal Motor Carrier Safety  
5 Administration.

6 (ii) The lead State commercial motor  
7 vehicle safety agencies responsible for ad-  
8 ministering the plan required by section  
9 31102 of title 49, United States Code.

10 (iii) An organization representing  
11 State agencies responsible for enforcing a  
12 program for inspection of commercial  
13 motor vehicles.

14 (iv) Such other persons as the Sec-  
15 retary considers necessary.

16 (B) COMPOSITION.—Representatives of  
17 State commercial motor vehicle safety agencies  
18 shall comprise at least 51 percent of the mem-  
19 bership.

20 (3) NEW ALLOCATION FORMULA.—The working  
21 group shall analyze requirements and factors for a  
22 new motor carrier safety assistance program alloca-  
23 tion formula.

24 (4) RECOMMENDATION.—Not later than 1 year  
25 after the date the working group is established

1 under paragraph (1), the working group shall make  
2 a recommendation to the Secretary regarding a new  
3 Motor Carrier Safety Assistance Program allocation  
4 formula.

5 (5) FACA EXEMPTION.—The Federal Advisory  
6 Committee Act (5 U.S.C. App.) shall not apply to  
7 the working group established under this subsection.

8 (6) PUBLICATION.—The Administrator of the  
9 Federal Motor Carrier Safety Administration shall  
10 publish on a public website summaries of its meet-  
11 ings, and the final recommendation provided to the  
12 Secretary.

13 (b) NOTICE OF PROPOSED RULEMAKING.—After re-  
14 ceiving the recommendation under subsection (a)(4), the  
15 Secretary shall publish in the Federal Register a notice  
16 seeking public comment on a new allocation formula for  
17 the motor carrier safety assistance program under section  
18 31102 of title 49, United States Code.

19 (c) BASIS FOR FORMULA.—The Secretary shall en-  
20 sure that the new allocation formula is based on factors  
21 that reflect, at a minimum—

22 (1) the relative needs of the States to comply  
23 with section 31102 of title 49, United States Code;

1           (2) the relative administrative capacities of and  
2 challenges faced by States in complying with section  
3 31102 of title 49, United States Code;

4           (3) the average of each State's new entrant  
5 motor carrier inventory for the 3-year period prior  
6 to the date of enactment of this Act;

7           (4) the number of international border inspec-  
8 tion facilities and border crossings by commercial ve-  
9 hicles in each State; and

10          (5) any other factors the Secretary considers  
11 appropriate.

12          (d) FUNDING AMOUNTS PRIOR TO DEVELOPMENT OF  
13 A NEW ALLOCATION FORMULA.—

14           (1) INTERIM FORMULA.—Prior to the develop-  
15 ment of the new allocation formula, the Secretary  
16 may calculate the interim funding amounts for the  
17 motor carrier safety assistance program in fiscal  
18 year 2017 (and later fiscal years, as necessary)  
19 under section 31104(a)(1) of title 49, United States  
20 Code, as amended by section 2602 of this Act, by  
21 the following methodology:

22           (A) The Secretary shall calculate the fund-  
23 ing amount using the allocation formula the  
24 Secretary used to award motor carrier safety

1 assistance program funding in fiscal year 2016  
2 under section 2607 of this Act.

3 (B) The Secretary shall average the fund-  
4 ing awarded or other equitable amounts to a  
5 State in fiscal years 2013, 2014, and 2015 for  
6 border enforcement grants awarded under sec-  
7 tion 32603(e) of MAP-21 (126 Stat. 807; Pub-  
8 lic Law 112-141) and new entrant audit grants  
9 awarded under that section, or other equitable  
10 amounts.

11 (C) The Secretary shall add the amounts  
12 calculated in subparagraphs (A) and (B).

13 (2) ADJUSTMENTS.—Subject to the availability  
14 of funding and notwithstanding fluctuations in the  
15 data elements used by the Secretary, the initial  
16 amounts resulting from the calculation described in  
17 paragraph (1) shall be adjusted to ensure that, for  
18 each State, the amount shall not be less than 97  
19 percent of the average amount of funding received or  
20 other equitable amounts in fiscal years 2013, 2014,  
21 and 2015 for—

22 (A) motor carrier safety assistance pro-  
23 gram funds awarded under section 32603(a) of  
24 MAP-21 (126 Stat. 807; Public Law 112-141);

1           (B) border enforcement grants awarded  
2           under section 32603(a) of MAP-21 (126 Stat.  
3           807; Public Law 112-141); and

4           (C) new entrant audit grants awarded  
5           under section 32603(a) of MAP-21 (126 Stat.  
6           807; Public Law 112-141).

7           (3) IMMEDIATE RELIEF.—In developing the  
8           new allocation formula, the Secretary shall provide  
9           immediate relief for at least 3 fiscal years to all  
10          States currently subject to the withholding provi-  
11          sions of Motor Carrier Safety Assistance Program  
12          funds for matters of noncompliance.

13          (4) FUTURE WITHHOLDINGS.—Beginning on  
14          the date that the new allocation formula is imple-  
15          mented, the Secretary shall impose all future  
16          withholdings in accordance with section 31102(k) of  
17          title 49, United States Code, as amended by section  
18          2602 of this Act.

19          (e) TERMINATION OF EFFECTIVENESS.—This section  
20          expires upon the implementation of a new Motor Carrier  
21          Safety Assistance Program Allocation Formula.

22   **SEC. 2609. MAINTENANCE OF EFFORT CALCULATION.**

23          (a) BEFORE NEW ALLOCATION FORMULA.—

24               (1) FISCAL YEAR 2017.—If a new allocation for-  
25          mula has not been established for fiscal year 2017,

1 then, for fiscal year 2017, the Secretary of Trans-  
 2 portation shall calculate the maintenance of effort  
 3 required under section 31102(f) of title 49, United  
 4 States Code, as amended by section 2602 of this  
 5 Act, by averaging the expenditures for fiscal years  
 6 2004 and 2005 required by section 22601(a)(5) of  
 7 MAP-21 (Public Law 112-141), as that section was  
 8 in effect on the day before the date of enactment of  
 9 this Act.

10 (2) **SUBSEQUENT FISCAL YEARS.**—The Sec-  
 11 retary may use the methodology for calculating the  
 12 maintenance of effort for fiscal year 2017 and each  
 13 fiscal year thereafter if a new allocation formula has  
 14 not been established.

15 (b) **BEGINNING WITH NEW ALLOCATION FORMA-**  
 16 **TION.**—

17 (1) **IN GENERAL.**—Subject to paragraphs (2)  
 18 and (3)(B), beginning on the date that a new alloca-  
 19 tion formula is established under section 2608, upon  
 20 the request of a State, the Secretary may modify the  
 21 baseline maintenance of effort required by section  
 22 31102(e) of title 49, United States Code, as amend-  
 23 ed by section 2602 of this Act, for the purpose of  
 24 establishing a new baseline maintenance of effort if

1 the Secretary determines that a waiver or modifica-  
2 tion—

3 (A) is equitable due to reasonable cir-  
4 cumstances;

5 (B) will ensure the continuation of com-  
6 mercial motor vehicle enforcement activities in  
7 the State; and

8 (C) is necessary to ensure that the total  
9 amount of State maintenance of effort and  
10 matching expenditures required under sections  
11 31102 and 31104 of title 49, United States  
12 Code, as amended by section 2602 of this Act,  
13 does not exceed a sum greater than the total  
14 amount of State maintenance of effort and  
15 matching expenditures for the 3 fiscal years  
16 prior to the date of enactment of this Act.

17 (2) ~~ADJUSTMENT METHODOLOGY.~~—If re-  
18 quested by a State, the Secretary may modify the  
19 maintenance of effort baseline according to the fol-  
20 lowing methodology:

21 (A) The Secretary shall establish the main-  
22 tenance of effort using the average of fiscal  
23 years 2004 and 2005, as required by section  
24 32601(a)(5) of MAP-21 (Public Law 112-  
25 141).

1           (B) The Secretary shall calculate the aver-  
2           age required match by a lead State commercial  
3           motor vehicle safety agency for fiscal years  
4           2013, 2014, and 2015 for motor carrier safety  
5           assistance grants established at 20 percent by  
6           section 31103 of title 49, United States Code,  
7           as that section was in effect on the day before  
8           the date of enactment of this Act.

9           (C) The Secretary shall calculate the esti-  
10          mated match required under section 31104(b)  
11          of title 49, United States Code, as amended by  
12          section 2602 of this Act.

13          (D) The Secretary will subtract the  
14          amount in subparagraph (B) from the amount  
15          in subparagraph (C) and—

16               (i) if the number is greater than 0,  
17               then the Secretary shall subtract the num-  
18               ber from the amount in subparagraph (A);  
19               or

20               (ii) if the number is not greater than  
21               0, then the Secretary shall calculate the  
22               maintenance of effort using the method-  
23               ology in subparagraph (A).

24          (3) MAINTENANCE OF EFFORT AMOUNT.—



1           (A) ~~IN GENERAL.~~—The Secretary shall use  
2           the amount calculated in paragraph (2) as the  
3           baseline maintenance of effort required in sec-  
4           tion 31102(f) of title 49, United States Code,  
5           as amended by section 2602 of this Act.

6           (B) ~~DEADLINE.~~—If a State does not re-  
7           quest a waiver or modification under this sub-  
8           section before September 30 during the first  
9           fiscal year that the Secretary implements the  
10          new allocation formula under section 2608, the  
11          Secretary shall calculate the maintenance of ef-  
12          fort using the methodology in paragraph (2)(A)  
13          of this subsection.

14          (4) ~~MAINTENANCE OF EFFORT DESCRIBED.~~—  
15          The maintenance of effort calculated under this sec-  
16          tion is the amount required under section 31102(f)  
17          of title 49, United States Code, as amended by sec-  
18          tion 2602 of this Act.

19          (c) ~~TERMINATION OF EFFECTIVENESS.~~—The author-  
20          ity under this section terminates effective on the date that  
21          the new maintenance of effort is calculated based on the  
22          new allocation formula implemented under section 2608.

1                   **Subtitle G—Miscellaneous**  
2                                   **Provisions**

3 **SEC. 2701. WINDSHIELD TECHNOLOGY.**

4           (a) **IN GENERAL.**—Not later than 180 days after the  
5 date of enactment of this Act, the Secretary shall revise  
6 the regulations in section 393.60(e) of title 49, Code of  
7 Federal Regulations (relating to the prohibition on ob-  
8 structions to the driver’s field of view), to exempt from  
9 that section the voluntary mounting on a windshield of  
10 vehicle safety technology likely to achieve a level of safety  
11 that is equivalent to or greater than the level of safety  
12 that would be achieved absent the exemption.

13           (b) **DEFINITION OF VEHICLE SAFETY TECH-**  
14 **NOLOGY.**—In this section, “vehicle safety technology” in-  
15 cludes fleet-related incident management system, perform-  
16 ance or behavior management system, speed management  
17 system, lane departure warning system, forward collision  
18 warning or mitigation system, active cruise control system,  
19 and any other technology that the Secretary considers ap-  
20 plicable.

21           (c) **RULE OF CONSTRUCTION.**—For purposes of this  
22 section, any windshield mounted technology with a short  
23 term exemption under part 381 of title 49, Code of Fed-  
24 eral Regulations, on the day before the date of enactment  
25 of this Act, shall be considered likely to achieve a level

1 of safety that is equivalent to or greater than the level  
 2 of safety that would be achieved absent an exemption  
 3 under subsection (a).

4 **SEC. 2702. ELECTRONIC LOGGING DEVICES REQUIRE-**  
 5 **MENTS.**

6 Section 31137(b) is amended—

7 (1) in paragraph (1)(C), by striking “apply to”  
 8 and inserting “except as provided in paragraph (3),  
 9 apply to”; and

10 (2) by adding at the end the following:

11 “(3) EXCEPTION.—A motor carrier, when  
 12 transporting a motor home or recreation vehicle  
 13 trailer within the definition of ‘driveaway-towaway  
 14 operation’ (as defined in section 390.5 of title 49,  
 15 Code of Federal Regulations) may comply with the  
 16 hours of service requirements by requiring each driv-  
 17 er to use—

18 “(A) a paper record of duty status form;

19 or

20 “(B) an electronic logging device.”.

21 **SEC. 2703. LAPSE OF REQUIRED FINANCIAL SECURITY; SUS-**  
 22 **PENSION OF REGISTRATION.**

23 Section 13906(e) is amended by inserting “or sus-  
 24 pend” after “revoke”.

1 **SEC. 2704. ACCESS TO NATIONAL DRIVER REGISTER.**

2 Section 30305(b) is amended by adding at the end  
3 the following:

4 “(13) The Administrator of the Federal Motor  
5 Carrier Safety Administration may request the chief  
6 driver licensing official of a State to provide infor-  
7 mation under subsection (a) of this section about an  
8 individual in connection with a safety investigation  
9 under the Administrator’s jurisdiction.”.

10 **SEC. 2705. STUDY ON COMMERCIAL MOTOR VEHICLE DRIV-**  
11 **ER COMMUTING.**

12 (a) EFFECTS OF COMMUTING.—The Administrator  
13 of the Federal Motor Carrier Safety Administration shall  
14 conduct a study of the effects of motor carrier operator  
15 commutes exceeding 150 minutes commuting time on safe-  
16 ty and commercial motor vehicle driver fatigue.

17 (b) STUDY.—In conducting the study, the Adminis-  
18 trator shall consider—

19 (1) the prevalence of driver commuting in the  
20 commercial motor vehicle industry, including the  
21 number and percentage of drivers who commute;

22 (2) the distances traveled, time zones crossed,  
23 time spent commuting, and methods of transpor-  
24 tation used;

1           (3) research on the impact of excessive com-  
2           muting on safety and commercial motor vehicle driv-  
3           er fatigue;

4           (4) the commuting practices of commercial  
5           motor vehicle drivers and policies of motor carriers;

6           (5) the Federal Motor Carrier Safety Adminis-  
7           tration regulations, policies, and guidance regarding  
8           driver commuting; and

9           (6) any other matters the Administrator con-  
10          siders appropriate.

11         (e) REPORT.—Not later than 18 months after the  
12         date of enactment of this Act, the Administrator shall sub-  
13         mit to Congress a report containing the findings under  
14         the study and any recommendations for legislative action  
15         concerning driver commuting.

16         **SEC. 2706. HOUSEHOLD GOODS CONSUMER PROTECTION**  
17                 **WORKING GROUP.**

18         (a) WORKING GROUP.—The Secretary shall establish  
19         a working group for the purpose of developing rec-  
20         ommendations on how to best convey to inexperienced con-  
21         sumers the information such consumers need to know with  
22         respect to the Federal laws concerning the interstate  
23         transportation of household goods by motor carrier.

24         (b) MEMBERSHIP.—The Secretary shall ensure that  
25         the working group is comprised of individuals with exper-

1 tise in consumer affairs; educators with expertise in how  
2 people learn most effectively; and representatives of the  
3 household goods moving industry.

4 (c) RECOMMENDATIONS.—

5 (1) CONTENTS.—The recommendations devel-  
6 oped by the working group shall include, at a min-  
7 imum, recommendations on—

8 (A) condensing publication ESA 03005 of  
9 the Federal Motor Carrier Safety Administra-  
10 tion into a format that is more easily used by  
11 consumers;

12 (B) using state-of-the-art education tech-  
13 niques and technologies, including optimizing  
14 the use of the Internet as an educational tool;  
15 and

16 (C) reducing and simplifying the paper-  
17 work required of motor carriers and shippers in  
18 interstate transportation.

19 (2) DEADLINE.—Not later than one year after  
20 the date of enactment of this Act, the working group  
21 shall make the recommendations described in para-  
22 graph (1) which the Secretary shall publish on a  
23 public website.

24 (d) REPORT.—Not later than 1 year after the date  
25 on which the working group makes its recommendations;

1 the Secretary shall issue a report to Congress on the im-  
2 plementation of such recommendations.

3 (e) ~~FEDERAL ADVISORY COMMITTEE ACT EXEMP-~~  
4 ~~TION.~~—The Federal Advisory Committee Act (5 U.S.C.  
5 App.) shall not apply to the working group established  
6 under this section.

7 (f) ~~TERMINATION.~~—The working group shall termi-  
8 nate 2 years after the date of enactment of this Act.

## 9 **TITLE III—HAZARDOUS** 10 **MATERIALS**

### 11 **SEC. 3101. ENDORSEMENTS.**

12 (a) ~~EXCLUSIONS.~~—Section 5117(d)(1) is amended—

13 (1) in subparagraph (B), by striking “and” at  
14 the end;

15 (2) in subparagraph (C), by striking the period  
16 at the end and inserting “; and”; and

17 (3) by adding at the end the following:

18 “(D) a service vehicle carrying diesel fuel  
19 in quantities of 3,785 liters (1,000 gallons) or  
20 less that is—

21 “(i) driven by a class A commercial  
22 driver’s license holder who is a custom har-  
23 vester, an agricultural retailer, an agricul-  
24 tural business employee, an agricultural

1 cooperative employee, or an agricultural  
2 producer; and

3 “(ii) clearly marked with a placard  
4 reading ‘Diesel Fuel.’”

5 (b) **HAZARDOUS MATERIALS ENDORSEMENT EXEMP-**  
6 **TION.**—The Secretary shall exempt all class A commercial  
7 driver’s license holders who are custom harvesters, agricul-  
8 tural retailers, agricultural business employees, agricul-  
9 tural cooperative employees, or agricultural producers  
10 from the requirement to obtain a hazardous materials en-  
11 dorsement under part 383 of title 49, Code of Federal  
12 Regulations, while operating a service vehicle carrying die-  
13 sel fuel in quantities of 3,785 liters (1,000 gallons) or less  
14 if the tank containing such fuel is clearly marked with a  
15 placard reading “Diesel Fuel”.

16 **SEC. 3102. ENHANCED REPORTING.**

17 Section 5121(h) is amended by striking “transmit to  
18 the Committee on Transportation and Infrastructure of  
19 the House of Representatives and the Committee on Com-  
20 merce, Science, and Transportation of the Senate” and  
21 inserting “post on the Department of Transportation pub-  
22 lic website”.

23 **SEC. 3103. HAZARDOUS MATERIAL INFORMATION.**

24 (a) **DERAILMENT DATA.**—



1           (1) IN GENERAL.—Not later than 180 days  
2 after the date of enactment of this Act, the Sec-  
3 retary shall revise the form for reporting a rail  
4 equipment accident or incident under section 225.21  
5 of title 49, Code of Federal Regulations (Form FRA  
6 F 6180.54, Rail Equipment Accident/Incident Re-  
7 port); including to its instructions, to require addi-  
8 tional data concerning rail cars carrying crude oil or  
9 ethanol that are involved in a reportable rail equip-  
10 ment accident or incident under part 225 of that  
11 title.

12           (2) CONTENTS.—The data under subsection (a)  
13 shall include—

14           (A) the number of rail cars carrying crude  
15 oil or ethanol;

16           (B) the number of rail cars carrying crude  
17 oil or ethanol damaged or derailed; and

18           (C) the number of rail cars releasing crude  
19 oil or ethanol.

20           (3) DIFFERENTIATION.—The data described in  
21 paragraph (2) shall be reported separately for crude  
22 oil and for ethanol.

23           (b) DATABASE CONNECTIVITY.—

24           (1) IN GENERAL.—Not later than 180 days  
25 after the date of enactment of this Act, the Sec-

1       retary shall implement information management  
2       practices to ensure that the Pipeline and Hazardous  
3       Materials Safety Administration Hazardous Mate-  
4       rials Incident Reports Database (referred to in this  
5       section as “Incident Reports Database”) and the  
6       Federal Railroad Administration Railroad Safety In-  
7       formation System contain accurate and consistent  
8       data on a reportable rail equipment accident or inci-  
9       dent under part 225 of title 49, Code of Federal  
10      Regulations, involving the release of hazardous ma-  
11      terials.

12           (2) IDENTIFIERS.—The Secretary shall ensure  
13      that the Incident Reports Database uses a search-  
14      able Federal Railroad Administration report num-  
15      ber, or other applicable unique identifier that is  
16      linked to the Federal Railroad Safety Information  
17      System, for each reportable rail equipment accident  
18      or incident under part 225 of title 49, Code of Fed-  
19      eral Regulations, involving the release of hazardous  
20      materials.

21           (c) EVALUATION.—

22           (1) IN GENERAL.—The Department of Trans-  
23      portation Inspector General shall—

1           (A) evaluate the accuracy of information in  
2 the Incident Reports Database, including deter-  
3 mining whether any inaccuracies exist in—

4           (i) the type of hazardous materials re-  
5 leased;

6           (ii) the quantity of hazardous mate-  
7 rials released;

8           (iii) the location of hazardous mate-  
9 rials released;

10          (iv) the damages or effects of haz-  
11 ardous materials released; and

12          (v) any other data contained in the  
13 database; and

14          (B) considering the requirements in sub-  
15 section (b), evaluate the consistency and accu-  
16 racy of data involving accidents or incidents re-  
17 portable to both the Pipeline and Hazardous  
18 Materials Safety Administration and the Fed-  
19 eral Railroad Administration, including whether  
20 the Incident Reports Database uses a search-  
21 able identifier described in subsection (b)(2).

22          (2) REPORT.—Not later than 18 months after  
23 the date of enactment of this Act, the Inspector  
24 General of the Department of Transportation shall  
25 submit to the Committee on Commerce, Science, and

1 Transportation of the Senate and the Committee on  
 2 Transportation and Infrastructure of the House of  
 3 Representatives a report of the findings under sub-  
 4 paragraphs (A) and (B) of paragraph (1) and rec-  
 5 ommendations for resolving any inconsistencies or  
 6 inaccuracies.

7 (d) SAVINGS CLAUSE.—Nothing in this section may  
 8 be construed to prohibit the Secretary from requiring  
 9 other commodity-specific information for any reportable  
 10 rail equipment accident or incident under part 225 of title  
 11 49, Code of Federal Regulations.

12 **SEC. 3104. HAZARDOUS MATERIALS TRAINING REQUIRE-**  
 13 **MENTS AND GRANTS.**

14 Section 5107(e) is amended to read as follows:

15 “(e) TRAINING GRANTS.—

16 “(1) IN GENERAL.—Subject to the availability  
 17 of funds under section 5128(e), the Secretary shall  
 18 make grants under this subsection—

19 “(A) for training instructors to train—

20 “(i) hazmat employees;

21 “(ii) employees who enforce the haz-  
 22 arduous materials regulations;

23 “(iii) employees who respond to haz-  
 24 arduous materials incidents; or

1           “(iv) a combination of the employees  
2           described in clauses (i) through (iii); and

3           “(B) to the extent the Secretary considers  
4           appropriate, for such instructors to train—

5           “(i) hazmat employees;

6           “(ii) employees who enforce the haz-  
7           ardous materials regulations;

8           “(iii) employees who respond to haz-  
9           ardous materials incidents; or

10          “(iv) a combination of the employees  
11          described in clauses (i) through (iii).

12          “(2) ELIGIBILITY.—Grants under this sub-  
13          section shall be made on a competitive basis to orga-  
14          nizations that—

15          “(A) train on a not-for-profit basis—

16          “(i) hazmat employees;

17          “(ii) employees who enforce the haz-  
18          ardous materials regulations;

19          “(iii) employees who respond to haz-  
20          ardous materials incidents; or

21          “(iv) a combination of the employees  
22          described in clauses (i) through (iii); and

23          “(B) demonstrate—

24          “(i) expertise in conducting a training  
25          program for 1 or more of the groups of

1 employees described in clauses (i) through  
 2 (iii) of subparagraph (A); and  
 3 “(ii) the ability to reach and involve in  
 4 a training program a target population of  
 5 1 or more of the groups of employees de-  
 6 scribed in clauses (i) through (iii) of sub-  
 7 paragraph (A).”.

8 **SEC. 3105. NATIONAL EMERGENCY AND DISASTER RE-**  
 9 **SPONSE.**

10 (a) **PURPOSE.**—Section 5101 is amended by inserting  
 11 and “and to facilitate the safe movement of hazardous ma-  
 12 terials during national emergencies” after “commerce”.

13 (b) **GENERAL REGULATORY AUTHORITY.**—Section  
 14 5103 is amended—

15 (1) by redesignating subsections (c) and (d) as  
 16 subsections (d) and (e), respectively; and

17 (2) by inserting after subsection (b) the fol-  
 18 lowing:

19 “(c) **FEDERALLY DECLARED DISASTER AND EMER-**  
 20 **GENCY AREAS.**—The Secretary, in consultation with the  
 21 Secretary of Homeland Security, may prescribe standards  
 22 to facilitate the safe movement of hazardous materials  
 23 into, from, and within a federally declared disaster area  
 24 or a national emergency area.”.

1 **SEC. 3106. AUTHORIZATION OF APPROPRIATIONS.**

2 Section 5128 is amended to read as follows:

3 **“§ 5128. Authorization of appropriations**4 “(a) **IN GENERAL.**—There are authorized to be ap-  
5 propriated to the Secretary to carry out this chapter (ex-  
6 cept sections 5107(e), 5108(g)(2), 5113, 5115, 5116, and  
7 5119)—

8 “(1) \$42,762,000 for fiscal year 2016;

9 “(2) \$43,660,000 for fiscal year 2017;

10 “(3) \$44,577,000 for fiscal year 2018;

11 “(4) \$46,469,000 for fiscal year 2019;

12 “(5) \$47,445,000 for fiscal year 2020; and

13 “(6) \$48,441,000 for fiscal year 2021.

14 “(b) **HAZARDOUS MATERIALS EMERGENCY PRE-**  
15 **PAREDNESS FUND.**—From the Hazardous Materials  
16 Emergency Preparedness Fund established under section  
17 5116(i), the Secretary may expend, during each of fiscal  
18 years 2016 through 2021—

19 “(1) \$188,000 to carry out section 5115;

20 “(2) \$21,800,000 to carry out subsections (a)  
21 and (b) of section 5116, of which not less than  
22 \$13,650,000 shall be available to carry out section  
23 5116(b);

24 “(3) \$150,000 to carry out section 5116(f);

1           “(4) \$625,000 to publish and distribute the  
2       Emergency Response Guidebook under section  
3       5116(i)(3); and

4           “(5) \$1,000,000 to carry out section 5116(j).

5       “(e) HAZARDOUS MATERIALS TRAINING GRANTS.—

6       From the Hazardous Materials Emergency Preparedness  
7       Fund established pursuant to section 5116(i), the Sec-  
8       retary may expend \$4,000,000 for each of the fiscal years  
9       2016 through 2021 to carry out section 5107(e).

10       “(d) CREDITS TO APPROPRIATIONS.—

11           “(1) EXPENSES.—In addition to amounts oth-  
12       erwise made available to carry out this chapter, the  
13       Secretary may credit amounts received from a State,  
14       Indian tribe, or other public authority or private en-  
15       tity for expenses the Secretary incurs in providing  
16       training to the State, authority, or entity.

17           “(2) AVAILABILITY OF AMOUNTS.—Amounts  
18       made available under this section shall remain avail-  
19       able until expended.”.



1 **TITLE IV—HIGHWAY AND MOTOR**  
 2 **VEHICLE SAFETY**

3 **Subtitle A—Highway Traffic Safety**

4 **PART I—HIGHWAY SAFETY**

5 **SEC. 4101. AUTHORIZATION OF APPROPRIATIONS.**

6 (a) IN GENERAL.—The following sums are author-  
 7 ized to be appropriated out of the Highway Trust Fund  
 8 (other than the Mass Transit Account):

9 (1) HIGHWAY SAFETY PROGRAMS.—For ear-  
 10 rying out section 402 of title 23, United States  
 11 Code—

- 12 (A) \$243,526,500 for fiscal year 2016;  
 13 (B) \$252,267,972 for fiscal year 2017;  
 14 (C) \$261,229,288 for fiscal year 2018;  
 15 (D) \$270,415,429 for fiscal year 2019;  
 16 (E) \$279,831,482 for fiscal year 2020; and  
 17 (F) \$289,482,646 for fiscal year 2021.

18 (2) HIGHWAY SAFETY RESEARCH AND DEVEL-  
 19 OPMENT.—For carrying out section 403 of title 23,  
 20 United States Code—

- 21 (A) \$137,835,000 for fiscal year 2016;  
 22 (B) \$140,729,535 for fiscal year 2017;  
 23 (C) \$143,684,855 for fiscal year 2018;  
 24 (D) \$146,702,237 for fiscal year 2019;  
 25 (E) \$149,782,984 for fiscal year 2020; and

1           (F) \$152,928,427 for fiscal year 2021.

2           (3) NATIONAL PRIORITY SAFETY PROGRAMS.—

3 For carrying out section 405 of title 23, United

4 States Code—

5           (A) \$274,720,000 for fiscal year 2016;

6           (B) \$277,467,200 for fiscal year 2017;

7           (C) \$280,241,872 for fiscal year 2018;

8           (D) \$283,044,291 for fiscal year 2019;

9           (E) \$285,874,734 for fiscal year 2020; and

10          (F) \$288,733,481 for fiscal year 2021.

11          (4) NATIONAL DRIVER REGISTER.—For the Na-

12 tional Highway Traffic Safety Administration to

13 carry out chapter 303 of title 49, United States

14 Code—

15          (A) \$3,573,500 for fiscal year 2016;

16          (B) \$3,648,544 for fiscal year 2017;

17          (C) \$3,725,163 for fiscal year 2018;

18          (D) \$3,803,391 for fiscal year 2019;

19          (E) \$3,883,263 for fiscal year 2020; and

20          (F) \$3,964,811 for fiscal year 2021.

21          (5) HIGH VISIBILITY ENFORCEMENT PRO-

22 GRAM.—For carrying out section 2009 of

23 SAFETEA-LU (23 U.S.C. 402 note)—

24          (A) \$29,290,000 for fiscal year 2016;

25          (B) \$29,582,900 for fiscal year 2017;

- 1           (C) \$29,878,729 for fiscal year 2018;  
 2           (D) \$30,177,516 for fiscal year 2019;  
 3           (E) \$30,479,291 for fiscal year 2020; and  
 4           (F) \$30,784,084 for fiscal year 2021.

5           (6) ADMINISTRATIVE EXPENSES.—For adminis-  
 6           trative and related operating expenses of the Na-  
 7           tional Highway Traffic Safety Administration in car-  
 8           rying out chapter 4 of title 23, United States Code,  
 9           and this subtitle—

- 10           (A) \$25,755,000 for fiscal year 2016;  
 11           (B) \$26,012,550 for fiscal year 2017;  
 12           (C) \$26,272,676 for fiscal year 2018;  
 13           (D) \$26,535,402 for fiscal year 2019;  
 14           (E) \$26,800,756 for fiscal year 2020; and  
 15           (F) \$27,068,764 for fiscal year 2021.

16           (b) PROHIBITION ON OTHER USES.—Except as oth-  
 17           erwise provided in chapter 4 of title 23, United States  
 18           Code, in this subtitle, and in the amendments made by  
 19           this subtitle, the amounts made available from the High-  
 20           way Trust Fund (other than the Mass Transit Account)  
 21           for a program under such chapter—

22           (1) shall only be used to carry out such pro-  
 23           gram; and

24           (2) may not be used by States or local govern-  
 25           ments for construction purposes.

1       (c) **APPLICABILITY OF TITLE 23.**—Except as other-  
2 wise provided in chapter 4 of title 23, United States Code,  
3 and in this subtitle, amounts made available under sub-  
4 section (a) for fiscal years 2016 through 2021 shall be  
5 available for obligation in the same manner as if such  
6 funds were apportioned under chapter 1 of title 23, United  
7 States Code.

8       (d) **REGULATORY AUTHORITY.**—Grants awarded  
9 under this subtitle shall be in accordance with regulations  
10 issued by the Secretary.

11       (e) **STATE MATCHING REQUIREMENTS.**—If a grant  
12 awarded under this subtitle requires a State to share in  
13 the cost, the aggregate of all expenditures for highway  
14 safety activities made during any fiscal year by the State  
15 and its political subdivisions (exclusive of Federal funds)  
16 for carrying out the grant (other than planning and ad-  
17 ministration) shall be available for the purpose of crediting  
18 the State during such fiscal year for the non-Federal share  
19 of the cost of any project under this subtitle (other than  
20 planning or administration) without regard to whether  
21 such expenditures were actually made in connection with  
22 such project.

23       (f) **GRANT APPLICATION AND DEADLINE.**—To re-  
24 ceive a grant under this subtitle, a State shall submit an  
25 application, and the Secretary shall establish a single

1 deadline for such applications to enable the award of  
2 grants early in the next fiscal year.

3 (g) TRANSFERS.—Section 405(a)(1)(G) of title 23,  
4 United States Code, is amended to read as follows:

5 “(G) TRANSFERS.—Notwithstanding sub-  
6 paragraphs (A) through (F), the Secretary shall  
7 reallocate, before the last day of any fiscal year,  
8 any amounts remaining available of the  
9 amounts allocated to carry out any of the ac-  
10 tivities described in subsections (b) through (g)  
11 to increase the amount made available to carry  
12 out section 402, in order to ensure, to the max-  
13 imum extent possible, that all such amounts are  
14 obligated during such fiscal year.”.

15 **SEC. 4102. HIGHWAY SAFETY PROGRAMS.**

16 (a) RESTRICTION.—Section 402(g) of title 23, United  
17 States Code, is amended to read as follows:

18 “(g) RESTRICTION.—Nothing in this section may be  
19 construed to authorize the appropriation or expenditure  
20 of funds for highway construction, maintenance, or design  
21 (other than design of safety features of highways to be  
22 incorporated into guidelines).”.

23 (b) USE OF FUNDS.—

24 (1) HIGHWAY SAFETY PROGRAMS.—Section  
25 402(e) of title 23, United States Code, is amended

1 by inserting “A State may transfer the funds appor-  
2 tioned under this section to a political subdivision of  
3 a State, including Indian tribal governments.” after  
4 “neighboring States.”.

5 (2) NATIONAL PRIORITY SAFETY PROGRAMS.—

6 Section 405(a)(1) is amended by adding at the end  
7 the following:

8 “(I) POLITICAL SUBDIVISIONS.—A State  
9 may transfer the funds apportioned under this  
10 section to a political subdivision of a State, in-  
11 cluding Indian tribal governments.”.

12 (c) TRACKING PROCESS.—Section 412 of title 23,  
13 United States Code, is amended by adding at the end the  
14 following:

15 “(f) TRACKING PROCESS.—The Secretary shall de-  
16 velop a process to identify and mitigate possible systemic  
17 issues across States and regional offices by reviewing over-  
18 sight findings and recommended actions identified in tri-  
19 ennial State management reviews.”.

20 (d) HIGHWAY SAFETY PLANS.—Section  
21 402(k)(5)(A) of title 23, United States Code, is amended  
22 by striking “60” and inserting “30”.

23 (e) MAINTENANCE OF EFFORT.—Section  
24 405(a)(1)(H) of title 23, United States Code, is amended  
25 to read as follows:

1           “(H) MAINTENANCE OF EFFORT CERTIFI-  
 2           CATION.—As part of the grant application re-  
 3           quired in section 402(k)(3)(F), a State receiv-  
 4           ing a grant in any fiscal year under subsection  
 5           (b), subsection (c), or subsection (d) of this sec-  
 6           tion shall provide certification that the lead  
 7           State agency responsible for programs described  
 8           in any of those sections is maintaining expendi-  
 9           tures at or above the average level of such ex-  
 10          penditures in the 2 fiscal years prior to the date  
 11          of enactment of the Comprehensive Transpor-  
 12          tation and Consumer Protection Act of 2015.”.

13 **SEC. 4103. GRANTS FOR ALCOHOL-IGNITION INTERLOCK**  
 14 **LAWS AND 24-7 SOBRIETY PROGRAMS.**

15          Section 405(d) of title 23, United States Code, is  
 16 amended—

17           (1) in paragraph (6)—

18           (A) by amending the heading to read as  
 19 follows: “GRANTS TO STATES FOR ALCOHOL-IG-  
 20 NITION INTERLOCK LAWS AND 24-7 SOBRIETY  
 21 PROGRAMS.—”; and

22           (B) by amending subparagraph (A) to read  
 23 as follows:

24           “(A) ALCOHOL-IGNITION INTERLOCK LAWS  
 25           AND 24-7 SOBRIETY PROGRAMS.—

1           “(i) IN GENERAL.—The Secretary  
2 shall make a separate grant under this  
3 subsection to each State that—

4           “(I) adopts and is enforcing a  
5 law that requires all individuals con-  
6 victed of driving under the influence  
7 of alcohol or of driving while intoxi-  
8 cated to receive a restriction on driv-  
9 ing privileges; and

10          “(II) either—

11           “(aa) except as provided  
12 under clause (ii); adopts and is  
13 enforcing a mandatory alcohol-ig-  
14 nition interlock law for all indi-  
15 viduals convicted of driving under  
16 the influence of alcohol or of  
17 driving while intoxicated; or

18           “(bb) provides a 24–7 sobri-  
19 ety program.

20          “(ii) EXCEPTIONS.—A State alcohol-  
21 ignition interlock law under clause  
22 (i)(II)(aa) may include exceptions for the  
23 following circumstances:

24           “(I) The individual is required to  
25 operate an employer’s motor vehicle in



1 the course and scope of employment  
 2 and the business entity that owns the  
 3 vehicle is not owned or controlled by  
 4 the individual.

5 “(II) The individual is certified  
 6 by a medical doctor as being unable to  
 7 provide a deep lung breath sample for  
 8 analysis by an ignition interlock de-  
 9 vice.”;

10 (2) in paragraph (7)(A)—

11 (A) in the matter preceding clause (i)—

12 (i) by striking “or a State agency”  
 13 and inserting “or an agency with jurisdic-  
 14 tion”;

15 (ii) by inserting “bond,” before “sen-  
 16 tence”;

17 (B) in clause (i), by striking “who plead  
 18 guilty or” and inserting “who was arrested,  
 19 plead guilty, or”;

20 (C) in clause (ii), by inserting “at an in-  
 21 person testing location” after “per day”;

22 (3) in paragraph (1)(A), by adding “, including  
 23 24–7 sobriety programs” after “and drugs”.

1 **SEC. 4104. STUDY ON THE NATIONAL ROADSIDE SURVEY OF**  
 2 **ALCOHOL AND DRUG USE BY DRIVERS.**

3 Not later than 180 days after the date that the  
 4 Comptroller General reviews and reports on the overall  
 5 value of the National Roadside Survey to researchers and  
 6 other public safety stakeholders; the differences between  
 7 a National Roadside Survey site and typical law enforce-  
 8 ment checkpoints; and the effectiveness of the National  
 9 Roadside Survey methodology at protecting the privacy of  
 10 the driving public, as requested by the Committee on Ap-  
 11 propriations of the Senate on June 5, 2014 (Senate Re-  
 12 port 113–182), the Secretary shall report to Congress on  
 13 the National Highway Traffic Safety Administration’s  
 14 progress toward reviewing that report and implementing  
 15 any recommendations made in that report.

16 **PART II—STOP MOTORCYCLE CHECKPOINT**  
 17 **FUNDING ACT**

18 **SEC. 4121. SHORT TITLE.**

19 This part may be cited as the “Stop Motorcycle  
 20 Checkpoint Funding Act”.

21 **SEC. 4122. GRANT RESTRICTION.**

22 Notwithstanding section 153 of title 23, United  
 23 States Code, the Secretary may not provide a grant or  
 24 any funds to a State, county, town, township, Indian tribe,  
 25 municipality, or other local government that may be used  
 26 for any program—



1           ~~(3)~~ in paragraph ~~(3)~~—

2                   ~~(A)~~ by striking subparagraph ~~(C)~~;

3                   ~~(B)~~ by redesignating subparagraph ~~(D)~~ as  
4 subparagraph ~~(C)~~;

5                   ~~(C)~~ in subparagraph ~~(C)~~(ii), as redesign-  
6 nated, by striking the period at the end and in-  
7 serting “; and”; and

8                   ~~(D)~~ by adding at the end the following:

9                   “~~(D)~~ does not provide for an exception  
10 that specifically allows a driver younger than 18  
11 years of age to use a personal wireless commu-  
12 nication device while stopped in traffic.”;

13           ~~(4)~~ in paragraph ~~(4)~~(C), by striking “section  
14 31152” and inserting “section 31136”;

15           ~~(5)~~ by amending paragraph ~~(6)~~ to read as fol-  
16 lows:

17                   “~~(6)~~    ADDITIONAL    DISTRACTED    DRIVING  
18 GRANTS.—

19                   “~~(A)~~ IN GENERAL.—Notwithstanding para-  
20 graph ~~(1)~~, the Secretary shall use up to 50 per-  
21 cent of the amounts available for grants under  
22 this subsection to award grants to any State  
23 that—

24                   “~~(i)~~ in fiscal years 2017 and 2018—

1           “(I) certifies that it has enacted  
2 a basic text messaging statute that—

3           “(aa) is applicable to drivers  
4 of all ages; and

5           “(bb) makes violation of the  
6 basic text messaging statute a  
7 primary offense or secondary en-  
8 forcement action as allowed by  
9 State statute; and

10          “(H) is otherwise ineligible for a  
11 grant under this subsection; and

12          “(ii) in fiscal years 2019 through  
13 2021—

14           “(I) meets the requirements  
15 under clause (i);

16           “(H) imposes increased fines for  
17 repeat violations; and

18           “(III) has a statute that pro-  
19 hibits drivers who are younger than  
20 18 years of age from using a personal  
21 wireless communications device while  
22 driving.

23          “(B) USE OF GRANT FUNDS.—

24           “(i) IN GENERAL.—Notwithstanding  
25 paragraph (5) and subject to clauses (ii)

1 and (iii) of this subparagraph, amounts re-  
 2 ceived by a State under subparagraph (A)  
 3 may be used for activities related to the  
 4 enforcement of distracted driving laws, in-  
 5 cluding for public information and aware-  
 6 ness purposes.

7 “(ii) FISCAL YEARS 2017 AND 2018.—  
 8 In fiscal years 2017 and 2018, up to 15  
 9 percent of the amounts received by a State  
 10 under subparagraph (A) may be used for  
 11 any eligible project or activity under sec-  
 12 tion 402.

13 “(iii) FISCAL YEAR 2019 THROUGH  
 14 2021.—In fiscal year 2019 through 2021,  
 15 up to 25 percent of the amounts received  
 16 by a State under subparagraph (A) may be  
 17 used for any eligible project or activity  
 18 under section 402.”; and

19 (6) in paragraph (9)(A)(i), by striking “, in-  
 20 cluding operation while temporarily stationary be-  
 21 cause of traffic, a traffic light or stop sign, or other-  
 22 wise”.

23 **SEC. 4133. BARRIERS TO DATA COLLECTION REPORT.**

24 Not later than 180 days after the date of the enact-  
 25 ment of this Act, the National Highway Traffic Safety Ad-

1 ministration shall submit a report to the Committee on  
 2 Commerce, Science, and Transportation of the Senate, the  
 3 Committee on Energy and Commerce of the House of  
 4 Representatives, and the Committee on Transportation  
 5 and Infrastructure of the House of Representatives that—

6           (1) identifies any legal and technical barriers to  
 7 capturing adequate data on the prevalence of the use  
 8 of wireless communications devices while driving;  
 9 and

10           (2) provides recommendations on how to ad-  
 11 dress such barriers.

## 12           **PART IV—TECHNICAL AND CONFORMING**

### 13                                   **AMENDMENTS**

#### 14           **SEC. 4141. TECHNICAL CORRECTIONS TO THE MOTOR VEHI-** 15                                   **CLE AND HIGHWAY SAFETY IMPROVEMENT** 16                                   **ACT OF 2012.**

17           (a) HIGHWAY SAFETY PROGRAMS.—Section 402 of  
 18 title 23, United States Code, is amended—

19                   (1) in subsection (b)(1)(C), by striking “except  
 20 as provided in paragraph (3),”;

21                   (2) in subsection (b)(1)(E)—

22                                   (A) by striking “in which a State” and in-  
 23 serting “for which a State”; and

24                                   (B) by striking “subsection (f)” and insert-  
 25 ing “subsection (k)”; and

1           (3) in subsection (k)(4), by striking “paragraph  
2           (2)(A)” and inserting “paragraph (3)(A)”.

3           (b) HIGHWAY SAFETY RESEARCH AND DEVELOP-  
4           MENT.—Section 403(e) of title 23, United States Code,  
5           is amended by inserting “of title 49” after “chapter 301”.

6           (c) NATIONAL PRIORITY SAFETY PROGRAMS.—Sec-  
7           tion 405 of title 23, United States Code, is amended—  
8           (1) in subsection (d)(5), by striking “section  
9           402(e)” and inserting “section 402”; and  
10          (2) in subsection (f)(4)(A)(iv), by striking “de-  
11          veloped under subsection (g)”.

## 12           **Subtitle B—Vehicle Safety**

### 13           **SEC. 4201. AUTHORIZATION OF APPROPRIATIONS.**

14           There are authorized to be appropriated to the Sec-  
15           retary to carry out chapter 301 of title 49, and part C  
16           of subtitle VI of title 49, United States Code—

- 17           (1) \$132,730,000 for fiscal year 2016;
- 18           (2) \$135,517,330 for fiscal year 2017;
- 19           (3) \$138,363,194 for fiscal year 2018;
- 20           (4) \$141,268,821 for fiscal year 2019;
- 21           (5) \$144,235,466 for fiscal year 2020; and
- 22           (6) \$147,264,411 for fiscal year 2021.

### 23           **SEC. 4202. INSPECTOR GENERAL RECOMMENDATIONS.**

24           (a) IN GENERAL.—Not later than 90 days after the  
25           date of enactment of this Act, and periodically thereafter



1 until the completion date, the Department of Transpor-  
2 tation Inspector General shall report to the appropriate  
3 committees of Congress on whether and what progress has  
4 been made to implement the recommendations in the Of-  
5 fice of Inspector General Audit Report issued June 18,  
6 2015 (ST-2015-063).

7 (b) IMPLEMENTATION PROGRESS.—The Adminis-  
8 trator of the National Highway Traffic Safety Administra-  
9 tion shall—

10 (1) not later than 90 days after the date of en-  
11 actment of this Act, and periodically thereafter until  
12 the completion date, provide a briefing to the appro-  
13 priate committees of Congress on the actions the  
14 Administrator has taken to implement the rec-  
15 ommendations in the audit report described in sub-  
16 section (a), including a plan for implementing any  
17 remaining recommendations; and

18 (2) not later than 1 year after the date of en-  
19 actment of this Act, issue a final report to the ap-  
20 propriate committees of Congress on the implemen-  
21 tation of all of the recommendations in the audit re-  
22 port described in subsection (a).

23 (c) DEFINITIONS.—In this section:

24 (1) APPROPRIATE COMMITTEES OF CON-  
25 GRESS.—The term “appropriate committees of Con-

gress” means the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives.

(2) COMPLETION DATE.—The term “completion date” means the date that the National Highway Traffic Safety Administration has implemented all of the recommendations in the Office of Inspector General Audit Report issued June 18, 2015 (ST-2015-063).

**SEC. 4203. IMPROVEMENTS IN AVAILABILITY OF RECALL INFORMATION.**

(a) VEHICLE RECALL INFORMATION.—Not later than 2 years after the date of enactment of this Act, the Secretary shall implement current information technology, web design trends, and best practices that will help ensure that motor vehicle safety recall information available to the public on the Federal website is readily accessible and easy to use, including—

(1) by improving the organization, availability, readability, and functionality of the website;

(2) by accommodating high-traffic volume; and

(3) by establishing best practices for scheduling routine website maintenance.

1 (b) GOVERNMENT ACCOUNTABILITY OFFICE PUBLIC  
2 AWARENESS REPORT.—

3 (1) IN GENERAL.—The Comptroller General  
4 shall study the current use by consumers, dealers,  
5 and manufacturers of the safety recall information  
6 made available to the public, including the usability  
7 and content of the Federal and manufacturers'  
8 websites and the National Highway Traffic Safety  
9 Administration's efforts to publicize and educate  
10 consumers about safety recall information.

11 (2) REPORT.—Not later than 2 years after the  
12 date of enactment of this Act, the Comptroller Gen-  
13 eral shall issue a report with the findings of the  
14 study under paragraph (1), including recommending  
15 any actions the Secretary can take to improve public  
16 awareness and use of the websites for safety recall  
17 information.

18 (c) PROMOTION OF PUBLIC AWARENESS.—Section  
19 31301(c) of the Moving Ahead for Progress in the 21st  
20 Century Act (49 U.S.C. 30166 note) is amended to read  
21 as follows:

22 “(c) PROMOTION OF PUBLIC AWARENESS.—The Sec-  
23 retary shall improve public awareness of safety recall in-  
24 formation made publicly available by periodically updating  
25 the method of conveying that information to consumers;

1 dealers, and manufacturers, such as through public service  
2 announcements.”.

3 (d) CONSUMER GUIDANCE.—Not later than 1 year  
4 after the date of enactment of this Act, the Secretary shall  
5 make available to the public on the Internet detailed guid-  
6 ance for consumers submitting safety complaints, includ-  
7 ing—

8 (1) a detailed explanation of what information  
9 a consumer should include in a complaint; and

10 (2) a detailed explanation of the possible ac-  
11 tions the National Highway Traffic Safety Adminis-  
12 tration can take to address a complaint and respond  
13 to the consumer, including information on—

14 (A) the consumer records, such as photo-  
15 graphs and police reports, that could assist with  
16 an investigation; and

17 (B) the length of time a consumer should  
18 retain the records described in subparagraph

19 (A).

20 (e) VIN SEARCH.—

21 (1) IN GENERAL.—The Secretary, in coordina-  
22 tion with industry, including manufacturers and  
23 dealers, shall study—

24 (A) the feasibility of searching multiple ve-  
25 hicle identification numbers at a time to re-

1 retrieve motor vehicle safety recall information;  
2 and

3 (B) the feasibility of making the search  
4 mechanism described under subparagraph (A)  
5 publicly available.

6 (2) CONSIDERATIONS.—In conducting the study  
7 under paragraph (1), the Secretary shall consider  
8 the potential costs, and potential risks to privacy  
9 and security in implementing such a search mecha-  
10 nism.

11 **SEC. 4204. RECALL PROCESS.**

12 (a) NOTIFICATION BY MANUFACTURER.—Section  
13 30118(e) is amended by inserting “or electronic mail”  
14 after “certified mail”.

15 (b) RECALL COMPLETION RATES REPORT.—

16 (1) IN GENERAL.—Not later than 1 year after  
17 the date of enactment of this Act, and biennially  
18 thereafter for 4 years, the Secretary shall—

19 (A) conduct an analysis of vehicle safety  
20 recall completion rates to assess potential ac-  
21 tions by the National Highway Traffic Safety  
22 Administration to improve vehicle safety recall  
23 completion rates; and

24 (B) submit to the Committee on Com-  
25 merce, Science, and Transportation of the Sen-

1           ate and the Committee on Energy and Com-  
2           merce of the House of Representatives a report  
3           on the results of the analysis.

4           (2) CONTENTS.—Each report shall include—

5                   (A) the annual recall completion rate by  
6                   manufacturer, component (such as brakes, fuel  
7                   systems, and air bags), and vehicle type (pas-  
8                   senger car, sport utility vehicle, passenger van,  
9                   and pick-up truck) for each of the 5 years be-  
10                  fore the year the report is submitted;

11                   (B) the methods by which the Secretary  
12                   has conducted analyses of these recall comple-  
13                   tion rates to determine trends and identify risk  
14                   factors associated with lower recall rates; and

15                   (C) the actions the Secretary has planned  
16                   to improve recall completion rates based on the  
17                   results of this data analysis.

18           (3) INSPECTOR GENERAL AUDIT OF VEHICLE  
19           RECALLS.—

20                   (A) IN GENERAL.—The Department of  
21                   Transportation Inspector General shall conduct  
22                   an audit of the National Highway Traffic Safe-  
23                   ty Administration's management of vehicle safe-  
24                   ty recalls.

1           (B) ~~CONTENTS.~~—The audit shall include a  
 2           determination of whether the National Highway  
 3           Traffic Safety Administration—

4                   (i) appropriately monitors recalls to  
 5                   ensure the appropriateness of scope and  
 6                   adequacy of recall completion rates and  
 7                   remedies;

8                   (ii) ensures manufacturers provide  
 9                   safe remedies, at no cost to consumers;

10                  (iii) is capable of coordinating recall  
 11                  remedies and processes; and

12                  (iv) can improve its policy on con-  
 13                  sumer notice to combat effects of recall fa-  
 14                  tigue.

15 **SEC. 4205. PILOT GRANT PROGRAM FOR STATE NOTIFICA-**  
 16 **TION TO CONSUMERS OF MOTOR VEHICLE**  
 17 **RECALL STATUS.**

18           (a) ~~IN GENERAL.~~—Not later than October 1, 2016,  
 19 the Secretary shall implement a 2-year pilot program to  
 20 evaluate the feasibility and effectiveness of a State process  
 21 for informing consumers of open motor vehicle recalls at  
 22 the time of motor vehicle registration in the State.

23           (b) ~~GRANTS.~~—To carry out this program, the Sec-  
 24 retary may make a grant to each eligible State, but not  
 25 more than 6 eligible States in total, that agrees to comply

1 with the requirements under subsection (c). Funds made  
2 available to a State under this section shall be used by  
3 the State for the pilot program described in subsection (a).

4 (c) ELIGIBILITY.—To be eligible for a grant, a State  
5 shall—

6 (1) submit an application in such form and  
7 manner as the Secretary prescribes;

8 (2) agree to notify, at the time of registration,  
9 each owner or lessee of a motor vehicle presented for  
10 registration in the State of any open recall on that  
11 vehicle;

12 (3) provide the open motor vehicle recall infor-  
13 mation at no cost to each owner or lessee of a motor  
14 vehicle presented for registration in the State; and

15 (4) provide such other information as the Sec-  
16 retary may require.

17 (d) AWARDS.—In selecting an applicant for an award  
18 under this section, the Secretary shall consider the State's  
19 methodology for determining open recalls on a motor vehi-  
20 cle, for informing consumers of the open recalls, and for  
21 determining performance.

22 (e) PERFORMANCE PERIOD.—Each grant awarded  
23 under this section shall require a 2-year performance pe-  
24 riod.



1       (f) REPORT.—Not later than 90 days after the com-  
2 pletion of the performance period under subsection (e), a  
3 grantee shall provide to the Secretary a report of perform-  
4 ance containing such information as the Secretary con-  
5 siders necessary to evaluate the extent to which open re-  
6 calls have been remedied.

7       (g) EVALUATION.—Not later than 180 days after the  
8 completion of the pilot program, the Secretary shall evalu-  
9 ate the extent to which open recalls identified have been  
10 remedied.

11       (h) DEFINITIONS.—In this section:

12           (1) CONSUMER.—The term “consumer” in-  
13 cludes owner and lessee.

14           (2) MOTOR VEHICLE.—The term “motor vehi-  
15 cle” has the meaning given the term under section  
16 30102(a) of title 49, United States Code.

17           (3) OPEN RECALL.—The term “open recall”  
18 means a recall for which a notification by a manu-  
19 facturer has been provided under section 30119 of  
20 title 49, United States Code, and that has not been  
21 remedied under section 30120 of that title.

22           (4) REGISTRATION.—The term “registration”  
23 means the process for registering motor vehicles in  
24 the State.



1           “(2) DEFINITION OF OPEN RECALL.—In this  
2 subsection, the term ‘open recall’ means a recall for  
3 which a notification by a manufacturer has been  
4 provided under section 30119 and that has not been  
5 remedied under this section.”.

6 **SEC. 4208. EXTENSION OF TIME PERIOD FOR REMEDY OF**  
7 **TIRE DEFECTS.**

8 Section 30120(b) of title 49, United States Code, is  
9 amended—

10           (1) in paragraph (1), by striking “60 days” and  
11 inserting “180 days”; and

12           (2) in paragraph (2), by striking “60-day” each  
13 place it appears and inserting “180-day”.

14 **SEC. 4209. RENTAL CAR SAFETY.**

15           (a) IN GENERAL.—Section 30120 of title 49, United  
16 States Code, is amended by adding at the end the fol-  
17 lowing:

18           “(k) LIMITATION ON RENTAL OF DEFECTIVE OR  
19 NONCOMPLYING MOTOR VEHICLES.—

20           “(1) IN GENERAL.—After receiving notification  
21 under section 30119 of a defective or noncomplying  
22 motor vehicle or replacement equipment in the rental  
23 company’s possession at the time of notification, a  
24 rental company may rent that motor vehicle only  
25 if—

1           “(A) the defect or noncompliance is rem-  
2           edied, as required by this section, before deliv-  
3           ery under the rental agreement;

4           “(B) except as provided in paragraph (2),  
5           the rental company notifies each renter in writ-  
6           ing prior to acceptance of the rental agree-  
7           ment—

8                   “(i) of the defect or noncompliance;  
9                   and

10                   “(ii) if the notification provided under  
11                   section 30119 indicates that the remedy  
12                   for the defect or noncompliance is not im-  
13                   mediately available and specifies an action  
14                   to temporarily alter the vehicle that would  
15                   eliminate the safety risk posed by the de-  
16                   fect or noncompliance, whether that action  
17                   was performed; or

18           “(C) if the notification is required by an  
19           order under section 30118(b), enforcement of  
20           the order is restrained or the order is set aside  
21           in a civil action to which section 30121(d) of  
22           this title applies.

23           “(2) PROCEDURES FOR NOTIFICATION DURING  
24           DURATION OF RENTAL AGREEMENTS.—If a rental  
25           company receives notification of a defective or non-

1 complying motor vehicle or replacement equipment  
2 under section 30119 during the duration of a rental  
3 agreement, the rental company shall notify each  
4 renter, as soon as practicable, but not later than 24  
5 hours after the date the rental company received the  
6 notification under section 30119.

7 “(3) CONSTRUCTION.—Nothing in this sub-  
8 section may be construed to prohibit a rental com-  
9 pany from offering a motor vehicle for rent.

10 “(4) DEFINITION OF RENTAL COMPANY.—In  
11 this subsection, the term ‘rental company’ means a  
12 person who is engaged in the business of renting a  
13 motor vehicle that—

14 “(A) has a gross vehicle weight rating of  
15 10,000 pounds or less;

16 “(B) is rented without a driver for an ini-  
17 tial term of less than 4 months; and

18 “(C) is part of a motor vehicle fleet of 5  
19 or more motor vehicles that are used for rental  
20 purposes.”.

21 (b) EFFECTIVE DATE.—The amendment made by  
22 subsection (a) shall take effect 1 year after the date of  
23 enactment of this Act.

1 **SEC. 4210. MOTOR VEHICLE EQUIPMENT.**

2 Section 30102(7)(C) of title 49, United States Code,  
3 is amended by inserting “, excluding portable wireless  
4 communications devices and associated applications and  
5 software used with such devices, which do not operate or  
6 control a critical or primary system, part, or component  
7 of a motor vehicle,” after “device”.

8 **SEC. 4211. TRANSFER TO HIGHWAY TRUST FUND OF CER-**  
9 **TAIN MOTOR VEHICLE SAFETY PENALTIES.**

10 (a) IN GENERAL.—Paragraph (5) of section 9503(b)  
11 of the Internal Revenue Code of 1986 is amended—

12 (1) by striking “There are hereby” and insert-  
13 ing the following:

14 “(A) IN GENERAL.—There are hereby”,  
15 and

16 (2) by adding at the end the following:

17 “(B) PENALTIES RELATED TO MOTOR VE-  
18 HICLE SAFETY.—

19 “(i) IN GENERAL.—There are hereby  
20 appropriated to the Highway Trust Fund  
21 amounts equivalent to covered motor vehi-  
22 cle safety penalty collections.

23 “(ii) COVERED MOTOR VEHICLE SAFE-  
24 TY PENALTY COLLECTIONS.—For purposes  
25 of this subparagraph, the term ‘covered  
26 motor vehicle safety penalty collections’

1 means any amount collected in connection  
2 with a civil penalty under section 30165 of  
3 title 49, United States Code, reduced by  
4 any award authorized by the Secretary of  
5 Transportation to be paid to any person in  
6 connection with information provided by  
7 such person related to a violation of chap-  
8 ter 301 of such title which is a predicate  
9 to such civil penalty.”.

10 (b) EFFECTIVE DATE.—The amendments made by  
11 this section shall apply to amounts collected after the date  
12 of enactment of this Act.

## 13 **Subtitle C—Research and Develop-** 14 **ment and Vehicle Electronics**

### 15 **SEC. 4301. REPORT ON OPERATIONS OF THE COUNCIL FOR** 16 **VEHICLE ELECTRONICS, VEHICLE SOFT-** 17 **WARE, AND EMERGING TECHNOLOGIES.**

18 Not later than 1 year after the date of enactment  
19 of this Act, the Secretary shall submit to the Committee  
20 on Commerce, Science, and Transportation of the Senate  
21 and the Committee on Energy and Commerce of the  
22 House of Representatives a report regarding the oper-  
23 ations of the Council for Vehicle Electronics, Vehicle Soft-  
24 ware, and Emerging Technologies established under sec-  
25 tion 31401 of the Moving Ahead for Progress in the 21st

1 Century Act (49 U.S.C. 105 note). The report shall in-  
2 clude information about the accomplishments of the Coun-  
3 cil, the role of the Council in integrating and aggregating  
4 electronic and emerging technologies expertise across the  
5 National Highway Traffic Safety Administration, the role  
6 of the Council in coordinating with other Federal agencies,  
7 and the priorities of the Council over the next 5 years.

8 **SEC. 4302. COOPERATION WITH FOREIGN GOVERNMENTS.**

9 (a) TITLE 49 AMENDMENT.—Section 30182(b) is  
10 amended—

11 (1) in paragraph (4), by striking “; and” and  
12 inserting a semicolon;

13 (2) in paragraph (5), by striking the period at  
14 the end and inserting “; and”; and

15 (3) by inserting after paragraph (5) the fol-  
16 lowing:

17 “(6) in coordination with Department of State,  
18 enter into cooperative agreements and collaborative  
19 research and development agreements with foreign  
20 governments.”.

21 (b) TITLE 23 AMENDMENT.—Section 403 of title 23,  
22 United States Code, is amended—

23 (1) in subsection (b)(2)(C), by inserting “for-  
24 eign government, in coordination with the Depart-  
25 ment of State,” after “institution,”; and



1           (2) in subsection (c)(1)(A), by inserting “for-  
2           foreign governments,” after “local governments,”.

3           (c) **AUDIT.**—The Department of Transportation In-  
4           specter General shall conduct an audit of the Secretary  
5           of Transportation’s management and oversight of coopera-  
6           tive agreements and collaborative research and develop-  
7           ment agreements, including any cooperative agreements  
8           between the Secretary of Transportation and foreign gov-  
9           ernments under section 30182(b)(6) of title 49, United  
10          States Code, and subsections (b)(2)(C) and (c)(1)(A) of  
11          title 23, United States Code.

## 12                           **Subtitle D—Miscellaneous** 13                                   **Provisions**

### 14                   **PART I—DRIVER PRIVACY ACT OF 2015**

#### 15           **SEC. 4401. SHORT TITLE.**

16          This part may be cited as the “Driver Privacy Act  
17          of 2015”.

#### 18           **SEC. 4402. LIMITATIONS ON DATA RETRIEVAL FROM VEHI-** 19                                   **CLE EVENT DATA RECORDERS.**

20          (a) **OWNERSHIP OF DATA.**—Any data retained by an  
21          event data recorder (as defined in section 563.5 of title  
22          49, Code of Federal Regulations), regardless of when the  
23          motor vehicle in which it is installed was manufactured,  
24          is the property of the owner, or, in the case of a leased

1 vehicle, the lessee of the motor vehicle in which the event  
2 data recorder is installed.

3 (b) ~~PRIVACY.~~—Data recorded or transmitted by an  
4 event data recorder described in subsection (a) may not  
5 be accessed by a person other than an owner or a lessee  
6 of the motor vehicle in which the event data recorder is  
7 installed unless—

8 (1) a court or other judicial or administrative  
9 authority having jurisdiction—

10 (A) authorizes the retrieval of the data;

11 and

12 (B) to the extent that there is retrieved  
13 data, the data is subject to the standards for  
14 admission into evidence required by that court  
15 or other administrative authority;

16 (2) an owner or a lessee of the motor vehicle  
17 provides written, electronic, or recorded audio con-  
18 sent to the retrieval of the data for any purpose, in-  
19 cluding the purpose of diagnosing, servicing, or re-  
20 pairing the motor vehicle, or by agreeing to a sub-  
21 scription that describes how data will be retrieved  
22 and used;

23 (3) the data is retrieved pursuant to an inves-  
24 tigation or inspection authorized under section  
25 1131(a) or 30166 of title 49, United States Code,

1 and the personally identifiable information of an  
2 owner or a lessee of the vehicle and the vehicle iden-  
3 tification number is not disclosed in connection with  
4 the retrieved data, except that the vehicle identifica-  
5 tion number may be disclosed to the certifying man-  
6 ufacturer;

7 (4) the data is retrieved for the purpose of de-  
8 termining the need for, or facilitating, emergency  
9 medical response in response to a motor vehicle  
10 crash; or

11 (5) the data is retrieved for traffic safety re-  
12 search, and the personally identifiable information of  
13 an owner or a lessee of the vehicle and the vehicle  
14 identification number is not disclosed in connection  
15 with the retrieved data.

16 **SEC. 4403. VEHICLE EVENT DATA RECORDER STUDY.**

17 (a) **IN GENERAL.**—Not later than 1 year after the  
18 date of enactment of this Act, the Administrator of the  
19 National Highway Traffic Safety Administration shall  
20 submit to Congress a report that contains the results of  
21 a study conducted by the Administrator to determine the  
22 amount of time event data recorders installed in passenger  
23 motor vehicles should capture and record for retrieval ve-  
24 hicle-related data in conjunction with an event in order

1 to provide sufficient information to investigate the cause  
2 of motor vehicle crashes.

3 (b) **RULEMAKING.**—Not later than 2 years after sub-  
4 mitting the report required under subsection (a), the Ad-  
5 ministrator of the National Highway Traffic Safety Ad-  
6 ministration shall promulgate regulations to establish the  
7 appropriate period during which event data recorders in-  
8 stalled in passenger motor vehicles may capture and  
9 record for retrieval vehicle-related data to the time nec-  
10 essary to provide accident investigators with vehicle-re-  
11 lated information pertinent to crashes involving such  
12 motor vehicles.

13 **PART II—SAFETY THROUGH INFORMED**

14 **CONSUMERS ACT OF 2015**

15 **SEC. 4421. SHORT TITLE.**

16 This part may be cited as the “Safety Through In-  
17 formed Consumers Act of 2015”.

18 **SEC. 4422. PASSENGER MOTOR VEHICLE INFORMATION.**

19 Section 32302 is amended by inserting after sub-  
20 section (b) the following:

21 “(c) **CRASH AVOIDANCE.**—Not later than 1 year after  
22 the date of enactment of the Safety Through Informed  
23 Consumers Act of 2015, the Secretary shall promulgate  
24 a rule to ensure that crash avoidance information is indi-

1 eated next to crashworthiness information on stickers  
 2 placed on motor vehicles by their manufacturers.”.

3 **TITLE V—RAILROAD REFORM,**  
 4 **ENHANCEMENT, AND EFFI-**  
 5 **CIENCY**

6 **SEC. 5001. PASSENGER TRANSPORTATION; DEFINITIONS.**

7 Section 24102 is amended—

8 (1) by redesignating paragraphs (5) through  
 9 (9) as paragraphs (6) through (10), respectively;

10 (2) by inserting after paragraph (4), the fol-  
 11 lowing:

12 “(5) ‘long-distance route’ means a route de-  
 13 scribed in paragraph (6)(C).”;

14 (3) by amending paragraph (6)(A), as redesign-  
 15 ated, to read as follows:

16 “(A) the Northeast Corridor main line be-  
 17 tween Boston, Massachusetts and the Virginia  
 18 Avenue interlocking in the District of Columbia,  
 19 and the facilities and services used to operate  
 20 and maintain that line;”;

21 (4) in paragraph (7), as redesignated, by strik-  
 22 ing the period at the end and inserting “, except  
 23 that the term ‘Northeast Corridor’ for the purposes  
 24 of chapter 243 means the main line between Boston,  
 25 Massachusetts and the Virginia Avenue interlocking

1 in the District of Columbia, and the facilities and  
 2 services used to operate and maintain that line.”;  
 3 and

4 (5) by adding at the end the following:

5 “(11) ‘state-of-good-repair’ means a condition  
 6 in which physical assets, both individually and as a  
 7 system, are—

8 “(A) performing at a level at least equal to  
 9 that called for in their as-built or as-modified  
 10 design specification during any period when the  
 11 life cycle cost of maintaining the assets is lower  
 12 than the cost of replacing them; and

13 “(B) sustained through regular mainte-  
 14 nance and replacement programs.

15 “(12) ‘State-supported route’ means a route de-  
 16 scribed in paragraph (6)(B) or paragraph (6)(D), or  
 17 in section 24702(a).”.

## 18 **Subtitle A—Authorization of** 19 **Appropriations**

### 20 **SEC. 5101. AUTHORIZATION OF GRANTS TO AMTRAK.**

21 (a) IN GENERAL.—There are authorized to be appro-  
 22 priated to the Secretary for the use of Amtrak for deposit  
 23 into the accounts established under section 24319(a) of  
 24 title 49, United States Code, the following amounts:

25 (1) For fiscal year 2016, \$1,450,000,000.

1           (2) For fiscal year 2017, \$1,550,000,000.

2           (3) For fiscal year 2018, \$1,700,000,000.

3           (4) For fiscal year 2019, \$1,900,000,000.

4           (b) PROJECT MANAGEMENT OVERSIGHT.—The Sec-  
5 retary may withhold up to one half of 1 percent of the  
6 amount appropriated under subsection (a) for the costs  
7 of management oversight of Amtrak.

8           (c) COMPETITION.—In administering grants to Am-  
9 trak under section 24318 of title 49, United States Code,  
10 the Secretary may withhold, from amounts that would oth-  
11 erwise be made available to Amtrak, such sums as are nee-  
12 essary from the amount appropriated under subsection (a)  
13 of this section to cover the operating subsidy described in  
14 section 24711(b)(1)(E)(ii) of title 49, United States Code.

15           (d) STATE-SUPPORTED ROUTE COMMITTEE.—The  
16 Secretary may withhold up to \$2,000,000 from the  
17 amount appropriated in each fiscal year under subsection  
18 (a) of this section for the use of the State-Supported  
19 Route Committee established under section 24712 of title  
20 49, United States Code.

21           (e) NORTHEAST CORRIDOR COMMISSION.—The Sec-  
22 retary may withhold up to \$5,000,000 from the amount  
23 appropriated in each fiscal year under subsection (a) of  
24 this section for the use of the Northeast Corridor Commis-

1 sion established under section 24905 of title 49, United  
2 States Code.

3 **SEC. 5102. NATIONAL INFRASTRUCTURE AND SAFETY IN-**  
4 **VESTMENTS.**

5 (a) IN GENERAL.—There are authorized to be appro-  
6 priated to the Secretary for grants under chapter 244 of  
7 title 49, United States Code, the following amounts:

8 (1) For fiscal year 2016, \$350,000,000.

9 (2) For fiscal year 2017, \$430,000,000.

10 (3) For fiscal year 2018, \$600,000,000.

11 (4) For fiscal year 2019, \$900,000,000.

12 (b) PROJECT MANAGEMENT OVERSIGHT.—The Sec-  
13 retary may withhold up to 1 percent from the amount ap-  
14 propriated under subsection (a) of this section for the  
15 costs of project management oversight of grants carried  
16 out under chapter 244 of title 49, United States Code.

17 **SEC. 5103. AUTHORIZATION OF APPROPRIATIONS FOR NA-**  
18 **TIONAL TRANSPORTATION SAFETY BOARD**  
19 **RAIL INVESTIGATIONS.**

20 (a) IN GENERAL.—Notwithstanding any other provi-  
21 sion of law, there are authorized to be appropriated to the  
22 National Transportation Safety Board to carry out rail-  
23 road accident investigations under section 1131(a)(1)(C)  
24 of title 49, United States Code, the following amounts:

25 (1) For fiscal year 2016, \$6,300,000.



1           (2) For fiscal year 2017, \$6,400,000.

2           (3) For fiscal year 2018, \$6,500,000.

3           (4) For fiscal year 2019, \$6,600,000.

4           (b) INVESTIGATION PERSONNEL.—Amounts appro-  
5 priated under subsection (a) of this section shall be avail-  
6 able to the National Transportation Safety Board for per-  
7 sonnel, in regional offices and in Washington, DC, whose  
8 duties involve railroad accident investigations.

9   **SEC. 5104. AUTHORIZATION OF APPROPRIATIONS FOR AM-**  
10                                   **TRAK OFFICE OF INSPECTOR GENERAL.**

11           There are authorized to be appropriated to the Office  
12 of Inspector General of Amtrak the following amounts:

13           (1) For fiscal year 2016, \$20,000,000.

14           (2) For fiscal year 2017, \$20,500,000.

15           (3) For fiscal year 2018, \$21,000,000.

16           (4) For fiscal year 2019, \$21,500,000.

17   **SEC. 5105. NATIONAL COOPERATIVE RAIL RESEARCH PRO-**  
18                                   **GRAM.**

19           (a) IN GENERAL.—Section 24910 is amended—

20           (1) in subsection (b)—

21                           (A) in paragraph (12), by striking “and”;

22                           (B) in paragraph (13), by striking the pe-  
23 riod at the end and inserting “; and”; and

24                           (C) by adding at the end the following:

1           “(14) to improve the overall safety of intercity  
2           passenger and freight rail operations.”; and

3           (2) by amending subsection (e) to read as fol-  
4           lows:

5           “(e) ALLOCATION.—At least \$5,000,000 of the  
6           amounts appropriated to the Secretary for a fiscal year  
7           to carry out railroad research and development programs  
8           shall be available to carry out this section.”.

## 9           **Subtitle B—Amtrak Reform**

### 10          **SEC. 5201. AMTRAK GRANT PROCESS.**

11          (a) REQUIREMENTS AND PROCEDURES.—Chapter  
12          243 is amended by adding at the end the following:

#### 13          “§ 24317. Costs and revenues

14          “(a) ALLOCATION.—Not later than 180 days after  
15          the date of enactment of the Comprehensive Transpor-  
16          tation and Consumer Protection Act of 2015, Amtrak  
17          shall establish and maintain internal controls to ensure  
18          Amtrak’s costs, revenues, and other compensation are ap-  
19          propriately and proportionally allocated to its Northeast  
20          Corridor train services or infrastructure, its State-sup-  
21          ported routes, its long-distance routes, and its other na-  
22          tional network activities.

23          “(b) RULE OF CONSTRUCTION.—Nothing in this sec-  
24          tion shall be construed to limit the ability of Amtrak to  
25          enter into an agreement with 1 or more States to allocate

1 operating and capital costs under section 209 of the Pas-  
2 senger Rail Investment and Improvement Act of 2008 (49  
3 U.S.C. 24101 note).

4 **“§ 24318. Grant process**

5       “(a) PROCEDURES FOR GRANT REQUESTS.—Not  
6 later than 90 days after the date of enactment of the Com-  
7 prehensive Transportation and Consumer Protection Act  
8 of 2015, the Secretary of Transportation shall establish  
9 and transmit to the Committee on Commerce, Science,  
10 and Transportation and the Committee on Appropriations  
11 of the Senate and the Committee on Transportation and  
12 Infrastructure and the Committee on Appropriations of  
13 the House of Representatives substantive and procedural  
14 requirements, including schedules, for grant requests  
15 under this section.

16       “(b) GRANT REQUESTS.—Amtrak shall transmit  
17 grant requests for Federal funds appropriated to the Sec-  
18 retary of Transportation for the use of Amtrak to—

19               “(1) the Secretary; and

20               “(2) the Committee on Commerce, Science, and  
21 Transportation, the Committee on Appropriations,  
22 and the Committee on the Budget of the Senate and  
23 the Committee on Transportation and Infrastruc-  
24 ture, the Committee on Appropriations, and the

1 Committee on the Budget of the House of Rep-  
2 resentatives.

3 “(c) CONTENTS.—A grant request under subsection  
4 (b) shall—

5 “(1) describe projected operating and capital  
6 costs for the upcoming fiscal year for Northeast Cor-  
7 ridor train services and infrastructure, Amtrak’s  
8 State-supported routes, and Amtrak’s long-distance  
9 routes, and Amtrak’s other national network activi-  
10 ties, as applicable, in comparison to prior fiscal year  
11 actual financial performance;

12 “(2) describe the capital projects to be funded,  
13 with cost estimates and an estimated timetable for  
14 completion of the projects covered by the request;

15 “(3) assess Amtrak’s financial condition;

16 “(4) be displayed on Amtrak’s Web site within  
17 a reasonable timeframe following its transmission  
18 under subsection (b); and

19 “(5) describe how the funding requested in a  
20 grant will be allocated to the accounts established  
21 under section 24319(a), considering the projected  
22 operating losses or capital costs for services and ac-  
23 tivities associated with such accounts over the time  
24 period intended to be covered by the grants.

25 “(d) REVIEW AND APPROVAL.—

1           “(1) THIRTY-DAY APPROVAL PROCESS.—

2           “(A) IN GENERAL.—Not later than 30  
3 days after the date that Amtrak submits a  
4 grant request under this section, the Secretary  
5 of Transportation shall complete a review of the  
6 request and provide notice to Amtrak that—

7           “(i) the request is approved; or

8           “(ii) the request is disapproved, in-  
9 cluding the reason for the disapproval and  
10 an explanation of any incomplete or defi-  
11 cient items.

12           “(B) GRANT AGREEMENT.—If a grant re-  
13 quest is approved, the Secretary shall enter into  
14 a grant agreement with Amtrak that allocates  
15 the grant funding to 1 of the 4 accounts estab-  
16 lished under section 24319(a).

17           “(2) FIFTEEN-DAY MODIFICATION PERIOD.—

18 Not later than 15 days after the date of the notice  
19 under paragraph (1)(A)(ii), Amtrak shall submit a  
20 modified request for the Secretary’s review.

21           “(3) MODIFIED REQUESTS.—Not later than 15  
22 days after the date that Amtrak submits a modified  
23 request under paragraph (2), the Secretary shall ei-  
24 ther approve the modified request, or, if the Sec-  
25 retary finds that the request is still incomplete or

1       deficient, the Secretary shall identify in writing to  
2       the Committee on Commerce, Science, and Trans-  
3       portation, the Committee on Appropriations, and the  
4       Committee on the Budget of the Senate and the  
5       Committee on Transportation and Infrastructure,  
6       the Committee on Appropriations, and the Com-  
7       mittee on the Budget of the House of Representa-  
8       tives the remaining deficiencies and recommend a  
9       process for resolving the outstanding portions of the  
10      request.

11      “(e) PAYMENTS TO AMTRAK.—

12           “(1) IN GENERAL.—A grant agreement entered  
13      into under subsection (d) shall specify the oper-  
14      ations, services, and other activities to be funded by  
15      the grant. The grant agreement shall include provi-  
16      sions, consistent with the requirements of this chap-  
17      ter, to measure Amtrak’s performance and ensure  
18      accountability in delivering the operations, services,  
19      or activities to be funded by the grant.

20           “(2) SCHEDULE.—Except as provided in para-  
21      graph (3), in each fiscal year for which amounts are  
22      appropriated to the Secretary for the use of Amtrak,  
23      and for which the Secretary and Amtrak have en-  
24      tered into a grant agreement under subsection (d),

1 the Secretary shall disburse grant funds to Amtrak  
2 on the following schedule:

3 “(A) 50 percent on October 1.

4 “(B) 25 percent on January 1.

5 “(C) 25 percent on April 1.

6 “(3) EXCEPTIONS.—The Secretary may make a  
7 payment to Amtrak of appropriated funds—

8 “(A) more frequently than the schedule  
9 under paragraph (2) if Amtrak, for good cause,  
10 requests more frequent payment before the end  
11 of a payment period; or

12 “(B) with a different frequency or in dif-  
13 ferent percentage allocations in the event of a  
14 continuing resolution or in the absence of an  
15 appropriations Act for the duration of a fiscal  
16 year.

17 “(f) AVAILABILITY OF AMOUNTS AND EARLY APPRO-  
18 PRIATIONS.—Amounts appropriated to the Secretary for  
19 the use of Amtrak shall remain available until expended.  
20 Amounts for capital acquisitions and improvements may  
21 be appropriated for a fiscal year before the fiscal year in  
22 which the amounts will be obligated.

23 “(g) LIMITATIONS ON USE.—Amounts appropriated  
24 to the Secretary for the use of Amtrak may not be used

1 to cross-subsidize operating losses or capital costs of com-  
 2 muter rail passenger or freight rail transportation.

3 **“§ 24319. Accounts**

4       “(a) ESTABLISHMENT OF ACCOUNTS.—Beginning  
 5 not later than October 1, 2016, Amtrak, in consultation  
 6 with the Secretary of Transportation, shall define and es-  
 7 tablish—

8               “(1) a Northeast Corridor investment account,  
 9 including subaccounts for Amtrak train services and  
 10 infrastructure;

11               “(2) a State-supported account;

12               “(3) a long-distance account; and

13               “(4) an other national network activities ac-  
 14 count.

15       “(b) NORTHEAST CORRIDOR INVESTMENT AC-  
 16 COUNT.—

17               “(1) DEPOSITS.—Amtrak shall deposit in the  
 18 Northeast Corridor investment account established  
 19 under subsection (a)(1)—

20                       “(A) a portion of the grant funds appro-  
 21 priated under the authorization in section  
 22 5101(a) of the Comprehensive Transportation  
 23 and Consumer Protection Act of 2015, or any  
 24 subsequent Act appropriating funds for the use



1 of Amtrak, as specified in a grant agreement  
2 entered into under section 24318;

3 “(B) any compensation received from com-  
4 muter rail passenger transportation providers  
5 for such providers’ share of capital costs on the  
6 Northeast Corridor provided to Amtrak under  
7 section 24905(e);

8 “(C) any operating surplus of the North-  
9 east Corridor train services or infrastructure, as  
10 allocated under section 24317; and

11 “(D) any other net revenue received in as-  
12 sociation with the Northeast Corridor, including  
13 freight access fees, electric propulsion, and com-  
14 mercial development.

15 “(2) USE OF NORTHEAST CORRIDOR INVEST-  
16 MENT ACCOUNT.—Except as provided in subsection  
17 (f), amounts deposited in the Northeast Corridor in-  
18 vestment account shall be made available for the use  
19 of Amtrak for its share of—

20 “(A) capital projects described in section  
21 24904(a)(2)(E)(i), and developed under the  
22 planning process established under that section,  
23 to bring Northeast Corridor infrastructure to a  
24 state-of-good-repair;

1           “(B) capital projects described in clauses  
2           (ii) and (iv) of section 24904(a)(2)(E) that are  
3           developed under the planning process estab-  
4           lished under that section intended to increase  
5           corridor capacity, improve service reliability,  
6           and reduce travel time on the Northeast Cor-  
7           ridor;

8           “(C) capital projects to improve safety and  
9           security;

10          “(D) capital projects to improve customer  
11          service and amenities;

12          “(E) acquiring, rehabilitating, manufac-  
13          turing, remanufacturing, overhauling, or im-  
14          proving equipment and associated facilities used  
15          for intercity rail passenger transportation by  
16          Northeast Corridor train services;

17          “(F) retirement of principal and payment  
18          of interest on loans for capital projects de-  
19          scribed in this paragraph or for capital leases  
20          for equipment and related to the Northeast  
21          Corridor;

22          “(G) participation in public-private part-  
23          nerships, joint ventures, and other mechanisms  
24          or arrangements that result in the completion

1 of capital projects described in this paragraph;  
2 and

3 “(H) indirect, common, corporate, or other  
4 costs directly incurred by or allocated to the  
5 Northeast Corridor.

6 ~~“(e) STATE-SUPPORTED ACCOUNT.—~~

7 ~~“(1) DEPOSITS.—Amtrak shall deposit in the  
8 State-supported account established under sub-  
9 section (a)(2)—~~

10 ~~“(A) a portion of the grant funds appro-  
11 priated under the authorization in section  
12 5101(a) of the Comprehensive Transportation  
13 and Consumer Protection Act of 2015, or any  
14 subsequent Act appropriating funds for the use  
15 of Amtrak, as specified in a grant agreement  
16 entered into under section 24318;~~

17 ~~“(B) any compensation received from  
18 States provided to Amtrak under section 209 of  
19 the Passenger Rail Investment and Improve-  
20 ment Act of 2008 (42 U.S.C. 24101 note); and~~

21 ~~“(C) any operating surplus from its State-  
22 supported routes, as allocated under section  
23 24317.~~

24 ~~“(2) USE OF STATE-SUPPORTED ACCOUNT.—~~

25 ~~Except as provided in subsection (f), amounts depos-~~

1 ited in the State-supported account shall be made  
2 available for the use of Amtrak for capital expenses  
3 and operating costs, including indirect, common, cor-  
4 porate, or other costs directly incurred by or allo-  
5 cated to State-supported routes, of its State-sup-  
6 ported routes and retirement of principal and pay-  
7 ment of interest on loans or capital leases attrib-  
8 utable to its State-supported routes.

9 ~~“(d) LONG-DISTANCE ACCOUNT.—~~

10 ~~“(1) DEPOSITS.—Amtrak shall deposit in the~~  
11 ~~long-distance account established under subsection~~  
12 ~~(a)(3)—~~

13 ~~“(A) a portion of the grant funds appro-~~  
14 ~~riated under the authorization in section~~  
15 ~~5101(a) of the Comprehensive Transportation~~  
16 ~~and Consumer Protection Act of 2015, or any~~  
17 ~~subsequent Act appropriating funds for the use~~  
18 ~~of Amtrak, as specified in a grant agreement~~  
19 ~~entered into under section 24318;~~

20 ~~“(B) any compensation received from~~  
21 ~~States provided to Amtrak for costs associated~~  
22 ~~with its long-distance routes; and~~

23 ~~“(C) any operating surplus from its long-~~  
24 ~~distance routes, as allocated under section~~  
25 ~~24317.~~

1           “(2) USE OF LONG-DISTANCE ACCOUNT.—Ex-  
 2           cept as provided in subsection (f), amounts deposited  
 3           in the long-distance account shall be made available  
 4           for the use of Amtrak for capital expenses and oper-  
 5           ating costs, including indirect, common, corporate,  
 6           or other costs directly incurred by or allocated to  
 7           long-distance routes, of its long-distance routes and  
 8           retirement of principal and payment of interest on  
 9           loans or capital leases attributable to the long-dis-  
 10          tance routes.

11          “(e) OTHER NATIONAL NETWORK ACTIVITIES AC-  
 12          COUNT.—

13           “(1) DEPOSITS.—Amtrak shall deposit in the  
 14           other national network activities account established  
 15           under subsection (a)(4)—

16           “(A) a portion of the grant funds appro-  
 17           priated under the authorization in section  
 18           101(a) of the Railroad Reform, Enhancement,  
 19           and Efficiency Act, or any subsequent Act ap-  
 20           propriating funds for the use of Amtrak, as  
 21           specified in a grant agreement entered into  
 22           under section 24318;

23           “(B) any compensation received from  
 24           States provided to Amtrak for costs associated  
 25           with its other national network activities; and

1           “(C) any operating surplus from its other  
2           national network activities.

3           “(2) USE OF OTHER NATIONAL NETWORK AC-  
4           TIVITIES ACCOUNT.—Except as provided in sub-  
5           section (f), amounts deposited into the other na-  
6           tional network activities account shall be made avail-  
7           able for the use of Amtrak for capital and operating  
8           costs not allocated to the Northeast Corridor invest-  
9           ment account, State-supported account, or long-dis-  
10          tance account, and retirement of principal and pay-  
11          ment of interest on loans or capital leases attrib-  
12          utable to other national network activities.

13          “(f) TRANSFER AUTHORITY.—

14                 “(1) AUTHORITY.—Amtrak may transfer any  
15                 funds appropriated under the authorization in sec-  
16                 tion 5101(a) of the Comprehensive Transportation  
17                 and Consumer Protection Act of 2015, or any subse-  
18                 quent Act appropriating funds for the use of Amtrak  
19                 for deposit into the accounts described in that sec-  
20                 tion, or any surplus generated by operations, be-  
21                 tween the Northeast Corridor, State-supported, long-  
22                 distance, and other national network activities ac-  
23                 counts—

24                         “(A) upon the expiration of 10 days after  
25                         the date that Amtrak notifies the Amtrak

1 Board of Directors, including the Secretary, of  
2 the planned transfer; and

3 “(B) with the approval of the Secretary.

4 “(2) REPORT.—Not later than 5 days after the  
5 date that Amtrak notifies the Amtrak Board of Di-  
6 rectors of a planned transfer under paragraph (1),  
7 Amtrak shall transmit to the Committee on Com-  
8 merce, Science, and Transportation and the Com-  
9 mittee on Appropriations of the Senate and the  
10 Committee on Transportation and Infrastructure  
11 and the Committee on Appropriations of the House  
12 of Representatives a report that includes—

13 “(A) the amount of the transfer; and

14 “(B) a detailed explanation of the reason  
15 for the transfer, including—

16 “(i) the effects on Amtrak services  
17 funded by the account from which the  
18 transfer is drawn, in comparison to a sce-  
19 nario in which no transfer was made; and

20 “(ii) the effects on Amtrak services  
21 funded by the account receiving the trans-  
22 fer, in comparison to a scenario in which  
23 no transfer was made.

24 “(3) NOTIFICATIONS.—

1           “(A) STATE-SUPPORTED ACCOUNT.—Not  
2 later than 5 days after the date that Amtrak  
3 notifies the Amtrak Board of Directors of a  
4 planned transfer under paragraph (1) of funds  
5 to or from the State-supported account, Amtrak  
6 shall transmit to each State that sponsors a  
7 State-supported route a letter that includes the  
8 information described under subparagraphs (A)  
9 and (B) of paragraph (2).

10           “(B) NORTHEAST CORRIDOR ACCOUNT.—  
11 Not later than 5 days after the date that Am-  
12 trak notifies the Amtrak Board of Directors of  
13 a planned transfer under paragraph (1) of  
14 funds to or from the Northeast Corridor ac-  
15 count, Amtrak shall transmit to the Northeast  
16 Corridor Commission a letter that includes the  
17 information described under subparagraphs (A)  
18 and (B) of paragraph (2).

19           “(g) ENFORCEMENT.—The Secretary shall enforce  
20 the provisions of each grant agreement under section  
21 24318(d), including any deposit into an account under  
22 this section.

23           “(h) LETTERS OF INTENT.—

24           “(1) REQUIREMENT.—The Secretary may issue  
25 a letter of intent to Amtrak announcing an intention



1 to obligate, for a major capital project described in  
2 clauses (ii) and (iv) of section 24904(a)(2)(E), an  
3 amount from future available budget authority speci-  
4 fied in law that is not more than the amount stipu-  
5 lated as the financial participation of the Secretary  
6 in the project.

7 “(2) NOTICE TO CONGRESS.—At least 30 days  
8 before issuing a letter under paragraph (1), the Sec-  
9 retary shall notify in writing the Committee on Com-  
10 merce, Science, and Transportation and the Com-  
11 mittee on Appropriations of the Senate and the  
12 Committee on Transportation and Infrastructure  
13 and the Committee on Appropriations of the House  
14 of Representatives of the proposed letter. The Sec-  
15 retary shall include with the notice a copy of the  
16 proposed letter, the criteria used for selecting the  
17 project for a grant award, and a description of how  
18 the project meets the criteria under this section.

19 “(3) CONTINGENT NATURE OF OBLIGATION OR  
20 COMMITMENT.—An obligation or administrative  
21 commitment may be made only when amounts are  
22 appropriated. The letter of intent shall state that the  
23 contingent commitment is not an obligation of the  
24 Federal Government, and is subject to the avail-  
25 ability of appropriations under Federal law and to

1 Federal laws in force or enacted after the date of  
2 the contingent commitment.”.

3 (b) CONFORMING AMENDMENTS.—The table of con-  
4 tents for chapter 243 is amended by adding at the end  
5 the following:

“24317. Costs and revenues:

“24318. Grant process:

“24319. Accounts.”.

6 (c) REPEALS.—

7 (1) ESTABLISHMENT OF GRANT PROCESS.—

8 Section 206 of the Passenger Rail Investment and  
9 Improvement Act of 2008 (49 U.S.C. 24101 note)  
10 and the item relating to that section in the table of  
11 contents of that Act are repealed.

12 (2) AUTHORIZATION OF APPROPRIATIONS.—

13 Section 24104 and the item relating to that section  
14 in the table of contents of chapter 241 are repealed.

15 **SEC. 5202. 5-YEAR BUSINESS LINE AND ASSETS PLANS.**

16 (a) AMTRAK 5-YEAR BUSINESS LINE AND ASSET  
17 PLANS.—Chapter 243, as amended by section 5201 of this  
18 Act, is further amended by inserting after section 24319  
19 the following:

20 **“§ 24320. Amtrak 5-year business line and asset plans**

21 **“(a) IN GENERAL.—**

22 **“(1) FINAL PLANS.—**Not later than February  
23 15 of each year, Amtrak shall submit to Congress  
24 and the Secretary final 5-year business line plans

1 and 5-year asset plans prepared in accordance with  
 2 this section. These final plans shall form the basis  
 3 for Amtrak's general and legislative annual report to  
 4 the President and Congress required by section  
 5 24315(b).

6 “(2) FISCAL CONSTRAINT.—Each plan prepared  
 7 under this section shall be based on funding levels  
 8 authorized or otherwise available to Amtrak in a fis-  
 9 cal year. In the absence of an authorization or ap-  
 10 propriation of funds for a fiscal year, the plans shall  
 11 be based on the amount of funding available in the  
 12 previous fiscal year, plus inflation. Amtrak may in-  
 13 clude an appendix to the asset plan required in sub-  
 14 section (c) that describes any capital funding re-  
 15 quirements in excess of amounts authorized or oth-  
 16 erwise available to Amtrak in a fiscal year for cap-  
 17 ital investment.

18 “(b) AMTRAK 5-YEAR BUSINESS LINE PLANS.—

19 “(1) AMTRAK BUSINESS LINES.—Amtrak shall  
 20 prepare a 5-year business line plan for each of the  
 21 following business lines and services:

22 “(A) Northeast Corridor train services.

23 “(B) State-supported routes operated by  
 24 Amtrak.

1           “(C) Long-distance routes operated by  
2 Amtrak.

3           “(D) Ancillary services operated by Am-  
4 trak, including commuter operations and other  
5 revenue generating activities as determined by  
6 the Secretary in consultation with Amtrak.

7           “(2) CONTENTS OF 5-YEAR BUSINESS LINE  
8 PLANS.—The 5-year business line plan for each busi-  
9 ness line shall include, at a minimum—

10           “(A) a statement of Amtrak’s vision, goals,  
11 and service plan for the business line, coordi-  
12 nated with any entities that are contributing  
13 capital or operating funding to support pas-  
14 senger rail services within those business lines,  
15 and aligned with Amtrak’s Strategic Plan and  
16 5-year asset plans under subsection (c);

17           “(B) all projected revenues and expendi-  
18 tures for the business line, including identifica-  
19 tion of revenues and expenditures incurred by—

20           “(i) passenger operations;

21           “(ii) non-passenger operations that  
22 are directly related to the business line;  
23 and

1           “(iii) governmental funding sources,  
2           including revenues and other funding re-  
3           ceived from States;

4           “(C) projected ridership levels for all pas-  
5           senger operations;

6           “(D) estimates of long-term and short-  
7           term debt and associated principal and interest  
8           payments (both current and forecasts);

9           “(E) annual profit and loss statements and  
10          forecasts and balance sheets;

11          “(F) annual cash flow forecasts;

12          “(G) a statement describing the meth-  
13          odologies and significant assumptions under-  
14          lying estimates and forecasts;

15          “(H) specific performance measures that  
16          demonstrate year over year changes in the re-  
17          sults of Amtrak’s operations;

18          “(I) financial performance for each route  
19          within each business line, including descriptions  
20          of the cash operating loss or contribution and  
21          labor productivity for each route;

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

24          “(K) prior fiscal year and projected equip-  
25          ment reliability statistics; and

1           “(L) an identification and explanation of  
2           any major adjustments made from previously  
3           approved plans.

4           ~~“(3) 5-YEAR BUSINESS LINE PLANS PROCESS.—~~  
5           In meeting the requirements of this section, Amtrak  
6           shall—

7           “(A) coordinate the development of the  
8           business line plans with the Secretary;

9           “(B) for the Northeast Corridor business  
10          line plan; coordinate with the Northeast Cor-  
11          ridor Commission and transmit to the Commis-  
12          sion the final plan under subsection (a)(1); and  
13          consult with other entities, as appropriate;

14          “(C) for the State-supported route busi-  
15          ness line plan; coordinate with the State-Sup-  
16          ported Route Committee established under sec-  
17          tion 24712;

18          “(D) for the long-distance route business  
19          line plan; coordinate with any States or Inter-  
20          state Compacts that provide funding for such  
21          routes, as appropriate;

22          “(E) ensure that Amtrak’s annual budget  
23          request to Congress is consistent with the infor-  
24          mation in the 5-year business line plans; and

1           “(F) identify the appropriate Amtrak offi-  
2           cials that are responsible for each business line.

3           “~~(4) STANDARDS TO PROMOTE FINANCIAL STA-~~  
4           ~~BILITY.—~~In meeting the requirements under this  
5           subsection, Amtrak shall use the categories specified  
6           in the financial accounting and reporting system de-  
7           veloped under section 203 of the Passenger Rail In-  
8           vestment and Improvement Act of 2008 (49 U.S.C.  
9           24101 note) when preparing its 5-year business line  
10          plans.

11          “~~(e) AMTRAK 5-YEAR ASSET PLANS.—~~

12           “~~(1) ASSET CATEGORIES.—~~Amtrak shall pre-  
13          pare a 5-year asset plan for each of the following  
14          asset categories:

15           “~~(A) Infrastructure, including all Amtrak-~~  
16           ~~controlled Northeast Corridor assets and other~~  
17           ~~Amtrak-owned infrastructure, and the associ-~~  
18           ~~ated facilities that support the operation, main-~~  
19           ~~tenance, and improvement of those assets.~~

20           “~~(B) Passenger rail equipment, including~~  
21           ~~all Amtrak-controlled rolling stock, locomotives,~~  
22           ~~and mechanical shop facilities that are used to~~  
23           ~~overhaul equipment.~~

24           “~~(C) Stations, including all Amtrak-con-~~  
25           ~~trolled passenger rail stations and elements of~~

1 other stations for which Amtrak has legal re-  
 2 sponsibility or intends to make capital invest-  
 3 ments.

4 “(D) National assets, including national  
 5 reservations, security, training and training  
 6 centers, and other assets associated with Am-  
 7 trak’s national passenger rail transportation  
 8 system.

9 “(2) CONTENTS OF 5-YEAR ASSET PLANS.—

10 Each asset plan shall include, at a minimum—

11 “(A) a summary of Amtrak’s 5-year stra-  
 12 tegic plan for each asset category, including  
 13 goals, objectives, any relevant performance  
 14 metrics, and statutory or regulatory actions af-  
 15 fecting the assets;

16 “(B) an inventory of existing Amtrak cap-  
 17 ital assets, to the extent practicable, including  
 18 information regarding shared use or ownership,  
 19 if applicable;

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

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

24 “(I) normalized capital replace-  
 25 ment;



1           ~~“(II) backlog capital replace-~~  
2           ~~ment;~~

3           ~~“(III) improvements to support~~  
4           ~~service enhancements or growth;~~

5           ~~“(IV) strategic initiatives that~~  
6           ~~will improve overall operational per-~~  
7           ~~formance, lower costs, or otherwise~~  
8           ~~improve Amtrak’s corporate efficiency;~~  
9           ~~or~~

10           ~~“(V) statutory, regulatory, or~~  
11           ~~other legal mandates;~~

12           ~~“(ii) identifies each project or pro-~~  
13           ~~gram that is associated with more than 1~~  
14           ~~category described in clause (i); and~~

15           ~~“(iii) describes the anticipated busi-~~  
16           ~~ness outcome of each project or program~~  
17           ~~identified under this subparagraph, includ-~~  
18           ~~ing an assessment of—~~

19           ~~“(I) the potential effect on pas-~~  
20           ~~senger operations, safety, reliability,~~  
21           ~~and resilience;~~

22           ~~“(II) the potential effect on Am-~~  
23           ~~trak’s ability to meet regulatory re-~~  
24           ~~quirements if the project or program~~  
25           ~~is not funded; and~~

1                   ~~“(III) the benefits and costs; and~~

2                   ~~“(D) annual profit and loss statements~~  
3                   ~~and forecasts and balance sheets for each asset~~  
4                   ~~category.~~

5                   ~~“(3) 5-YEAR ASSET PLAN PROCESS.—In meet-~~  
6                   ~~ing the requirements of this subsection, Amtrak~~  
7                   ~~shall—~~

8                   ~~“(A) coordinate with each business line de-~~  
9                   ~~scribed in subsection (b)(1) in the preparation~~  
10                  ~~of each 5-year asset plan and ensure integration~~  
11                  ~~of each 5-year asset plan with the 5-year busi-~~  
12                  ~~ness line plans;~~

13                  ~~“(B) as applicable, coordinate with the~~  
14                  ~~Northeast Corridor Commission, the State-Sup-~~  
15                  ~~ported Route Committee, and owners of assets~~  
16                  ~~affected by 5-year asset plans; and~~

17                  ~~“(C) identify the appropriate Amtrak offi-~~  
18                  ~~cials that are responsible for each asset cat-~~  
19                  ~~egory.~~

20                  ~~“(4) EVALUATION OF NATIONAL ASSETS~~  
21                  ~~COSTS.—The Secretary shall—~~

22                  ~~“(A) evaluate the costs and scope of all na-~~  
23                  ~~tional assets; and~~

24                  ~~“(B) determine the activities and costs~~  
25                  ~~that are—~~

1           “(i) required in order to ensure the ef-  
2           ficient operations of a national passenger  
3           rail system;

4           “(ii) appropriate for allocation to  $\frac{1}{2}$  of  
5           the other Amtrak business lines; and

6           “(iii) extraneous to providing an effi-  
7           cient national passenger rail system or are  
8           too costly relative to the benefits or per-  
9           formance outcomes they provide.

10           “(5) DEFINITION OF NATIONAL ASSETS.—In  
11           this section, the term ‘national assets’ means the  
12           Nation’s core rail assets shared among Amtrak serv-  
13           ices, including national reservations, security, train-  
14           ing and training centers, and other assets associated  
15           with Amtrak’s national passenger rail transportation  
16           system.

17           “(6) RESTRUCTURING OF NATIONAL ASSETS.—  
18           Not later than  $\frac{1}{2}$  year after the date of completion  
19           of the evaluation under section 24320(c)(4), the Ad-  
20           ministrator of the Federal Railroad Administration,  
21           in consultation with the Amtrak Board of Directors,  
22           the governors of each relevant State, and the Mayor  
23           of the District of Columbia, or their designees, shall  
24           restructure or reallocate, or both, the national assets  
25           costs in accordance with the determination under

1 that section, including making appropriate updates  
 2 to Amtrak's cost accounting methodology and sys-  
 3 tem.”.

4 (b) EFFECTIVE DATE.—The requirements for Am-  
 5 trak to submit final 5-year business line plans and 5-year  
 6 asset plans under section 24320 of title 49, United States  
 7 Code, shall take effect 1 year after the date of enactment  
 8 of this Act.

9 (c) CONFORMING AMENDMENTS.—The table of con-  
 10 tents for chapter 243, as amended by section 5201 of this  
 11 Act, is further amended by adding at the end the fol-  
 12 lowing:

“24320. Amtrak 5-year business line and asset plans.”.

13 (d) REPEAL OF 5-YEAR FINANCIAL PLAN.—Section  
 14 204 of the Passenger Rail Investment and Improvement  
 15 Act of 2008 (49 U.S.C. 24101 note), and the item relating  
 16 to that section in the table of contents of that Act, are  
 17 repealed.

18 (e) IDENTIFICATION OF DUPLICATIVE REPORTING  
 19 REQUIREMENTS.—Not later than 1 year after the date of  
 20 enactment of this Act, the Secretary shall—

21 (1) review existing Amtrak reporting require-  
 22 ments and identify where the existing requirements  
 23 are duplicative with the business line and capital  
 24 plans required by section 24320 of title 49, United  
 25 States Code;

1           (2) if the duplicative reporting requirements are  
2           administrative, the Secretary shall eliminate the du-  
3           plicative requirements; and

4           (3) submit to Congress a report with any rec-  
5           ommendations for repealing any other duplicative  
6           Amtrak reporting requirements.

7 **SEC. 5203. STATE-SUPPORTED ROUTE COMMITTEE.**

8           (a) AMENDMENT.—Chapter 247 is amended by add-  
9           ing at the end the following:

10 **“§ 24712. State-supported routes operated by Amtrak**

11           “(a) STATE-SUPPORTED ROUTE COMMITTEE.—

12           “(1) ESTABLISHMENT.—Not later than 180  
13           days after the date of enactment of the Comprehen-  
14           sive Transportation and Consumer Protection Act of  
15           2015, the Secretary of Transportation shall establish  
16           the State-Supported Route Committee (referred to  
17           in this section as the ‘Committee’) to promote mu-  
18           tual cooperation and planning pertaining to the rail  
19           operations of Amtrak and related activities of trains  
20           operated by Amtrak on State-supported routes and  
21           to further implement section 209 of the Passenger  
22           Rail Investment and Improvement Act of 2008 (49  
23           U.S.C. 24101 note).

24           “(2) MEMBERSHIP.—

1           “(A) IN GENERAL.—The Committee shall  
2 consist of—

3                   “(i) members representing Amtrak;

4                   “(ii) members representing the De-  
5 partment of Transportation, including the  
6 Federal Railroad Administration; and

7                   “(iii) members representing States,  
8 including other public entities that sponsor  
9 the operation of trains by Amtrak on a  
10 State-supported route, designated by, and  
11 serving at the pleasure of, the chief execu-  
12 tive officer thereof.

13           “(B) NON-VOTING MEMBERS.—The Com-  
14 mittee may invite and accept other non-voting  
15 members to participate in Committee activities,  
16 as appropriate.

17           “(3) DECISIONMAKING.—The Committee shall  
18 establish a bloc voting system under which, at a  
19 minimum—

20                   “(A) there are 3 separate voting blocs to  
21 represent the Committee’s voting members, in-  
22 cluding—

23                   “(i) 1 voting bloc to represent the  
24 members described in paragraph (2)(A)(i);

1           “(ii) 1 voting bloc to represent the  
2           members described in paragraph (2)(A)(ii);  
3           and

4           “(iii) 1 voting bloc to represent the  
5           members described in paragraph  
6           (2)(A)(iii);

7           “(B) each voting bloc has 1 vote;

8           “(C) the vote of the voting bloc rep-  
9           resenting the members described in paragraph  
10          (2)(A)(iii) requires the support of at least two-  
11          thirds of that voting bloc’s members; and

12          “(D) the Committee makes decisions by  
13          unanimous consent of the 3 voting blocs.

14          “(4) MEETINGS; RULES AND PROCEDURES.—

15          The Committee shall convene a meeting and shall  
16          define and implement the rules and procedures gov-  
17          erning the Committee’s proceedings not later than  
18          180 days after the date of establishment of the Com-  
19          mittee by the Secretary. The rules and procedures  
20          shall—

21                 “(A) incorporate and further describe the  
22                 decisionmaking procedures to be used in accord-  
23                 ance with paragraph (3); and

24                 “(B) be adopted in accordance with such  
25                 decisionmaking procedures.

1           “(5) COMMITTEE DECISIONS.—Decisions made  
2           by the Committee in accordance with the Commit-  
3           tee’s rules and procedures, once established, are  
4           binding on all Committee members.

5           “(6) COST ALLOCATION METHODOLOGY.—

6           “(A) IN GENERAL.—Subject to subpara-  
7           graph (B), the Committee may amend the cost  
8           allocation methodology required and previously  
9           approved under section 209 of the Passenger  
10          Rail Investment and Improvement Act of 2008  
11          (49 U.S.C. 24101 note).

12          “(B) PROCEDURES FOR CHANGING METH-  
13          ODOLOGY.—The rules and procedures imple-  
14          mented under paragraph (4) shall include pro-  
15          cedures for changing the cost allocation meth-  
16          odology.

17          “(C) REQUIREMENTS.—The cost allocation  
18          methodology shall—

19                  “(i) ensure equal treatment in the  
20                  provision of like services of all States and  
21                  groups of States; and

22                  “(ii) allocate to each route the costs  
23                  incurred only for the benefit of that route  
24                  and a proportionate share, based upon fac-  
25                  tors that reasonably reflect relative use, of



1 costs incurred for the common benefit of  
2 more than 1 route.

3 “(b) INVOICES AND REPORTS.—Not later than Feb-  
4 ruary 15, 2016, and monthly thereafter, Amtrak shall pro-  
5 vide to each State that sponsors a State-supported route  
6 a monthly invoice of the cost of operating such route, in-  
7 cluding fixed costs and third-party costs. The Committee  
8 shall determine the frequency and contents of the financial  
9 and performance reports that Amtrak shall provide to the  
10 States, as well as the planning and demand reports that  
11 the States shall provide to Amtrak.

12 “(c) DISPUTE RESOLUTION.—

13 “(1) REQUEST FOR DISPUTE RESOLUTION.—If  
14 a dispute arises with respect to the rules and proce-  
15 dures implemented under subsection (a)(4), an in-  
16 voice or a report provided under subsection (b), im-  
17 plementation or compliance with the cost allocation  
18 methodology developed under section 209 of the Pas-  
19 senger Rail Investment and Improvement Act of  
20 2008 (49 U.S.C. 24101 note) or amended under  
21 subsection (a)(6) of this section, either Amtrak or  
22 the State may request that the Surface Transpor-  
23 tation Board conduct dispute resolution under this  
24 subsection.

1           “(2) PROCEDURES.—The Surface Transpor-  
 2           tation Board shall establish procedures for resolu-  
 3           tion of disputes brought before it under this sub-  
 4           section, which may include provision of professional  
 5           mediation services.

6           “(3) BINDING EFFECT.—A decision of the Sur-  
 7           face Transportation Board under this subsection  
 8           shall be binding on the parties to the dispute.

9           “(4) OBLIGATION.—Nothing in this subsection  
 10          shall affect the obligation of a State to pay an  
 11          amount not in dispute.

12          “(d) ASSISTANCE.—

13                 “(1) IN GENERAL.—The Secretary may provide  
 14                 assistance to the parties in the course of negotia-  
 15                 tions for a contract for operation of a State-sup-  
 16                 ported route.

17                 “(2) FINANCIAL ASSISTANCE.—From among  
 18                 available funds, the Secretary shall—

19                         “(A) provide financial assistance to Am-  
 20                         trak or 1 or more States to perform requested  
 21                         independent technical analysis of issues before  
 22                         the Committee; and

23                         “(B) reimburse Members for travel ex-  
 24                         penses, including per diem in lieu of subsist-  
 25                         ence, in accordance with section 5703 of title 5.

1       “(e) PERFORMANCE METRICS.—In negotiating a con-  
2 tract for operation of a State-supported route, Amtrak  
3 and the State or States that sponsor the route shall con-  
4 sider including provisions that provide penalties and incen-  
5 tives for performance.

6       “(f) STATEMENT OF GOALS AND OBJECTIVES.—

7           “(1) IN GENERAL.—The Committee shall de-  
8 velop a statement of goals, objectives, and associated  
9 recommendations concerning the future of State-  
10 supported routes operated by Amtrak. The state-  
11 ment shall identify the roles and responsibilities of  
12 Committee members and any other relevant entities,  
13 such as host railroads, in meeting the identified  
14 goals and objectives, or carrying out the rec-  
15 ommendations. The Committee may consult with  
16 such relevant entities, as the Committee considers  
17 appropriate, when developing the statement.

18           “(2) TRANSMISSION OF STATEMENT OF GOALS  
19 AND OBJECTIVES.—Not later than 2 years after the  
20 date of enactment of the Comprehensive Transpor-  
21 tation and Consumer Protection Act of 2015 the  
22 Committee shall transmit the statement developed  
23 under paragraph (1) to the Committee on Com-  
24 merce, Science, and Transportation of the Senate

1 and the Committee on Transportation and Infra-  
2 structure of the House of Representatives.

3 “(g) **RULE OF CONSTRUCTION.**—The decisions of the  
4 Committee—

5 “(1) shall pertain to the rail operations of Am-  
6 trak and related activities of trains operated by Am-  
7 trak on State-sponsored routes; and

8 “(2) shall not pertain to the rail operations or  
9 related activities of services operated by other rail  
10 passenger carriers on State-supported routes.

11 “(h) **FEDERAL ADVISORY COMMITTEE ACT.**—The  
12 Federal Advisory Committee Act (5 U.S.C. App.) shall not  
13 apply to the Committee.

14 “(i) **DEFINITION OF STATE.**—In this section, the  
15 term ‘State’ means each of the 50 States, the District of  
16 Columbia, and a public entity that sponsors the operation  
17 of trains by Amtrak on a State-supported route.”.

18 (b) **TECHNICAL AND CONFORMING AMENDMENTS.**—  
19 The table of contents for chapter 247 is amended by add-  
20 ing at the end the following:

“24712. State-supported routes operated by Amtrak.”.

21 **SEC. 5204. ROUTE AND SERVICE PLANNING DECISIONS.**

22 Section 208 of the Passenger Rail Investment and  
23 Improvement Act of 2008 (49 U.S.C. 24101 note) is  
24 amended to read as follows:

1 **“SEC. 208. METHODOLOGIES FOR AMTRAK ROUTE AND**  
2 **SERVICE PLANNING DECISIONS.**

3 “(a) **METHODOLOGY DEVELOPMENT.**—Not later  
4 than 180 days after the date of enactment of the Com-  
5 prehensive Transportation and Consumer Protection Act  
6 of 2015, as a condition of receiving a grant under section  
7 101 of that Act, Amtrak shall obtain the services of an  
8 independent entity to develop and recommend objective  
9 methodologies for Amtrak to use in determining what  
10 intercity rail passenger transportation routes and services  
11 it should provide, including the establishment of new  
12 routes, the elimination of existing routes, and the contrac-  
13 tion or expansion of services or frequencies over such  
14 routes.

15 “(b) **CONSIDERATIONS.**—Amtrak shall require the  
16 independent entity, in developing the methodologies de-  
17 scribed in subsection (a), to consider—

18 “(1) the current and expected performance and  
19 service quality of intercity rail passenger transpor-  
20 tation operations, including cost recovery, on-time  
21 performance, ridership, on-board services, stations,  
22 facilities, equipment, and other services;

23 “(2) the connectivity of a route with other  
24 routes;

25 “(3) the transportation needs of communities  
26 and populations that are not well served by intercity

1 rail passenger transportation service or by other  
2 forms of intercity transportation;

3 “(4) the methodologies of Amtrak and major  
4 intercity rail passenger transportation service pro-  
5 viders in other countries for determining intercity  
6 passenger rail routes and services;

7 “(5) the financial and operational effects on the  
8 overall network, including the effects on indirect  
9 costs;

10 “(6) the views of States and the recommenda-  
11 tions described in State rail plans, rail carriers that  
12 own infrastructure over which Amtrak operates,  
13 Interstate Compacts established by Congress and  
14 States, Amtrak employee representatives, stake-  
15 holder organizations, and other interested parties;  
16 and

17 “(7) the funding levels that will be available  
18 under authorization levels that have been enacted  
19 into law.

20 “(e) RECOMMENDATIONS.—Not later than 1 year  
21 after the date of enactment of the Comprehensive Trans-  
22 portation and Consumer Protection Act of 2015, Amtrak  
23 shall transmit to the Committee on Commerce, Science,  
24 and Transportation of the Senate and the Committee on  
25 Transportation and Infrastructure of the House of Rep-

1 representatives recommendations developed by the inde-  
 2 pendent entity under subsection (a).

3 “(d) CONSIDERATION OF RECOMMENDATIONS.—Not  
 4 later than 90 days after the date the recommendations are  
 5 transmitted under subsection (c), Amtrak shall consider  
 6 the adoption of each recommendation and transmit to the  
 7 Committee on Commerce, Science, and Transportation of  
 8 the Senate and the Committee on Transportation and In-  
 9 frastructure of the House of Representatives a report ex-  
 10 plaining the reasons for adopting or not adopting each rec-  
 11 ommendation.”.

12 **SEC. 5205. COMPETITION.**

13 (a) ALTERNATE PASSENGER RAIL SERVICE PILOT  
 14 PROGRAM.—Section 24711 is amended to read as follows:

15 “§ 24711. **Alternate passenger rail service pilot pro-**  
 16 **gram**

17 “(a) IN GENERAL.—Not later than 18 months after  
 18 the date of enactment of the Comprehensive Transpor-  
 19 tation and Consumer Protection Act of 2015, the Sec-  
 20 retary of Transportation shall promulgate a rule to imple-  
 21 ment a pilot program for competitive selection of rail ear-  
 22 riers for long-distance routes (as defined in section  
 23 24102).

24 “(b) PILOT PROGRAM REQUIREMENTS.—

25 “(1) IN GENERAL.—The pilot program shall—

1           “(A) allow a party described in paragraph  
2           (2) to petition the Secretary to provide intercity  
3           rail passenger transportation over a long-dis-  
4           tance route in lieu of Amtrak for an operations  
5           period of 4 years from the date of commence-  
6           ment of service by the winning bidder and, at  
7           the option of the Secretary, consistent with the  
8           rule promulgated under subsection (a), allow  
9           the contract to be renewed for an additional op-  
10          erations period of 4 years, but not to exceed a  
11          total of 3 operations periods;

12           “(B) require the Secretary to—

13           “(i) notify the petitioner and Amtrak  
14           of receipt of the petition under subpara-  
15           graph (A) and to publish in the Federal  
16           Register a notice of receipt not later than  
17           30 days after the date of receipt; and

18           “(ii) establish a deadline, of not more  
19           than 120 days after the notice of receipt is  
20           published in the Federal Register under  
21           clause (i), by which both the petitioner and  
22           Amtrak, if Amtrak chooses to do so, would  
23           be required to submit a complete bid to  
24           provide intercity rail passenger transpor-  
25           tation over the applicable route;



1           “(C) require that each bid—

2                   “(i) describe the capital needs, finan-  
3                   cial projections, and operational plans, in-  
4                   cluding staffing plans, for the service, and  
5                   such other factors as the Secretary con-  
6                   siders appropriate; and

7                   “(ii) be made available by the winning  
8                   bidder to the public after the bid award;

9           “(D) for a route that receives funding  
10           from a State or States, require that for each  
11           bid received from a party described in para-  
12           graph (2), other than a State, the Secretary  
13           have the concurrence of the State or States that  
14           provide funding for that route;

15           “(E) for a winning bidder that is not or  
16           does not include Amtrak, require the Secretary  
17           to execute a contract not later than 270 days  
18           after the deadline established under subpara-  
19           graph (B)(ii) and award to the winning bid-  
20           der—

21                   “(i) subject to paragraphs (3) and  
22                   (4), the right and obligation to provide  
23                   intercity rail passenger transportation over  
24                   that route subject to such performance

1 standards as the Secretary may require;  
2 and

3 “(ii) an operating subsidy, as deter-  
4 mined by the Secretary, for—

5 “(I) the first year at a level that  
6 does not exceed 90 percent of the level  
7 in effect for that specific route during  
8 the fiscal year preceding the fiscal  
9 year in which the petition was re-  
10 ceived, adjusted for inflation; and

11 “(II) any subsequent years at the  
12 level calculated under subclause (I),  
13 adjusted for inflation; and

14 “(F) for a winning bidder that is or in-  
15 cludes Amtrak, award to that bidder an oper-  
16 ating subsidy, as determined by the Secretary,  
17 over the applicable route that will not change  
18 during the fiscal year in which the bid was sub-  
19 mitted solely as a result of the winning bid.

20 “(2) ELIGIBLE PETITIONERS.—The following  
21 parties are eligible to submit petitions under para-  
22 graph (1):

23 “(A) A rail carrier or rail carriers that own  
24 the infrastructure over which Amtrak operates  
25 a long-distance route.

1           “(B) A rail passenger carrier with a writ-  
2           ten agreement with the rail carrier or rail car-  
3           riers that own the infrastructure over which  
4           Amtrak operates a long-distance route and that  
5           host or would host the intercity rail passenger  
6           transportation.

7           “(C) A State, group of States, or State-  
8           supported joint powers authority or other sub-  
9           State governance entity responsible for provi-  
10          sion of intercity rail passenger transportation  
11          with a written agreement with the rail carrier  
12          or rail carriers that own the infrastructure over  
13          which Amtrak operates a long-distance route  
14          and that host or would host the intercity rail  
15          passenger transportation.

16          “(D) A State, group of States, or State-  
17          supported joint powers authority or other sub-  
18          State governance entity responsible for provi-  
19          sion of intercity rail passenger transportation  
20          and a rail passenger carrier with a written  
21          agreement with the rail carrier or rail carriers  
22          that own the infrastructure over which Amtrak  
23          operates a long-distance route and that host or  
24          would host the intercity rail passenger transpor-  
25          tation.

1           “(3) PERFORMANCE STANDARDS.—If the win-  
2           ning bidder under paragraph (1)(E)(i) is not or does  
3           not include Amtrak, the performance standards shall  
4           be consistent with the performance required of or  
5           achieved by Amtrak on the applicable route during  
6           the last fiscal year.

7           “(4) AGREEMENT GOVERNING ACCESS  
8           ISSUES.—Unless the winning bidder already has ap-  
9           plicable access agreements in place or includes a rail  
10          carrier that owns the infrastructure used in the op-  
11          eration of the route, the winning bidder under para-  
12          graph (1)(E)(i) shall enter into a written agreement  
13          governing access issues between the winning bidder  
14          and the rail carrier or rail carriers that own the in-  
15          frastructure over which the winning bidder would  
16          operate and that host or would host the intercity rail  
17          passenger transportation.

18          “(e) ACCESS TO FACILITIES; EMPLOYEES.—If the  
19          Secretary awards the right and obligation to provide rail  
20          passenger transportation over a route under this section  
21          to an entity in lieu of Amtrak—

22                 “(1) the Secretary shall require Amtrak to pro-  
23                 vide access to the Amtrak-owned reservation system,  
24                 stations, and facilities directly related to operations  
25                 of the awarded routes to the rail passenger carrier

1 awarded a contract under this section, in accordance  
2 with subsection (g), as necessary to carry out the  
3 purposes of this section;

4 “(2) an employee of any person, except for a  
5 freight railroad or a person employed or contracted  
6 by a freight railroad, used by such rail passenger  
7 carrier in the operation of a route under this section  
8 shall be considered an employee of that rail pas-  
9 senger carrier and subject to the applicable Federal  
10 laws and regulations governing similar crafts or  
11 classes of employees of Amtrak; and

12 “(3) the winning bidder shall provide hiring  
13 preference to qualified Amtrak employees displaced  
14 by the award of the bid, consistent with the staffing  
15 plan submitted by the bidder, and shall be subject  
16 to the grant conditions under section 24405.

17 “(d) CESSATION OF SERVICE.—If a rail passenger  
18 carrier awarded a route under this section ceases to oper-  
19 ate the service or fails to fulfill an obligation under the  
20 contract required under subsection (b)(1)(E), the Sec-  
21 retary shall take any necessary action consistent with this  
22 title to enforce the contract and ensure the continued pro-  
23 vision of service, including—

24 “(1) the installment of an interim rail pas-  
25 senger carrier;

1           “(2) providing to the interim rail passenger car-  
2           rier under paragraph (1) an operating subsidy nec-  
3           essary to provide service; and

4           “(3) rebidding the contract to operate the rail  
5           passenger transportation.

6           “(e) BUDGET AUTHORITY.—

7           “(1) IN GENERAL.—The Secretary shall provide  
8           to a winning bidder that is not or does not include  
9           Amtrak and that is selected under this section any  
10          appropriations withheld under section 5101(e) of the  
11          Comprehensive Transportation and Consumer Pro-  
12          tection Act of 2015, or any subsequent appropria-  
13          tion for the same purpose, necessary to cover the op-  
14          erating subsidy described in subsection (b)(1)(E)(ii).

15          “(2) AMTRAK.—If the Secretary selects a win-  
16          ning bidder that is not or does not include Amtrak,  
17          the Secretary may provide to Amtrak an appropriate  
18          portion of the appropriations under section 5101(a)  
19          of the Comprehensive Transportation and Consumer  
20          Protection Act of 2015, or any subsequent appropria-  
21          tion for the same purpose, to cover any cost di-  
22          rectly attributable to the termination of Amtrak  
23          service on the route and any indirect costs to Am-  
24          trak imposed on other Amtrak routes as a result of  
25          losing service on the route operated by the winning

1 bidder. Any amount provided by the Secretary to  
2 Amtrak under this paragraph shall not be deducted  
3 from or have any effect on the operating subsidy de-  
4 scribed in subsection (b)(1)(E)(ii).

5 “(f) DEADLINE.—If the Secretary does not promul-  
6 gate the final rule and implement the program before the  
7 deadline under subsection (a), the Secretary shall submit  
8 to the Committee on Commerce, Science, and Transpor-  
9 tation of the Senate and the Committee on Transportation  
10 and Infrastructure of the House of Representatives a let-  
11 ter, signed by the Secretary and Administrator of the Fed-  
12 eral Railroad Administration, each month until the rule  
13 is complete, including—

14 “(1) the reasons why the rule has not been  
15 issued;

16 “(2) an updated staffing plan for completing  
17 the rule as soon as feasible;

18 “(3) the contact information of the official that  
19 will be overseeing the execution of the staffing plan;  
20 and

21 “(4) the estimated date of completion of the  
22 rule.

23 “(g) DISPUTES.—If Amtrak and the rail passenger  
24 carrier awarded a route under this section cannot agree  
25 upon terms to carry out subsection (e)(1), and the Surface

1 Transportation Board finds that access to Amtrak's facili-  
2 ties or equipment, or the provision of services by Amtrak,  
3 is necessary under subsection (c)(1) and that the oper-  
4 ation of Amtrak's other services will not be impaired  
5 thereby, the Surface Transportation Board shall issue an  
6 order that the facilities and equipment be made available,  
7 and that services be provided, by Amtrak, and shall deter-  
8 mine reasonable compensation, liability, and other terms  
9 for use of the facilities and equipment and provision of  
10 the services.

11       “(h) LIMITATION.—Not more than 3 long-distance  
12 routes may be selected under this section for operation by  
13 a winning bidder that is not or does not include Amtrak.

14       “(i) PRESERVATION OF RIGHT TO COMPETITION ON  
15 STATE-SUPPORTED ROUTES.—Nothing in this section  
16 shall be construed as prohibiting a State from introducing  
17 competition for intercity rail passenger transportation or  
18 services on its State-supported route or routes.”.

19       “(b) REPORT.—Not later than 4 years after the date  
20 of implementation of the pilot program under section  
21 24711 of title 49, United States Code, and quadrennially  
22 thereafter until the pilot program is discontinued, the Sec-  
23 retary shall submit to the Committee on Commerce,  
24 Science, and Transportation of the Senate and the Com-  
25 mittee on Transportation and Infrastructure of the House



1 of Representatives a report on the results on the pilot pro-  
 2 gram to date and any recommendations for further action.

3 **SEC. 5206. ROLLING STOCK PURCHASES.**

4 (a) ~~IN GENERAL.~~—Prior to entering into any con-  
 5 tract in excess of \$100,000,000 for rolling stock and loco-  
 6 motive procurements Amtrak shall submit a business case  
 7 analysis to the Secretary, the Committee on Commerce,  
 8 Science, and Transportation and the Committee on Appro-  
 9 priations of the Senate and the Committee on Transpor-  
 10 tation and Infrastructure and the Committee on Appro-  
 11 priations of the House of Representatives, on the utility  
 12 of such procurements.

13 (b) ~~CONTENTS.~~—The business case analysis shall—

14 (1) include a cost and benefit comparison that  
 15 describes the total lifecycle costs and the anticipated  
 16 benefits related to revenue, operational efficiency, re-  
 17 liability, and other factors;

18 (2) set forth the total payments by fiscal year;

19 (3) identify the specific source and amounts of  
 20 funding for each payment, including Federal funds,  
 21 State funds, Amtrak profits, Federal, State, or pri-  
 22 vate loans or loan guarantees, and other funding;

23 (4) include an explanation of whether any pay-  
 24 ment under the contract will increase Amtrak's  
 25 grant request, as required under section 24318 of

1 title 49, United States Code, in that particular fiscal  
2 year; and

3 (5) describe how Amtrak will adjust the pro-  
4 curement if future funding is not available.

5 (e) **RULE OF CONSTRUCTION.**—Nothing in this sec-  
6 tion shall be construed as requiring Amtrak to disclose  
7 confidential information regarding a potential vendor’s  
8 proposed pricing or other sensitive business information  
9 prior to contract execution.

10 **SEC. 5207. FOOD AND BEVERAGE POLICY.**

11 (a) **IN GENERAL.**—Chapter 243, as amended in sec-  
12 tion 5202 of this Act, is further amended by adding after  
13 section 24320 the following:

14 **“§ 24321. Food and beverage reform**

15 “(a) **PLAN.**—Not later than 90 days after the date  
16 of enactment of the Comprehensive Transportation and  
17 Consumer Protection Act of 2015, Amtrak shall develop  
18 and begin implementing a plan to eliminate, not later than  
19 4 years after the date of enactment of that Act, the oper-  
20 ating loss associated with providing food and beverage  
21 service on board Amtrak trains.

22 “(b) **CONSIDERATIONS.**—In developing and imple-  
23 menting the plan under subsection (a), Amtrak shall con-  
24 sider a combination of cost management and revenue gen-  
25 eration initiatives, including—

1           “(1) scheduling optimization;

2           “(2) onboard logistics;

3           “(3) product development and supply chain effi-  
4           ciency;

5           “(4) training, awards, and accountability;

6           “(5) technology enhancements and process im-  
7           provements; and

8           “(6) ticket revenue allocation.

9           “(e) SAVINGS CLAUSE.—Amtrak shall ensure that no  
10 Amtrak employee holding a position as of the date of en-  
11 actment of the Comprehensive Transportation and Con-  
12 sumer Protection Act of 2015 is involuntarily separated  
13 because of—

14           “(1) the development and implementation of the  
15           plan required under subsection (a); or

16           “(2) any other action taken by Amtrak to im-  
17           plement this section.

18           “(d) NO FEDERAL FUNDING FOR OPERATING  
19 LOSSES.—Beginning on the date that is 4 years after the  
20 date of enactment of the Comprehensive Transportation  
21 and Consumer Protection Act of 2015, no Federal funds  
22 may be used to cover any operating loss associated with  
23 providing food and beverage service on a route operated  
24 by Amtrak or an alternative passenger rail service provider

1 that operates a route in lieu of Amtrak under section  
2 24711.

3 “(e) REPORT.—Not later than 120 days after the  
4 date of enactment of the Comprehensive Transportation  
5 and Consumer Protection Act of 2015, and annually  
6 thereafter for a period of 4 years, Amtrak shall transmit  
7 to the Committee on Commerce, Science, and Transpor-  
8 tation of the Senate and the Committee on Transportation  
9 and Infrastructure of the House of Representatives a re-  
10 port on the plan developed under subsection (a) and a de-  
11 scription of progress in the implementation of the plan.”.

12 (b) CONFORMING AMENDMENT.—The table of con-  
13 tents for chapter 243, as amended in section 5202 of this  
14 Act, is amended by adding at the end the following:

“24321. Food and beverage reform.”.

15 **SEC. 5208. LOCAL PRODUCTS AND PROMOTIONAL EVENTS.**

16 (a) IN GENERAL.—Not later than 6 months after the  
17 date of enactment of this Act, Amtrak shall establish a  
18 pilot program for a State or States that sponsor a State-  
19 supported route operated by Amtrak to facilitate—

20 (1) onboard purchase and sale of local food and  
21 beverage products; and

22 (2) partnerships with local entities to hold pro-  
23 motional events on trains or in stations.

24 (b) PROGRAM DESIGN.—The pilot program under  
25 paragraph (1) shall allow a State or States—

1           (1) to nominate and select a local food and bev-  
2           erage products supplier or suppliers or local pro-  
3           motional event partner;

4           (2) to charge a reasonable price or fee for local  
5           food and beverage products or promotional events  
6           and related activities to help defray the costs of pro-  
7           gram administration and State-supported routes;  
8           and

9           (3) a mechanism to ensure that State products  
10          can effectively be handled and integrated into exist-  
11          ing food and beverage services, including compliance  
12          with all applicable regulations and standards gov-  
13          erning such services.

14          (c) PROGRAM ADMINISTRATION.—The pilot program  
15 shall—

16           (1) for local food and beverage products, ensure  
17           the products are integrated into existing food and  
18           beverage services, including compliance with all ap-  
19           plicable regulations and standards;

20           (2) for promotional events, ensure the events  
21           are held in compliance with all applicable regulations  
22           and standards, including terms to address insurance  
23           requirements; and

24           (3) require an annual report that documents  
25           revenues and costs and indicates whether the prod-

1 acts or events resulted in a reduction in the financial  
2 contribution of a State or States to the applicable  
3 State-supported route.

4 (d) REPORT.—Not later than 4 years after the date  
5 of establishment of the pilot programs under this section,  
6 Amtrak shall report to the Committee on Commerce,  
7 Science, and Transportation of the Senate and the Com-  
8 mittee on Transportation and Infrastructure of the House  
9 of Representatives on which States have participated in  
10 the pilot programs under this section. The report shall  
11 summarize the financial and operational outcomes of the  
12 pilot programs.

13 (e) RULE OF CONSTRUCTION.—Nothing in this sub-  
14 section shall be construed as limiting Amtrak's ability to  
15 operate special trains in accordance with section 216 of  
16 the Passenger Rail Investment and Improvement Act of  
17 2008 (49 U.S.C. 24308 note).

18 **SEC. 5209. RIGHT-OF-WAY LEVERAGING.**

19 (a) REQUEST FOR PROPOSALS.—

20 (1) IN GENERAL.—Not later than 1 year after  
21 the date of enactment of this Act, Amtrak shall  
22 issue a Request for Proposals seeking qualified per-  
23 sons or entities to utilize right-of-way and real estate  
24 owned, controlled, or managed by Amtrak for tele-  
25 communications systems, energy distribution sys-

1       tems, and other activities considered appropriate by  
2       Amtrak.

3           (2) CONTENTS.—The Request for Proposals  
4       shall provide sufficient information on the right-of-  
5       way and real estate assets to enable respondents to  
6       propose an arrangement that will monetize or gen-  
7       erate additional revenue from such assets through  
8       revenue sharing or leasing agreements with Amtrak,  
9       to the extent possible.

10       (b) CONSIDERATION OF PROPOSALS.—Not later than  
11 180 days following the deadline for the receipt of pro-  
12 posals under subsection (a), Amtrak shall review and con-  
13 sider each qualified proposal. Amtrak may enter into such  
14 agreements as are necessary to implement any qualified  
15 proposal.

16       (c) REPORT.—Not later than 270 days following the  
17 deadline for the receipt of proposals under subsection (a),  
18 Amtrak shall transmit to the Committee on Commerce,  
19 Science, and Transportation of the Senate and the Com-  
20 mittee on Transportation and Infrastructure of the House  
21 of Representatives a report on the Request for Proposals  
22 required by this section, including summary information  
23 of any proposals submitted to Amtrak and any proposals  
24 accepted by Amtrak.

1       (d) SAVINGS CLAUSE.—Nothing in this section shall  
2 be construed to limit Amtrak’s ability to utilize right-of-  
3 way or real estate assets that it currently owns, controls,  
4 or manages or constrain Amtrak’s ability to enter into  
5 agreements with other parties to utilize such assets.

6 **SEC. 5210. STATION DEVELOPMENT.**

7       (a) REPORT ON DEVELOPMENT OPTIONS.—Not later  
8 than 1 year after the date of the enactment of this Act,  
9 Amtrak shall submit a report to the Committee on Com-  
10 merce, Science, and Transportation of the Senate and the  
11 Committee on Transportation and Infrastructure of the  
12 House of Representatives that describes—

13           (1) options to enhance economic development  
14 and accessibility of and around Amtrak stations and  
15 terminals, for the purposes of—

16                   (A) improving station condition,  
17 functionality, capacity, and customer amenities;

18                   (B) generating additional investment cap-  
19 ital and development-related revenue streams;

20                   (C) increasing ridership and revenue;

21                   (D) complying with the applicable sections  
22 of the Americans with Disabilities Act of 1990  
23 (42 U.S.C. 12101 et seq.) and the Rehabilita-  
24 tion Act of 1973 (29 U.S.C. 701 et seq.); and



1           (E) strengthening multimodal connections,  
2           including transit, intercity buses, roll-on and  
3           roll-off bicycles, and airports, as appropriate;  
4           and

5           (2) options for additional Amtrak stops that  
6           would have a positive incremental financial impact to  
7           Amtrak, based on Amtrak feasibility studies that  
8           demonstrate a financial benefit to Amtrak by gener-  
9           ating additional revenue that exceeds any incre-  
10          mental costs.

11          (b) REQUEST FOR INFORMATION.—Not later than 90  
12          days after the date the report is transmitted under sub-  
13          section (a), Amtrak shall issue a Request of Information  
14          for 1 or more owners of stations served by Amtrak to for-  
15          mally express an interest in completing the requirements  
16          of this section.

17          (c) PROPOSALS.—

18                 (1) REQUEST FOR PROPOSALS.—Not later than  
19                 180 days after the date the Request for Information  
20                 is issued under subsection (a), Amtrak shall issue a  
21                 Request for Proposals from qualified persons, in-  
22                 cluding small business concerns owned and con-  
23                 trolled by socially and economically disadvantaged  
24                 individuals and veteran-owned small businesses, to  
25                 lead, participate, or partner with Amtrak, a station

1 owner that responded under subsection (b); and  
2 other entities in enhancing development in and  
3 around such stations and terminals using applicable  
4 options identified under subsection (a) at facilities  
5 selected by Amtrak.

6 (2) CONSIDERATION OF PROPOSALS.—Not later  
7 than 1 year after the date the Request for Proposals  
8 are issued under paragraph (1), Amtrak shall review  
9 and consider qualified proposals submitted under  
10 paragraph (1). Amtrak or a station owner that re-  
11 sponded under subsection (b) may enter into such  
12 agreements as are necessary to implement any quali-  
13 fied proposal.

14 (d) REPORT.—Not later than 3 years after the date  
15 of enactment of this Act, Amtrak shall transmit to the  
16 Committee on Commerce, Science, and Transportation of  
17 the Senate and the Committee on Transportation and In-  
18 frastructure of the House of Representatives a report on  
19 the Request for Proposals process required under this sec-  
20 tion, including summary information of any qualified pro-  
21 posals submitted to Amtrak and any proposals acted upon  
22 by Amtrak or a station owner that responded under sub-  
23 section (b).

24 (e) DEFINITIONS.—In this section, the terms “small  
25 business concern”, “socially and economically disadvan-

1 taged individual”, and “veteran-owned small business”  
 2 have the meanings given the terms in section 304(e) of  
 3 this Act.

4 (f) SAVINGS CLAUSE.—Nothing in this section shall  
 5 be construed to limit Amtrak’s ability to develop its sta-  
 6 tions, terminals, or other assets; to constrain Amtrak’s  
 7 ability to enter into and carry out agreements with other  
 8 parties to enhance development at or around Amtrak sta-  
 9 tions or terminals; or to affect any station development  
 10 initiatives ongoing as of the date of enactment of this Act.

11 **SEC. 5211. AMTRAK DEBT.**

12 Section 205 of the Passenger Rail Investment and  
 13 Improvement Act of 2008 (49 U.S.C. 24101 note) is  
 14 amended—

15 (1) by striking “as of the date of enactment of  
 16 this Act” each place it appears;

17 (2) in subsection (a)—

18 (A) by inserting “; to the extent provided  
 19 in advance in appropriations Acts” after “Am-  
 20 trak’s indebtedness”; and

21 (B) by striking the second sentence;

22 (3) in subsection (b); by striking “The Sec-  
 23 retary of the Treasury, in consultation” and insert-  
 24 ing “To the extent amounts are provided in advance

1 in appropriations Acts, the Secretary of the Treas-  
 2 ury, in consultation”;

3 (4) in subsection (d), by inserting “, to the ex-  
 4 tent provided in advance in appropriations Acts”  
 5 after “as appropriate”;

6 (5) in subsection (e)—

7 (A) in paragraph (1), by striking “by sec-  
 8 tion 102 of this division”; and

9 (B) in paragraph (2), by striking “by sec-  
 10 tion 102” and inserting “for Amtrak”;

11 (6) in subsection (g), by inserting “, unless that  
 12 debt receives credit assistance, including direct loans  
 13 and loan guarantees, under chapter 6 of title 23,  
 14 United States Code, or title V of the Railroad Revi-  
 15 talization and Regulatory Act of 1976 (45 U.S.C.  
 16 821 et seq.)” after “Secretary”; and

17 (7) by striking subsection (h).

18 **SEC. 5212. AMTRAK PILOT PROGRAM FOR PASSENGERS**  
 19 **TRANSPORTING DOMESTICATED CATS AND**  
 20 **DOGS.**

21 (a) **IN GENERAL.**—Not later than 1 year after the  
 22 date of enactment of this Act, Amtrak shall develop a pilot  
 23 program that allows passengers to transport domesticated  
 24 cats or dogs on certain trains operated by Amtrak.

1 (b) PET POLICY.—In developing the pilot program  
2 required under subsection (a), Amtrak shall—

3 (1) in the case of a passenger train that is com-  
4 prised of more than 1 car, designate, where feasible,  
5 at least 1 car in which a ticketed passenger may  
6 transport a domesticated cat or dog in the same  
7 manner as carry-on baggage if—

8 (A) the cat or dog is contained in a pet  
9 kennel;

10 (B) the pet kennel complies with Amtrak  
11 size requirements for carriage of carry-on bag-  
12 gage;

13 (C) the passenger is traveling on a train  
14 operating on a route described in subparagraph  
15 (A), (B), or (D) of section 24102(6) of title 49,  
16 United States Code; and

17 (D) the passenger pays a fee described in  
18 paragraph (3);

19 (2) allow a ticketed passenger to transport a  
20 domesticated cat or dog on a train in the same man-  
21 ner as cargo if—

22 (A) the cat or dog is contained in a pet  
23 kennel;

24 (B) the pet kennel is stowed in accordance  
25 with Amtrak requirements for cargo stowage;

1           (C) the passenger is traveling on a train  
2           operating on a route described in subparagraph  
3           (A), (B), or (D) of section 24102(6) of title 49,  
4           United States Code;

5           (D) the cargo area is temperature con-  
6           trolled in a manner protective of cat and dog  
7           safety and health; and

8           (E) the passenger pays a fee described in  
9           paragraph (3); and

10          (3) collect fees for each cat or dog transported  
11          by a ticketed passenger in an amount that, in the  
12          aggregate and at a minimum, covers the full costs  
13          of the pilot program.

14          (e) REPORT.—Not later than 1 year after the pilot  
15          program required under subsection (a) is first imple-  
16          mented, Amtrak shall transmit to the Committee on Com-  
17          merce, Science, and Transportation of the Senate and the  
18          Committee on Transportation and Infrastructure of the  
19          House of Representatives a report containing an evalua-  
20          tion of the pilot program.

21          (d) LIMITATION ON STATUTORY CONSTRUCTION.—

22                (1) SERVICE ANIMALS.—The pilot program  
23                under subsection (a) shall be separate from and in  
24                addition to the policy governing Amtrak passengers  
25                traveling with service animals. Nothing in this sec-

1 tion may be interpreted to limit or waive the rights  
2 of passengers to transport service animals.

3 ~~(2) ADDITIONAL TRAIN CARS.—~~Nothing in this  
4 section may be interpreted to require Amtrak to add  
5 additional train cars or modify existing train cars.

6 ~~(3) FEDERAL FUNDS.—~~No Federal funds may  
7 be used to implement the pilot program required  
8 under this section.

9 **SEC. 5213. AMTRAK BOARD OF DIRECTORS.**

10 (a) ~~IN GENERAL.—~~Section 24302(a) is amended to  
11 read as follows:

12 ~~“(a) COMPOSITION AND TERMS.—~~

13 ~~“(1) IN GENERAL.—~~The Amtrak Board of Di-  
14 rectors (referred to in this section as the ‘Board’) is  
15 composed of the following 9 directors, each of whom  
16 must be a citizen of the United States:

17 ~~“(A) The Secretary of Transportation.~~

18 ~~“(B) The President of Amtrak.~~

19 ~~“(C) 7 individuals appointed by the Presi-~~  
20 ~~dent of the United States, by and with the ad-~~  
21 ~~vice and consent of the Senate, with general~~  
22 ~~business and financial experience, experience or~~  
23 ~~qualifications in transportation, freight and~~  
24 ~~passenger rail transportation, travel, hospi-~~  
25 ~~tality, or passenger air transportation busi-~~

1 nesses, or representatives of employees or users  
2 of passenger rail transportation or a State gov-  
3 ernment.

4 “(2) SELECTION.—In selecting individuals de-  
5 scribed in paragraph (1)(C) for nominations for ap-  
6 pointments to the Board, the President shall consult  
7 with the Speaker of the House of Representatives,  
8 the minority leader of the House of Representatives,  
9 the majority leader of the Senate, and the minority  
10 leader of the Senate. The individuals appointed to  
11 the Board under paragraph (1)(C) shall be com-  
12 posed of the following:

13 “(A) 2 individuals from the Northeast Cor-  
14 ridor.

15 “(B) 4 individuals from regions of the  
16 country outside of the Northeast Corridor and  
17 geographically distributed with—

18 “(i) 2 individuals from States with  
19 long-distance routes operated by Amtrak;  
20 and

21 “(ii) 2 individuals from States with  
22 State-supported routes operated by Am-  
23 trak.



1           ~~“(C) 1 individual from the Northeast Cor-~~  
2           ~~ridor or a State with long-distance or State-~~  
3           ~~supported routes.~~

4           ~~“(3) TERM.—An individual appointed under~~  
5           ~~paragraph (1)(C) shall be appointed for a term of 5~~  
6           ~~years. The term may be extended until the individ-~~  
7           ~~ual’s successor is appointed and qualified. Not more~~  
8           ~~than 4 individuals appointed under paragraph (1)(C)~~  
9           ~~may be members of the same political party.~~

10          ~~“(4) CHAIRPERSON AND VICE CHAIRPERSON.—~~  
11          ~~The Board shall elect a chairperson and vice chair-~~  
12          ~~person, other than the President of Amtrak, from~~  
13          ~~among its membership. The vice chairperson shall~~  
14          ~~serve as chairperson in the absence of the chair-~~  
15          ~~person.~~

16          ~~“(5) SECRETARY’S DESIGNEE.—The Secretary~~  
17          ~~may be represented at Board meetings by the Sec-~~  
18          ~~retary’s designee.”.~~

19          ~~(b) RULE OF CONSTRUCTION.—Nothing in this sec-~~  
20          ~~tion shall be construed as affecting the term of any direc-~~  
21          ~~tor serving on the Amtrak Board of Directors under sec-~~  
22          ~~tion 24302(a)(1)(C) of title 49, United States Code, on~~  
23          ~~the day preceding the date of enactment of this Act.~~

1       **Subtitle C—Intercity Passenger**  
 2                   **Rail Policy**

3       **SEC. 5301. COMPETITIVE OPERATING GRANTS.**

4       (a) IN GENERAL.—Chapter 244 is amended—

5               (1) by striking section 24406; and

6               (2) by inserting after section 24405 the fol-  
 7       lowing:

8       **“§ 24406. Competitive operating grants**

9               “(a) APPLICANT DEFINED.—In this section, the term  
 10       ‘applicant’ means—

11               “(1) a State;

12               “(2) a group of States;

13               “(3) an Interstate Compact;

14               “(4) a public agency or publicly chartered au-  
 15       thority established by 1 or more States and having  
 16       responsibility for providing intercity rail passenger  
 17       transportation or commuter rail passenger transpor-  
 18       tation;

19               “(5) a political subdivision of a State;

20               “(6) Amtrak or another rail passenger carrier  
 21       that provides intercity rail passenger transportation;

22               “(7) any rail carrier in partnership with at least  
 23       1 of the entities described in paragraphs (1) through  
 24       (5); and

1           “(8) any combination of the entities described  
2           in paragraphs (1) through (7).

3           “(b) GRANTS AUTHORIZED.—The Secretary of  
4 Transportation shall develop and implement a program for  
5 issuing 3-year operating assistance grants to applicants,  
6 on a competitive basis, for the purpose of initiating, re-  
7 storing, or enhancing intercity rail passenger service.

8           “(c) APPLICATION.—An applicant for a grant under  
9 this section shall submit to the Secretary—

10           “(1) a capital and mobilization plan that—

11                   “(A) describes any capital investments,  
12                   service planning actions (such as environmental  
13                   reviews), and mobilization actions (such as  
14                   qualification of train crews) required for initi-  
15                   ation of service; and

16                   “(B) includes the timeline for undertaking  
17                   and completing each of the investments and ac-  
18                   tions referred to in subparagraph (A);

19           “(2) an operating plan that describes the  
20           planned operation of the service, including—

21                   “(A) the identity and qualifications of the  
22                   train operator;

23                   “(B) the identity and qualifications of any  
24                   other service providers;

25                   “(C) service frequency;

1           “(D) the planned routes and schedules;

2           “(E) the station facilities that will be uti-  
3 lized;

4           “(F) projected ridership, revenues, and  
5 costs;

6           “(G) descriptions of how the projections  
7 under subparagraph (F) were developed;

8           “(H) the equipment that will be utilized,  
9 how such equipment will be acquired or refur-  
10 bished, and where such equipment will be main-  
11 tained; and

12           “(I) a plan for ensuring safe operations  
13 and compliance with applicable safety regula-  
14 tions;

15           “(J) a funding plan that—

16           “(A) describes the funding of initial capital  
17 costs and operating costs for the first 3 years  
18 of operation;

19           “(B) includes a commitment by the appli-  
20 cant to provide the funds described in subpara-  
21 graph (A) to the extent not covered by Federal  
22 grants and revenues; and

23           “(C) describes the funding of operating  
24 costs and capital costs, to the extent necessary,  
25 after the first 3 years of operation; and

1           “(4) a description of the status of negotiations  
2 and agreements with—

3           “(A) each of the railroads or regional  
4 transportation authorities whose tracks or fa-  
5 cilities would be utilized by the service;

6           “(B) the anticipated rail passenger carrier,  
7 if such entity is not part of the applicant group;  
8 and

9           “(C) any other service providers or entities  
10 expected to provide services or facilities that  
11 will be used by the service, including any re-  
12 quired access to Amtrak systems, stations, and  
13 facilities if Amtrak is not part of the applicant  
14 group.

15       “(d) PRIORITIES.—In awarding grants under this  
16 section, the Secretary shall give priority to applications—

17           “(1) for which planning, design, any environ-  
18 mental reviews, negotiation of agreements, acquisi-  
19 tion of equipment, construction, and other actions  
20 necessary for initiation of service have been com-  
21 pleted or nearly completed;

22           “(2) that would restore service over routes for-  
23 merly operated by Amtrak, including routes with  
24 international connections;

1           “(3) that would provide daily or daytime service  
2 over routes where such service did not previously  
3 exist;

4           “(4) that include private funding (including  
5 funding from railroads), and funding or other sig-  
6 nificant participation by State, local, and regional  
7 governmental and private entities;

8           “(5) that include a funding plan that dem-  
9 onstrates the intercity rail passenger service will be  
10 financially sustainable beyond the 3-year grant pe-  
11 riod;

12           “(6) that would provide service to regions and  
13 communities that are underserved or not served by  
14 other intercity public transportation;

15           “(7) that would foster economic development,  
16 particularly in rural communities and for disadvan-  
17 taged populations;

18           “(8) that would provide other non-transportation  
19 benefits; and

20           “(9) that would enhance connectivity and geo-  
21 graphic coverage of the existing national network of  
22 intercity passenger rail service.

23           “(e) LIMITATIONS.—

24           “(1) DURATION.—Federal operating assistance  
25 grants authorized under this section for any indi-

1       vidual intercity rail passenger transportation route  
2       may not provide funding for more than 3 years and  
3       may not be renewed.

4           “(2) LIMITATION.—Not more than 6 of the op-  
5       erating assistance grants awarded pursuant to sub-  
6       section (b) may be simultaneously active.

7           “(3) MAXIMUM FUNDING.—Grants described in  
8       paragraph (1) may not exceed—

9           “(A) 80 percent of the projected net oper-  
10       ating costs for the first year of service;

11          “(B) 60 percent of the projected net oper-  
12       ating costs for the second year of service; and

13          “(C) 40 percent of the projected net oper-  
14       ating costs for the third year of service.

15          “(f) USE WITH CAPITAL GRANTS AND OTHER FED-  
16       ERAL FUNDING.—A recipient of an operating assistance  
17       grant under subsection (b) may use that grant in combina-  
18       tion with other grants awarded under this chapter or any  
19       other Federal funding that would benefit the applicable  
20       service.

21          “(g) AVAILABILITY.—Amounts appropriated for ear-  
22       rying out this section shall remain available until ex-  
23       pended.

24          “(h) COORDINATION WITH AMTRAK.—If the Sec-  
25       retary awards a grant under this section to a rail pas-

1 senger carrier other than Amtrak, Amtrak may be re-  
2 quired under section 24711(e)(1) of this title to provide  
3 access to its reservation system, stations, and facilities  
4 that are directly related to operations to such carrier, to  
5 the extent necessary to carry out the purposes of this sec-  
6 tion. The Secretary may award an appropriate portion of  
7 the grant to Amtrak as compensation for this access.

8 “(i) CONDITIONS.—

9 “(1) GRANT AGREEMENT.—The Secretary shall  
10 require grant recipients under this section to enter  
11 into a grant agreement that requires them to pro-  
12 vide similar information regarding the route per-  
13 formance, financial, and ridership projections, and  
14 capital and business plans that Amtrak is required  
15 to provide, and such other data and information as  
16 the Secretary deems necessary.

17 “(2) INSTALLMENTS; TERMINATION.—The Sec-  
18 retary may—

19 “(A) award grants under this section in in-  
20 stallments, as the Secretary considers appro-  
21 priate; and

22 “(B) terminate any grant agreement  
23 upon—

24 “(i) the cessation of service; or



1                   “(ii) the violation of any other term of  
2                   the grant agreement.

3                   ~~“(3) GRANT CONDITIONS.—Except as specifi-~~  
4                   ~~cally provided in this section, the use of any~~  
5                   ~~amounts appropriated for grants under this section~~  
6                   ~~shall be subject to the requirements under this chap-~~  
7                   ~~ter.~~

8                   ~~“(j) REPORT.—Not later than 4 years after the date~~  
9                   ~~of enactment of the Comprehensive Transportation and~~  
10                  ~~Consumer Protection Act of 2015, the Secretary, after~~  
11                  ~~consultation with grant recipients under this section, shall~~  
12                  ~~submit a report to Congress that describes—~~

13                  ~~“(1) the implementation of this section;~~

14                  ~~“(2) the status of the investments and oper-~~  
15                  ~~ations funded by such grants;~~

16                  ~~“(3) the performance of the routes funded by~~  
17                  ~~such grants;~~

18                  ~~“(4) the plans of grant recipients for continued~~  
19                  ~~operation and funding of such routes; and~~

20                  ~~“(5) any legislative recommendations.”.~~

21                  ~~(b) CONFORMING AMENDMENTS.—Chapter 244 is~~  
22                  ~~amended—~~

23                  ~~(1) in the table of contents, by inserting after~~  
24                  ~~the item relating to section 24405 the following:~~

~~“24406. Competitive operating grants.”;~~

1           (2) in the chapter title, by striking “**INTER-**  
 2           **CITY PASSENGER RAIL SERVICE COR-**  
 3           **RIDOR CAPITAL**” and inserting “**RAIL CAP-**  
 4           **ITAL AND OPERATING**”;

5           (3) in section 24401, by striking paragraph (1);

6           (4) in section 24402, by striking subsection (j)  
 7           and inserting the following:

8           “(j) **APPLICANT DEFINED.**—In this section, the term  
 9           ‘applicant’ means a State (including the District of Co-  
 10          lumbia); a group of States; an Interstate Compact; a pub-  
 11          lic agency or publicly chartered authority established by  
 12          1 or more States and having responsibility for providing  
 13          intercity rail passenger transportation; or a political sub-  
 14          division of a State.”; and

15          (5) in section 24405—

16                (A) in subsection (b)—

17                   (i) by inserting “, or for which an op-  
 18                   erating grant is issued under section  
 19                   24406,” after “chapter”; and

20                   (ii) in paragraph (2), by striking  
 21                   “(43)” and inserting “(45”;

22                (B) in subsection (d)(1), in the matter pre-  
 23                   ceding subparagraph (A), by inserting “or un-  
 24                   less Amtrak ceased providing intercity pas-  
 25                   senger railroad transportation over the affected

1 route more than 3 years before the commence-  
 2 ment of new service” after “unless such service  
 3 was provided solely by Amtrak to another enti-  
 4 ty”;

5 (C) in subsection (f), by striking “under  
 6 this chapter for commuter rail passenger trans-  
 7 portation, as defined in section 24012(4) of this  
 8 title.” and inserting “under this chapter for  
 9 commuter rail passenger transportation (as de-  
 10 fined in section 24102(3)).”; and

11 (D) by adding at the end the following:

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

16 “(1) in which there is no intercity passenger  
 17 rail service, for the purpose of funding freight rail  
 18 capital projects that are on a State rail plan devel-  
 19 oped under chapter 227 that provide public benefits  
 20 (as defined in chapter 227), as determined by the  
 21 Secretary; or

22 “(2) in which the rail transportation system is  
 23 not physically connected to rail systems in the conti-  
 24 nental United States or may not otherwise qualify  
 25 for a grant under this section due to the unique

1 characteristics of the geography of that State or  
 2 other relevant considerations, for the purpose of  
 3 funding transportation-related capital projects.”.

4 **SEC. 5302. FEDERAL-STATE PARTNERSHIP FOR STATE-OF-**  
 5 **GOOD-REPAIR.**

6 (a) **AMENDMENT.**—Chapter 244 is amended by in-  
 7 serting after section 24406, as added by section 5301 of  
 8 this Act, the following:

9 **“§ 24407. Federal-State partnership for state-of-good-**  
 10 **repair**

11 **“(a) DEFINITIONS.**—In this section:

12 **“(1) APPLICANT.**—The term ‘applicant’  
 13 means—

14 **“(A)** a State (including the District of Co-  
 15 lumbia);

16 **“(B)** a group of States;

17 **“(C)** an Interstate Compact;

18 **“(D)** a public agency or publicly chartered  
 19 authority established by 1 or more States that  
 20 has responsibility for providing intercity rail  
 21 passenger transportation or commuter rail pas-  
 22 senger transportation;

23 **“(E)** a political subdivision of a State;

1           “(F) Amtrak, acting on its own behalf or  
2           under a cooperative agreement with 1 or more  
3           States; or

4           “(G) any combination of the entities de-  
5           scribed in subparagraphs (A) through (F).

6           “(2) CAPITAL PROJECT.—The term ‘capital  
7           project’ means—

8           “(A) a project primarily intended to re-  
9           place, rehabilitate, or repair major infrastruc-  
10          ture assets utilized for providing intercity pas-  
11          senger rail service, including tunnels, bridges,  
12          stations, and other assets, as determined by the  
13          Secretary; or

14          “(B) a project primarily intended to im-  
15          prove intercity passenger rail performance, in-  
16          cluding reduced trip times, increased train fre-  
17          quencies, higher operating speeds, and other  
18          improvements, as determined by the Secretary.

19          “(3) NORTHEAST CORRIDOR.—The term  
20          ‘Northeast Corridor’ means—

21          “(A) the main rail line between Boston,  
22          Massachusetts and the Virginia Avenue inter-  
23          locking in the District of Columbia; and

1           “(B) the branch rail lines connecting to  
2           Harrisburg, Pennsylvania, Springfield, Massa-  
3           chusetts, and Spuyten Duyvil, New York.

4           “(4) QUALIFIED RAILROAD ASSET.—The term  
5           ‘qualified railroad asset’ means infrastructure,  
6           equipment, or a facility that—

7                   “(A) is owned or controlled by an eligible  
8                   applicant; and

9                   “(B) was not in a state-of-good-repair on  
10                  the date of enactment of the Comprehensive  
11                  Transportation and Consumer Protection Act of  
12                  2015.

13           “(b) GRANT PROGRAM AUTHORIZED.—The Secretary  
14           of Transportation shall develop and implement a program  
15           for issuing grants to applicants, on a competitive basis,  
16           to fund capital projects that reduce the state-of-good-re-  
17           pair backlog on qualified railroad assets.

18           “(c) ELIGIBLE PROJECTS.—Projects eligible for  
19           grants under this section include capital projects to re-  
20           place or rehabilitate qualified railroad assets, including—

21                   “(1) capital projects to replace existing assets  
22                   in-kind;

23                   “(2) capital projects to replace existing assets  
24                   with assets that increase capacity or provide a high-  
25                   er level of service; and

1           ~~“(3) capital projects to ensure that service can~~  
2           ~~be maintained while existing assets are brought to a~~  
3           ~~state-of-good-repair.~~

4           ~~“(d) PROJECT SELECTION CRITERIA.—In selecting~~  
5           ~~an applicant for a grant under this section, the Secretary~~  
6           ~~shall—~~

7           ~~“(1) give preference to eligible projects—~~

8                   ~~“(A) that are consistent with the goals, ob-~~  
9                   ~~jectives, and policies defined in any regional rail~~  
10                  ~~planning document that is applicable to a~~  
11                  ~~project proposal; and~~

12                   ~~“(B) for which the proposed Federal share~~  
13                  ~~of total project costs does not exceed 50 per-~~  
14                  ~~cent; and~~

15           ~~“(2) take into account—~~

16                   ~~“(A) the cost-benefit analysis of the pro-~~  
17                  ~~posed project, including anticipated private and~~  
18                  ~~public benefits relative to the costs of the pro-~~  
19                  ~~posed project, including—~~

20                           ~~“(i) effects on system and service per-~~  
21                           ~~formance;~~

22                           ~~“(ii) effects on safety, competitive-~~  
23                           ~~ness, reliability, trip or transit time, and~~  
24                           ~~resilience;~~

1           ~~“(iii) efficiencies from improved inte-~~  
2           ~~gration with other modes; and~~

3           ~~“(iv) ability to meet existing or antici-~~  
4           ~~pated demand;~~

5           ~~“(B) the degree to which the proposed~~  
6           ~~project’s business plan considers potential pri-~~  
7           ~~vate sector participation in the financing, con-~~  
8           ~~struction, or operation of the proposed project;~~

9           ~~“(C) the applicant’s past performance in~~  
10          ~~developing and delivering similar projects; and~~  
11          ~~previous financial contributions;~~

12          ~~“(D) whether the applicant has, or will~~  
13          ~~have—~~

14                 ~~“(i) the legal, financial, and technical~~  
15                 ~~capacity to carry out the project;~~

16                 ~~“(ii) satisfactory continuing control~~  
17                 ~~over the use of the equipment or facilities;~~  
18                 ~~and~~

19                 ~~“(iii) the capability and willingness to~~  
20                 ~~maintain the equipment or facilities;~~

21                 ~~“(E) if applicable, the consistency of the~~  
22                 ~~project with planning guidance and documents~~  
23                 ~~set forth by the Secretary or required by law;~~  
24                 ~~and~~



1           “(F) any other relevant factors, as deter-  
2           mined by the Secretary.

3           “(e) PLANNING REQUIREMENTS.—A project is not el-  
4           igible for a grant under this section unless the project is  
5           specifically identified—

6           “(1) on a State rail plan prepared in accord-  
7           ance with chapter 227; or

8           “(2) if the project is located on the Northeast  
9           Corridor, on the Northeast Corridor Capital Invest-  
10          ment Plan developed pursuant to section 24904(a).

11          “(f) NORTHEAST CORRIDOR PROJECTS.—

12          “(1) COMPLIANCE WITH USAGE AGREE-  
13          MENTS.—Grant funds may not be provided under  
14          this section to an eligible recipient for an eligible  
15          project located on the Northeast Corridor unless  
16          Amtrak and the public authorities providing com-  
17          muter rail passenger transportation on the North-  
18          east Corridor are in compliance with section  
19          24905(e)(2).

20          “(2) CAPITAL INVESTMENT PLAN.—When se-  
21          lecting projects located on the Northeast Corridor,  
22          the Secretary shall consider the appropriate se-  
23          quence and phasing of projects as contained in the  
24          Northeast Corridor Capital Investment Plan devel-  
25          oped pursuant to section 24904(a).

1 “(g) FEDERAL SHARE OF TOTAL PROJECT COSTS.—

2 “(1) TOTAL PROJECT COST.—The Secretary  
3 shall estimate the total cost of a project under this  
4 section based on the best available information, in-  
5 cluding engineering studies, studies of economic fea-  
6 sibility, environmental analyses, and information on  
7 the expected use of equipment or facilities.

8 “(2) FEDERAL SHARE.—The Federal share of  
9 total costs for a project under this subsection shall  
10 not exceed 80 percent.

11 “(3) TREATMENT OF AMTRAK REVENUE.—If  
12 Amtrak or another rail passenger carrier is an appli-  
13 cant under this section, Amtrak or the other rail  
14 passenger carrier, as applicable, may use ticket and  
15 other revenues generated from its operations and  
16 other sources to satisfy the non-Federal share re-  
17 quirements.

18 “(h) LETTERS OF INTENT.—

19 “(1) IN GENERAL.—The Secretary may issue a  
20 letter of intent to a grantee under this section  
21 that—

22 “(A) announces an intention to obligate,  
23 for a major capital project under this section,  
24 an amount from future available budget author-  
25 ity specified in law that is not more than the

1 amount stipulated as the financial participation  
2 of the Secretary in the project; and

3 “(B) states that the contingent commit-  
4 ment—

5 “(i) is not an obligation of the Fed-  
6 eral Government; and

7 “(ii) is subject to the availability of  
8 appropriations under Federal law and to  
9 Federal laws in force or enacted after the  
10 date of the contingent commitment.

11 “(2) CONGRESSIONAL NOTIFICATION.—

12 “(A) IN GENERAL.—Not later than 30  
13 days before issuing a letter under paragraph  
14 (1), the Secretary shall submit written notifica-  
15 tion to—

16 “(i) the Committee on Commerce,  
17 Science, and Transportation of the Senate;

18 “(ii) the Committee on Appropriations  
19 of the Senate;

20 “(iii) the Committee on Transpor-  
21 tation and Infrastructure of the House of  
22 Representatives; and

23 “(iv) the Committee on Appropria-  
24 tions of the House of Representatives.

1           “(B) CONTENTS.—The notification sub-  
2           mitted pursuant to subparagraph (A) shall in-  
3           clude—

4                   “(i) a copy of the proposed letter or  
5                   agreement;

6                   “(ii) the criteria used under sub-  
7                   section (d) for selecting the project for a  
8                   grant award; and

9                   “(iii) a description of how the project  
10                  meets such criteria.

11           “(3) APPROPRIATIONS REQUIRED.—An obliga-  
12           tion or administrative commitment may be made  
13           under this section only when amounts are appro-  
14           priated for such purpose.

15           “(i) AVAILABILITY.—Amounts appropriated for ear-  
16           rying out this section shall remain available until ex-  
17           pended.

18           “(j) GRANT CONDITIONS.—Except as specifically  
19           provided in this section, the use of any amounts appro-  
20           priated for grants under this section shall be subject to  
21           the requirements under this chapter.”.

22           (b) CONFORMING AMENDMENT.—The table of con-  
23           tents for chapter 244 is amended by inserting after the  
24           item relating to section 24406 the following:

“24407. Federal-State partnership for state-of-good-repair.”.

1 **SEC. 5303. LARGE CAPITAL PROJECT REQUIREMENTS.**

2 Section 24402 is amended by adding at the end the  
3 following:

4 ~~“(m) LARGE CAPITAL PROJECT REQUIREMENTS.—~~

5 ~~“(1) IN GENERAL.—For a grant awarded under~~  
6 ~~this chapter for an amount in excess of~~  
7 ~~\$1,000,000,000, the following conditions shall apply:~~

8 ~~“(A) The Secretary of Transportation may~~  
9 ~~not obligate any funding unless the applicant~~  
10 ~~demonstrates, to the satisfaction of the Sec-~~  
11 ~~retary, that the applicant has committed, and~~  
12 ~~will be able to fulfill, the non-Federal share re-~~  
13 ~~quired for the grant within the applicant’s pro-~~  
14 ~~posed project completion timetable.~~

15 ~~“(B) The Secretary may not obligate any~~  
16 ~~funding for work activities that occur after the~~  
17 ~~completion of final design unless—~~

18 ~~“(i) the applicant submits a financial~~  
19 ~~plan to the Secretary that generally identi-~~  
20 ~~fies the sources of the non-Federal funding~~  
21 ~~required for any subsequent segments or~~  
22 ~~phases of the corridor service development~~  
23 ~~program covering the project for which the~~  
24 ~~grant is awarded;~~

25 ~~“(ii) the grant will result in a useable~~  
26 ~~segment, a transportation facility, or~~

1 equipment, that has operational independ-  
2 ence or is financially sustainable; and

3 “(iii) the intercity passenger rail bene-  
4 fits anticipated to result from the grant,  
5 such as increased speed, improved on-time  
6 performance, reduced trip time, increased  
7 frequencies, new service, safety improve-  
8 ments, improved accessibility, or other sig-  
9 nificant enhancements, are detailed by the  
10 grantee and approved by the Secretary.

11 “(C)(i) The Secretary shall ensure that the  
12 project is maintained to the level of utility that  
13 is necessary to support the benefits approved  
14 under subparagraph (B)(iii) for a period of 20  
15 years from the date on which the useable seg-  
16 ment, transportation facility, or equipment de-  
17 scribed in subparagraph (B)(ii) is placed in  
18 service.

19 “(ii) If the project property is not main-  
20 tained as required under clause (i) for a 12-  
21 month period, the grant recipient shall refund  
22 a pro-rata share of the Federal contribution,  
23 based upon the percentage remaining of the 20-  
24 year period that commenced when the project  
25 property was placed in service.

1           “(2) **EARLY WORK.**—The Secretary may allow a  
2           grantee subject to this subsection to engage in at-  
3           risk work activities subsequent to the conclusion of  
4           final design if the Secretary determines that such  
5           work activities are reasonable and necessary.”.

6 **SEC. 5304. SMALL BUSINESS PARTICIPATION STUDY.**

7           (a) **STUDY.**—The Secretary shall conduct a nation-  
8           wide disparity and availability study on the availability  
9           and use of small business concerns owned and controlled  
10          by socially and economically disadvantaged individuals and  
11          veteran-owned small businesses in publicly funded inter-  
12          city passenger rail service projects.

13          (b) **REPORT.**—Not later than 4 years after the date  
14          of enactment of this Act, the Secretary shall submit a re-  
15          port containing the results of the study conducted under  
16          subsection (a) to the Committee on Commerce, Science,  
17          and Transportation of the Senate and the Committee on  
18          Transportation and Infrastructure of the House of Rep-  
19          resentatives.

20          (c) **DEFINITIONS.**—In this section:

21                  (1) **SMALL BUSINESS CONCERN.**—The term  
22                  “small business concern” has the meaning given  
23                  such term in section 3 of the Small Business Act  
24                  (15 U.S.C. 632), except that the term does not in-  
25                  clude any concern or group of concerns controlled by

1 the same socially and economically disadvantaged in-  
2 dividual or individuals that have average annual  
3 gross receipts during the preceding 3 fiscal years in  
4 excess of \$22,410,000, as adjusted annually by the  
5 Secretary for inflation.

6 ~~(2) SOCIALLY AND ECONOMICALLY DISADVAN-~~  
7 ~~TAGED INDIVIDUAL.—~~The term “socially and eco-  
8 nomically disadvantaged individual” has the mean-  
9 ing given such term in section 8(d) of the Small  
10 Business Act (15 U.S.C. 637(d)) and relevant sub-  
11 contracting regulations issued pursuant to such Act,  
12 except that women shall be presumed to be socially  
13 and economically disadvantaged individuals for pur-  
14 poses of this section.

15 ~~(3) VETERAN-OWNED SMALL BUSINESS.—~~The  
16 term “veteran-owned small business” has the mean-  
17 ing given the term “small business concern owned  
18 and controlled by veterans” in section 3(q)(3) of the  
19 Small Business Act (15 U.S.C. 632(q)(3)), except  
20 that the term does not include any concern or group  
21 of concerns controlled by the same veterans that  
22 have average annual gross receipts during the pre-  
23 ceeding 3 fiscal years in excess of \$22,410,000, as  
24 adjusted annually by the Secretary for inflation.



1 **SEC. 5305. GULF COAST RAIL SERVICE WORKING GROUP.**

2 (a) **IN GENERAL.**—Not later than 90 days after the  
3 date of enactment of this Act, the Secretary shall convene  
4 a working group to evaluate the restoration of intercity  
5 rail passenger service in the Gulf Coast region between  
6 New Orleans, Louisiana, and Orlando, Florida.

7 (b) **MEMBERSHIP.**—The working group convened  
8 pursuant to subsection (a) shall consist of representatives  
9 of—

10 (1) the Federal Railroad Administration, which  
11 shall serve as chair of the working group;

12 (2) Amtrak;

13 (3) the States along the proposed route or  
14 routes;

15 (4) regional transportation planning organiza-  
16 tions and metropolitan planning organizations, mu-  
17 nicipalities, and communities along the proposed  
18 route or routes, which shall be selected by the Ad-  
19 ministrator;

20 (5) the Southern Rail Commission;

21 (6) freight railroad carriers whose tracks may  
22 be used for such service; and

23 (7) other entities determined appropriate by the  
24 Secretary, which may include independent passenger  
25 rail operators that express an interest in Gulf Coast  
26 service.

- 1       (c) ~~RESPONSIBILITIES.~~—The working group shall—
- 2           (1) evaluate all options for restoring intercity
- 3       rail passenger service in the Gulf Coast region, in-
- 4       cluding options outlined in the report transmitted to
- 5       Congress pursuant to section 226 of the Passenger
- 6       Rail Investment and Improvement Act of 2008 (divi-
- 7       sion B of Public Law 110-432);
- 8           (2) select a preferred option for restoring such
- 9       service;
- 10          (3) develop a prioritized inventory of capital
- 11       projects and other actions required to restore such
- 12       service and cost estimates for such projects or ac-
- 13       tions; and
- 14          (4) identify Federal and non-Federal funding
- 15       sources required to restore such service, including
- 16       options for entering into public-private partnerships
- 17       to restore such service.
- 18       (d) ~~REPORT.~~—Not later than 9 months after the date
- 19       of enactment of this Act, the working group shall submit
- 20       a report to the Committee on Commerce, Science, and
- 21       Transportation of the Senate and the Committee on
- 22       Transportation and Infrastructure of the House of Rep-
- 23       resentatives that includes—

1           (1) the preferred option selected under sub-  
2           section (e)(2) and the reasons for selecting such op-  
3           tion;

4           (2) the information described in subsection  
5           (e)(3);

6           (3) the funding sources identified under sub-  
7           section (e)(4);

8           (4) the costs and benefits of restoring intercity  
9           rail passenger transportation in the region; and

10          (5) any other information the working group  
11          determines appropriate.

12 **SEC. 5306. INTEGRATED PASSENGER RAIL WORKING**  
13 **GROUP.**

14          (a) **IN GENERAL.**—Not later than 180 days after the  
15          date of enactment of this Act, the Secretary shall convene  
16          a working group to review issues relating to—

17                 (1) the potential operation of State-supported  
18                 routes by rail passenger carriers other than Amtrak;  
19                 and

20                 (2) their role in establishing an integrated  
21                 intercity passenger rail network in the United  
22                 States.

23          (b) **MEMBERSHIP.**—The working group shall consist  
24          of a balanced representation of—

1           (1) the Federal Railroad Administration, who  
2 shall chair the Working Group;

3           (2) States that fund State-sponsored routes;

4           (3) independent passenger rail operators, in-  
5 cluding those that carry at least 5,000,000 pas-  
6 sengers annually in United States or international  
7 rail service;

8           (4) Amtrak;

9           (5) railroads that host intercity State-supported  
10 routes;

11          (6) employee representatives from railroad  
12 unions and building trade unions with substantial  
13 engagement in railroad rights of way construction  
14 and maintenance; and

15          (7) other entities determined appropriate by the  
16 Secretary.

17       (e) RESPONSIBILITIES.—The working group shall  
18 evaluate options for improving State-supported routes and  
19 may make recommendations, as appropriate, regarding—

20           (1) best practices for State or State authority  
21 governance of State-supported routes;

22           (2) future sources of Federal and non-Federal  
23 funding sources for State-supported routes;

24           (3) best practices in obtaining passenger rail  
25 operations and services on a competitive basis with

1 the objective of creating the highest quality service  
2 at the lowest cost to the taxpayer;

3 (4) ensuring potential interoperability of State-  
4 supported routes as a part of a national network  
5 with multiple providers providing integrated services  
6 including ticketing, scheduling, and route planning;  
7 and

8 (5) the interface between State-supported  
9 routes and connecting commuter rail operations, in-  
10 cluding maximized intra-modal and intermodal con-  
11 nections and common sources of funding for capital  
12 projects.

13 (d) MEETINGS.—Not later than 60 days after the es-  
14 tablishment of the working group by the Secretary under  
15 subsection (a), the working group shall convene an organi-  
16 zational meeting outside of the District of Columbia and  
17 shall define the rules and procedures governing the pro-  
18 ceedings of the working group. The working group shall  
19 hold at least 3 meetings per year in States that fund  
20 State-supported routes.

21 (e) REPORTS.—

22 (1) PRELIMINARY REPORT.—Not later than 1  
23 year after the date the working group is established,  
24 the working group shall submit a preliminary report  
25 to the Secretary, the governors of States funding

1 State-supported routes, the Committee on Com-  
2 merce, Science, and Transportation of the Senate,  
3 and the Committee on Transportation and Infra-  
4 structure of the House of Representatives that in-  
5 cludes—

6 (A) administrative recommendations that  
7 can be implemented by a State and State au-  
8 thority or by the Secretary; and

9 (B) preliminary legislative recommenda-  
10 tions.

11 (2) FINAL LEGISLATIVE RECOMMENDATIONS.—

12 Not later than 2 years after the date the working  
13 group is established, the working group shall submit  
14 a report to the Committee on Commerce, Science,  
15 and Transportation of the Senate and the Com-  
16 mittee on Transportation and Infrastructure of the  
17 House of Representatives that includes final legisla-  
18 tive recommendations.

19 **SEC. 5307. SHARED-USE STUDY.**

20 (a) IN GENERAL.—Not later than 3 years after the  
21 date of enactment of this Act, the Secretary, in consulta-  
22 tion with Amtrak, commuter rail authorities, and other  
23 passenger rail operators, railroad carriers that own rail  
24 infrastructure over which both passenger and freight  
25 trains operate, States, the Surface Transportation Board,

1 the Northeast Corridor Commission established under sec-  
2 tion 24905, the State-Supported Route Committee estab-  
3 lished under section 24712, and groups representing rail  
4 passengers and customers, as appropriate, shall complete  
5 a study that evaluates—

6 (1) the shared use of right-of-way by passenger  
7 and freight rail systems; and

8 (2) the operational, institutional, and legal  
9 structures that would best support improvements to  
10 the systems referred to in paragraph (1).

11 (b) AREAS OF STUDY.—In conducting the study  
12 under subsection (a), the Secretary shall evaluate—

13 (1) the access and use of railroad right-of-way  
14 by a rail carrier that does not own the right-of-way,  
15 such as passenger rail services that operate over pri-  
16 vately owned right-of-way, including an analysis of—

17 (A) access agreements;

18 (B) costs of access; and

19 (C) the resolution of disputes relating to  
20 such access or costs;

21 (2) the effectiveness of existing contractual,  
22 statutory, and regulatory mechanisms for estab-  
23 lishing, measuring, and enforcing train performance  
24 standards, including—

1           (A) the manner in which passenger train  
2           delays are recorded;

3           (B) the assignment of responsibility for  
4           such delays; and

5           (C) the use of incentives and penalties for  
6           performance;

7           (3) strengths and weaknesses in the existing  
8           mechanisms described in paragraph (2) and possible  
9           approaches to address the weaknesses;

10          (4) mechanisms for measuring and maintaining  
11          public benefits resulting from publicly funded freight  
12          or passenger rail improvements, including improve-  
13          ments directed towards shared-use right-of-way by  
14          passenger and freight rail;

15          (5) approaches to operations, capacity, and cost  
16          estimation modeling that—

17               (A) allows for transparent decisionmaking;  
18               and

19               (B) protects the proprietary interests of all  
20               parties;

21          (6) liability requirements and arrangements, in-  
22          cluding—

23               (A) whether to expand statutory liability  
24               limits to additional parties;



1           (B) whether to revise the current statutory  
2 liability limits;

3           (C) whether current insurance levels of  
4 passenger rail operators are adequate and  
5 whether to establish minimum insurance re-  
6 quirements for such passenger rail operators;  
7 and

8           (D) whether to establish a liability regime  
9 modeled after section 170 of the Atomic Energy  
10 Act of 1954 (42 U.S.C. 2210);

11          (7) the effect on rail passenger services, oper-  
12 ations, liability limits and insurance levels of the as-  
13 sertion of sovereign immunity by a State; and

14          (8) other issues identified by the Secretary.

15          (c) REPORT.—Not later than 60 days after the study  
16 under subsection (a) is complete, the Secretary shall sub-  
17 mit to the Committee on Commerce, Science, and Trans-  
18 portation of the Senate and the Committee on Transpor-  
19 tation and Infrastructure of the House of Representatives  
20 a report that includes—

21           (1) the results of the study; and

22           (2) any recommendations for further action, in-  
23 cluding any legislative proposals consistent with such  
24 recommendations.

1 (d) IMPLEMENTATION.—The Secretary shall inte-  
 2 grate the recommendations submitted under subsection (c)  
 3 into its financial assistance programs under subtitle V of  
 4 title 49, United States Code, and section 502 of the Rail-  
 5 road Revitalization and Regulatory Reform Act of 1976  
 6 (45 U.S.C. 822), as appropriate.

7 **SEC. 5308. NORTHEAST CORRIDOR COMMISSION.**

8 (a) COMPOSITION.—Section 24905(a) is amended—

9 (1) in paragraph (1)—

10 (A) in the matter preceding subparagraph  
 11 (A), by inserting “, infrastructure investments,”  
 12 after “rail operations”;

13 (B) by amending subparagraph (B) to read  
 14 as follows:

15 “(B) members representing the Department of  
 16 Transportation, including the Office of the Sec-  
 17 retary, the Federal Railroad Administration, and the  
 18 Federal Transit Administration;” and

19 (C) in subparagraph (D) by inserting “and  
 20 commuter” after “freight”; and

21 (2) by amending paragraph (6) to read as fol-  
 22 lows:

23 “(6) The members of the Commission shall  
 24 elect co-chairs consisting of 1 member described in

1 paragraph (1)(B) and 1 member described in para-  
 2 graph (1)(C).”.

3 (b) STATEMENT OF GOALS AND RECOMMENDA-  
 4 TIONS.—Section 24905(b) is amended—

5 (1) in paragraph (1), by inserting “and periodi-  
 6 cally update” after “develop”;

7 (2) in paragraph (2)(A), by striking “beyond  
 8 those specified in the state-of-good-repair plan under  
 9 section 211 of the Passenger Rail Investment and  
 10 Improvement Act of 2008”; and

11 (3) by adding at the end the following:

12 “(3) SUBMISSION OF STATEMENT OF GOALS,  
 13 RECOMMENDATIONS, AND PERFORMANCE RE-  
 14 PORTS.—The Commission shall submit to the Com-  
 15 mittee on Commerce, Science, and Transportation of  
 16 the Senate and the Committee on Transportation  
 17 and Infrastructure of the House of Representa-  
 18 tives—

19 “(A) any updates made to the statement of  
 20 goals developed under paragraph (1) not later  
 21 than 60 days after such updates are made; and

22 “(B) annual performance reports and rec-  
 23 ommendations for improvements, as appro-  
 24 priate, issued not later than March 31 of each

1 year, for the prior fiscal year, which summa-  
 2 rize—

3 “(i) the operations and performance  
 4 of commuter, intercity, and freight rail  
 5 transportation along the Northeast Cor-  
 6 ridor; and

7 “(ii) the delivery of the capital plan  
 8 described in section 24904.”.

9 (c) COST ALLOCATION POLICY.—Section 24905(c) is  
 10 amended—

11 (1) in the subsection heading, by striking “AC-  
 12 CESS COSTS” and inserting “ALLOCATION OF  
 13 COSTS”;

14 (2) in paragraph (1)—

15 (A) in the paragraph heading, by striking  
 16 “FORMULA” and inserting “POLICY”;

17 (B) in the matter preceding subparagraph  
 18 (A), by striking “Within 2 years after the date  
 19 of enactment of the Passenger Rail Investment  
 20 and Improvement Act of 2008, the Commis-  
 21 sion” and inserting “The Commission”;

22 (C) in subparagraph (A), by striking “for-  
 23 mula” and inserting “policy”; and

24 (D) by striking subparagraphs (B) through  
 25 (D) and inserting the following:

1           “(B) develop a proposed timetable for im-  
2           plementing the policy;

3           “(C) submit the policy and timetable devel-  
4           oped under subparagraph (B) to the Surface  
5           Transportation Board, the Committee on Com-  
6           merce, Science, and Transportation of the Sen-  
7           ate, and the Committee on Transportation and  
8           Infrastructure of the House of Representatives;

9           “(D) not later than October 1, 2015, adopt  
10          and implement the policy in accordance with  
11          the timetable; and

12          “(E) with the consent of a majority of its  
13          members, the Commission may petition the  
14          Surface Transportation Board to appoint a me-  
15          diator to assist the Commission members  
16          through nonbinding mediation to reach an  
17          agreement under this section.”;

18          (3) in paragraph (2)—

19                  (A) by striking “formula proposed in” and  
20                  inserting “policy developed under”; and

21                  (B) in the second sentence—

22                          (i) by striking “the timetable, the  
23                          Commission shall petition the Surface  
24                          Transportation Board to” and inserting  
25                          “paragraph (1)(D) or fail to comply with

1 the policy thereafter, the Surface Trans-  
2 portation Board shall"; and

3 (ii) by striking "amounts for such  
4 services in accordance with section  
5 24904(e) of this title" and inserting "for  
6 such usage in accordance with the proce-  
7 dures and procedural schedule applicable  
8 to a proceeding under section 24903(e),  
9 after taking into consideration the policy  
10 developed under paragraph (1)(A), as ap-  
11 plicable";

12 (4) in paragraph (3), by striking "formula" and  
13 inserting "policy"; and

14 (5) by adding at the end the following:

15 "(4) REQUEST FOR DISPUTE RESOLUTION.—If  
16 a dispute arises with the implementation of, or com-  
17 pliance with, the policy developed under paragraph  
18 (1), the Commission, Amtrak, or public authorities  
19 providing commuter rail passenger transportation on  
20 the Northeast Corridor may request that the Surface  
21 Transportation Board conduct dispute resolution.  
22 The Surface Transportation Board shall establish  
23 procedures for resolution of disputes brought before  
24 it under this paragraph, which may include the pro-  
25 vision of professional mediation services."

1 (d) CONFORMING AMENDMENTS.—Section 24905 is  
2 amended—

3 (1) by striking subsection (d);

4 (2) by redesignating subsections (e) and (f) as  
5 subsections (d) and (e), respectively;

6 (3) in subsection (d), as redesignated, by strik-  
7 ing “to the Commission such sums as may be nec-  
8 essary for the period encompassing fiscal years 2009  
9 through 2013 to carry out this section” and insert-  
10 ing “to the Secretary for the use of the Commission  
11 and the Northeast Corridor Safety Committee such  
12 sums as may be necessary to carry out this section  
13 during fiscal years 2016 through 2019, in addition  
14 to amounts withheld under section 5101(e) of the  
15 Comprehensive Transportation and Consumer Pro-  
16 tection Act of 2015”; and

17 (4) in subsection (e)(2), as redesignated, by  
18 striking “on the main line.” and inserting “on the  
19 main line and meet annually with the Commission  
20 on the topic of Northeast Corridor safety and secu-  
21 rity.”.

22 (e) NORTHEAST CORRIDOR PLANNING.—

23 (1) AMENDMENT.—Chapter 249 is amended—

24 (A) by redesignating section 24904 as sec-  
25 tion 24903; and

1                   (B) by inserting after section 24903, as re-  
2                   designated, the following:

3 **“§ 24904. Northeast Corridor planning**

4                   “(a) NORTHEAST CORRIDOR CAPITAL INVESTMENT  
5 PLAN.—

6                   “(1) REQUIREMENT.—Not later than May 1 of  
7                   each year, the Northeast Corridor Commission es-  
8                   tablished under section 24905 (referred to in this  
9                   section as the ‘Commission’) shall—

10                   “(A) develop a capital investment plan for  
11                   the Northeast Corridor main line between Bos-  
12                   ton, Massachusetts, and the Virginia Avenue  
13                   interlocking in the District of Columbia, and  
14                   the Northeast Corridor branch lines connecting  
15                   to Harrisburg, Pennsylvania, Springfield, Mas-  
16                   sachusetts, and Spuyten Duyvil, New York, in-  
17                   cluding the facilities and services used to oper-  
18                   ate and maintain those lines; and

19                   “(B) submit the capital investment plan to  
20                   the Secretary of Transportation and the Com-  
21                   mittee on Commerce, Science, and Transpor-  
22                   tation of the Senate and the Committee on  
23                   Transportation and Infrastructure of the House  
24                   of Representatives.



1           ~~“(2) CONTENTS.—~~The capital investment plan  
2 shall—

3           ~~“(A) reflect coordination and network opti-~~  
4 mization across the entire Northeast Corridor;

5           ~~“(B) integrate the individual capital and~~  
6 service plans developed by each operator using  
7 the methods described in the cost allocation pol-  
8 icy developed under section 24905(e);

9           ~~“(C) cover a period of 5 fiscal years, begin-~~  
10 ning with the first fiscal year after the date on  
11 which the plan is completed;

12           ~~“(D) notwithstanding section 24902(b),~~  
13 identify, prioritize, and phase the implementa-  
14 tion of projects and programs to achieve the  
15 service outcomes identified in the Northeast  
16 Corridor service development plan and the asset  
17 condition needs identified in the Northeast Cor-  
18 ridor asset management plans, once available,  
19 and consider—

20           ~~“(i) the benefits and costs of capital~~  
21 investments in the plan;

22           ~~“(ii) project and program readiness;~~

23           ~~“(iii) the operational impacts; and~~

24           ~~“(iv) funding availability;~~

1           “(E) categorize capital projects and pro-  
2           grams as primarily associated with;

3                   “(i) normalized capital replacement  
4                   and basic infrastructure renewals;

5                   “(ii) replacement or rehabilitation of  
6                   major Northeast Corridor infrastructure  
7                   assets, including tunnels, bridges, stations,  
8                   and other assets;

9                   “(iii) statutory, regulatory, or other  
10                  legal mandates;

11                  “(iv) improvements to support service  
12                  enhancements or growth; or

13                  “(v) strategic initiatives that will im-  
14                  prove overall operational performance or  
15                  lower costs;

16           “(F) identify capital projects and pro-  
17           grams that are associated with more than 1  
18           category described in subparagraph (E);

19           “(G) describe the anticipated outcomes of  
20           each project or program, including an assess-  
21           ment of—

22                   “(i) the potential effect on passenger  
23                   accessibility, operations, safety, reliability,  
24                   and resiliency;

1                   “(ii) the ability of infrastructure own-  
 2                   ers and operators to meet regulatory re-  
 3                   quirements if the project or program is not  
 4                   funded; and

5                   “(iii) the benefits and costs; and

6                   “(H) include a financial plan.

7                   “(3) FINANCIAL PLAN.—The financial plan  
 8                   under paragraph (2)(H) shall—

9                   “(A) identify funding sources and financ-  
 10                  ing methods;

11                  “(B) identify the expected allocated shares  
 12                  of costs pursuant to the cost allocation policy  
 13                  developed under section 24905(e);

14                  “(C) identify the projects and programs  
 15                  that the Commission expects will receive Fed-  
 16                  eral financial assistance; and

17                  “(D) identify the eligible entity or entities  
 18                  that the Commission expects will receive the  
 19                  Federal financial assistance described under  
 20                  subparagraph (C).

21                  “(b) FAILURE TO DEVELOP A CAPITAL INVESTMENT  
 22                  PLAN.—If a capital investment plan has not been devel-  
 23                  oped by the Commission for a given fiscal year, then the  
 24                  funds assigned to the account established under section  
 25                  24319(b) for that fiscal year may be spent only on—

1           “(1) capital projects described in clause (i) or  
2           (iii) of subsection (a)(2)(E) of this section; or

3           “(2) capital projects described in subsection  
4           (a)(2)(E)(iv) of this section that are for the sole  
5           benefit of Amtrak.

6           “(e) NORTHEAST CORRIDOR ASSET MANAGE-  
7           MENT.—

8           “(1) CONTENTS.—With regard to its infrastruc-  
9           ture, Amtrak and each State and public transpor-  
10          tation entity that owns infrastructure that supports  
11          or provides for intercity rail passenger transpor-  
12          tation on the Northeast Corridor shall develop an  
13          asset management system and develop and update,  
14          as necessary, a Northeast Corridor asset manage-  
15          ment plan for each service territory described in sub-  
16          section (a) that—

17                   “(A) are consistent with the Federal Tran-  
18                   sit Administration process, as authorized under  
19                   section 5326, when implemented; and

20                   “(B) include, at a minimum—

21                           “(i) an inventory of all capital assets  
22                           owned by the developer of the asset man-  
23                           agement plan;

24                           “(ii) an assessment of asset condition;

1           “(iii) a description of the resources  
2           and processes necessary to bring or main-  
3           tain those assets in a state-of-good-repair,  
4           including decision-support tools and invest-  
5           ment prioritization methods; and

6           “(iv) a description of changes in asset  
7           condition since the previous version of the  
8           plan.

9           “(2) TRANSMITTAL.—Each entity described in  
10          paragraph (1) shall transmit to the Commission—

11           “(A) not later than 2 years after the date  
12          of enactment of the Comprehensive Transpor-  
13          tation and Consumer Protection Act of 2015,  
14          its Northeast Corridor asset management plan  
15          developed under paragraph (1); and

16           “(B) at least biennial thereafter, an update  
17          to its Northeast Corridor asset management  
18          plan.

19          “(d) NORTHEAST CORRIDOR SERVICE DEVELOP-  
20          MENT PLAN UPDATES.—Not less frequently than once  
21          every 10 years, the Commission shall update the North-  
22          east Corridor service development plan.”.

23          (2) CONFORMING AMENDMENTS.—

24           (A) NOTE AND MORTGAGE.—Section  
25          24907(a) is amended by striking “section

1           24904 of this title” and inserting “section  
2           24903”.

3           (B) TABLE OF CONTENTS AMENDMENT.—

4           The table of contents for chapter 249 is amend-  
5           ed—

6                   (i) by redesignating the item relating  
7                   to section 24904 as relating to section  
8                   24903; and

9                   (ii) by inserting after the item relating  
10                  to section 24903, as redesignated, the fol-  
11                  lowing:

“24904. Northeast Corridor planning.”

12           (3) REPEAL.—Section 211 of the Passenger  
13           Rail Investment and Improvement Act of 2008 (divi-  
14           sion B of Public Law 110-432; 49 U.S.C. 24902  
15           note) is repealed.

16 **SEC. 5309. NORTHEAST CORRIDOR THROUGH-TICKETING**  
17 **AND PROCUREMENT EFFICIENCIES.**

18           (a) THROUGH-TICKETING STUDY.—

19                   (1) IN GENERAL.—Not later than 3 years after  
20                   the date of enactment of this Act, the Northeast  
21                   Corridor Commission established under section  
22                   24905(a) of title 49, United States Code (referred to  
23                   in this section as the “Commission”); in consultation  
24                   with Amtrak and the commuter rail passenger trans-  
25                   portation providers along the Northeast Corridor

1 shall complete a study on the feasibility of and op-  
2 tions for permitting through-ticketing between Am-  
3 trak service and commuter rail services on the  
4 Northeast Corridor.

5 (2) CONTENTS.—In completing the study under  
6 paragraph (1), the Northeast Corridor Commission  
7 shall—

8 (A) examine the current state of intercity  
9 and commuter rail ticketing technologies, poli-  
10 cies, and other relevant aspects on the North-  
11 east Corridor;

12 (B) consider and recommend technology,  
13 process, policy, or other options that would per-  
14 mit through-ticketing to allow intercity and  
15 commuter rail passengers to purchase, in a sin-  
16 gle transaction, travel that utilizes Amtrak and  
17 connecting commuter rail services;

18 (C) consider options to expand through-  
19 ticketing to include local transit services;

20 (D) summarize costs, benefits, opportuni-  
21 ties, and impediments to developing such  
22 through-ticketing options; and

23 (E) develop a proposed methodology, in-  
24 cluding cost and schedule estimates, for ear-

1           rying out a pilot program on through-ticketing  
2           on the Northeast Corridor.

3           (3) REPORT.—Not later than 60 days after the  
4           date the study under paragraph (1) is complete, the  
5           Commission shall submit to the Committee on Com-  
6           merce, Science, and Transportation of the Senate  
7           and the Committee on Transportation and Infra-  
8           structure of the House of Representatives a report  
9           that includes—

10                   (A) the results of the study; and

11                   (B) any recommendations for further ac-  
12           tion.

13           (b) JOINT PROCUREMENT STUDY.—

14           (1) IN GENERAL.—Not later than 3 years after  
15           the date of enactment of this Act, the Secretary, in  
16           cooperation with the Commission, Amtrak, and com-  
17           muter rail transportation authorities on the North-  
18           east Corridor shall complete a study of the potential  
19           benefits resulting from Amtrak and such authorities  
20           undertaking select joint procurements for common  
21           materials, assets, and equipment when expending  
22           Federal funds for such purchases.

23           (2) CONTENTS.—In completing the study under  
24           paragraph (1), the Secretary shall consider—



1           (A) the types of materials, assets, and  
2           equipment that are regularly purchased by Am-  
3           trak and such authorities that are similar and  
4           could be jointly procured;

5           (B) the potential benefits of such joint pro-  
6           curements, including lower procurement costs,  
7           better pricing, greater market relevancy, and  
8           other efficiencies;

9           (C) the potential costs of such joint pro-  
10          curements;

11          (D) any significant impediments to under-  
12          taking joint procurements, including any nec-  
13          essary harmonization and reconciliation of Fed-  
14          eral and State procurement or safety regula-  
15          tions or standards and other requirements; and

16          (E) whether to create Federal incentives or  
17          requirements relating to considering or carrying  
18          out joint procurements when expending Federal  
19          funds.

20          (3) TRANSMISSION.—Not later than 60 days  
21          after completing the study required under this sub-  
22          section, the Secretary shall submit to the Committee  
23          on Commerce, Science, and Transportation of the  
24          Senate and the Committee on Transportation and

1 Infrastructure of the House of Representatives a re-  
2 port that includes—

3 (A) the results of the study; and

4 (B) any recommendations for further ac-  
5 tion.

6 (c) NORTHEAST CORRIDOR.—In this section, the  
7 term “Northeast Corridor” means the Northeast Corridor  
8 main line between Boston, Massachusetts, and the Vir-  
9 ginia Avenue interlocking in the District of Columbia, and  
10 the Northeast Corridor branch lines connecting to Harris-  
11 burg, Pennsylvania, Springfield, Massachusetts, and  
12 Spuyten Duyvil, New York, including the facilities and  
13 services used to operate and maintain those lines.

14 **SEC. 5310. DATA AND ANALYSIS.**

15 (a) DATA.—Not later than 3 years after the date of  
16 enactment of this Act, the Secretary, in consultation with  
17 the Surface Transportation Board, Amtrak, freight rail-  
18 roads, State and local governments, and regional business,  
19 tourism and economic development agencies shall conduct  
20 a data needs assessment—

21 (1) to support the development of an efficient  
22 and effective intercity passenger rail network;

23 (2) to identify the data needed to conduct cost-  
24 effective modeling and analysis for intercity pas-  
25 senger rail development programs;

1           (3) to determine limitations to the data used  
2 for inputs;

3           (4) to develop a strategy to address such limita-  
4 tions;

5           (5) to identify barriers to accessing existing  
6 data;

7           (6) to develop recommendations regarding  
8 whether the authorization of additional data collec-  
9 tion for intercity passenger rail travel is warranted;  
10 and

11           (7) to determine which entities will be respon-  
12 sible for generating or collecting needed data.

13       (b) BENEFIT-COST ANALYSIS.—Not later than 180  
14 days after the date of enactment of this Act, the Secretary  
15 shall enhance the usefulness of assessments of benefits  
16 and costs, for intercity passenger rail and freight rail  
17 projects—

18           (1) by providing ongoing guidance and training  
19 on developing benefit and cost information for rail  
20 projects;

21           (2) by providing more direct and consistent re-  
22 quirements for assessing benefits and costs across  
23 transportation funding programs, including the ap-  
24 propriate use of discount rates;

1           (3) by requiring applicants to clearly commu-  
 2           nicate the methodology used to calculate the project  
 3           benefits and costs, including non-proprietary infor-  
 4           mation on—

5                   (A) assumptions underlying calculations;  
 6                   (B) strengths and limitations of data used;  
 7           and  
 8                   (C) the level of uncertainty in estimates of  
 9           project benefits and costs; and

10           (4) by ensuring that applicants receive clear  
 11           and consistent guidance on values to apply for key  
 12           assumptions used to estimate potential project bene-  
 13           fits and costs.

14           (e) **CONFIDENTIAL DATA.**—The Secretary shall pro-  
 15           tect sensitive or confidential to the greatest extent per-  
 16           mitted by law. Nothing in this section shall require any  
 17           entity to provide information to the Secretary in the ab-  
 18           sence of a voluntary agreement.

19           **SEC. 5311. DISASTER RELIEF.**

20           (a) **MAJOR DISASTER ASSISTANCE PROGRAMS.**—See-  
 21           tion 406(a) of the Robert T. Stafford Disaster Relief and  
 22           Emergency Assistance Act (42 U.S.C. 5172(a)) is amend-  
 23           ed—

24                   (1) in paragraph (1)—

1           (A) in subparagraph (A), by striking  
2           “and” at the end;

3           (B) in subparagraph (B), by striking the  
4           period at the end and inserting “; and”; and

5           (C) by adding at the end the following:

6           “(C) to entities that receive Federal Gov-  
7           ernment grants to provide critical services for  
8           the repair, restoration, reconstruction, or re-  
9           placement of infrastructure, facilities, and  
10          equipment that—

11           “(i) are owned or operated for the  
12           purposes of providing critical services; and

13           “(ii) are damaged or destroyed by a  
14           major disaster.”; and

15          (2) in paragraph (3)(B)—

16           (A) by striking “this paragraph” and in-  
17           serting “this subsection”; and

18           (B) by inserting “transportation,” after  
19           “education,”.

20          (b) DEBRIS REMOVAL.—Section 407(a)(2) of such  
21          Act (42 U.S.C. 5173(a)(2)) is amended by inserting “enti-  
22          ty that receives Federal Government grants to provide  
23          critical services (as defined in section 5172(a)(3)(B))”  
24          after “government”.

1 **SEC. 5312. PERFORMANCE-BASED PROPOSALS.**

2 (a) SOLICITATION OF PROPOSALS.—

3 (1) IN GENERAL.—Not later than 30 days after  
4 the date of enactment of this Act, the Secretary  
5 shall issue a request for proposals for projects for  
6 the financing, design, construction, operation, and  
7 maintenance of an intercity passenger rail system,  
8 including—

9 (A) the Northeast Corridor;

10 (B) the California Corridor;

11 (C) the Empire Corridor;

12 (D) the Pacific Northwest Corridor;

13 (E) the South Central Corridor;

14 (F) the Gulf Coast Corridor;

15 (G) the Chicago Hub Network;

16 (H) the Florida Corridor;

17 (I) the Keystone Corridor;

18 (J) the Northern New England Corridor;

19 and

20 (K) the Southeast Corridor.

21 (2) SUBMISSION.—Proposals shall be submitted  
22 to the Secretary not later than 180 days after the  
23 publication of such request for proposals under para-  
24 graph (1).

25 (3) PERFORMANCE STANDARD.—Proposals sub-  
26 mitted under paragraph (2) shall meet any stand-

1 ards established by the Secretary. For corridors with  
2 existing intercity passenger rail service, proposals  
3 shall also be designed to achieve a reduction of exist-  
4 ing minimum intercity rail service trip times between  
5 the main corridor city pairs by a minimum of 25  
6 percent. In the case of a proposal submitted with re-  
7 spect to paragraph (1)(A), the proposal shall be de-  
8 signed to achieve a 2-hour or less express service be-  
9 tween Washington, District of Columbia, and New  
10 York City, New York.

11 (4) CONTENTS.—A proposal submitted under  
12 this subsection shall include—

13 (A) the names and qualifications of the  
14 persons submitting the proposal and the entities  
15 proposed to finance, design, construct, operate,  
16 and maintain the railroad, railroad equipment,  
17 and related facilities, stations, and infrastruc-  
18 ture;

19 (B) a detailed description of the proposed  
20 rail service, including possible routes, required  
21 infrastructure investments and improvements,  
22 equipment needs and type, train frequencies,  
23 peak and average operating speeds, and trip  
24 times;

1           (C) a description of how the project would  
2           comply with all applicable Federal rail safety  
3           and security laws, orders, and regulations;

4           (D) the locations of proposed stations,  
5           which maximize the usage of existing infra-  
6           structure to the extent possible, and the popu-  
7           lations such stations are intended to serve;

8           (E) the type of equipment to be used, in-  
9           cluding any technologies, to achieve trip time  
10          goals;

11          (F) a description of any proposed legisla-  
12          tion needed to facilitate all aspects of the  
13          project;

14          (G) a financing plan identifying—

15               (i) projected revenue, and sources  
16               thereof;

17               (ii) the amount of any requested pub-  
18               lic contribution toward the project, and  
19               proposed sources;

20               (iii) projected annual ridership projec-  
21               tions for the first 10 years of operations;

22               (iv) annual operations and capital  
23               costs;

24               (v) the projected levels of capital in-  
25               vestments required both initially and in



1 subsequent years to maintain a state-of-  
2 good-repair necessary to provide the ini-  
3 tially proposed level of service or higher  
4 levels of service;

5 (vi) projected levels of private invest-  
6 ment and sources thereof, including the  
7 identity of any person or entity that has  
8 made or is expected to make a commit-  
9 ment to provide or secure funding and the  
10 amount of such commitment; and

11 (vii) projected funding for the full fair  
12 market compensation for any asset, prop-  
13 erty right or interest, or service acquired  
14 from, owned, or held by a private person or  
15 Federal entity that would be acquired, im-  
16 paired, or diminished in value as a result  
17 of a project, except as otherwise agreed to  
18 by the private person or entity;

19 (H) a description of how the project would  
20 contribute to the development of the intercity  
21 passenger rail system and an intermodal plan  
22 describing how the system will facilitate conven-  
23 ient travel connections with other transpor-  
24 tation services;

1           (I) a description of how the project will en-  
2           sure compliance with Federal laws governing  
3           the rights and status of employees associated  
4           with the route and service, including those spec-  
5           ified in section 24405 of title 49, United States  
6           Code;

7           (J) a description of how the design, con-  
8           struction, implementation, and operation of the  
9           project will accommodate and allow for future  
10          growth of existing and projected intercity, com-  
11          muter, and freight rail service;

12          (K) a description of how the project would  
13          comply with Federal and State environmental  
14          laws and regulations, of what environmental im-  
15          pacts would result from the project, and of how  
16          any adverse impacts would be mitigated; and

17          (L) a description of the project's impacts  
18          on highway and aviation congestion, energy  
19          consumption, land use, and economic develop-  
20          ment in the service area.

21          (b) DETERMINATION AND ESTABLISHMENT OF COM-  
22          MISSIONS.—Not later than 90 days after receipt of the  
23          proposals under subsection (a), the Secretary shall—

24                (1) make a determination as to whether any  
25                such proposals—

1           (A) contain the information required under  
2 paragraphs (3) and (4) of subsection (a);

3           (B) are sufficiently credible to warrant fur-  
4 ther consideration;

5           (C) are likely to result in a positive impact  
6 on the Nation's transportation system; and

7           (D) are cost-effective and in the public in-  
8 terest;

9           (2) establish a commission under subsection (c)  
10 for each corridor with 1 or more proposals that the  
11 Secretary determines satisfy the requirements of  
12 paragraph (1); and

13           (3) forward to each commission established  
14 under paragraph (2) the applicable proposals for re-  
15 view and consideration.

16 (c) COMMISSIONS.—

17           (1) MEMBERS.—Each commission established  
18 under subsection (b)(2) shall include—

19           (A) the governors of the affected States, or  
20 their respective designees;

21           (B) mayors of appropriate municipalities  
22 with stops along the proposed corridor, or their  
23 respective designees;

1           (C) a representative from each freight rail-  
2 road carrier using the relevant corridor, if ap-  
3 plicable;

4           (D) a representative from each transit au-  
5 thority using the relevant corridor, if applicable;

6           (E) representatives of nonprofit employee  
7 labor organizations representing affected rail-  
8 road employees; and

9           (F) the President of Amtrak or his or her  
10 designee.

11           (2) APPOINTMENT AND SELECTION.—The Sec-  
12 retary shall appoint the members under paragraph  
13 (1). In selecting each commission's members to ful-  
14 fill the requirements under subparagraphs (B) and  
15 (E) of paragraph (1), the Secretary shall consult  
16 with the Chairperson and Ranking Member of the  
17 Committee on Commerce, Science, and Transpor-  
18 tation of the Senate and of the Committee on Trans-  
19 portation and Infrastructure of the House of Rep-  
20 resentatives.

21           (3) CHAIRPERSON AND VICE-CHAIRPERSON SE-  
22 LECTION.—The Chairperson and Vice-Chairperson  
23 shall be elected from among members of each com-  
24 mission.

25           (4) QUORUM AND VACANCY.—

1           (A) QUORUM.—A majority of the members  
2 of each commission shall constitute a quorum.

3           (B) VACANCY.—Any vacancy in each com-  
4 mission shall not affect its powers and shall be  
5 filled in the same manner in which the original  
6 appointment was made.

7           (5) APPLICATION OF LAW.—Except where oth-  
8 erwise provided by this section, the Federal Advisory  
9 Committee Act (5 U.S.C. App.) shall apply to each  
10 commission created under this section.

11       (d) COMMISSION CONSIDERATION.—

12           (1) IN GENERAL.—Each commission established  
13 under subsection (b)(2) shall be responsible for re-  
14 viewing the proposal or proposals forwarded to it  
15 under that subsection and not later than 90 days  
16 after the establishment of the commission, shall  
17 transmit to the Secretary a report, including—

18           (A) a summary of each proposal received;

19           (B) services to be provided under each pro-  
20 posal, including projected ridership, revenues,  
21 and costs;

22           (C) proposed public and private contribu-  
23 tions for each proposal;

24           (D) the advantages offered by the proposal  
25 over existing intercity passenger rail services;

1           (~~E~~) public operating subsidies or assets  
2 needed for the proposed project;

3           (~~F~~) possible risks to the public associated  
4 with the proposal, including risks associated  
5 with project financing, implementation, comple-  
6 tion, safety, and security;

7           (~~G~~) a ranked list of the proposals rec-  
8 ommended for further consideration under sub-  
9 section (e) in accordance with each proposal's  
10 projected positive impact on the Nation's trans-  
11 portation system;

12           (~~H~~) an identification of any proposed Fed-  
13 eral legislation that would facilitate implemen-  
14 tation of the projects and Federal legislation  
15 that would be required to implement the  
16 projects; and

17           (~~I~~) any other recommendations by the com-  
18 mission concerning the proposed projects.

19           (~~2~~) VERBAL PRESENTATION.—Proposers shall  
20 be given an opportunity to make a verbal presen-  
21 tation to the commission to explain their proposals.

22           (~~3~~) AUTHORIZATION OF APPROPRIATIONS.—  
23 There is authorized to be appropriated to the Sec-  
24 retary for the use of each commission established

1 under subsection (b)(2) such sums as are necessary  
2 to carry out this section.

3 (c) SELECTION BY SECRETARY.—

4 (1) IN GENERAL.—Not later than 60 days after  
5 receiving the recommended proposals of the commis-  
6 sions established under subsection (b)(2), the Sec-  
7 retary shall—

8 (A) review such proposals and select any  
9 proposal that provides substantial benefits to  
10 the public and the national transportation sys-  
11 tem, is cost-effective, offers significant advan-  
12 tages over existing services, and meets other  
13 relevant factors determined appropriate by the  
14 Secretary; and

15 (B) submit to the Committee on Com-  
16 merce, Science, and Transportation of the Sen-  
17 ate and the Committee on Transportation and  
18 Infrastructure of the House of Representatives  
19 a report containing any proposal with respect to  
20 subsection (a)(1)(A) that is selected by the Sec-  
21 retary under subparagraph (A) of this para-  
22 graph; all the information regarding the pro-  
23 posal provided to the Secretary under sub-  
24 section (d); and any other information the Sec-  
25 retary considers relevant.

1           (2) SUBSEQUENT REPORT.—Following the sub-  
2 mission of the report under paragraph (1)(B), the  
3 Secretary shall submit to the Committee on Com-  
4 merce, Science, and Transportation of the Senate  
5 and the Committee on Transportation and Infra-  
6 structure of the House of Representatives a report  
7 containing any proposal with respect to subpara-  
8 graphs (B) through (K) of subsection (a)(1) that are  
9 selected by the Secretary under paragraph (1) of  
10 this subsection, all the information regarding the  
11 proposal provided to the Secretary under subsection  
12 (d), and any other information the Secretary con-  
13 siders relevant.

14           (3) LIMITATION ON REPORT SUBMISSION.—The  
15 report required under paragraph (2) shall not be  
16 submitted by the Secretary until the report sub-  
17 mitted under paragraph (1)(B) has been considered  
18 through a hearing by the Committee on Commerce,  
19 Science, and Transportation of the Senate and the  
20 Committee on Transportation and Infrastructure of  
21 the House of Representatives on the report sub-  
22 mitted under paragraph (1)(B).

23           (f) NO ACTIONS WITHOUT ADDITIONAL AUTHOR-  
24 ITY.—No Federal agency may take any action to imple-  
25 ment, establish, facilitate, or otherwise act upon any pro-



1 posal submitted under this section, other than those ac-  
 2 tions specifically authorized by this section, without ex-  
 3 plicit statutory authority enacted after the date of enact-  
 4 ment of this Act.

5 (g) DEFINITIONS.—In this section:

6 (1) INTERCITY PASSENGER RAIL.—The term  
 7 “intercity passenger rail” means intercity rail pas-  
 8 senger transportation as defined in section 24102 of  
 9 title 49, United States Code.

10 (2) STATE.—The term “State” means any of  
 11 the 50 States or the District of Columbia.

12 **SEC. 5313. AMTRAK INSPECTOR GENERAL.**

13 (a) AUTHORITY.—

14 (1) IN GENERAL.—The Inspector General of  
 15 Amtrak shall have the authority available to other  
 16 Inspectors General, as necessary in carrying out the  
 17 duties specified in the Inspector General Act of 1978  
 18 (5 U.S.C. App.), to investigate any alleged violation  
 19 of sections 286, 287, 371, 641, 1001, 1002, and  
 20 1516 of title 18, United States Code.

21 (2) AGENCY.—For purposes of sections 286,  
 22 287, 371, 641, 1001, 1002, and 1516 of title 18,  
 23 United States Code, Amtrak and the Amtrak Office  
 24 of Inspector General, shall be considered a corpora-

1       tion in which the United States has a proprietary in-  
2       terest as set forth in section 6 of that title.

3       (b) ASSESSMENT.—The Inspector General of Amtrak  
4 shall—

5           (1) not later than 60 days after the date of en-  
6       actment of this Act, initiate an assessment to deter-  
7       mine whether current expenditures or procurements  
8       involving Amtrak’s fulfillment of the Americans with  
9       Disabilities Act of 1990 (42 U.S.C. 12101 et seq.)  
10      utilize competitive, market-driven provisions that are  
11      applicable throughout the entire term of such related  
12      expenditures or procurements; and

13          (2) not later than 6 months after the date of  
14      enactment of this Act, transmit to the Committee on  
15      Commerce, Science, and Transportation of the Sen-  
16      ate and the Committee on Transportation and Infra-  
17      structure of the House of Representatives the as-  
18      sessment under paragraph (1).

19      (c) LIMITATION.—The authority provided by sub-  
20      sections (a) and (b) shall be effective only with respect  
21      to a fiscal year for which Amtrak receives a Federal sub-  
22      sidy.

23 **SEC. 5314. MISCELLANEOUS PROVISIONS.**

24      (a) TITLE 49 AMENDMENTS.—

1           (1) CONTINGENT INTEREST RECOVERIES.—Sec-  
2           tion 22106(b) is amended by striking “interest  
3           thereof” and inserting “interest thereon”.

4           (2) AUTHORITY.—Section 22702(b)(4) is  
5           amended by striking “5 years for reapproval by the  
6           Secretary” and inserting “4 years for acceptance by  
7           the Secretary”.

8           (3) CONTENTS OF STATE RAIL PLANS.—Section  
9           22705(a) is amended by striking paragraph (12).

10          (4) MISSION.—Section 24101(b) is amended by  
11          striking “of subsection (d)” and inserting “set forth  
12          in subsection (e)”.

13          (5) TABLE OF CONTENTS AMENDMENT.—The  
14          table of contents for chapter 243 is amended by  
15          striking the item relating to section 24316 and in-  
16          serting the following:

“24316. Plans to address the needs of families of passengers involved in rail  
passenger accidents.”.

17          (6) UPDATE.—Section 24305(f)(3) is amended  
18          by striking “\$1,000,000” and inserting  
19          “\$5,000,000”.

20          (7) AMTRAK.—Chapter 247 is amended—

21                 (A) in section 24702(a), by striking “not  
22                 included in the national rail passenger transpor-  
23                 tation system”;

24                 (B) in section 24706—

1 (i) in subsection (a)—

2 (I) in paragraph (1), by striking  
3 “a discontinuance under section  
4 24704 or or”; and

5 (II) in paragraph (2), by striking  
6 “section 24704 or”; and

7 (ii) in subsection (b), by striking “sec-  
8 tion 24704 or”; and

9 (C) in section 24709, by striking “The  
10 Secretary of the Treasury and the Attorney  
11 General,” and inserting “The Secretary of  
12 Homeland Security,”.

13 (b) PASSENGER RAIL INVESTMENT AND IMPROVE-  
14 MENT ACT AMENDMENTS.—Section 305(a) of the Pas-  
15 senger Rail Investment and Improvement Act of 2008 (49  
16 U.S.C. 24101 note) is amended by inserting “nonprofit  
17 organizations representing employees who perform over-  
18 haul and maintenance of passenger railroad equipment,”  
19 after “equipment manufacturers,”.

## 20 **Subtitle D—Rail Safety**

### 21 **PART I—SAFETY IMPROVEMENT**

#### 22 **SEC. 5401. HIGHWAY-RAIL GRADE CROSSING SAFETY.**

23 (a) MODEL STATE HIGHWAY-RAIL GRADE CROSSING  
24 ACTION PLAN.—

1           (1) IN GENERAL.—Not later than 1 year after  
2 the date of enactment of this Act, the Secretary  
3 shall develop a model of a State-specific highway-rail  
4 grade crossing action plan and distribute the model  
5 plan to each State.

6           (2) CONTENTS.—The plan developed under  
7 paragraph (1) shall include—

8           (A) methodologies, tools, and data sources  
9 for identifying and evaluating highway-rail  
10 grade crossing safety risks, including the public  
11 safety risks posed by blocked highway-rail grade  
12 crossings due to idling trains;

13           (B) best practices to reduce the risk of  
14 highway-rail grade crossing accidents or inci-  
15 dents and to alleviate the blockage of highway-  
16 rail grade crossings due to idling trains, includ-  
17 ing strategies for—

18           (i) education, including model stake-  
19 holder engagement plans or tools;

20           (ii) engineering, including the benefits  
21 and costs of different designs and tech-  
22 nologies used to mitigate highway-rail  
23 grade crossing safety risks; and

1 (iii) enforcement, including the  
2 strengths and weaknesses associated with  
3 different enforcement methods;

4 (C) for each State, a customized list and  
5 data set of the highway-rail grade crossing acci-  
6 dents or incidents in that State over the past 3  
7 years, including the location, number of deaths,  
8 and number of injuries for each accident or in-  
9 cident; and

10 (D) contact information of a Department  
11 of Transportation safety official available to as-  
12 sist the State in adapting the model plan to sat-  
13 isfy the requirements under subsection (b).

14 (b) STATE HIGHWAY-RAIL GRADE CROSSING ACTION  
15 PLANS.—

16 (1) REQUIREMENTS.—Not later than 18  
17 months after the Secretary develops and distributes  
18 the model plan under subsection (a), the Secretary  
19 shall promulgate a rule that requires—

20 (A) each State, except the 10 States iden-  
21 tified under section 202 of the Rail Safety Im-  
22 provement Act of 2008 (49 U.S.C. 22501 note),  
23 to develop and implement a State highway-rail  
24 grade crossing action plan; and

1           (B) each State that was identified under  
2           section 202 of the Rail Safety Improvement Act  
3           of 2008 (49 U.S.C. 22501 note), to update its  
4           State action plan under that section and submit  
5           to the Secretary the updated State action plan  
6           and a report describing what the State did to  
7           implement its previous State action plan under  
8           that section and how it will continue to reduce  
9           highway-rail grade crossing safety risks.

10          (2) CONTENTS.—Each State plan required  
11          under this subsection shall—

12               (A) identify highway-rail grade crossings  
13               that have experienced recent highway-rail grade  
14               crossing accidents or incidents, or are at high  
15               risk for accidents or incidents;

16               (B) identify specific strategies for improv-  
17               ing safety at highway-rail grade crossings, in-  
18               cluding highway-rail grade crossing closures or  
19               grade separations; and

20               (C) designate a State official responsible  
21               for managing implementation of the State plan  
22               under subparagraph (A) or (B) of paragraph  
23               (1), as applicable.

24          (3) ASSISTANCE.—The Secretary shall provide  
25          assistance to each State in developing and carrying

1 out, as appropriate, the State plan under this sub-  
2 section.

3 (4) PUBLIC AVAILABILITY.—Each State shall  
4 submit its final State plan under this subsection to  
5 the Secretary for publication. The Secretary shall  
6 make each approved State plan publicly available on  
7 an official Internet Web site.

8 (5) CONDITIONS.—The Secretary may condition  
9 the awarding of a grant to a State under chapter  
10 244 of title 49, United States Code, on that State  
11 submitting an acceptable State plan under this sub-  
12 section.

13 (6) REVIEW OF ACTION PLANS.—Not later than  
14 60 days after the date of receipt of a State plan  
15 under this subsection, the Secretary shall—

16 (A) if the State plan is approved, notify  
17 the State and publish the State plan under  
18 paragraph (4); and

19 (B) if the State plan is incomplete or defi-  
20 cient, notify the State of the specific areas in  
21 which the plan is deficient and allow the State  
22 to complete the plan or correct the deficiencies  
23 and resubmit the plan under paragraph (1).

24 (7) DEADLINE.—Not later than 60 days after  
25 the date of a notice under paragraph (6)(B), a State



1 shall complete the plan or correct the deficiencies  
2 and resubmit the plan.

3 ~~(8) FAILURE TO COMPLETE OR CORRECT~~  
4 ~~PLAN.~~—If a State fails to meet the deadline under  
5 paragraph (7), the Secretary shall post on the Web  
6 site under paragraph (4) a notice that the State has  
7 an incomplete or deficient highway-rail grade cross-  
8 ing action plan.

9 ~~(c) RAILWAY-HIGHWAY CROSSINGS FUNDS.~~—The  
10 Secretary may use funds made available to carry out sec-  
11 tion 130 of title 23, United States Code, to provide States  
12 with funds to develop a State highway-rail grade crossing  
13 action plan under subsection (b)(1)(A) of this section or  
14 to update a State action plan under subsection (b)(1)(B)  
15 of this section.

16 ~~(d) DEFINITIONS.~~—In this section:

17 ~~(1) HIGHWAY-RAIL GRADE CROSSING.~~—The  
18 term “highway-rail grade crossing” means a location  
19 within a State, other than a location where 1 or  
20 more railroad tracks cross 1 or more railroad tracks  
21 at grade where—

22 ~~(A) a public highway, road, or street, or a~~  
23 ~~private roadway, including associated sidewalks~~  
24 ~~and pathways, crosses 1 or more railroad tracks~~  
25 ~~either at grade or grade-separated; or~~

1           (B) a pathway explicitly authorized by a  
2           public authority or a railroad carrier that is  
3           dedicated for the use of non-vehicular traffic,  
4           including pedestrians, bicyclists, and others,  
5           that is not associated with a public highway,  
6           road, or street, or a private roadway, crosses 1  
7           or more railroad tracks either at grade or  
8           grade-separated.

9           (2) STATE.—The term “State” means a State  
10          of the United States or the District of Columbia.

11 **SEC. 5402. CONFIDENTIAL CLOSE CALL REPORTING SYS-**

12   **TEM.**

13          (a) IN GENERAL.—Not later than 3 years after the  
14          date of enactment of this Act, the Secretary shall promul-  
15          gate a rule to encourage and facilitate the voluntary par-  
16          ticipation of railroad carriers, railroad carrier contractors,  
17          and employees of railroad carriers or railroad carrier con-  
18          tractors (including any non-profit labor organizations rep-  
19          resenting a class or craft of directly affected employees  
20          of railroads carriers or railroad carrier contractors) in a  
21          confidential close call reporting system.

22          (b) PROGRAM ELEMENTS.—

23                  (1) IN GENERAL.—The Secretary shall use any  
24          information and experience gathered through re-  
25          search and pilot programs on confidential close call

1 reporting systems in developing a rule for the vol-  
2 untary adoption of confidential close call reporting  
3 system programs under this section.

4 (2) RULEMAKING.—

5 (A) IN GENERAL.—Each confidential close  
6 call reporting system program shall be designed  
7 to improve railroad safety by facilitating greater  
8 collection and analysis of reports that describe  
9 unsafe conditions and events in the railroad in-  
10 dustry, as reported voluntarily and confiden-  
11 tially by employees.

12 (B) REQUIREMENTS.—The rule shall  
13 specify—

14 (i) the use of independent third par-  
15 ties for the collection of close call reports,  
16 de-identification of data, and distribution  
17 of close call data;

18 (ii) the criteria for participating vol-  
19 untarily in the confidential close call re-  
20 porting system;

21 (iii) the criteria for accepting con-  
22 fidential close call reports;

23 (iv) the appropriate use and protec-  
24 tion, including the information protections  
25 described in subsection (d), of peer review

1 teams and participation of the Secretary's  
2 representatives;

3 (v) the relief from specific railroad  
4 safety regulatory provisions and the condi-  
5 tions under which the relief will and will  
6 not be granted; and

7 (vi) the appropriate use and protec-  
8 tion, including the information protections  
9 described in subsection (d), of confidential  
10 data generated under voluntary participa-  
11 tion in the confidential close call reporting  
12 system.

13 (c) PROGRAM DEVELOPMENT.—

14 (1) IN GENERAL.—A railroad carrier voluntarily  
15 participating in a confidential close call reporting  
16 system program, pursuant to program elements con-  
17 tained in the final rule promulgated under sub-  
18 section (b) and in collaboration with the Secretary,  
19 railroad carrier contractors (as appropriate), and  
20 employees of railroad carriers or railroad carrier  
21 contractors (including any non-profit labor organiza-  
22 tion representing a class or craft of directly affected  
23 employees of railroad carriers or railroad carrier  
24 contractors), shall develop an implementing memo-  
25 randum of understanding that establishes agreed-

1 upon terms for participation in the confidential close  
2 call reporting system.

3 ~~(2) SIGNATURES REQUIRED.—An implementing~~  
4 ~~memorandum of understanding under paragraph (1)~~  
5 ~~shall be signed by—~~

6 ~~(A) the Secretary or the Secretary's des-~~  
7 ~~ignee;~~

8 ~~(B) the participating railroad carrier or~~  
9 ~~the representative thereof;~~

10 ~~(C) if appropriate, each participating rail-~~  
11 ~~road carrier contractor or the representative~~  
12 ~~thereof; and~~

13 ~~(D) the participating employees and con-~~  
14 ~~tractors or the representative thereof (such as~~  
15 ~~1 or more non-profit labor organizations rep-~~  
16 ~~resenting a class or craft of directly affected~~  
17 ~~employees of the railroad carrier or railroad~~  
18 ~~carrier contractor).~~

19 ~~(d) INFORMATION PROTECTION.—~~

20 ~~(1) IN GENERAL.—For a confidential close call~~  
21 ~~reporting system program established through an~~  
22 ~~implementing memorandum of understanding de-~~  
23 ~~scribed in subsection (e), the rule shall include provi-~~  
24 ~~sions that withhold from discovery or admission into~~  
25 ~~evidence (in a Federal or State court proceeding for~~

1 damages involving personal injury, wrongful death,  
2 or property damage against a railroad carrier or  
3 railroad carrier contractor) any plan, document, re-  
4 port, survey, schedule, list, or data compiled or col-  
5 lected for the sole purpose of developing, evaluating,  
6 planning, or implementing a confidential close call  
7 reporting system program, including a railroad car-  
8 rier's analysis of its close calls or near misses.

9 (2) RETROACTIVE APPLICATIONS.—With regard  
10 to a voluntary confidential close call reporting sys-  
11 tem that was in effect prior to the date of final rule  
12 under subsection (a), the Secretary—

13 (A) shall allow the parties participating in  
14 that system to sign a new or revised imple-  
15 menting memorandum of understanding that  
16 prospectively entitles the parties to the informa-  
17 tion protections under paragraph (1); and

18 (B) may retroactively apply the informa-  
19 tion protections under paragraph (1) to any in-  
20 formation and analyses that was generated  
21 under that system prior to the date of the final  
22 rule.

23 (3) CONFIDENTIALITY.—For a confidential  
24 close call reporting system program established  
25 through an implementing memorandum of under-

1 standing described in subsection (c), the Secretary  
2 shall ensure that the Department of Transportation  
3 and any entity collecting close call reports, de-identi-  
4 fying data, or distributing close call data provide the  
5 same level of confidentiality as contained in the Con-  
6 fidential Information Protection and Statistical Effi-  
7 ciency Act of 2002 (44 U.S.C. 3501 note), as ad-  
8 ministered by the Bureau of Transportation Statis-  
9 ties.

10 (e) SAVINGS CLAUSE.—Nothing in this section  
11 shall—

12 (1) require a railroad carrier to adopt a con-  
13 fidential close call reporting system program;

14 (2) prohibit a railroad carrier from voluntarily  
15 adopting a confidential close call reporting system  
16 program outside of the rulemaking framework; and

17 (3) require the Secretary to develop a confiden-  
18 tial close call reporting system program with a rail-  
19 road carrier, a railroad carrier contractor, employees  
20 of the railroad carrier or railroad carrier contractor,  
21 or any non-profit labor organizations representing a  
22 class or craft of employees of a railroad carrier or  
23 a railroad carrier contractor.

1 (f) DEFINITION OF RAILROAD CARRIER.—In this  
2 section, the term “railroad carrier” has the meaning given  
3 the term in section 20102 of title 49, United States Code.

4 (g) ADDITIONAL INFORMATION PROTECTIONS.—Sec-  
5 tion 20118 is amended—

6 (1) in subsection (a)—

7 (A) in the matter preceding paragraph

8 (1)—

9 (i) by inserting “, confidential close  
10 call reporting system program,” after  
11 “safety risk reduction program”; and

12 (ii) by inserting “pursuant to section  
13 552(b)(3) of that title,” after “section 552  
14 of title 5”;

15 (B) in paragraph (1), by inserting “, con-  
16 fidential close call reporting system program,”  
17 after “safety risk reduction program”; and

18 (C) in paragraph (2), by inserting “, con-  
19 fidential close call reporting system program,”  
20 after “safety risk reduction program”;

21 (2) in subsection (b), by inserting “, confiden-  
22 tial close call reporting system program,” after  
23 “safety risk reduction program”; and

24 (3) in subsection (c), by inserting “, of any in-  
25 formation or analyses generated as part of a con-



1        confidential close call reporting system program,” after  
2        “risk mitigation analyses”.

3        **SEC. 5403. SPEED LIMIT ACTION PLANS.**

4        (a) **IN GENERAL.**—Not later than 90 days after the  
5        date of enactment of this Act, each railroad carrier pro-  
6        viding intercity rail passenger transportation or commuter  
7        rail passenger transportation, in consultation with any ap-  
8        plicable host railroad carrier, shall survey its entire system  
9        and identify each main track location where there is a re-  
10        duction of more than 20 miles per hour from the approach  
11        speed to a curve or bridge and the maximum authorized  
12        operating speed for passenger trains at that curve or  
13        bridge.

14        (b) **ACTION PLANS.**—Not later than 120 days after  
15        the date that the survey under subsection (a) is complete,  
16        a rail passenger carrier shall submit to the Secretary an  
17        action plan that—

18                (1) identifies each main track location where  
19                there is a reduction of more than 20 miles per hour  
20                from the approach speed to a curve or bridge and  
21                the maximum authorized operating speed for pas-  
22                senger trains at that curve or bridge;

23                (2) describes appropriate actions, including  
24                modification to automatic train control systems, if  
25                applicable; other signal systems; increased crew size;

1 improved signage, or other practices, including in-  
2 creased crew communication, to enable warning and  
3 enforcement of the maximum authorized speed for  
4 passenger trains at each location identified under  
5 paragraph (1);

6 (3) contains milestones and target dates for im-  
7 plementing each appropriate action described under  
8 paragraph (2); and

9 (4) ensures compliance with the maximum au-  
10 thorized speed at each location identified under  
11 paragraph (1).

12 (c) APPROVAL.—Not later than 90 days after the  
13 date an action plan is submitted under subsection (a), the  
14 Secretary shall approve, approve with conditions, or dis-  
15 approve the action plan.

16 (d) ALTERNATIVE SAFETY MEASURES.—The Sec-  
17 retary may exempt from the requirements of this section  
18 each segment of track for which operations are governed  
19 by a positive train control system certified under section  
20 20157 of title 49, United States Code, or any other safety  
21 technology or practice that would achieve an equivalent  
22 or greater level of safety in reducing derailment risk.

23 (e) REPORT.—Not later than 6 months after the date  
24 of the enactment of this Act, the Secretary shall submit  
25 a report to the Committee on Commerce, Science, and

1 Transportation of the Senate and the Committee on  
2 Transportation and Infrastructure of the House of Rep-  
3 resentatives that describes—

4           (1) the actions the railroad carriers have taken  
5           in response to Safety Advisory 2013–08, entitled  
6           “Operational Tests and Inspections for Compliance  
7           With Maximum Authorized Train Speeds and Other  
8           Speed Restrictions”;

9           (2) the actions the railroad carriers have taken  
10           in response to Safety Advisory 2015–03, entitled  
11           “Operational and Signal Modifications for Compli-  
12           ance with Maximum Authorized Passenger Train  
13           Speeds and Other Speed Restrictions”; and

14           (3) the actions the Federal Railroad Adminis-  
15           tration has taken to evaluate or incorporate the in-  
16           formation and findings arising from the safety  
17           advisories referred to in paragraphs (1) and (2) into  
18           the development of regulatory action and oversight  
19           activities.

20           (f) SAVINGS CLAUSE.—Nothing in this section shall  
21           prohibit the Secretary from applying the requirements of  
22           this section to other segments of track at high risk of over-  
23           speed derailment.

1 **SEC. 5404. SIGNAGE.**

2 (a) **IN GENERAL.**—The Secretary shall promulgate  
3 such regulations as the Secretary considers necessary to  
4 require each railroad carrier providing intercity rail pas-  
5 senger transportation or commuter rail passenger trans-  
6 portation, in consultation with any applicable host railroad  
7 carrier, to install signs to warn train crews before the  
8 train approaches a location that the Secretary identifies  
9 as having high risk of overspeed derailment.

10 (b) **ALTERNATIVE SAFETY MEASURES.**—The Sec-  
11 retary may exempt from the requirements of this section  
12 each segment of track for which operations are governed  
13 by a positive train control system certified under section  
14 20157 of title 49, United States Code, or any other safety  
15 technology or practice that would achieve an equivalent  
16 or greater level of safety in reducing derailment risk.

17 **SEC. 5405. ALERTERS.**

18 (a) **IN GENERAL.**—The Secretary shall promulgate a  
19 rule to require a working alerter in the controlling loco-  
20 motive of each passenger train in intercity rail passenger  
21 transportation (as defined in section 24102 of title 49,  
22 United States Code) or commuter rail passenger transpor-  
23 tation (as defined in section 24102 of title 49, United  
24 States Code).

25 (b) **RULEMAKING.**—

1           (1) IN GENERAL.—The Secretary may promul-  
2           gate a rule to specify the essential functionalities of  
3           a working alerter, including the manner in which the  
4           alerter can be reset.

5           (2) ALTERNATE PRACTICE OR TECHNOLOGY.—  
6           The Secretary may require or allow a technology or  
7           practice in lieu of a working alerter if the Secretary  
8           determines that the technology or practice would  
9           achieve an equivalent or greater level of safety in en-  
10          hancing or ensuring appropriate locomotive control.

11 **SEC. 5406. SIGNAL PROTECTION.**

12          (a) IN GENERAL.—The Secretary shall promulgate  
13          regulations to require, not later than 18 months after the  
14          date of the enactment of this Act, that on-track safety  
15          regulations, whenever practicable and consistent with  
16          other safety requirements and operational considerations,  
17          include requiring implementation of redundant signal pro-  
18          tection, such as shunting or other practices and tech-  
19          nologies that achieve an equivalent or greater level of safe-  
20          ty, for maintenance-of-way work crews who depend on a  
21          train dispatcher to provide signal protection.

22          (b) ALTERNATIVE SAFETY MEASURES.—The Sec-  
23          retary may exempt from the requirements of this section  
24          each segment of track for which operations are governed  
25          by a positive train control system certified under section

1 20157 of title 49, United States Code, or any other safety  
2 technology or practice that would achieve an equivalent  
3 or greater level of safety in providing additional signal pro-  
4 tection.

5 **SEC. 5407. TECHNOLOGY IMPLEMENTATION PLANS.**

6 Section 20156(e) is amended—

7 (1) in paragraph (4)—

8 (A) in subparagraph (A), by striking  
9 “and” at the end; and

10 (B) in subparagraph (B), by striking the  
11 period at the end and inserting “; and”; and

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

13 “(C) each railroad carrier required to sub-  
14 mit such a plan, until the implementation of a  
15 positive train control system by the railroad  
16 carrier, shall analyze and, as appropriate,  
17 prioritize technologies and practices to mitigate  
18 the risk of overspeed derailments.”.

19 **SEC. 5408. COMMUTER RAIL TRACK INSPECTIONS.**

20 (a) IN GENERAL.—The Secretary shall evaluate track  
21 inspection regulations to determine if a railroad carrier  
22 providing commuter rail passenger transportation on high  
23 density commuter railroad lines should be required to in-  
24 spect the lines in the same manner as currently required  
25 for other commuter railroad lines.

1       (b) RULEMAKING.—Considering safety, including  
2 railroad carrier employee and contractor safety, and sys-  
3 tem capacity, the Secretary may promulgate a rule for  
4 high density commuter railroad lines. If, after the evalua-  
5 tion under subsection (a), the Secretary determines that  
6 it is necessary to promulgate a rule, the Secretary shall  
7 specifically consider the following regulatory requirements  
8 for high density commuter railroad lines:

9           (1) At least once every 2 weeks—

10                   (A) traverse each main line by vehicle; or

11                   (B) inspect each main line on foot.

12           (2) At least once each month, traverse and in-  
13 spect each siding by vehicle or by foot.

14       (c) REPORT.—If, after the evaluation under sub-  
15 section (a), the Secretary determines it is not necessary  
16 to revise the regulations under this section, the Secretary,  
17 not later than 18 months after the date of enactment of  
18 this Act, shall transmit a report to the Committee on  
19 Commerce, Science, and Transportation of the Senate and  
20 the Committee on Transportation and Infrastructure of  
21 the House of Representatives explaining the reasons for  
22 not revising the regulations.

23       (d) CONSTRUCTION.—Nothing in this section may be  
24 construed to limit the authority of the Secretary to pro-  
25 mulgate regulations or issue orders under any other law.

1 **SEC. 5409. EMERGENCY RESPONSE.**

2 (a) IN GENERAL.—The Secretary, in consultation  
3 with railroad carriers, shall conduct a study to determine  
4 whether limitations or weaknesses exist in the emergency  
5 response information carried by train crews transporting  
6 hazardous materials.

7 (b) CONTENTS.—In conducting the study under sub-  
8 section (a), the Secretary shall evaluate the differences be-  
9 tween the emergency response information carried by train  
10 crews transporting hazardous materials and the emer-  
11 gency response guidance provided in the Emergency Re-  
12 sponse Guidebook issued by the Department of Transpor-  
13 tation.

14 (c) REPORT.—Not later than 1 year after the date  
15 of enactment of this Act, the Secretary shall transmit to  
16 the Committee on Commerce, Science, and Transportation  
17 of the Senate and the Committee on Transportation and  
18 Infrastructure of the House of Representatives a report  
19 of the findings of the study under subsection (a) and any  
20 recommendations for legislative action.

21 **SEC. 5410. PRIVATE HIGHWAY-RAIL GRADE CROSSINGS.**

22 (a) IN GENERAL.—The Secretary, in consultation  
23 with railroad carriers, shall conduct a study—

24 (1) to determine whether limitations or weak-  
25 nesses exist regarding the availability and usefulness



1 for safety purposes of data on private highway-rail  
2 grade crossings; and

3 ~~(2) to evaluate existing engineering practices on~~  
4 ~~private highway-rail grade crossings.~~

5 (b) CONTENTS.—In conducting the study under sub-  
6 section (a), the Secretary shall make recommendations as  
7 necessary to improve—

8 (1) the utility of the data on private highway-  
9 rail grade crossings; and

10 ~~(2) the implementation of private highway-rail~~  
11 ~~crossing safety measures, including signage and~~  
12 ~~warning systems.~~

13 (c) REPORT.—Not later than 1 year after the date  
14 of enactment of this Act, the Secretary shall transmit to  
15 the Committee on Commerce, Science, and Transportation  
16 of the Senate and the Committee on Transportation and  
17 Infrastructure of the House of Representatives a report  
18 of the findings of the study and any recommendations for  
19 further action.

20 **SEC. 5411. REPAIR AND REPLACEMENT OF DAMAGED**  
21 **TRACK INSPECTION EQUIPMENT.**

22 (a) IN GENERAL.—Subchapter I of chapter 201 is  
23 amended by inserting after section 20120 the following:

1 **“§ 20121. Repair and replacement of damaged track**  
 2 **inspection equipment**

3 “The Secretary of Transportation may receive and  
 4 expend cash, or receive and utilize spare parts and similar  
 5 items, from non-United States Government sources to re-  
 6 pair damages to or replace United States Government  
 7 owned automated track inspection cars and equipment as  
 8 a result of third-party liability for such damages, and any  
 9 amounts collected under this section shall be credited di-  
 10 rectly to the Railroad Safety and Operations account of  
 11 the Federal Railroad Administration, and shall remain  
 12 available until expended for the repair, operation, and  
 13 maintenance of automated track inspection cars and  
 14 equipment in connection with the automated track inspec-  
 15 tion program.”.

16 (b) **CONFORMING AMENDMENT.**—The table of con-  
 17 tents for subchapter I of chapter 201 is amended by add-  
 18 ing after section 21020 the following:

“20121. Repair and replacement of damaged track inspection equipment.”.

19 **SEC. 5412. RAIL POLICE OFFICERS.**

20 (a) **IN GENERAL.**—Section 28101 is amended—

21 (1) by striking “employed by” each place it ap-  
 22 pears and inserting “directly employed by or con-  
 23 tracted by”;

24 (2) in subsection (b), by inserting “or agent, as  
 25 applicable,” after “an employee”; and

1           (3) by adding at the end the following:

2           “(e) TRANSFERS.—

3           “(1) IN GENERAL.—If a railroad police officer  
4 directly employed by or contracted by a rail carrier  
5 and certified or commissioned as a police officer  
6 under the laws of a State transfers primary employ-  
7 ment or residence from the certifying or commis-  
8 sioning State to another State or jurisdiction, the  
9 railroad police officer, not later than 1 year after the  
10 date of transfer, shall apply to be certified or com-  
11 missioned as a police officer under the laws of the  
12 State of new primary employment or residence.

13           “(2) INTERIM PERIOD.—During the period be-  
14 ginning on the date of transfer and ending 1 year  
15 after the date of transfer, a railroad police officer di-  
16 rectly employed by or contracted by a rail carrier  
17 and certified or commissioned as a police officer  
18 under the laws of a State may enforce the laws of  
19 the new jurisdiction in which the railroad police offi-  
20 cer resides, to the same extent as provided in sub-  
21 section (a).

22           “(d) TRAINING.—

23           “(1) IN GENERAL.—A State shall recognize as  
24 meeting that State’s basic police officer certification  
25 or commissioning requirements for qualification as a

1 rail police officer under this section any individual  
2 who successfully completes a program at a State-rec-  
3 ognized police training academy in another State or  
4 at a Federal law enforcement training center and  
5 who is certified or commissioned as a police officer  
6 by that other State.

7 “(2) RULE OF CONSTRUCTION.—Nothing in  
8 this subsection shall be construed as superseding or  
9 affecting any unique State training requirements re-  
10 lated to criminal law, criminal procedure, motor ve-  
11 hicle code, or State-mandated comparative or annual  
12 in-service training academy or Federal law enforce-  
13 ment training center.”

14 (b) REGULATIONS.—Not later than 1 year after the  
15 date of enactment of this Act, the Secretary shall revise  
16 the regulations in part 207 of title 49, Code of Federal  
17 Regulations (relating to railroad police officers), to permit  
18 a railroad to designate an individual, who is commissioned  
19 in the individual’s State of legal residence or State of pri-  
20 mary employment and directly employed by or contracted  
21 by a railroad to enforce State laws for the protection of  
22 railroad property, personnel, passengers, and cargo, to  
23 serve in the States in which the railroad owns property.

24 (c) CONFORMING AMENDMENTS.—

1           (1) AMTRAK RAIL POLICE.—Section 24305(e) is  
2 amended—

3           (A) by striking “may employ” and insert-  
4 ing “may directly employ or contract with”;

5           (B) by striking “employed by” and insert-  
6 ing “directly employed by or contracted by”;  
7 and

8           (C) by striking “employed without” and in-  
9 serting “directly employed or contracted with-  
10 out”.

11          (2) SECURE GUN STORAGE OR SAFETY DEVICE;  
12 EXCEPTIONS.—Section 922(z)(2)(B) of title 18 is  
13 amended by striking “employed by” and inserting  
14 “directly employed by or contracted by”.

15 **SEC. 5413. OPERATION DEEP DIVE; REPORT.**

16          (a) PROGRESS REPORTS.—Not later than 60 days  
17 after the date of the enactment of this Act, and quarterly  
18 thereafter until the completion date, the Administrator of  
19 the Federal Railroad Administration shall submit a report  
20 to the Committee on Commerce, Science, and Transpor-  
21 tation of the Senate and the Committee on Transportation  
22 and Infrastructure of the House of Representatives that  
23 describes the progress of Metro-North Commuter Railroad  
24 in implementing the directives and recommendations  
25 issued by the Federal Railroad Administration in its

1 March 2014 report to Congress titled “Operation Deep  
2 Dive Metro-North Commuter Railroad Safety Assess-  
3 ment”.

4 (b) FINAL REPORT.—Not later than 30 days after  
5 the completion date, the Administrator of the Federal  
6 Railroad Administration shall submit a final report on the  
7 directives and recommendations to Congress.

8 (c) DEFINED TERM.—In this section, the term “com-  
9 pletion date” means the date on which Metro-North Com-  
10 muter Railroad has completed all of the directives and rec-  
11 ommendations referred to in subsection (a).

12 **SEC. 5414. POST-ACCIDENT ASSESSMENT.**

13 (a) IN GENERAL.—The Secretary of Transportation,  
14 in cooperation with the National Transportation Safety  
15 Board and the National Railroad Passenger Corporation  
16 (referred to in this section as “Amtrak”), shall conduct  
17 a post-accident assessment of the Amtrak Northeast Re-  
18 gional Train #188 crash on May 12, 2015.

19 (b) ELEMENTS.—The assessment conducted pursu-  
20 ant to subsection (a) shall include—

21 (1) a review of Amtrak’s compliance with the  
22 plan for addressing the needs of the families of pas-  
23 sengers involved in any rail passenger accident,  
24 which was submitted pursuant to section 24316 of  
25 title 49, United States Code;

1           (2) a review of Amtrak's compliance with the  
2 emergency preparedness plan required under section  
3 239.101(a) of title 49, Code of Federal Regulations;

4           (3) a determination of any additional action  
5 items that should be included in the plans referred  
6 to in paragraphs (1) and (2) to meet the needs of  
7 the passengers involved in the crash and their fami-  
8 lies, including—

9                   (A) notification of emergency contacts;

10                   (B) dedicated and trained staff to manage  
11 family assistance;

12                   (C) the establishment of a family assist-  
13 ance center at the accident locale or other ap-  
14 propriate location;

15                   (D) a system for identifying and recovering  
16 items belonging to passengers that were lost in  
17 the crash; and

18                   (E) the establishment of a single customer  
19 service entity within Amtrak to coordinate the  
20 response to the needs of the passengers involved  
21 in the crash and their families; and

22           (4) recommendations for any additional train-  
23 ing needed by Amtrak staff to better implement the  
24 plans referred to in paragraphs (1) and (2), includ-

1       ing the establishment of a regular schedule for train-  
2       ing drills and exercises.

3       (c) **REPORT TO CONGRESS.**—Not later than 1 year  
4 after the date of the enactment of this Act, Amtrak shall  
5 submit a report to the Committee on Commerce, Science,  
6 and Transportation of the Senate and the Committee on  
7 Transportation and Infrastructure of the House of Rep-  
8 resentatives that describes—

9           (1) its plan to achieve the recommendations re-  
10       ferred to in subsection (b)(4); and

11           (2) steps that have been taken to address any  
12       deficiencies identified through the assessment.

13 **SEC. 5415. TECHNICAL AND CONFORMING AMENDMENTS.**

14       (a) **ASSISTANCE TO FAMILIES OF PASSENGERS IN-**  
15 **VOLVED IN RAIL PASSENGER ACCIDENTS.**—Section 1139  
16 is amended—

17           (1) in subsection (a)(1), by striking “phone  
18       number” and inserting “telephone number”;

19           (2) in subsection (a)(2), by striking “post trau-  
20       ma communication with families” and inserting  
21       “post-trauma communication with families”; and

22           (3) in subsection (j), by striking “railroad pas-  
23       senger accident” each place it appears and inserting  
24       “rail passenger accident”.



1       (b) ~~SOLID WASTE RAIL TRANSFER FACILITY LAND-~~  
2 ~~USE EXEMPTION.~~—Section 10909 is amended—

3           (1) in subsection (b), in the matter preceding  
4 paragraph (1), by striking “Clean Railroad Act of  
5 2008” and inserting “Clean Railroads Act of 2008”;  
6 and

7           (2) in subsection (c), by striking “Upon the  
8 granting of petition from the State” and inserting  
9 “Upon the granting of a petition from the State”.

10       (c) ~~RULEMAKING PROCESS.~~—Section 20116 is  
11 amended—

12           (1) by inserting “(2)” before “the code, rule,  
13 standard, requirement, or practice has been subject  
14 to notice and comment under a rule or order issued  
15 under this part.” and indenting accordingly;

16           (2) by inserting “(1)” before “unless” and in-  
17 denting accordingly;

18           (3) in paragraph (1), as redesignated, by strik-  
19 ing “order, or” and inserting “order, or”; and

20           (4) in the matter preceding paragraph (1), as  
21 redesignated, by striking “unless” and inserting  
22 “unless—”.

23       (d) ~~ENFORCEMENT REPORT.~~—Section 20120(a) is  
24 amended—

1           (1) in the matter preceding paragraph (1), by  
2 striking “website” and inserting “Web site”;

3           (2) in paragraph (1), by striking “accident and  
4 incidence reporting” and inserting “accident and in-  
5 cident reporting”;

6           (3) in paragraph (2)(G), by inserting “and” at  
7 the end; and

8           (4) in paragraph (5)(B), by striking “Adminis-  
9 trative Hearing Officer or Administrative Law  
10 Judge” and inserting “administrative hearing officer  
11 or administrative law judge”.

12       (c) RAILROAD SAFETY RISK REDUCTION PRO-  
13 GRAM.—Section 20156 is amended—

14           (1) in subsection (e), by inserting a comma  
15 after “In developing its railroad safety risk reduc-  
16 tion program”; and

17           (2) in subsection (g)(1)—

18               (A) by inserting a comma after “good  
19 faith”; and

20               (B) by striking “non-profit” and inserting  
21 “nonprofit”.

22       (f) ROADWAY USER SIGHT DISTANCE AT HIGHWAY-  
23 RAIL GRADE CROSSINGS.—Section 20159 is amended by  
24 striking “the Secretary” and inserting “the Secretary of  
25 Transportation”.

1       (g) NATIONAL CROSSING INVENTORY.—Section  
2 20160 is amended—

3           (1) in subsection (a)(1), by striking “concerning  
4 each previously unreported crossing through which it  
5 operates or with respect to the trackage over which  
6 it operates” and inserting “concerning each pre-  
7 viously unreported crossing through which it oper-  
8 ates with respect to the trackage over which it oper-  
9 ates”; and

10          (2) in subsection (b)(1)(A), by striking “con-  
11 cerning each crossing through which it operates or  
12 with respect to the trackage over which it operates”  
13 and inserting “concerning each crossing through  
14 which it operates with respect to the trackage over  
15 which it operates”.

16       (h) MINIMUM TRAINING STANDARDS AND PLANS.—  
17 Section 20162(a)(3) is amended by striking “railroad  
18 compliance with Federal standards” and inserting “rail-  
19 road carrier compliance with Federal standards”.

20       (i) DEVELOPMENT AND USE OF RAIL SAFETY TECH-  
21 NOLOGY.—Section 20164(a) is amended by striking “after  
22 enactment of the Railroad Safety Enhancement Act of  
23 2008” and inserting “after the date of enactment of the  
24 Rail Safety Improvement Act of 2008”.

25       (j) RAIL SAFETY IMPROVEMENT ACT OF 2008.—

1           (1) TABLE OF CONTENTS.—Section 1(b) of di-  
2 vision A of the Rail Safety Improvement Act of 2008  
3 (Public Law 110–432; 122 Stat. 4848) is amend-  
4 ed—

5           (A) in the item relating to section 307, by  
6 striking “website” and inserting “Web site”;

7           (B) in the item relating to title VI, by  
8 striking “solid waste facilities” and inserting  
9 “solid waste rail transfer facilities”; and

10          (C) in the item relating to section 602, by  
11 striking “solid waste transfer facilities” and in-  
12 serting “solid waste rail transfer facilities”.

13          (2) DEFINITIONS.—Section 2(a)(1) of division  
14 A of the Rail Safety Improvement Act of 2008 (Pub-  
15 lic Law 110–432; 122 Stat. 4849) is amended in the  
16 matter preceding subparagraph (A), by inserting a  
17 comma after “at grade”.

18          (3) RAILROAD SAFETY STRATEGY.—Section  
19 102(a)(6) of title I of division A of the Rail Safety  
20 Improvement Act of 2008 (49 U.S.C. 20101 note) is  
21 amended by striking “Improving the safety of rail-  
22 road bridges, tunnels, and related infrastructure to  
23 prevent accidents, incidents, injuries, and fatalities  
24 caused by catastrophic failures and other bridge and  
25 tunnel failures.” and inserting “Improving the safety

1 of railroad bridges, tunnels, and related infrastruc-  
 2 ture to prevent accidents, incidents, injuries, and fa-  
 3 talities caused by catastrophic and other failures of  
 4 such infrastructure.”.

5 (4) OPERATION LIFESAVER.—Section 206(a) of  
 6 title II of division A of the Rail Safety Improvement  
 7 Act of 2008 (49 U.S.C. 22501 note) is amended by  
 8 striking “Public Service Announcements” and in-  
 9 serting “public service announcements”.

10 (5) UPDATE OF FEDERAL RAILROAD ADMINIS-  
 11 TRATION’S WEB SITE.—Section 307 of title III of di-  
 12 vision A of the Rail Safety Improvement Act of 2008  
 13 (49 U.S.C. 103 note) is amended—

14 (A) in the heading by striking “**FEDERAL**  
 15 **RAILROAD ADMINISTRATION’S WEBSITE**”  
 16 and inserting “**FEDERAL RAILROAD ADMIN-**  
 17 **ISTRATION WEB SITE**”;

18 (B) by striking “website” each place it ap-  
 19 pears and inserting “Web site”; and

20 (C) by striking “website’s” and inserting  
 21 “Web site’s”.

22 (6) ALCOHOL AND CONTROLLED SUBSTANCE  
 23 TESTING FOR MAINTENANCE-OF-WAY EMPLOYEES.—  
 24 Section 412 of title IV of division A of the Rail  
 25 Safety Improvement Act of 2008 (49 U.S.C. 20140

1 note) is amended by striking “Secretary of Trans-  
2 portation” and inserting “Secretary”.

3 (7) TUNNEL INFORMATION.—Section 414 of  
4 title IV of division A of the Rail Safety Improvement  
5 Act of 2008 (49 U.S.C. 20103 note) is amended—

6 (A) by striking “parts 171.8, 173.115”  
7 and inserting “sections 171.8, 173.115”; and

8 (B) by striking “part 1520.5” and insert-  
9 ing “section 1520.5”.

10 (8) SAFETY INSPECTIONS IN MEXICO.—Section  
11 416 of title IV of division A of the Rail Safety Im-  
12 provement Act of 2008 (49 U.S.C. 20107 note) is  
13 amended—

14 (A) in the matter preceding paragraph (1),  
15 by striking “Secretary of Transportation” and  
16 inserting “Secretary”; and

17 (B) in paragraph (4), by striking “sub-  
18 section” and inserting “section”.

19 (9) HEADING OF TITLE VI.—The heading of  
20 title VI of division A of the Rail Safety Improvement  
21 Act of 2008 (122 Stat. 4900) is amended by strik-  
22 ing “**SOLID WASTE FACILITIES**” and insert-  
23 ing “**SOLID WASTE RAIL TRANSFER FA-**  
24 **CILITIES**”.

1           (10) ~~HEADING OF SECTION 602.~~—Section 602  
 2           of title VI of division A of the Rail Safety Improve-  
 3           ment Act of 2008 (122 Stat. 4900) is amended by  
 4           striking “**SOLID WASTE TRANSFER FACILITIES**”  
 5           and inserting “**SOLID WASTE RAIL TRANSFER**  
 6           **FACILITIES**”.

7                           **PART II—CONSOLIDATED RAIL**  
 8           **INFRASTRUCTURE AND SAFETY IMPROVEMENTS**  
 9           **SEC. 5421. CONSOLIDATED RAIL INFRASTRUCTURE AND**  
 10                           **SAFETY IMPROVEMENTS.**

11           (a) ~~IN GENERAL.~~—Chapter 244, as amended by sec-  
 12           tion 5302 of this Act, is further amended by adding at  
 13           the end the following:

14           “**§ 24408. Consolidated rail infrastructure and safety**  
 15                           **improvements**

16           “(a) ~~GENERAL AUTHORITY.~~—The Secretary may  
 17           make grants under this section to an eligible recipient to  
 18           assist in financing the cost of improving passenger and  
 19           freight rail transportation systems in terms of safety, effi-  
 20           ciency, or reliability.

21           “(b) ~~ELIGIBLE RECIPIENTS.~~—The following entities  
 22           are eligible to receive a grant under this section:

23                           “(1) A State.

24                           “(2) A group of States.

25                           “(3) An Interstate Compact.

1           “(4) A public agency or publicly chartered au-  
2           thority established by 1 or more States and having  
3           responsibility for providing intercity rail passenger,  
4           commuter rail passenger, or freight rail transpor-  
5           tation service.

6           “(5) A political subdivision of a State.

7           “(6) Amtrak or another rail passenger carrier  
8           that provides intercity rail passenger transportation  
9           (as defined in section 24102) or commuter rail pas-  
10          senger transportation (as defined in section 24102).

11          “(7) A Class II railroad or Class III railroad  
12          (as those terms are defined in section 20102).

13          “(8) Any rail carrier or rail equipment manu-  
14          facturer in partnership with at least 1 of the entities  
15          described in paragraphs (1) through (5).

16          “(9) Any entity established to procure, manage,  
17          or maintain passenger rail equipment under section  
18          305 of the Passenger Rail Investment and Improve-  
19          ment Act of 2008 (49 U.S.C. 24101 note).

20          “(10) An organization that is actively involved  
21          in the development of operational and safety-related  
22          standards for rail equipment and operations or the  
23          implementation of safety-related programs.

24          “(11) The Transportation Research Board and  
25          any entity with which it contracts in the develop-



1 ment of rail-related research, including cooperative  
2 research programs.

3 “(12) A University transportation center ac-  
4 tively engaged in rail-related research.

5 “(13) A non-profit labor organization rep-  
6 resenting a class or craft of employees of railroad  
7 carriers or railroad carrier contractors.

8 “(e) ELIGIBLE PROJECTS.—The following projects  
9 are eligible to receive grants under this section:

10 “(1) Deployment of railroad safety technology,  
11 including positive train control and rail integrity in-  
12 spection systems.

13 “(2) A capital project as defined in section  
14 24401, except that a project shall not be required to  
15 be in a State rail plan developed under chapter 227.

16 “(3) A capital project identified by the Sec-  
17 retary as being necessary to address congestion chal-  
18 lenges affecting rail service.

19 “(4) A highway-rail grade crossing improve-  
20 ment, including grade separations, private highway-  
21 rail grade crossing improvements, and safety engi-  
22 neering improvements to reduce risk in quiet zones  
23 or potential quiet zones.

24 “(5) A rail line relocation project.

1           “(6) A capital project to improve short-line or  
2 regional railroad infrastructure.

3           “(7) Paying all or a portion of the credit risk  
4 premium, as determined under section 502(f) of the  
5 Railroad Revitalization and Regulatory Reform Act  
6 of 1976 (45 U.S.C. 822(f)), and loan charges de-  
7 scribed in section 503(l) of that Act (45 U.S.C.  
8 823(l)) for a project eligible for Federal credit as-  
9 sistance under that Act (45 U.S.C. 801 et seq.).

10           “(8) Development of public education, aware-  
11 ness, and targeted law enforcement activities to re-  
12 duce violations of traffic laws at highway-rail grade  
13 crossings and to help prevent and reduce injuries  
14 and fatalities along railroad rights-of-way.

15           “(9) The preparation of regional rail and cor-  
16 ridor service development plans and corresponding  
17 environmental analyses.

18           “(10) Any project that the Secretary considers  
19 necessary to enhance multimodal connections or fa-  
20 cilitate service integration between rail service and  
21 other modes, including between intercity rail pas-  
22 senger transportation and intercity bus service.

23           “(11) The development of rail-related capital,  
24 operations, and safety standards.

1           “(12) The implementation and operation of a  
2           safety program or institute designed to improve rail  
3           safety culture and rail safety performance.

4           “(13) Any research that the Secretary considers  
5           necessary to advance any particular aspect of rail-re-  
6           lated capital, operations, or safety improvements.

7           “(14) Workforce development activities, coordi-  
8           nated to the extent practicable with the existing  
9           local training programs supported by the Depart-  
10          ment of Transportation, Department of Labor, and  
11          Department of Education.

12          “(d) APPLICATION PROCESS.—The Secretary shall  
13          prescribe the form and manner of filing an application  
14          under this section.

15          “(e) PROJECT SELECTION CRITERIA.—

16                 “(1) IN GENERAL.—In selecting a recipient of  
17                 a grant for an eligible project, the Secretary shall—

18                         “(A) give preference to a proposed project  
19                         for which the proposed Federal share of total  
20                         project costs does not exceed 50 percent; and

21                         “(B) after factoring in preference to  
22                         projects under subparagraph (A), select projects  
23                         that will maximize the net benefits of the funds  
24                         appropriated for use under this section, consid-  
25                         ering the cost-benefit analysis of the proposed

1 project, including anticipated private and public  
2 benefits relative to the costs of the proposed  
3 project and factoring in the other consider-  
4 ations described in paragraph (2).

5 “(2) OTHER CONSIDERATIONS.—The Secretary  
6 shall also consider the following:

7 “(A) The degree to which the proposed  
8 project’s business plan considers potential pri-  
9 vate sector participation in the financing, con-  
10 struction, or operation of the project.

11 “(B) The recipient’s past performance in  
12 developing and delivering similar projects, and  
13 previous financial contributions.

14 “(C) Whether the recipient has or will have  
15 the legal, financial, and technical capacity to  
16 carry out the proposed project, satisfactory con-  
17 tinuing control over the use of the equipment or  
18 facilities, and the capability and willingness to  
19 maintain the equipment or facilities.

20 “(D) If applicable, the consistency of the  
21 proposed project with planning guidance and  
22 documents set forth by the Secretary or re-  
23 quired by law or State rail plans developed  
24 under chapter 227.

1           “(E) If applicable, any technical evaluation  
2 ratings that proposed project received under  
3 previous competitive grant programs adminis-  
4 tered by the Secretary.

5           “(F) Such other factors as the Secretary  
6 considers relevant to the successful delivery of  
7 the project.

8           “(3) BENEFITS.—The benefits described in  
9 paragraph (1)(B) may include the effects on system  
10 and service performance, including measures such as  
11 improved safety, competitiveness, reliability, trip or  
12 transit time, resilience, efficiencies from improved  
13 integration with other modes, and ability to meet ex-  
14 isting or anticipated demand.

15          “(f) PERFORMANCE MEASURES.—The Secretary  
16 shall establish performance measures for each grant re-  
17 cipient to assess progress in achieving strategic goals and  
18 objectives. The Secretary may require a grant recipient to  
19 periodically report information related to such perform-  
20 ance measures.

21          “(g) RURAL AREAS.—

22           “(1) IN GENERAL.—Of the amounts appro-  
23 priated under this section, at least 25 percent shall  
24 be available for projects in rural areas. The Sec-  
25 retary shall consider a project to be in a rural area

1 if all or the majority of the project (determined by  
2 the geographic location or locations where the major-  
3 ity of the project funds will be spent) is located in  
4 a rural area.

5 “(2) DEFINITION OF RURAL AREA.—In this  
6 subsection, the term ‘rural area’ means any area not  
7 in an urbanized area, as defined by the Census Bu-  
8 reau.

9 “(h) FEDERAL SHARE OF TOTAL PROJECT COSTS.—

10 “(1) TOTAL PROJECT COSTS.—The Secretary  
11 shall estimate the total costs of a project under this  
12 subsection based on the best available information,  
13 including engineering studies, studies of economic  
14 feasibility, environmental analyses, and information  
15 on the expected use of equipment or facilities.

16 “(2) FEDERAL SHARE.—The Federal share of  
17 total project costs under this subsection shall not ex-  
18 ceed 80 percent.

19 “(3) TREATMENT OF PASSENGER RAIL REV-  
20 ENUE.—If Amtrak or another rail passenger carrier  
21 is an applicant under this section, Amtrak or the  
22 other rail passenger carrier, as applicable, may use  
23 ticket and other revenues generated from its oper-  
24 ations and other sources to satisfy the non-Federal  
25 share requirements.

1       “(i) **APPLICABILITY.**—Except as specifically provided  
2 in this section, the use of any amounts appropriated for  
3 grants under this section shall be subject to the require-  
4 ments of this chapter.

5       “(j) **AVAILABILITY.**—Amounts appropriated for ear-  
6 rying out this section shall remain available until ex-  
7 pended.”.

8       (b) **CONFORMING AMENDMENT.**—The table of con-  
9 tents of chapter 244, as amended by section 5302 of this  
10 Act, is amended by adding after the item relating to sec-  
11 tion 24407 the following:

“24408. Consolidated rail infrastructure and safety improvements.”.

12       **PART III—HAZARDOUS MATERIALS BY RAIL**

13       **SAFETY AND OTHER SAFETY ENHANCEMENTS**

14       **SEC. 5431. REAL-TIME EMERGENCY RESPONSE INFORMA-**  
15       **TION.**

16       (a) **IN GENERAL.**—Not later than 1 year after the  
17 date of enactment of this Act, the Secretary, in consulta-  
18 tion with the Secretary of Homeland Security, shall pro-  
19 mulgate regulations—

20               (1) to require a Class I railroad transporting  
21 hazardous materials—

22                       (A) to generate accurate, real-time, and  
23 electronic train consist information, including—

24                               (i) the identity, quantity, and location  
25 of hazardous materials on a train;

1 (ii) the point of origin and destination  
2 of the train;

3 (iii) any emergency response informa-  
4 tion or resources required by the Sec-  
5 retary; and

6 (iv) an emergency response point of  
7 contact designated by the Class I railroad;  
8 and

9 (B) to enter into a memorandum of under-  
10 standing with each applicable fusion center to  
11 provide that fusion center with secure and con-  
12 fidential access to the electronic train consist  
13 information described in subparagraph (A) for  
14 each train transporting hazardous materials in  
15 that fusion center's jurisdiction;

16 (2) to require each applicable fusion center to  
17 provide the electronic train consist information de-  
18 scribed in paragraph (1)(A) to first responders,  
19 emergency response officials; and law enforcement  
20 personnel that are involved in the response to or in-  
21 vestigation of an incident, accident, or public health  
22 or safety emergency involving the rail transportation  
23 of hazardous materials and that request such elec-  
24 tronic train consist information;



1           ~~(3)~~ to prohibit any Class I railroad, employee,  
2           or agent from withholding, or causing to be withheld  
3           the electronic train consist information described in  
4           paragraph ~~(1)(A)~~ from first responders, emergency  
5           response officials, and law enforcement personnel de-  
6           scribed in paragraph ~~(2)~~ in the event of an incident,  
7           accident, or public health or safety emergency involv-  
8           ing the rail transportation of hazardous materials;  
9           and

10           ~~(4)~~ to establish security and confidentiality pro-  
11           tections to prevent the release of the electronic train  
12           consist information to unauthorized persons.

13           ~~(b) DEFINITIONS.—~~In this section:

14           ~~(1) APPLICABLE FUSION CENTER.—~~The term  
15           “applicable fusion center” means a fusion center  
16           with responsibility for a geographic area in which a  
17           Class I railroad operates.

18           ~~(2) CLASS I RAILROAD.—~~The term “Class I  
19           railroad” has the meaning given the term in section  
20           20102 of title 49, United States Code.

21           ~~(3) FUSION CENTER.—~~The term “fusion cen-  
22           ter” has the meaning given the term in section  
23           124h(j) of title 6, United States Code.

24           ~~(4) HAZARDOUS MATERIALS.—~~The term “haz-  
25           ardous materials” means material designated as haz-

1 arduous by the Secretary of Transportation under  
2 chapter 51 of the United States Code.

3 (5) TRAIN CONSIST.—The term “train consist”  
4 includes, with regard to a specific train, the number  
5 of rail cars and the commodity transported by each  
6 rail car.

7 (c) SAVINGS CLAUSE.—

8 (1) Nothing in this section may be construed to  
9 prohibit a Class I railroad from voluntarily entering  
10 into a memorandum of understanding, as described  
11 in subsection (a)(1)(B), with a State emergency re-  
12 sponse commission or an entity representing or in-  
13 cluding first responders, emergency response offi-  
14 cials, and law enforcement personnel.

15 (2) Nothing in this section may be construed to  
16 amend any requirement for a railroad to provide a  
17 State Emergency Response Commission, for each  
18 State in which it operates trains transporting  
19 1,000,000 gallons or more of Bakken crude oil, noti-  
20 fication regarding the expected movement of such  
21 trains through the counties in the State.

22 **SEC. 5432. THERMAL BLANKETS.**

23 (a) REQUIREMENTS.—Not later than 180 days after  
24 the date of enactment of this Act, the Secretary shall pro-  
25 mulgate such regulations as are necessary to require each

1 tank car built to meet the DOT-117 specification and  
2 each non-jacketed tank car modified to meet the DOT-  
3 117R specification to be equipped with a thermal blanket.

4 (b) DEFINITION OF THERMAL BLANKET.—In this  
5 section, the term “thermal blanket” means an insulating  
6 blanket that is applied between the outer surface of a tank  
7 car tank and the inner surface of a tank car jacket and  
8 that has thermal conductivity no greater than 2.65 Btu  
9 per inch, per hour, per square foot, and per degree Fahr-  
10 enheit at a temperature of 2000 degrees Fahrenheit, plus  
11 or minus 100 degrees Fahrenheit.

12 (c) SAVINGS CLAUSE.—

13 (1) PRESSURE RELIEF DEVICES.—Nothing in  
14 this section may be construed to affect or prohibit  
15 any requirement to equip with appropriately sized  
16 pressure relief devices a tank car built to meet the  
17 DOT-117 specification or a non-jacketed tank car  
18 modified to meet the DOT-117R specification.

19 (2) HARMONIZATION.—Nothing in this section  
20 may be construed to require or allow the Secretary  
21 to prescribe an implementation deadline or author-  
22 ization end date for the requirement under sub-  
23 section (a) that is earlier than the applicable imple-  
24 mentation deadline or authorization end date for

1 other tank car modifications necessary to meet the  
2 DOT-117R specification.

3 **SEC. 5433. COMPREHENSIVE OIL SPILL RESPONSE PLANS.**

4 (a) REQUIREMENTS.—Not later than 120 days after  
5 the date of enactment of this Act, the Secretary shall issue  
6 a notice of proposed rulemaking to require each railroad  
7 carrier transporting a Class 3 flammable liquid to main-  
8 tain a comprehensive oil spill response plan.

9 (b) CONTENTS.—The regulations under subsection  
10 (a) shall require each rail carrier described in that sub-  
11 section—

12 (1) to include in the comprehensive oil spill re-  
13 sponse plan procedures and resources for respond-  
14 ing; to the maximum extent practicable, to a worst-  
15 ease discharge;

16 (2) to ensure the comprehensive oil spill re-  
17 sponse plan is consistent with the National Contingency  
18 Plan and each applicable Area Contingency  
19 Plan;

20 (3) to include in the comprehensive oil spill re-  
21 sponse plan appropriate notification and training  
22 procedures;

23 (4) to review and update its comprehensive oil  
24 spill response plan as appropriate; and

1           (5) to provide the comprehensive oil spill re-  
2           sponse plan for acceptance by the Secretary.

3           (c) SAVINGS CLAUSE.—Nothing in the section may  
4 be construed as prohibiting the Secretary from promul-  
5 gating different comprehensive oil response plan standards  
6 for Class I, Class II, and Class III railroads.

7           (d) DEFINITIONS.—In this section:

8           (1) AREA CONTINGENCY PLAN.—The term  
9           “Area Contingency Plan” has the meaning given the  
10          term in section 311(a) of the Federal Water Pollu-  
11          tion Control Act (33 U.S.C. 1321(a)).

12          (2) CLASS 3 FLAMMABLE LIQUID.—The term  
13          “Class 3 flammable liquid” has the meaning given  
14          the term in section 173.120(a) of title 49, Code of  
15          Federal Regulations.

16          (3) CLASS I RAILROAD; CLASS II RAILROAD;  
17          AND CLASS III RAILROAD.—The terms “Class I rail-  
18          road”, “Class II railroad” and “Class III railroad”  
19          have the meanings given the terms in section 20102  
20          of title 49, United States Code.

21          (4) NATIONAL CONTINGENCY PLAN.—The term  
22          “National Contingency Plan” has the meaning given  
23          the term in section 1001 of the Oil Pollution Act of  
24          1990 (33 U.S.C. 2701).

1           (5) RAILROAD CARRIER.—The term “railroad  
2 carrier” has the meaning given the term in section  
3 20102 of title 49, United States Code.

4           (6) WORST-CASE DISCHARGE.—The term  
5 “worst-case discharge” means a railroad carrier’s  
6 calculation of its largest foreseeable discharge in the  
7 event of an accident or incident.

8 **SEC. 5434. HAZARDOUS MATERIALS BY RAIL LIABILITY**  
9 **STUDY.**

10       (a) IN GENERAL.—Not later than 30 days after the  
11 date of enactment of this Act, the Secretary shall initiate  
12 a study on the levels and structure of insurance for a rail-  
13 road carrier transporting hazardous materials.

14       (b) CONTENTS.—In conducting the study under sub-  
15 section (a), the Secretary shall evaluate—

16           (1) the level and structure of insurance, includ-  
17 ing self-insurance, available in the private market  
18 against the full liability potential for damages aris-  
19 ing from an accident or incident involving a train  
20 transporting hazardous materials;

21           (2) the level and structure of insurance that  
22 would be necessary and appropriate—

23               (A) to efficiently allocate risk and financial  
24 responsibility for claims; and

1           (B) to ensure that a railroad carrier trans-  
 2           porting hazardous materials can continue to op-  
 3           erate despite the risk of an accident or incident;  
 4           (3) the potential applicability to trains trans-  
 5           porting hazardous materials of—

6           (A) a liability regime modeled after section  
 7           170 of the Atomic Energy Act of 1954, as  
 8           amended (42 U.S.C. 2210); and

9           (B) a liability regime modeled after sub-  
 10          title 2 of title XXI of the Public Health Service  
 11          Act (42 U.S.C. 300aa–10 et seq.).

12          (c) REPORT.—Not later than 1 year after the date  
 13          the study under subsection (a) is initiated, the Secretary  
 14          shall submit a report containing the results of the study  
 15          and recommendations for addressing liability issues with  
 16          rail transportation of hazardous materials to—

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

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

21          (d) DEFINITIONS.—In this section:

22               (1) HAZARDOUS MATERIAL.—The term “haz-  
 23               ardous material” means a substance or material the  
 24               Secretary designates under section 5103(a) of title  
 25               49, United States Code.

1           (2) RAILROAD CARRIER.—The term “railroad  
2           carrier” has the meaning given the term in section  
3           20102 of title 49, United States Code.

4 **SEC. 5435. STUDY AND TESTING OF ELECTRONICALLY CON-**  
5 **TROLLED PNEUMATIC BRAKES.**

6           (a) GOVERNMENT ACCOUNTABILITY OFFICE  
7 STUDY.—

8           (1) IN GENERAL.—The Government Account-  
9           ability Office shall complete an independent evalua-  
10          tion of ECP brake systems pilot program data and  
11          the Department of Transportation’s research and  
12          analysis on the effects of ECP brake systems.

13          (2) STUDY ELEMENTS.—In completing the  
14          independent evaluation under paragraph (1), the  
15          Government Accountability Office shall examine the  
16          following issues related to ECP brake systems:

17                 (A) Data and modeling results on safety  
18                 benefits relative to conventional brakes and to  
19                 other braking technologies or systems, such as  
20                 distributed power and 2-way end-of-train de-  
21                 vices.

22                 (B) Data and modeling results on business  
23                 benefits, including the effects of dynamic brak-  
24                 ing.



1           (C) Data on costs, including up-front cap-  
2           ital costs and on-going maintenance costs.

3           (D) Analysis of potential operational chal-  
4           lenges, including the effects of potential loco-  
5           motive and car segregation, technical reliability  
6           issues, and network disruptions.

7           (E) Analysis of potential implementation  
8           challenges, including installation time, positive  
9           train control integration complexities, compo-  
10          nent availability issues, and tank car shop capa-  
11          bilities.

12          (F) Analysis of international experiences  
13          with the use of advanced braking technologies.

14          (3) DEADLINE.—Not later than 2 years after  
15          the date of enactment of this Act, the Government  
16          Accountability Office shall transmit to the Com-  
17          mittee on Commerce, Science, and Transportation of  
18          the Senate and the Committee on Transportation  
19          and Infrastructure of the House of Representatives  
20          a report on the results of the independent evaluation  
21          under paragraph (1).

22          (b) EMERGENCY BRAKING APPLICATION TESTING.—

23           (1) IN GENERAL.—The Secretary of Transpor-  
24           tation shall enter into an agreement with the  
25           NCRRP Board—

1           (A) to complete testing of ECP brake sys-  
2           tems during emergency braking application, in-  
3           cluding more than 1 scenario involving the un-  
4           coupling of a train with 70 or more DOT-117  
5           specification or DOT-117R specification tank  
6           cars; and

7           (B) to transmit, not later than 2 years  
8           after the date of enactment of this Act, to the  
9           Committee on Commerce, Science, and Trans-  
10          portation of the Senate and the Committee on  
11          Transportation and Infrastructure of the House  
12          of Representatives a report on the results of the  
13          testing.

14          (2) INDEPENDENT EXPERTS.—In completing  
15          the testing under paragraph (1), the NCRRP Board  
16          may contract with 1 or more engineering or rail ex-  
17          perts, as appropriate, with relevant experience in  
18          conducting railroad safety technology tests or similar  
19          crash tests.

20          (3) TESTING FRAMEWORK.—In completing the  
21          testing under paragraph (1), the NCRRP Board and  
22          each contractor described in paragraph (2) shall en-  
23          sure that the testing objectively, accurately, and reli-  
24          ably measures the performance of ECP brake sys-  
25          tems relative to other braking technologies or sys-

1       tems, such as distributed power and 2-way end-of-  
2       train devices, including differences in—

3               (A) the number of cars derailed;

4               (B) the number of cars punctured;

5               (C) the measures of in-train forces; and

6               (D) the stopping distance.

7               (4) FUNDING.—The Secretary shall require, as  
8       part of the agreement under paragraph (1), that the  
9       NCRRP Board fund the testing required under this  
10      section—

11              (A) using such sums made available under  
12              section 24910 of title 49, United States Code;  
13              and

14              (B) to the extent funding under subpara-  
15              graph (A) is insufficient or unavailable to fund  
16              the testing required under this section, using  
17              such sums as are necessary from the amounts  
18              appropriated to the Office of the Secretary.

19              (5) EQUIPMENT.—The NCRRP Board and  
20      each contractor described in paragraph (2) may re-  
21      ceive or use rolling stock, track, and other equip-  
22      ment or infrastructure from a private entity for the  
23      purposes of conducting the testing required under  
24      this section.

25              (e) PHASED APPROACH.—

1           (1) PHASE 1.—Not later than 60 days after the  
2           date of enactment of this Act, the Secretary shall re-  
3           quire each new tank car built to meet the DOT-117  
4           specification and each tank car modified to meet the  
5           DOT-117R specification to have an ECP-ready con-  
6           figuration if the DOT-117 or DOT-117R specifica-  
7           tion tank car will be used in high-hazard flammable  
8           unit train service.

9           (2) PHASE 2.—After the reports are trans-  
10          mitted under subsections (a)(3) and (b)(1)(B), the  
11          Secretary may initiate a rulemaking, if the Secretary  
12          considers it necessary, to require each railroad ear-  
13          rier operating a high-hazard flammable unit train to  
14          operate that train in ECP brake mode by 2021 or  
15          2023, unless the train does not exceed a certain  
16          maximum authorized speed as determined by the  
17          Secretary in the rulemaking.

18          (d) CONFORMING AMENDMENT.—Not later than 60  
19          days after the date of enactment of this Act, the Secretary  
20          shall issue regulations to repeal the ECP brakes and ECP  
21          brake mode requirements in sections 174.310(a)(3)(ii),  
22          174.310(a)(3)(iii), 174.310(a)(5)(v), 179.102-10,  
23          179.202-12(g), and 179.202-13(i) of title 49, Code of  
24          Federal Regulations, and, except as provided in subsection  
25          (e), any other regulation in effect on the date of enactment

1 of this Act requiring the installation of ECP brakes or  
2 operation in ECP brake mode.

3 (e) SAVINGS CLAUSE.—

4 (1) ECP BRAKE MODE.—Nothing in this sec-  
5 tion may be construed as prohibiting or requiring a  
6 railroad carrier from operating its trains in ECP  
7 brake mode.

8 (2) HARMONIZATION.—Nothing in this section  
9 may be construed to require or allow the Secretary  
10 to prescribe an implementation deadline for the re-  
11 quirement under subsection (e)(1) that is earlier  
12 than the applicable implementation deadline for  
13 other tank car modifications necessary to meet the  
14 DOT-117R specification for tank cars that will be  
15 used in high-hazard flammable unit train service.

16 (f) DEFINITIONS.—In this section:

17 (1) CLASS 3 FLAMMABLE LIQUID.—The term  
18 “Class 3 flammable liquid” has the meaning given  
19 the term in section 173.120(a) of title 49, Code of  
20 Federal Regulations.

21 (2) ECP.—The term “ECP” means electroni-  
22 cally controlled pneumatic when applied to a brake  
23 or brakes.

1           (3) ECP BRAKE MODE.—The term “ECP brake  
2 mode” includes any operation of a rail car or an en-  
3 tire train using an ECP brake system.

4           (4) ECP BRAKE SYSTEM.—

5           (A) IN GENERAL.—The term “ECP brake  
6 system” means a train power braking system  
7 actuated by compressed air and controlled by  
8 electronic signals from the locomotive or an  
9 ECP-EOT to the cars in the consist for service  
10 and emergency applications in which the brake  
11 pipe is used to provide a constant supply of  
12 compressed air to the reservoirs on each car but  
13 does not convey braking signals to the car.

14           (B) INCLUSIONS.—The term “ECP brake  
15 system” includes dual mode and stand-alone  
16 ECP brake systems.

17           (5) ECP-READY CONFIGURATION.—The term  
18 “ECP-ready configuration” means mounting brack-  
19 ets and fixed conduit on the tank car to facilitate  
20 the future application of additional ECP  
21 componentry and required cables.

22           (6) HIGH-HAZARD FLAMMABLE UNIT TRAIN.—  
23 The term “high-hazard flammable unit train” means  
24 a single train transporting 70 or more loaded tank  
25 cars containing Class 3 flammable liquid.

1           (7) NCRRP BOARD.—The term “NCRRP  
2 Board” means the independent governing board of  
3 the National Cooperative Rail Research Program.

4           (8) RAILROAD CARRIER.—The term “railroad  
5 carrier” has the meaning given the term in section  
6 20102 of title 49, United States Code.

7 **SEC. 5436. RECORDING DEVICES.**

8           (a) IN GENERAL.—Subchapter II of chapter 201 is  
9 amended by adding after section 20167 the following:

10 **“§ 20168. Installation of audio and image recording  
11 devices**

12           “(a) IN GENERAL.—Not later than 2 years after the  
13 date of enactment of the Comprehensive Transportation  
14 and Consumer Protection Act of 2015, the Secretary of  
15 Transportation shall promulgate regulations to require  
16 each rail carrier that provides regularly scheduled intercity  
17 rail passenger or commuter rail passenger transportation  
18 to the public to install inward- and outward-facing image  
19 recording devices in all controlling locomotive cabs and cab  
20 car operating compartments in such passenger trains.

21           “(b) DEVICE STANDARDS.—Each inward- and out-  
22 ward-facing image recording device shall—

23                   “(1) have a minimum 12-hour continuous re-  
24 cording capability;

1           “(2) have crash and fire protections for any in-  
2 cab image recordings that are stored only within a  
3 controlling locomotive cab or cab car operating com-  
4 partment; and

5           “(3) have recordings accessible for review dur-  
6 ing an accident investigation.

7           “(e) REVIEW.—The Secretary shall establish a proc-  
8 ess to review and approve or disapprove an inward- or out-  
9 ward-facing recording device for compliance with the  
10 standards described in subsection (b).

11          “(d) USES.—A rail carrier that has installed an  
12 inward- or outward-facing image recording device ap-  
13 proved under subsection (c) may use recordings from that  
14 inward- or outward-facing image recording device for the  
15 following purposes:

16           “(1) Verifying that train crew actions are in ac-  
17 cordance with applicable safety laws and the rail  
18 carrier’s operating rules and procedures.

19           “(2) Assisting in an investigation into the cau-  
20 sation of a reportable accident or incident.

21           “(3) Carrying out efficiency testing and system-  
22 wide performance monitoring programs.

23           “(4) Documenting a criminal act or monitoring  
24 unauthorized occupancy of the controlling locomotive  
25 cab or car operating compartment.



1           “(5) Other purposes that the Secretary con-  
2           siders appropriate.

3           “(e) VOLUNTARY IMPLEMENTATION.—

4           “(1) IN GENERAL.—Each rail carrier operating  
5           freight rail service may implement any inward- or  
6           outward-facing image recording devices approved  
7           under subsection (c).

8           “(2) AUTHORIZED USES.—Notwithstanding any  
9           other provision of law, each rail carrier may use re-  
10          cordings from an inward- or outward-facing image  
11          recording device approved under subsection (c) for  
12          any of the purposes described in subsection (d).

13          “(f) DISCRETION.—

14          “(1) IN GENERAL.—The Secretary may—

15                 “(A) require in-cab audio recording devices  
16                 for the purposes described in subsection (d);  
17                 and

18                 “(B) define in appropriate technical detail  
19                 the essential features of the devices required  
20                 under subparagraph (A).

21          “(2) EXEMPTIONS.—The Secretary may exempt  
22          any rail passenger carrier or any part of a rail pas-  
23          senger carrier’s operations from the requirements  
24          under subsection (a) if the Secretary determines  
25          that the rail passenger carrier has implemented an

1 alternative technology or practice that provides an  
2 equivalent or greater safety benefit or is better suit-  
3 ed to the risks of the operation.

4 “(g) TAMPERING.—A rail carrier may take appro-  
5 priate enforcement or administrative action against any  
6 employee that tampers with or disables an audio or  
7 inward- or outward-facing image recording device installed  
8 by the rail carrier.

9 “(h) PRESERVATION OF DATA.—Each rail passenger  
10 carrier subject to the requirements of subsection (a) shall  
11 preserve recording device data for 1 year after the date  
12 of a reportable accident or incident.

13 “(i) INFORMATION PROTECTIONS.—

14 “(1) SECTION 552(b)(3) OF TITLE 5 EXEMP-  
15 TION.—An in-cab audio or image recording, and any  
16 part thereof, that the Secretary obtains as part of  
17 an accident or incident investigated by the Depart-  
18 ment of Transportation shall be exempt from disclo-  
19 sure under section 552(b)(3) of title 5.

20 “(2) RESTRICTIONS ON DISCLOSURE.—The  
21 Secretary may allow an audio or image recordings  
22 derived from an audio or inward- or outward-facing  
23 image recording device to receive any of the informa-  
24 tion and legal protections available to any report,  
25 survey, schedule, list, or data compiled or collected

1 as part of the Department of Transportation rail-  
2 road safety risk reduction program if—

3 “(A) the recording is derived from—

4 “(i) an audio or inward- or outward-  
5 facing image recording device that was im-  
6 plemented pursuant to its railroad safety  
7 risk reduction program under section  
8 20156; and

9 “(ii) an inward- or outward-facing  
10 image recording device that was approved  
11 under subsection (e); or

12 “(B) an audio recording device that is  
13 compliant with the requirements under sub-  
14 section (f)(1).

15 “(j) PROHIBITED USE.—An in-cab audio or image re-  
16 cording obtained by a rail carrier under this section may  
17 not be used to retaliate against an employee.

18 “(k) SAVINGS CLAUSE.—Nothing in this section may  
19 be construed as requiring a rail carrier to cease or restrict  
20 operations upon a technical failure of an inward- or out-  
21 ward-facing image recording device. Such rail carrier shall  
22 repair or replace the failed inward- or outward-facing  
23 image recording device as soon as practicable.”

1 (b) CONFORMING AMENDMENT.—The table of con-  
 2 tents for subchapter II of chapter 201 is amended by add-  
 3 ing at the end the following:

“20168. Installation of audio and image recording devices.”.

4 **SEC. 5437. RAIL PASSENGER TRANSPORTATION LIABILITY.**

5 (a) LIMITATIONS.—Section 28103(a) is amended—

6 (1) in paragraph (2), by striking  
 7 “\$200,000,000” and inserting “\$295,000,000, ex-  
 8 cept as provided in paragraph (3).”;

9 (2) by adding at the end the following:

10 “(3) The liability cap under paragraph (2) shall  
 11 be adjusted every 10 years by the Secretary of  
 12 Transportation to reflect changes in the Consumer  
 13 Price Index—All Urban Consumers.

14 “(4) The Federal Government shall have no fi-  
 15 nancial responsibility for any claims described in  
 16 paragraph (2).”.

17 (b) DEFINITION OF RAIL PASSENGER TRANSPOR-  
 18 TATION.—Section 28103(e) is amended—

19 (1) in the heading, by striking “DEFINITION.—  
 20 ” and inserting “DEFINITIONS.—”;

21 (2) in paragraph (2), by striking “; and” and  
 22 inserting a semicolon;

23 (3) in paragraph (3), by striking the period at  
 24 the end and inserting “; and”;

25 (4) by adding at the end the following:

1           “(4) the term ‘rail passenger transportation’ in-  
2           cludes commuter rail passenger transportation (as  
3           defined in section 24102).”.

4           (c) PROHIBITION.—No Federal funds may be appro-  
5           priated for the purpose of paying for the portion of an  
6           insurance premium attributable to the increase in allow-  
7           able awards under the amendments made by subsection  
8           (a).

9           (d) EFFECTIVE DATE.—The amendments made by  
10          subsection (a) shall be effective for any passenger rail acci-  
11          dent or incident occurring on or after May 12, 2015.

12          **SEC. 5438. MODIFICATION REPORTING.**

13          (a) IN GENERAL.—Not later than 1 year after the  
14          date of enactment of this Act, the Secretary shall imple-  
15          ment a reporting requirement to monitor industry-wide  
16          progress toward modifying tank cars used in high-hazard  
17          flammable train service by the applicable deadlines or au-  
18          thorization end dates set in regulation.

19          (b) TANK CAR DATA.—The Secretary shall collect  
20          data from shippers and tank car owners on—

21                  (1) the total number of tank cars modified to  
22                  meet the DOT-117R specification, or equivalent,  
23                  specifying—

24                          (A) the type or specification of each tank  
25                          car before it was modified, including non-jack-

1           eted ~~DOT-111~~, jacketed ~~DOT-111~~, non-jacketed  
 2           eted ~~DOT-111~~ meeting the ~~CPC-1232~~ stand-  
 3           ard, or jacketed ~~DOT-111~~ meeting the ~~CPC-~~  
 4           ~~1232~~ standard; and

5                   (B) the identification number of each Class  
 6           3 flammable liquid carried by each tank car in  
 7           the past year;

8           (2) the total number of tank cars built to meet  
 9           the ~~DOT-117~~ specification, or equivalent; and

10           (3) the total number of tank cars used or likely  
 11           to be used in high-hazard flammable train service  
 12           that have not been modified, specifying—

13                   (A) the type or specification of each tank  
 14           ear not modified, including the non-jacketed  
 15           ~~DOT-111~~, jacketed ~~DOT-111~~, non-jacketed  
 16           ~~DOT-111~~ meeting the ~~CPC-1232~~ standard, or  
 17           jacketed ~~DOT-111~~ meeting the ~~CPC-1232~~  
 18           standard; and

19                   (B) the identification number of each Class  
 20           3 flammable liquid carried by each tank car in  
 21           the past year.

22           (e) TANK CAR SHOP DATA.—The Secretary shall  
 23           conduct a survey of tank car facilities modifying tank cars  
 24           to the ~~DOT-117R~~ specification, or equivalent, or building  
 25           new tank cars to the ~~DOT-117~~ specification, or equiva-

1 lent, to generate statistically valid estimates of the ex-  
2 pected number of tank cars those facilities expect to mod-  
3 ify to DOT-117R specification, or equivalent, or build to  
4 the DOT-117 specification, or equivalent.

5 (d) FREQUENCY.—The Secretary shall collect the  
6 data under subsection (b) and conduct the survey under  
7 subsection (c) annually until May 1, 2025.

8 (e) INFORMATION PROTECTIONS.—

9 (1) IN GENERAL.—The Secretary shall only re-  
10 port data in industry-wide totals and shall treat  
11 company-specific information as confidential busi-  
12 ness information.

13 (2) LEVEL OF CONFIDENTIALITY.—The Sec-  
14 retary shall ensure the data collected under sub-  
15 section (b) and the survey data under subsection (c)  
16 have the same level of confidentiality as contained in  
17 the Confidential Information Protection and Statis-  
18 tical Efficiency Act of 2002 (44 U.S.C. 3501 note),  
19 as administered by the Bureau of Transportation  
20 Statistics.

21 (3) SECTION 552(b)(3) OF TITLE 5.—Any infor-  
22 mation that the Secretary obtains under subsection  
23 (b) or subsection (c) by the Department of Trans-  
24 portation shall be exempt from disclosure under sec-  
25 tion 552(b)(3) of title 5.

1           (4) DESIGNEE.—The Secretary may designate  
 2           the Director of the Bureau of Transportation Statis-  
 3           tics to collect data under subsection (b) and the sur-  
 4           vey data under subsection (c) and direct the Direc-  
 5           tor to ensure the confidentiality of company-specific  
 6           information to the maximum extent permitted by  
 7           law.

8           (f) REPORT.—Each year, not later than 60 days after  
 9           the date that both the collection of the data under sub-  
 10          section (b) and the survey under subsection (c) are com-  
 11          plete, the Secretary shall report on the aggregate results,  
 12          without company-specific information, to—

13           (1) the Committee on Commerce, Science, and  
 14           Transportation of the Senate; and

15           (2) the Committee on Transportation and In-  
 16           frastructure of the House of Representatives.

17          (g) DEFINITIONS.—In this section:

18           (1) CLASS 3 FLAMMABLE LIQUID.—The term  
 19           “Class 3 flammable liquid” has the meaning given  
 20           the term in section 173.120(a) of title 49, Code of  
 21           Federal Regulations.

22           (2) HIGH-HAZARD FLAMMABLE TRAIN.—The  
 23           term “high-hazard flammable train” means a single  
 24           train transporting 20 or more tank cars loaded with  
 25           a Class 3 flammable liquid in a continuous block or



1 a single train transporting 35 or more tank cars  
 2 loaded with a Class 3 flammable liquid throughout  
 3 the train consist.

4 **PART IV—POSITIVE TRAIN CONTROL**

5 **SEC. 5441. COORDINATION OF SPECTRUM.**

6 (a) **ASSESSMENT.**—The Secretary, in coordination  
 7 with the Chairman of the Federal Communications Com-  
 8 mission, shall assess spectrum needs and availability for  
 9 implementing positive train control systems (as defined in  
 10 section 20157(i)(3) of title 49, United States Code). The  
 11 Secretary and the Chairman may consult with external  
 12 stakeholders in carrying out this section.

13 (b) **REPORT.**—Not later than 120 days after the date  
 14 of enactment of this Act, the Secretary shall submit a re-  
 15 port to the Committee on Commerce, Science, and Trans-  
 16 portation of the Senate and the Committee on Transpor-  
 17 tation and Infrastructure of the House of Representatives  
 18 that contains the results of the assessment conducted  
 19 under subsection (a).

20 **SEC. 5442. UPDATED PLANS.**

21 (a) **IMPLEMENTATION.**—Section 20157(a) is amend-  
 22 ed to read as follows:

23 “(a) **IMPLEMENTATION.**—

24 “(1) **PLAN REQUIRED.**—Each Class I railroad  
 25 carrier and each entity providing regularly scheduled

1       intercity or commuter rail passenger transportation  
 2       shall develop and submit, to the Secretary of Trans-  
 3       portation, a plan for implementing a positive train  
 4       control system by December 31, 2015, governing op-  
 5       erations on—

6               “(A) its main line over which intercity rail  
 7               passenger transportation or commuter rail pas-  
 8               senger transportation (as defined in section  
 9               24102) is regularly provided;

10              “(B) its main line over which poison- or  
 11              toxic-by-inhalation hazardous materials (as de-  
 12              fined in sections 171.8, 173.115, and 173.132  
 13              of title 49, Code of Federal Regulations) are  
 14              transported; and

15              “(C) such other tracks as the Secretary  
 16              may prescribe by regulation or order.

17              “(2)               INTEROPERABILITY               AND

18       PRIORITIZATION.—The plan shall describe how the  
 19       railroad carrier or other entity subject to paragraph  
 20       (1) will provide for interoperability of the positive  
 21       train control systems with movements of trains of  
 22       other railroad carriers over its lines and shall, to the  
 23       extent practical, implement the positive train control  
 24       systems in a manner that addresses areas of greater  
 25       risk before areas of lesser risk.

1           “(3) SECRETARIAL REVIEW OF UPDATED  
2 PLANS.—

3           “(A) SUBMISSION OF UPDATED PLANS.—

4           Notwithstanding the deadline set forth in para-  
5 graph (1), not later than 90 days after the date  
6 of enactment of the Comprehensive Transporta-  
7 tion and Consumer Protection Act of 2015,  
8 each Class I railroad carrier or other entity  
9 subject to paragraph (1) may submit to the  
10 Secretary an updated plan that amends the  
11 plan submitted under paragraph (1) with an  
12 updated implementation schedule (as described  
13 in paragraph (4)(B)) and milestones or metrics  
14 (as described in paragraph (4)(A)) that dem-  
15 onstrate that the railroad carrier or other entity  
16 intends make sustained and substantial  
17 progress toward positive train control system  
18 implementation.

19           “(B) REVIEW OF UPDATED PLANS.—Not  
20 later than 120 days after receiving an updated  
21 plan under subparagraph (A), the Secretary  
22 shall approve the updated plan if the railroad  
23 carrier or other entity submitting the plan—

24           “(i)(I) has encountered technical or  
25 programmatic challenges identified by the

1 Secretary in the 2012 report transmitted  
2 to Congress pursuant to subsection (d);  
3 and

4 “(H) the challenges referred to in  
5 subclause (I) have negatively affected the  
6 successful implementation of positive train  
7 control systems;

8 “(ii) is demonstrating due diligence in  
9 its effort to implement a positive train con-  
10 trol system;

11 “(iii) has included in its plan mile-  
12 stones or metrics that demonstrate the  
13 railroad carrier or other entity intends to  
14 make sustained and substantial progress  
15 toward positive train control system imple-  
16 mentation; and

17 “(iv) has set an implementation  
18 schedule in its plan that complies with  
19 paragraph (7).

20 “(C) MODIFICATION OF UPDATED  
21 PLANS.—(i) If the Secretary has not approved  
22 an updated plan under subparagraph (B) with-  
23 in 60 days of receiving the updated plan under  
24 subparagraph (A), the Secretary shall imme-  
25 diately—

1           “(I) provide a written response to the  
2           railroad carrier or other entity that identi-  
3           fies the reason for not approving the up-  
4           dated plan and explains any incomplete or  
5           deficient items;

6           “(II) allow the railroad carrier or  
7           other entity to submit, within 30 days of  
8           receiving the written response under sub-  
9           clause (I), a modified updated plan for the  
10          Secretary’s review; and

11          “(III) approve or disapprove a modi-  
12          fied updated plan submitted under sub-  
13          clause (II) not later than 30 days after re-  
14          ceipt.

15          “(ii) If the Secretary does not approve an  
16          updated plan not later than 60 days after re-  
17          ceiving the updated plan under subparagraph  
18          (A) and does not provide a written response to  
19          the railroad carrier or other entity at the end  
20          of the 60-day period described in clause (i), the  
21          updated plan is deemed to have been approved  
22          by the Secretary.

23          “(D) PUBLIC AVAILABILITY.—Not later  
24          than 30 days after approving an updated plan  
25          under this paragraph, the Secretary shall make

1 the updated plan available on the website of the  
2 Federal Railroad Administration.

3 “(E) PENDING REVIEWS.—For an appli-  
4 cant that submits an updated plan under sub-  
5 paragraph (A), the Secretary shall extend the  
6 deadline for implementing a positive train con-  
7 trol system at least until the date the Secretary  
8 approves or issues final disapproval for the up-  
9 dated plan with an updated implementation  
10 schedule (as described in paragraph (4)(B)).

11 “(4) CONTENTS OF UPDATED PLAN.—

12 “(A) MILESTONES OR METRICS.—Each up-  
13 dated plan submitted under paragraph (3) shall  
14 show that the Class I railroad carrier or other  
15 entity subject to paragraph (1) is making sus-  
16 tained and substantial progress toward positive  
17 train control system implementation by describ-  
18 ing the following milestones or metrics:

19 “(i) The total number of components  
20 that will be installed, equipped, or deployed  
21 with positive train control by the end of  
22 each calendar year until positive train con-  
23 trol is fully implemented, with totals sepa-  
24 rated by each component category.

1           “(ii) The number of employees that  
2           will receive the training, as required under  
3           the applicable positive train control system  
4           regulations, by the end of each calendar  
5           year until positive train control is fully im-  
6           plemented.

7           “(iii) The calendar year or years in  
8           which spectrum will be acquired and will  
9           be available for use in all areas that it is  
10          needed for positive train control implemen-  
11          tation, if such spectrum is not already ac-  
12          quired and ready for use.

13          “(B) IMPLEMENTATION SCHEDULE.—Each  
14          updated plan submitted under paragraph (3)  
15          shall include an implementation schedule that  
16          identifies the dates by which the railroad carrier  
17          or other entity will—

18                 “(i) fully implement a positive train  
19                 control system;

20                 “(ii) complete all component installa-  
21                 tion, consistent with the milestones or  
22                 metrics described in subparagraph (A)(i);

23                 “(iii) complete all employee training  
24                 required under the applicable positive train  
25                 control system regulations, consistent with

1 the milestones or metrics described in sub-  
2 paragraph (A)(ii);

3 “(iv) acquire all necessary spectrum,  
4 consistent with the milestones or metrics in  
5 subparagraph (A)(iii); and

6 “(v) complete system testing.

7 “(C) ADDITIONAL INFORMATION.—Each  
8 updated plan submitted under paragraph (3)  
9 shall include—

10 “(i) the total number of positive train  
11 control components required for implemen-  
12 tation, with totals separated by each major  
13 component category;

14 “(ii) the total number of employees  
15 requiring training under the applicable  
16 positive train control system regulations;  
17 and

18 “(iii) a summary of the remaining  
19 challenges to positive train control system  
20 implementation, including—

21 “(I) testing issues;

22 “(II) interoperability challenges;

23 “(III) permitting issues; and

24 “(IV) certification challenges.



1           “(D) DEFINED TERM.—In this paragraph,  
2           the term ‘component’ means a locomotive appa-  
3           ratus; a wayside interface unit (including any  
4           associated legacy signal system replacements);  
5           switches in non-signaled positive train control  
6           territory; a base station radio; a wayside radio;  
7           or a locomotive radio.

8           “(5) PLAN IMPLEMENTATION.—The Class I  
9           railroad carrier or other entity subject to paragraph  
10          (1) shall implement a positive train control system  
11          in accordance with its plan, including any amend-  
12          ments made to the plan by its updated plan ap-  
13          proved by the Secretary under paragraph (3).

14          “(6) PROGRESS REPORT.—Each Class I rail-  
15          road carrier or other entity with an approved up-  
16          dated plan shall submit an annual report to the Sec-  
17          retary that describes the progress made on positive  
18          train control implementation, including—

19                 “(A) the extent to which the railroad car-  
20                 rier or other entity met or exceeded the metrics  
21                 or milestones described in paragraph (4)(A);

22                 “(B) the extent to which the railroad car-  
23                 rier or other entity complied with its implemen-  
24                 tation schedule under paragraph (4)(B); and

1           “(C) any update to the information pro-  
2           vided under paragraph (4)(C).

3           “(7) CONSTRAINT.—The Secretary may not ap-  
4           prove an updated plan that includes a date for the  
5           completion of component installation or a date for  
6           the completion of spectrum acquisition that is later  
7           than December 31, 2018.”.

8           (b) ENFORCEMENT.—Section 20157(e) is amended  
9           to read as follows:

10          “(e) ENFORCEMENT.—The Secretary is authorized to  
11          assess civil penalties pursuant to chapter 213 for the fail-  
12          ure to submit or comply with a plan for implementing  
13          positive train control under subsection (a), including any  
14          amendments to the plan made by an updated plan (includ-  
15          ing milestones or metrics and an updated implementation  
16          schedule) approved by the Secretary under paragraph (3)  
17          of such subsection.”.

18          (c) CONFORMING AMENDMENT.—Section 20157(g) is  
19          amended—

20                 (1) by striking “The Secretary” and inserting  
21                 the following:

22                         “(1) IN GENERAL.—The Secretary”; and

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

24                         “(2) CONFORMING REGULATORY AMEND-  
25                         MENTS.—Immediately after the date of the enact-

1 ment of the Comprehensive Transportation and Con-  
 2 sumer Protection Act of 2015, the Secretary—

3 “(A) shall remove or revise any references  
 4 to specified dates in the regulations or orders  
 5 implementing this section to the extent nec-  
 6 essary to conform with the amendments made  
 7 by such Act; and

8 “(B) may not enforce any such date-spe-  
 9 cific deadlines or requirements that are incon-  
 10 sistent with the amendments made by such  
 11 Act.”.

12 (d) SAVINGS PROVISIONS.—

13 (1) RESUBMISSION OF INFORMATION.—Nothing  
 14 in the amendments made by this section may be con-  
 15 strued to require a Class I railroad carrier or other  
 16 entity subject to paragraph (1) of section 20157(a)  
 17 of title 49, United States Code, to resubmit in its  
 18 updated plan information from its initial implemen-  
 19 tation plan that is not changed or affected by the  
 20 updated plan. The Secretary shall consider an up-  
 21 dated plan submitted pursuant to paragraph (3) of  
 22 such section to be an addendum to the initial imple-  
 23 mentation plan.

24 (2) SUBMISSION OF NEW PLAN.—Nothing in  
 25 the amendments made by this section may be con-

1       strued to require a Class I railroad carrier or other  
2       entity subject to section 20157(a)(1) of title 49,  
3       United States Code, to submit a new implementation  
4       plan pursuant to the deadline set forth in such sec-  
5       tion.

6       **SEC. 5443. EARLY ADOPTION AND INTEROPERABILITY.**

7       (a) **EARLY ADOPTION.**—During the 1-year period be-  
8       ginning on the date on which the last railroad carrier’s  
9       or other entity’s positive train control system, subject to  
10      section 20157(a) of title 49, United States Code, is cer-  
11      tified by the Secretary under subsection (h) of such section  
12      and implemented on all of that railroad carrier’s or other  
13      entity’s lines required to have operations governed by a  
14      positive train control system, any railroad carrier or other  
15      entity that has been certified by the Secretary under such  
16      subsection shall not be subject to the operational restric-  
17      tions set forth in subpart I of part 236 of title 49, Code  
18      of Federal Regulations, that would otherwise apply in the  
19      event of a positive train control system component failure.

20      (b) **INTEROPERABILITY PROCEDURE.**—If multiple  
21      railroad carriers operate on a single railroad line through  
22      a trackage or haulage agreement, each railroad carrier op-  
23      erating on the railroad line shall not be subject to the op-  
24      erating restrictions set forth in subpart I of part 236 of

1 title 49, Code of Federal Regulations, with respect to the  
2 railroad line, until the Secretary certifies that—

3           (1) each Class I railroad carrier and each entity  
4           providing regularly scheduled intercity or commuter  
5           rail passenger transportation that operates on the  
6           railroad line is in compliance with its positive train  
7           control requirements under section 20157(a) of title  
8           49, United States Code;

9           (2) each Class II or Class III railroad that op-  
10          erates on the railroad line is in compliance with the  
11          applicable regulatory requirements to equip loco-  
12          motives operating in positive train control territory;  
13          and

14          (3) the implementation of any and all positive  
15          train control systems are interoperable and oper-  
16          ational on the railroad line in conformance with each  
17          approved implementation plan so that each freight  
18          and passenger railroad can operate on the line with  
19          that freight or passenger railroad's positive train  
20          control equipment.

21          (c) SMALL RAILROADS.—Not later than 120 days  
22          after the date of the enactment of this Act, the Secretary  
23          shall amend section 236.1006(b)(4)(iii)(B) of title 49,  
24          Code of Federal Regulations (relating to equipping loco-  
25          motives for applicable Class II and Class III railroads op-

1 erating in positive train control territory), to extend each  
2 deadline by 3 years.

3 **SEC. 5444. POSITIVE TRAIN CONTROL AT GRADE CROSS-**  
4 **INGS EFFECTIVENESS STUDY.**

5 (a) STUDY.—After the Secretary certifies that each  
6 Class I railroad carrier and each entity providing regularly  
7 scheduled intercity or commuter rail passenger transpor-  
8 tation is in compliance with the positive train control re-  
9 quirements under section 20157(a) of title 49, United  
10 States Code, the Secretary shall enter into an agreement  
11 with the National Cooperative Rail Research Program  
12 Board—

13 (1) to conduct a study of the possible effective-  
14 ness of positive train control and related tech-  
15 nologies on reducing collisions at highway-rail grade  
16 crossings; and

17 (2) to submit a report containing the results of  
18 the study conducted under paragraph (1) to the  
19 Committee on Commerce, Science, and Transpor-  
20 tation of the Senate and the Committee on Trans-  
21 portation and Infrastructure of the House of Rep-  
22 resentatives.

23 (b) FUNDING.—The Secretary may require, as part  
24 of the agreement under subsection (a), that the National  
25 Cooperative Rail Research Program Board fund the study

1 required under this section using such sums as may be  
2 necessary out of the amounts made available under section  
3 24910 of title 49, United States Code.

## 4 **Subtitle E—Project Delivery**

### 5 **SEC. 5501. SHORT TITLE.**

6 This subtitle may be cited as the “Track, Railroad,  
7 and Infrastructure Network Act”.

### 8 **SEC. 5502. PRESERVATION OF PUBLIC LANDS.**

9 (a) **HIGHWAYS.**—Section 138 of title 23, United  
10 States Code, is amended—

11 (1) in subsection (b)(2)(A)(i), by inserting “,  
12 taking into consideration any avoidance, minimiza-  
13 tion, and mitigation or enhancement measures incor-  
14 porated into the program or project” after “historic  
15 site”; and

16 (2) by adding at the end the following:

17 “(e) **RAIL AND TRANSIT.**—Improvements to, or the  
18 maintenance, rehabilitation, or operation of, railroad or  
19 rail transit lines or elements of such lines, with the excep-  
20 tion of stations, that are in use or were historically used  
21 for the transportation of goods or passengers, shall not  
22 be considered a use of a historic site under subsection (a),  
23 regardless of whether the railroad or rail transit line or  
24 element of such line is listed on, or eligible for listing on,  
25 the National Register of Historic Places.”

1 (b) TRANSPORTATION PROJECTS.—Section 303 is  
2 amended—

3 (1) in subsection (e), by striking “subsection  
4 (d)” and inserting “subsections (d) and (e)”;

5 (2) in subsection (d)(2)(A)(i), by inserting “,  
6 taking into consideration any avoidance, minimiza-  
7 tion, and mitigation or enhancement measures incor-  
8 porated into the program or project” after “historic  
9 site”; and

10 (3) by adding at the end the following:

11 “(e) RAIL AND TRANSIT.—Improvements to, or the  
12 maintenance, rehabilitation, or operation of, railroad or  
13 rail transit lines or elements of such lines, with the excep-  
14 tion of stations, that are in use or were historically used  
15 for the transportation of goods or passengers, shall not  
16 be considered a use of a historic site under subsection (e),  
17 regardless of whether the railroad or rail transit line or  
18 element of such line is listed on, or eligible for listing on,  
19 the National Register of Historic Places.”

20 **SEC. 5503. EFFICIENT ENVIRONMENTAL REVIEWS.**

21 (a) IN GENERAL.—Section 304 is amended—

22 (1) in the heading, by striking “**for**  
23 **multimodal projects**” and inserting “**and in-**  
24 **creasing the efficiency of environmental**  
25 **reviews**”; and



1           (2) by adding at the end the following:

2           “(e) EFFICIENT ENVIRONMENTAL REVIEWS.—

3           “(1) IN GENERAL.—The Secretary of Transpor-  
4           tation shall apply the project development proce-  
5           dures, to the greatest extent feasible, described in  
6           section 139 of title 23, United States Code, to any  
7           rail project that requires the approval of the Sec-  
8           retary of Transportation under the National Envi-  
9           ronmental Policy Act of 1969 (42 U.S.C. 4321 et  
10          seq.):

11          “(2) REGULATIONS AND PROCEDURES.—The  
12          Secretary of Transportation shall incorporate such  
13          project development procedures into the agency reg-  
14          ulations and procedures pertaining to rail projects:

15          “(f) APPLICABILITY OF NEPA DECISIONS.—

16          “(1) IN GENERAL.—A Department of Trans-  
17          portation operating administration may apply a cat-  
18          egorical exclusion designated by another Department  
19          of Transportation operating administration under  
20          the National Environmental Policy Act of 1969 (42  
21          U.S.C. 4321 et seq.):

22          “(2) FINDINGS.—A Department of Transpor-  
23          tation operating administration may adopt, in whole  
24          or in part, another Department of Transportation  
25          operating administration’s Record of Decision, Find-

1       ing of No Significant Impact, and any associated  
 2       evaluations, determinations, or findings dem-  
 3       onstrating compliance with any law related to envi-  
 4       ronmental review or historic preservation.”.

5       **SEC. 5504. ADVANCE ACQUISITION.**

6       (a) **IN GENERAL.**—Chapter 241 is amended by in-  
 7       serting after section 24105 the following:

8       **“§ 24106. Advance acquisition**

9       “(a) **RAIL CORRIDOR PRESERVATION.**—The Sec-  
 10       retary may assist a recipient of funding in acquiring right-  
 11       of-way and adjacent real property interests before or dur-  
 12       ing the completion of the environmental reviews for any  
 13       project receiving funding under subtitle V of title 49,  
 14       United States Code, that may use such property interests  
 15       if the acquisition is otherwise permitted under Federal  
 16       law, and the recipient requesting Federal funding for the  
 17       acquisition certifies, with the concurrence of the Secretary,  
 18       that—

19               “(1) the recipient has authority to acquire the  
 20       right-of-way or adjacent real property interest; and

21               “(2) the acquisition of the right-of-way or adja-  
 22       cent real property interest—

23                       “(A) is for a transportation or transpor-  
 24       tation-related purpose;

1           “(B) will not cause significant adverse en-  
2           vironmental impact;

3           “(C) will not limit the choice of reasonable  
4           alternatives for the proposed project or other-  
5           wise influence the decision of the Secretary on  
6           any approval required for the proposed project;

7           “(D) does not prevent the lead agency for  
8           the review process from making an impartial  
9           decision as to whether to accept an alternative  
10          that is being considered;

11          “(E) complies with other applicable Fed-  
12          eral law, including regulations;

13          “(F) will be acquired through negotiation  
14          and without the threat of condemnation; and

15          “(G) will not result in the elimination or  
16          reduction of benefits or assistance to a dis-  
17          placed person under the Uniform Relocation  
18          Assistance and Real Property Acquisition Poli-  
19          cies Act of 1970 (42 U.S.C. 4601 et seq.) and  
20          title VI of the Civil Rights Act of 1964 (42  
21          U.S.C. 2000d et seq.);

22          “(b) ENVIRONMENTAL REVIEWS.—

23                 “(1) COMPLETION OF NEPA REVIEW.—Before  
24                 authorizing any Federal funding for the acquisition  
25                 of a real property interest that is the subject of a

1 grant or other funding under this subtitle, the Sec-  
 2 retary shall complete, if required, the review process  
 3 under the National Environmental Policy Act of  
 4 1969 (42 U.S.C. 4321 et seq.) with respect to the  
 5 acquisition.

6 “(2) COMPLETION OF SECTION 106.—An acqui-  
 7 sition of a real property interest involving a historic  
 8 site shall not occur unless the section 106 process,  
 9 if required, under the National Historic Preservation  
 10 Act (54 U.S.C. 306108) is complete.

11 “(3) TIMING OF ACQUISITIONS.—A real prop-  
 12 erty interest acquired under subsection (a) may not  
 13 be developed in anticipation of the proposed project  
 14 until all required environmental reviews for the  
 15 project have been completed.”

16 (b) CONFORMING AMENDMENT.—The table of con-  
 17 tents of chapter 241 is amended by inserting after the  
 18 item relating to section 24105 the following:

“24106. Advance acquisition.”

19 **SEC. 5505. RAILROAD RIGHTS-OF-WAY.**

20 Section 306108 of title 54, United States Code, is  
 21 amended—

22 (1) by inserting “(b) OPPORTUNITY TO COM-  
 23 MENT.—” before “The head of the Federal agency  
 24 shall afford” and indenting accordingly;

1           (2) in the matter before subsection (b), by in-  
2           serting “(a) IN GENERAL.—” before “The head of  
3           any Federal agency having direct” and indenting ac-  
4           cordingly; and

5           (3) by adding at the end the following:

6           “~~(c) EXEMPTION FOR RAILROAD RIGHTS-OF-WAY.—~~

7           “~~(1) IN GENERAL.—Not later than 1 year after~~  
8           ~~the date of enactment of the Track, Railroad, and~~  
9           ~~Infrastructure Network Act, the Secretary of Trans-~~  
10          ~~portation shall submit a proposed exemption of rail-~~  
11          ~~road rights-of-way from the review under this chap-~~  
12          ~~ter to the Council for its consideration, consistent~~  
13          ~~with the exemption for interstate highways approved~~  
14          ~~on March 10, 2005 (70 Fed. Reg. 11,928).~~

15          “~~(2) FINAL EXEMPTION.—Not later than 180~~  
16          ~~days after the date that the Secretary submits the~~  
17          ~~proposed exemption under paragraph (1) to the~~  
18          ~~Council, the Council shall issue a final exemption of~~  
19          ~~railroad rights-of-way from review under this chap-~~  
20          ~~ter, consistent with the exemption for interstate~~  
21          ~~highways approved on March 10, 2005 (70 Fed.~~  
22          ~~Reg. 11,928).”.~~

1 **SEC. 5506. IMPROVING STATE AND FEDERAL AGENCY EN-**  
 2 **GAGEMENT IN ENVIRONMENTAL REVIEWS.**

3 (a) **IN GENERAL.**—Chapter 3 is amended by insert-  
 4 ing after section 306 the following:

5 **“§ 307. Improving State and Federal agency engage-**  
 6 **ment in environmental reviews**

7 “(a) **IN GENERAL.**—An entity receiving financial as-  
 8 sistance from the Secretary of Transportation for 1 or  
 9 more projects or for a program of projects, may request  
 10 that the Secretary allow the entity to provide funds to any  
 11 Federal agency, including the Department of Transpor-  
 12 tation, State agency, or Indian tribe (as defined in section  
 13 102 of the Federally Recognized Indian Tribe List Act  
 14 of 1994 (25 U.S.C. 479a)) participating in the environ-  
 15 mental planning and review process for the project,  
 16 projects, or program. The funds may be provided only to  
 17 support activities that directly and meaningfully con-  
 18 tribute to expediting and improving permitting and review  
 19 processes, including planning, approval, and consultation  
 20 processes for the project, projects, or program.

21 “(b) **ACTIVITIES ELIGIBLE FOR FUNDING.**—Activi-  
 22 ties for which funds may be provided under subsection (a)  
 23 include transportation planning activities that precede the  
 24 initiation of the environmental review process, activities  
 25 directly related to the environmental review process, dedi-  
 26 cated staffing, training of agency personnel, information

1 gathering and mapping, and development of programmatic  
2 agreements:

3       “(e) AMOUNTS.—Requests under subsection (a) may  
4 be approved only for the additional amounts that the Sec-  
5 retary determines are necessary for the Federal agencies,  
6 State agencies, or Indian tribes participating in the envi-  
7 ronmental planning and review process to timely conduct  
8 the reviews in an expedited manner.

9       “(d) AGREEMENTS.—Prior to providing funds ap-  
10 proved by the Secretary for dedicated staffing at an af-  
11 fected Federal agency under subsections (a) and (b), the  
12 affected Federal agency, State agency or Indian tribe, as  
13 appropriate, and the requesting entity shall enter into an  
14 agreement that establishes a process to identify the  
15 projects or priorities to be addressed by the use of the  
16 funds.

17       “(e) RULE OF CONSTRUCTION.—Nothing in this sec-  
18 tion shall be construed to be inconsistent with or to inter-  
19 fere with section 139(j) of title 23.”.

20       (b) CONFORMING AMENDMENT.—The table of con-  
21 tents of chapter 3 is amended by inserting after the item  
22 relating to section 306 the following:

“307. Improving State and Federal agency engagement in environmental re-  
views.”.

1 **SEC. 5507. SAVINGS CLAUSE.**

2 Nothing in this title, or any amendment made by this  
3 title, shall be construed as superceding, amending, or  
4 modifying the National Environmental Policy Act of 1969  
5 (42 U.S.C. 4321 et seq.) or affect the responsibility of any  
6 Federal officer to comply with or enforce any such statute.

7 **SEC. 5508. TRANSITION.**

8 Nothing in this title, or any amendment made by this  
9 title, shall affect any existing environmental review pro-  
10 cess, program, agreement, or funding arrangement ap-  
11 proved by the Secretary under title 49, United States  
12 Code, as that title was in effect on the day preceding the  
13 date of enactment of this subtitle.

14 **Subtitle F—Financing**

15 **SEC. 5601. SHORT TITLE; REFERENCES.**

16 (a) **SHORT TITLE.**—This subtitle may be cited as the  
17 “Railroad Infrastructure Financing Improvement Act”.

18 (b) **REFERENCES TO THE RAILROAD REVITALIZA-**  
19 **TION AND REGULATORY REFORM ACT OF 1976.**—Except  
20 as otherwise expressly provided, wherever in this subtitle  
21 an amendment or repeal is expressed in terms of an  
22 amendment to, or repeal of, a section or other provision,  
23 the reference shall be considered to be made to a section  
24 or other provision of the Railroad Revitalization and Regu-  
25 latory Reform Act of 1976, as amended (45 U.S.C. 801  
26 et seq.).



1 **SEC. 5602. DEFINITIONS.**

2 Section 501 (45 U.S.C. 821) is amended—

3 (1) by redesignating paragraph (8) as para-  
4 graph (10);

5 (2) by redesignating paragraphs (6) and (7) as  
6 paragraphs (7) and (8), respectively;

7 (3) by inserting after paragraph (5) the fol-  
8 lowing:

9 “(6) The term ‘investment-grade rating’ means  
10 a rating of BBB minus, Baa 3, bbb minus,  
11 BBB(low), or higher assigned by a rating agency.”;

12 (4) by inserting after paragraph (8), as redesi-  
13 gnated, the following:

14 “(9) The term ‘master credit agreement’ means  
15 an agreement to make 1 or more direct loans or loan  
16 guarantees at future dates for a program of related  
17 projects on terms acceptable to the Secretary.”; and

18 (5) by adding at the end the following:

19 “(11) The term ‘obligor’ means a party that—

20 “(A) is primarily liable for payment of the  
21 principal of or interest on a direct loan or loan  
22 guarantee under this section; and

23 “(B) may be a corporation, limited liability  
24 company, partnership, joint venture, trust, or  
25 governmental entity, agency, or instrumentality.

1           “(12) The term ‘project obligation’ means a  
2 note, bond, debenture, or other debt obligation  
3 issued by a borrower in connection with the financ-  
4 ing of a project, other than a direct loan or loan  
5 guarantee under this title.

6           “(13) The term ‘railroad’ has the meaning  
7 given the term ‘railroad carrier’ in section 20102 of  
8 title 49, United States Code.

9           “(14) The term ‘rating agency’ means a credit  
10 rating agency registered with the Securities and Ex-  
11 change Commission as a nationally recognized statis-  
12 tical rating organization (as defined in section 3(a)  
13 of the Securities Exchange Act of 1934 (15 U.S.C.  
14 78e(a))).

15           “(15) The term ‘substantial completion’  
16 means—

17                   “(A) the opening of a project to passenger  
18 or freight traffic; or

19                   “(B) a comparable event, as determined by  
20 the Secretary and specified in the direct loan.”.

21 **SEC. 5603. ELIGIBLE APPLICANTS.**

22 Section 502(a) (45 U.S.C. 822(a)) is amended—

23           (1) in paragraph (5), by striking “one railroad;  
24 and” and inserting “1 of the entities described in  
25 paragraph (1), (2), (3), (4), or (6);”;

1           (2) by amending paragraph (6) to read as fol-  
2           lows:

3           “~~(6)~~ solely for the purpose of constructing a  
4           rail connection between a plant or facility and a rail  
5           carrier, limited option freight shippers that own or  
6           operate a plant or other facility; and”;

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

8           “~~(7)~~ any obligor, as designated by an entity  
9           otherwise eligible to receive a direct loan or loan  
10          guarantee under this section, including a special  
11          purpose entity receiving user fees or other payments  
12          or revenues from dedicated sources for debt service  
13          and maintenance of the equipment or facilities to be  
14          acquired or improved; and

15          “~~(8)~~ a public-private or private partnership be-  
16          tween at least 1 other entity listed in any of para-  
17          graphs (1) through (7) and a consortium that spe-  
18          cializes in real estate development.”.

19 **SEC. 5604. ELIGIBLE PURPOSES.**

20          Section 502(b)(1) (45 U.S.C. 822(b)(1)) is amend-  
21          ed—

22          (1) in subparagraph (A), by inserting “, and  
23          costs related to these activities, including pre-con-  
24          struction costs” after “shops”;

1           (2) in subparagraph (B), by striking “subpara-  
2           graph (A); or” and inserting “subparagraph (A) or  
3           (C);”;

4           (3) in subparagraph (C), by striking the period  
5           at the end and inserting a semicolon; and

6           (4) by adding at the end the following:

7           “(D) reimburse planning and design ex-  
8           penses relating to projects described in subpara-  
9           graph (A) or (C); or

10           “(E) finance economic development, in-  
11           cluding commercial and residential development,  
12           and related infrastructure and activities; that—

13           “(i) incorporates private investment;

14           “(ii) is physically or functionally re-  
15           lated to a passenger rail station or  
16           multimodal station that includes rail serv-  
17           ice;

18           “(iii) has a high probability of the ap-  
19           plicant commencing the contracting proc-  
20           ess for construction not later than 90 days  
21           after the date on which the direct loan or  
22           loan guarantee is obligated for the project  
23           under this title; and

24           “(iv) has a high probability of reduc-  
25           ing the need for financial assistance under

1           any other Federal program for the relevant  
 2           passenger rail station or service by increas-  
 3           ing ridership, tenant lease payments, or  
 4           other activities that generate revenue ex-  
 5           ceeding costs.”.

6 **SEC. 5605. PROGRAM ADMINISTRATION.**

7           (a) APPLICATION PROCESSING PROCEDURES.—Sec-  
 8           tion 502(i) (45 U.S.C. 822(i)) is amended to read as fol-  
 9           lows:

10           “(i) APPLICATION PROCESSING PROCEDURES.—

11           “(1) APPLICATION STATUS NOTICES.—Not later  
 12           than 30 days after the date that the Secretary re-  
 13           ceives an application under this section, the Sec-  
 14           retary shall provide the applicant written notice as  
 15           to whether the application is complete or incomplete.

16           “(2) INCOMPLETE APPLICATIONS.—If the Sec-  
 17           retary determines that an application is incomplete,  
 18           the Secretary shall—

19           “(A) provide the applicant with a descrip-  
 20           tion of all of the specific information or mate-  
 21           rial that is needed to complete the application;  
 22           and

23           “(B) allow the applicant to resubmit the  
 24           information and material described under sub-  
 25           paragraph (A) to complete the application.

1           “(3) APPLICATION APPROVALS AND DIS-  
2 APPROVALS.—

3           “(A) IN GENERAL.—Not later than 60  
4 days after the date the Secretary notifies an ap-  
5 plicant that an application is complete under  
6 paragraph (1); the Secretary shall provide the  
7 applicant written notice as to whether the Sec-  
8 retary has approved or disapproved the applica-  
9 tion.

10           “(B) ACTIONS BY THE OFFICE OF MAN-  
11 AGEMENT AND BUDGET.—In order to enable  
12 compliance with the time limit under subpara-  
13 graph (A), the Office of Management and  
14 Budget shall take any action required with re-  
15 spect to the application within that 60-day pe-  
16 riod.

17           “(4) EXPEDITED PROCESSING.—The Secretary  
18 shall implement procedures and measures to econo-  
19 mize the time and cost involved in obtaining an ap-  
20 proval or a disapproval of credit assistance under  
21 this title.

22           “(5) DASHBOARD.—The Secretary shall post on  
23 the Department of Transportation’s public Web site  
24 a monthly report that includes for each applica-  
25 tion—

1           “(A) the name of the applicant or appli-  
2           cants;

3           “(B) the location of the project;

4           “(C) a brief description of the project, in-  
5           cluding its purpose;

6           “(D) the requested direct loan or loan  
7           guarantee amount;

8           “(E) the date on which the Secretary pro-  
9           vided application status notice under paragraph  
10          (1); and

11          “(F) the date that the Secretary provided  
12          notice of approval or disapproval under para-  
13          graph (3).”.

14          (b) ADMINISTRATION OF DIRECT LOANS AND LOAN  
15          GUARANTEES.—Section 503 (45 U.S.C. 823) is amend-  
16          ed—

17               (1) in subsection (a), by striking the period at  
18               the end and inserting “; including a program guide  
19               and standard term sheet and specific timetables.”;

20               (2) by redesignating subsections (e) through (l)  
21               as subsections (d) through (m), respectively;

22               (3) by striking “(b) ASSIGNMENT OF LOAN  
23               GUARANTEES.—” and inserting “(e) ASSIGNMENT  
24               OF LOAN GUARANTEES.—”;

25               (4) in subsection (d), as redesignated—

1           (A) in paragraph (1), by striking “; and”  
2           and inserting a semicolon;

3           (B) in paragraph (2), by striking the pe-  
4           riod at the end and inserting “; and”; and

5           (C) by adding at the end the following:

6           “~~(3)~~ the modification cost has been covered  
7           under section 502(f).”; and

8           (5) by amending subsection (1), as redesignated,  
9           to read as follows:

10          “(1) CHARGES AND LOAN SERVICING.—

11           “(1) PURPOSES.—The Secretary may collect  
12           and spend from each applicant, obligor, or loan  
13           party a reasonable charge for—

14           “(A) the cost of evaluating the application,  
15           amendments, modifications, and waivers, in-  
16           cluding for evaluating project viability, appli-  
17           cant creditworthiness, and the appraisal of the  
18           value of the equipment or facilities for which  
19           the direct loan or loan guarantee is sought, and  
20           for making necessary determinations and find-  
21           ings;

22           “(B) the cost of award management and  
23           project management oversight;

24           “(C) the cost of services from expert firms,  
25           including counsel, and independent financial ad-



1 visors to assist in the underwriting, auditing,  
2 servicing, and exercise of rights with respect to  
3 direct loans and loan guarantees; and

4 “(D) the cost of all other expenses in-  
5 curred as a result of a breach of any term or  
6 condition or any event of default on a direct  
7 loan or loan guarantee.

8 “(2) STANDARDS.—The Secretary may charge  
9 different amounts under this subsection based on the  
10 different costs incurred under paragraph (1).

11 “(3) SERVICER.—

12 “(A) IN GENERAL.—The Secretary may  
13 appoint a financial entity to assist the Secretary  
14 in servicing a direct loan or loan guarantee  
15 under this section.

16 “(B) DUTIES.—A servicer appointed under  
17 subparagraph (A) shall act as the agent of the  
18 Secretary in serving a direct loan or loan guar-  
19 antee under this section.

20 “(C) FEES.—A servicer appointed under  
21 subparagraph (A) shall receive a servicing fee  
22 from the obligor or other loan party, subject to  
23 approval by the Secretary.

24 “(4) USE OF OTHER FEDERAL FUNDS.—Not-  
25 withstanding any other provision of law, an appli-

1        cant may use grants under chapter 244 of title 49,  
2        United States Code, to pay any charge under this  
3        subsection.

4            “(5) SAFETY AND OPERATIONS ACCOUNT.—  
5        Amounts collected under this subsection shall—

6            “(A) be credited directly to the Safety and  
7        Operations account of the Federal Railroad Ad-  
8        ministration; and

9            “(B) remain available until expended to  
10        pay for the costs described in this subsection.”.

11 **SEC. 5606. LOAN TERMS AND REPAYMENT.**

12        (a) PREREQUISITES FOR ASSISTANCE.—Section  
13        502(g)(1) (45 U.S.C. 822(g)(1)) is amended by striking  
14        “35 years from the date of its execution” and inserting  
15        “the lesser of 35 years after the date of substantial com-  
16        pletion of the project or the estimated useful life of the  
17        rail equipment or facilities to be acquired, rehabilitated,  
18        improved, developed, or established”.

19        (b) REPAYMENT SCHEDULES.—Section 502(j) (45  
20        U.S.C. 822(j)) is amended—

21            (1) in paragraph (1), by striking “the sixth an-  
22        niversary date of the original loan disbursement”  
23        and inserting “5 years after the date of substantial  
24        completion”; and

25            (2) by adding at the end the following:

1           ~~“(3) DEFERRED PAYMENTS.—~~

2                   ~~“(A) IN GENERAL.—If at any time after~~  
3           ~~the date of substantial completion the project is~~  
4           ~~unable to generate sufficient revenues to pay~~  
5           ~~the scheduled loan repayments of principal and~~  
6           ~~interest on the direct loan, the Secretary, sub-~~  
7           ~~ject to subparagraph (B), may allow, for a max-~~  
8           ~~imum aggregate time of 1 year over the dura-~~  
9           ~~tion of the direct loan, the obligor to add un-~~  
10          ~~paid principal and interest to the outstanding~~  
11          ~~balance of the direct loan.~~

12                   ~~“(B) INTEREST.—A payment deferred~~  
13          ~~under subparagraph (A) shall—~~

14                           ~~“(i) continue to accrue interest under~~  
15                           ~~paragraph (2) until the loan is fully repaid;~~  
16                           ~~and~~

17                           ~~“(ii) be scheduled to be amortized~~  
18                           ~~over the remaining term of the loan.~~

19          ~~“(4) PREPAYMENTS.—~~

20                   ~~“(A) USE OF EXCESS REVENUES.—Any~~  
21          ~~excess revenues that remain after satisfying~~  
22          ~~scheduled debt service requirements on the~~  
23          ~~project obligations and direct loan and all de-~~  
24          ~~posit requirements under the terms of any trust~~  
25          ~~agreement, bond resolution, or similar agree-~~

1           ment securing project obligations may be ap-  
2           plied annually to prepay the direct loan without  
3           penalty.

4           “(B) USE OF PROCEEDS OF REFI-  
5           NANCING.—The direct loan may be prepaid at  
6           any time without penalty from the proceeds of  
7           refinancing from non-Federal funding  
8           sources.”.

9           (c) SALE OF DIRECT LOANS.—Section 502 (45  
10          U.S.C. 822) is amended by adding at the end the fol-  
11          lowing:

12          “(k) SALE OF DIRECT LOANS.—

13                 “(1) IN GENERAL.—Subject to paragraph (2)  
14                 and as soon as practicable after substantial comple-  
15                 tion of a project, the Secretary, after notifying the  
16                 obligor, may sell to another entity or reoffer into the  
17                 capital markets a direct loan for the project if the  
18                 Secretary determines that the sale or reoffering has  
19                 a high probability of being made on favorable terms.

20                 “(2) CONSENT OF OBLIGOR.—In making a sale  
21                 or reoffering under paragraph (1), the Secretary  
22                 may not change the original terms and conditions of  
23                 the secured loan without the prior written consent of  
24                 the obligor.”.

1 (d) NONSUBORDINATION.—Section 502 (45 U.S.C.  
2 822), as amended in subsection (c), is further amended  
3 by adding at the end the following:

4 “(1) NONSUBORDINATION.—

5 “(1) IN GENERAL.—Except as provided in para-  
6 graph (2)(B), a direct loan shall not be subordinated  
7 to the claims of any holder of project obligations in  
8 the event of bankruptcy, insolvency, or liquidation of  
9 the obligor.

10 “(2) PREEXISTING INDENTURES.—

11 “(A) IN GENERAL.—The Secretary may  
12 waive the requirement under paragraph (1) for  
13 a public agency borrower that is financing on-  
14 going capital programs and has outstanding  
15 senior bonds under a preexisting indenture if—

16 “(i) the direct loan is rated in the A  
17 category or higher;

18 “(ii) the direct loan is secured and  
19 payable from pledged revenues not affected  
20 by project performance, such as a tax-  
21 based revenue pledge or a system-backed  
22 pledge of project revenues; and

23 “(iii) the program share, under this  
24 title, of eligible project costs is 50 percent  
25 or less.

1           “(B) LIMITATION.—The Secretary may  
2           impose limitations for the waiver of the non-  
3           subordination requirement under this para-  
4           graph if the Secretary determines that such  
5           limitations would be in the financial interest of  
6           the Federal Government.”.

7 **SEC. 5607. CREDIT RISK PREMIUMS.**

8           Section 502(f) (45 U.S.C. 822(f)) is amended—

9           (1) in paragraph (1), by amending the first sen-  
10          tence to read as follows: “In lieu of or in combina-  
11          tion with appropriations of budget authority to cover  
12          the costs of direct loans and loan guarantees as re-  
13          quired under section 504(b)(1) of the Federal Credit  
14          Reform Act of 1990 (2 U.S.C. 661e(b)(1)), includ-  
15          ing the cost of a modification thereof, the Secretary  
16          may accept on behalf of an applicant for assistance  
17          under this section a commitment from a non-Federal  
18          source, including a State or local government or  
19          agency or public benefit corporation or public au-  
20          thority thereof, to fund in whole or in part credit  
21          risk premiums and modification costs with respect to  
22          the loan that is the subject of the application or  
23          modification.”;

24          (2) in paragraph (2)—

1           (A) in subparagraph (D), by adding “and”  
2           after the semicolon;

3           (B) by striking subparagraph (E); and

4           (C) by redesignating subparagraph (F) as  
5           subparagraph (E);

6           (3) by striking paragraph (4);

7           (4) by redesignating paragraph (3) as para-  
8           graph (4);

9           (5) by inserting after paragraph (2) the fol-  
10          lowing:

11          “(3) CREDITWORTHINESS.—An applicant may  
12          propose and the Secretary may accept as a basis for  
13          determining the amount of the credit risk premium  
14          under paragraph (2) any of the following in addition  
15          to the value of any tangible asset:

16               “(A) The net present value of a future  
17               stream of State or local subsidy income or other  
18               dedicated revenues to secure the direct loan or  
19               loan guarantee.

20               “(B) Adequate coverage requirements to  
21               ensure repayment, on a non-recourse basis,  
22               from cash flows generated by the project or any  
23               other dedicated revenue source, including—

24                       “(i) tolls;

25                       “(ii) user fees; or

1                   ~~“(iii) payments owing to the obligor~~  
2                   ~~under a public-private partnership.~~

3                   ~~“(C) An investment-grade rating on the di-~~  
4                   ~~rect loan or loan guarantee, as applicable, ex-~~  
5                   ~~cept that if the total amount of the direct loan~~  
6                   ~~or loan guarantee is greater than \$75,000,000,~~  
7                   ~~the applicant shall have an investment-grade~~  
8                   ~~rating from at least 2 rating agencies on the di-~~  
9                   ~~rect loan or loan guarantee.”;~~

10                  (6) in paragraph (4), as redesignated, by strik-  
11                  ing ~~“amounts”~~ and inserting ~~“amounts (and in the~~  
12                  ~~case of a modification, before the modification is ex-~~  
13                  ~~ecuted), to the extent appropriations are not avail-~~  
14                  ~~able to the Secretary to meet the costs of direct~~  
15                  ~~loans and loan guarantees, including costs of modi-~~  
16                  ~~fications thereof”~~; and

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

18                  ~~“(5) USE OF OTHER FEDERAL FUNDS.—Not-~~  
19                  ~~withstanding any other provision of law, an appli-~~  
20                  ~~cant may use grants under chapter 244 of title 49,~~  
21                  ~~United States Code, to pay part or all of a credit~~  
22                  ~~risk premium or modification cost under this sub-~~  
23                  ~~section.”.~~



1 **SEC. 5608. MASTER CREDIT AGREEMENTS.**

2 Section 502 (45 U.S.C. 822), as amended by sub-  
3 sections (c) and (d) of section 5606 of this Act, is further  
4 amended by adding at the end the following:

5 “(m) MASTER CREDIT AGREEMENTS.—

6 “(1) IN GENERAL.—Subject to section 502(d)  
7 and paragraph (2) of this subsection, the Secretary  
8 may enter into a master credit agreement that pro-  
9 vides for all of the conditions for the provision of a  
10 direct loan or loan guarantee, as applicable, under  
11 this title and other applicable requirements to be  
12 satisfied prior to the issuance of the direct loan or  
13 loan guarantee.

14 “(2) CONDITIONS.—Each master credit agree-  
15 ment shall—

16 “(A) establish the maximum amount and  
17 general terms and conditions of each applicable  
18 direct loan or loan guarantee;

19 “(B) identify 1 or more dedicated non-  
20 Federal revenue sources that will secure the re-  
21 payment of each applicable direct loan or loan  
22 guarantee;

23 “(C) provide for the obligation of funds for  
24 the direct loans or loan guarantees after all re-  
25 quirements have been met for the projects sub-  
26 ject to the master credit agreement; and

1           “(D) provide 1 or more dates, as deter-  
 2           mined by the Secretary, before which the mas-  
 3           ter credit agreement results in each of the di-  
 4           rect loans or loan guarantees or in the release  
 5           of the master credit agreement.”.

6 **SEC. 5609. PRIORITIES AND CONDITIONS.**

7           (a) **PRIORITY PROJECTS.**—Section 502(c) (45 U.S.C.  
 8           822(c)) is amended—

9           (1) in paragraph (1), by inserting “, including  
 10           projects for the installation of a positive train con-  
 11           trol system (as defined in section 20157(i) of title  
 12           49, United States Code)” after “public safety”;

13           (2) by redesignating paragraphs (2) and (3) as  
 14           paragraphs (3) and (2), respectively;

15           (3) in paragraph (5), by inserting “or chapter  
 16           227 of title 49” after “section 135 of title 23”;

17           (4) by redesignating paragraphs (6) through  
 18           (8) as paragraphs (7) through (9), respectively; and

19           (5) by inserting after paragraph (5) the fol-  
 20           lowing:

21           “(6) improve railroad stations and passenger  
 22           facilities and increase transit-oriented develop-  
 23           ment;”.

24           (b) **CONDITIONS OF ASSISTANCE.**—Section 502(h)  
 25           (45 U.S.C. 822(h)) is amended—

1           (1) in paragraph (2), by inserting “, if applica-  
2           ble” after “project”; and

3           (2) by adding at the end the following:

4           “(4) For a project described in subsection  
5           (b)(1)(E), the Secretary shall require the applicant,  
6           obligor, or other loan party, in addition to the inter-  
7           est required under subsection (c), to provide the  
8           sponsor of the intercity passenger rail service or its  
9           designee, a fee or payment in an amount determined  
10          appropriate by the Secretary to provide an equitable  
11          share of project revenue to support the capital or op-  
12          erating costs of the routes serving the passenger rail  
13          station or multimodal station where the development  
14          is located.”.

15 **SEC. 5610. SAVINGS PROVISION.**

16          (a) **IN GENERAL.**—Except as provided in subsection  
17 (b), this subtitle, and the amendments made by this sub-  
18 title, shall not affect any direct loan (or direct loan obliga-  
19 tion) or an outstanding loan guarantee (or loan guarantee  
20 commitment) that was in effect prior to the date of enact-  
21 ment of this Act. Any such transaction entered into before  
22 the date of enactment of this Act shall be administered  
23 until completion under its terms as if this Act were not  
24 enacted.

1           (b) **MODIFICATION COSTS.**—At the discretion of the  
 2 Secretary, the authority to accept modification costs on  
 3 behalf of an applicant under section 502(f) of the Railroad  
 4 Revitalization and Regulatory Reform Act of 1976 (45  
 5 U.S.C. 822(f)), as amended by section 5607 of this Act,  
 6 may apply with respect to any direct loan (or direct loan  
 7 obligation) or an outstanding loan guarantee (or loan  
 8 guarantee commitment) that was in effect prior to the  
 9 date of enactment of this Act.

10 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS; REF-**  
 11 **ERENCES.**

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

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

*Sec. 1. Short title; table of contents; references.*

*Sec. 2. Definition of Secretary.*

**TITLE I—OFFICE OF THE SECRETARY**

*Subtitle A—Accelerating Project Delivery*

*Sec. 1101. Delegation of authority.*

*Sec. 1102. Infrastructure Permitting Improvement Center.*

*Sec. 1103. Accelerated decision-making in environmental reviews.*

*Sec. 1104. Environmental review alignment and reform.*

*Sec. 1105. Multimodal categorical exclusions.*

*Sec. 1106. Improving transparency in environmental reviews.*

*Sec. 1107. Safety of the surface transportation network for motorized and non-*  
*motorized users.*

*Sec. 1108. Local transportation infrastructure program.*

*Subtitle B—Freight*

*Sec. 1201. Establishment of freight chapter.*

*Sec. 1202. National multimodal freight policy.*

- Sec. 1203. National multimodal freight network.*  
*Sec. 1204. National Freight Strategic Plan.*  
*Sec. 1205. State freight plans.*  
*Sec. 1206. Freight transportation conditions and performance reports.*  
*Sec. 1207. Repeals.*  
*Sec. 1208. Savings provision.*

*Subtitle C—Research*

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

*Subtitle D—Port Performance Act*

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

**TITLE II—COMMERCIAL MOTOR VEHICLE AND DRIVER PROGRAMS**

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

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

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

**PART II—INTERIM HIRING STANDARD**

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

*Subtitle B—Transparency and Accountability*

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

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

- Sec. 2301. Update on statutory requirements.*  
*Sec. 2302. Statutory rulemaking.*  
*Sec. 2303. Guidance reform.*

- Sec. 2304. Petitions.*  
*Sec. 2305. Regulatory reform.*

*Subtitle D—State Authorities*

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

*Subtitle E—Motor Carrier Safety Grant Consolidation*

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

*Subtitle F—Miscellaneous Provisions*

- Sec. 2601. Windshield technology.*  
*Sec. 2602. Electronic logging devices requirements.*  
*Sec. 2603. Lapse of required financial security; suspension of registration.*  
*Sec. 2604. Access to National Driver Register.*  
*Sec. 2605. Study on commercial motor vehicle driver commuting.*  
*Sec. 2606. Household goods consumer protection working group.*  
*Sec. 2607. Interstate van operations.*  
*Sec. 2608. Report on design and implementation of wireless roadside inspection systems.*  
*Sec. 2609. Motorcoach hours of service study.*  
*Sec. 2610. GAO Review of school bus safety.*  
*Sec. 2611. Use of hair testing for preemployment and random controlled substances tests.*

*TITLE III—HAZARDOUS MATERIALS*

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

*TITLE IV—HIGHWAY AND MOTOR VEHICLE SAFETY*

*Subtitle A—Highway Traffic Safety*

*PART I—HIGHWAY SAFETY*

- Sec. 4101. Authorization of appropriations.*  
*Sec. 4102. Highway safety programs.*  
*Sec. 4103. Grants for alcohol-ignition interlock laws and 24–7 sobriety programs.*  
*Sec. 4104. Repeat offender criteria.*

- Sec. 4105. Study on the national roadside survey of alcohol and drug use by drivers.*  
*Sec. 4106. Increasing public awareness of the dangers of drug-impaired driving.*  
*Sec. 4107. Improvement of data collection on child occupants in vehicle crashes.*

*PART II—STOP MOTORCYCLE CHECKPOINT FUNDING ACT*

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

*PART III—IMPROVING DRIVER SAFETY ACT OF 2015*

- Sec. 4131. Short title.*  
*Sec. 4132. Distracted driving incentive grants.*  
*Sec. 4133. Barriers to data collection report.*  
*Sec. 4134. Minimum requirements for State graduated driver licensing incentive grant program.*

*PART IV—TECHNICAL AND CONFORMING AMENDMENTS*

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

*Subtitle B—Vehicle Safety*

- Sec. 4201. Authorization of appropriations.*  
*Sec. 4202. Inspector General recommendations.*  
*Sec. 4203. Improvements in availability of recall information.*  
*Sec. 4204. Recall process.*  
*Sec. 4205. Pilot grant program for State notification to consumers of motor vehicle recall status.*  
*Sec. 4206. Recall obligations under bankruptcy.*  
*Sec. 4207. Dealer requirement to check for open recall.*  
*Sec. 4208. Extension of time period for remedy of tire defects.*  
*Sec. 4209. Rental car safety.*  
*Sec. 4210. Motor vehicle equipment.*  
*Sec. 4211. Increase in civil penalties for violations of motor vehicle safety.*  
*Sec. 4212. Electronic odometer disclosures.*  
*Sec. 4213. Corporate responsibility for NHTSA reports.*  
*Sec. 4214. Direct vehicle notification of recalls.*  
*Sec. 4215. Unattended children warning.*  
*Sec. 4216. Tire pressure monitoring system.*

*Subtitle C—Research and Development and Vehicle Electronics*

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

*Subtitle D—Miscellaneous Provisions*

*PART I—DRIVER PRIVACY ACT OF 2015*

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

*PART II—SAFETY THROUGH INFORMED CONSUMERS ACT OF 2015*

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

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

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

*TITLE V—RAILROAD REFORM, ENHANCEMENT, AND EFFICIENCY*

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

*Subtitle A—Authorization of Appropriations*

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

*Subtitle B—Amtrak Reform*

- Sec. 5201. Amtrak grant process.*  
*Sec. 5202. 5-year business line and assets plans.*  
*Sec. 5203. State-supported route committee.*  
*Sec. 5204. Route and service planning decisions.*  
*Sec. 5205. Competition.*  
*Sec. 5206. Rolling stock purchases.*  
*Sec. 5207. Food and beverage policy.*  
*Sec. 5208. Local products and promotional events.*  
*Sec. 5209. Right-of-way leveraging.*  
*Sec. 5210. Station development.*  
*Sec. 5211. Amtrak debt.*  
*Sec. 5212. Amtrak pilot program for passengers transporting domesticated cats and dogs.*  
*Sec. 5213. Amtrak board of directors.*  
*Sec. 5214. Amtrak boarding procedures.*

*Subtitle C—Intercity Passenger Rail Policy*

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



- Sec. 5312. Performance-based proposals.*  
*Sec. 5313. Amtrak Inspector General.*  
*Sec. 5314. Miscellaneous provisions.*

*Subtitle D—Rail Safety*

*PART I—SAFETY IMPROVEMENT*

- Sec. 5401. Highway-rail grade crossing safety.*  
*Sec. 5402. Confidential close call reporting system.*  
*Sec. 5403. Speed limit action plans.*  
*Sec. 5404. Signage.*  
*Sec. 5405. Alerters.*  
*Sec. 5406. Signal protection.*  
*Sec. 5407. Technology implementation plans.*  
*Sec. 5408. Commuter rail track inspections.*  
*Sec. 5409. Emergency response.*  
*Sec. 5410. Private highway-rail grade crossings.*  
*Sec. 5411. Repair and replacement of damaged track inspection equipment.*  
*Sec. 5412. Rail police officers.*  
*Sec. 5413. Operation deep dive; report.*  
*Sec. 5414. Post-accident assessment.*  
*Sec. 5415. Technical and conforming amendments.*  
*Sec. 5416. GAO study on use of locomotive horns at highway-rail grade crossings.*

*PART II—CONSOLIDATED RAIL INFRASTRUCTURE AND SAFETY IMPROVEMENTS*

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

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

- Sec. 5431. Real-time emergency response information.*  
*Sec. 5432. Thermal blankets.*  
*Sec. 5433. Comprehensive oil spill response plans.*  
*Sec. 5434. Hazardous materials by rail liability study.*  
*Sec. 5435. Study and testing of electronically-controlled pneumatic brakes.*  
*Sec. 5436. Recording devices.*  
*Sec. 5437. Rail passenger transportation liability.*  
*Sec. 5438. Modification reporting.*  
*Sec. 5439. Report on crude oil characteristics research study.*

*PART IV—POSITIVE TRAIN CONTROL*

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

*Subtitle E—Project Delivery*

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

*Sec. 5507. Savings clause.*

*Sec. 5508. Transition.*

*Subtitle F—Financing*

*Sec. 5601. Short title; references.*

*Sec. 5602. Definitions.*

*Sec. 5603. Eligible applicants.*

*Sec. 5604. Eligible purposes.*

*Sec. 5605. Program administration.*

*Sec. 5606. Loan terms and repayment.*

*Sec. 5607. Credit risk premiums.*

*Sec. 5608. Master credit agreements.*

*Sec. 5609. Priorities and conditions.*

*Sec. 5610. Savings provision.*

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

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

8           *In this Act, except as otherwise expressly provided, the*  
 9 *term “Secretary” means the Secretary of Transportation.*

10                           **TITLE I—OFFICE OF THE**  
 11   **SECRETARY**

12                   **Subtitle A—Accelerating Project**  
 13   **Delivery**

14 **SEC. 1101. DELEGATION OF AUTHORITY.**

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

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

2       *“No person designated to serve as the acting head of*  
 3 *an administration in the department of transportation*  
 4 *under section 3345 of title 5 may continue to perform the*  
 5 *functions and duties of the office if the time limitations in*  
 6 *section 3346 of that title would prevent the person from con-*  
 7 *tinuing to serve in a formal acting capacity.”.*

8       **(b) CONFORMING AMENDMENT.**—*The table of contents*  
 9 *for chapter 1 is amended by inserting after the item relating*  
 10 *to section 115 the following:*

*“116. Administrations; acting officers.”.*

11       **(c) APPLICATION.**—*The amendment under subsection*  
 12 *(a) shall apply to any applicable office with a position des-*  
 13 *ignated for a Senate confirmed official.*

14 **SEC. 1102. INFRASTRUCTURE PERMITTING IMPROVEMENT**  
 15 **CENTER.**

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

19 **“§ 312. Interagency Infrastructure Permitting Im-**  
 20 **provement Center**

21       **“(a) IN GENERAL.**—*There is established in the Office*  
 22 *of the Secretary an Interagency Infrastructure Permitting*  
 23 *Improvement Center (referred to in this section as the ‘Cen-*  
 24 *ter’).*

25       **“(b) ROLES AND RESPONSIBILITIES.**—

1           “(1) *GOVERNANCE.*—*The Center shall report to*  
2           *the chair of the Steering Committee described in*  
3           *paragraph (2) to ensure that the perspectives of all*  
4           *member agencies are represented.*

5           “(2) *INFRASTRUCTURE PERMITTING STEERING*  
6           *COMMITTEE.*—*An Infrastructure Permitting Steering*  
7           *Committee (referred to in this section as the ‘Steering*  
8           *Committee’) is established to oversee the work of the*  
9           *Center. The Steering Committee shall be chaired by*  
10          *the Federal Chief Performance Officer in consultation*  
11          *with the Chair of the Council on Environmental*  
12          *Quality and shall be comprised of Deputy-level rep-*  
13          *resentatives from the following departments and agen-*  
14          *cies:*

15                   “(A) *The Department of Defense.*

16                   “(B) *The Department of the Interior.*

17                   “(C) *The Department of Agriculture.*

18                   “(D) *The Department of Commerce.*

19                   “(E) *The Department of Transportation.*

20                   “(F) *The Department of Energy.*

21                   “(G) *The Department of Homeland Secu-*  
22                   *rity.*

23                   “(H) *The Environmental Protection Agen-*  
24                   *cy.*

1           “(I) *The Advisory Council on Historic Pres-*  
2           *ervation.*

3           “(J) *The Department of the Army.*

4           “(K) *The Department of Housing and*  
5           *Urban Development.*

6           “(L) *Other agencies the Chair of the Steer-*  
7           *ing Committee invites to participate.*

8           “(3) *ACTIVITIES.—The Center shall support the*  
9           *Chair of the Steering Committee and undertake the*  
10          *following:*

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

15           “(B) *Support modernization efforts at Fed-*  
16           *eral agencies and interagency pilots for innova-*  
17           *tive approaches to the permitting and review of*  
18           *infrastructure projects.*

19           “(C) *Provide technical assistance and train-*  
20           *ing to field and headquarters staff of Federal*  
21           *agencies on policy changes, innovative ap-*  
22           *proaches to project delivery, and other topics as*  
23           *appropriate.*

1           “(D) Identify, develop, and track metrics  
2 for timeliness of permit reviews, permit deci-  
3 sions, and project outcomes.

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

6                   “(i) tracking and reporting of metrics;

7                   “(ii) development and posting of sched-  
8 ules for permit reviews and permit deci-  
9 sions; and

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

12           “(F) Provide reporting to the President on  
13 progress toward achieving greater efficiency in  
14 permitting decisions and review of infrastructure  
15 projects and progress toward achieving better  
16 outcomes for communities and the environment.

17           “(G) Meet not less frequently than annually  
18 with groups or individuals representing State,  
19 Tribal, and local governments that are engaged  
20 in the infrastructure permitting process.

21           “(4) INFRASTRUCTURE SECTORS COVERED.—The  
22 Center shall support process improvements in the per-  
23 mitting and review of infrastructure projects in the  
24 following sectors:

25                   “(A) Surface transportation.

1           “(B) Aviation.

2           “(C) Ports and waterways.

3           “(D) Water resource projects.

4           “(E) Renewable energy generation.

5           “(F) Electricity transmission.

6           “(G) Broadband.

7           “(H) Pipelines.

8           “(I) Other sectors, as determined by the  
9           Steering Committee.

10          “(c) PERFORMANCE MEASURES.—

11                 “(1) IN GENERAL.—Not later than 1 year after  
12                 the date of enactment of the Comprehensive Transpor-  
13                 tation and Consumer Protection Act of 2015, the Sec-  
14                 retary, in coordination with the heads of other Fed-  
15                 eral agencies on the Steering Committee with respon-  
16                 sibility for the review and approval of infrastructure  
17                 projects sectors described in subsection (b)(4), shall  
18                 evaluate and report on—

19                         “(A) the progress made toward aligning  
20                         Federal reviews of such projects and the improve-  
21                         ment of project delivery associated with those  
22                         projects; and

23                         “(B) the effectiveness of the Center in  
24                         achieving reduction of permitting time and  
25                         project delivery time.

1           “(2) *PERFORMANCE TARGETS.*—Not later than  
2           180 days after the date on which the Secretary of  
3           Transportation establishes performance measures in  
4           accordance with paragraph (1), the Secretary shall es-  
5           tablish performance targets relating to each of the  
6           measures and standards described in subparagraphs  
7           (A) and (B) of paragraph (1).

8           “(3) *REPORT TO CONGRESS.*—Not later than 2  
9           years after the date of enactment of the Comprehen-  
10          sive Transportation and Consumer Protection Act of  
11          2015 and biennially thereafter, the Secretary shall  
12          submit a report to the Committee on Commerce,  
13          Science, and Transportation of the Senate and the  
14          Committee on Transportation and Infrastructure of  
15          the House of Representatives that describes—

16                   “(A) the results of the evaluation conducted  
17                   under paragraph (1); and

18                   “(B) the progress towards achieving the tar-  
19                   gets established under paragraph (2).

20          “(4) *INSPECTOR GENERAL REPORT.*—Not later  
21          than 3 years after the date of enactment of the Com-  
22          prehensive Transportation and Consumer Protection  
23          Act of 2015, the Inspector General of the Department  
24          of Transportation shall submit a report to the Com-  
25          mittee on Commerce, Science, and Transportation of



1       *the Senate and the Committee on Transportation and*  
 2       *Infrastructure of the House of Representatives that*  
 3       *describes—*

4               “(A) *the results of the evaluation conducted*  
 5               *under paragraph (1); and*

6               “(B) *the progress towards achieving the tar-*  
 7               *gets established under paragraph (2).”.*

8       (b) *CONFORMING AMENDMENT.—The table of contents*  
 9       *of chapter 3, as amended by sections 1104 and 1106 of this*  
 10       *Act, is further amended by inserting after the item relating*  
 11       *to section 311 the following:*

      “312. *Interagency Infrastructure Permitting Improvement Center.*”.

12       **SEC. 1103. ACCELERATED DECISION-MAKING IN ENVIRON-**  
 13               **MENTAL REVIEWS.**

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

16       **“§304a. Accelerated decision-making in environ-**  
 17               **mental reviews**

18       “(a) *IN GENERAL.—In preparing a final environ-*  
 19       *mental impact statement under the National Environ-*  
 20       *mental Policy Act of 1969 (42 U.S.C. 4321 et seq.), if the*  
 21       *Department of Transportation, when acting as lead agency,*  
 22       *modifies the statement in response to comments that are*  
 23       *minor and are confined to factual corrections or expla-*  
 24       *nations of why the comments do not warrant additional*  
 25       *Departmental response, the Department may write on er-*

1 *rata sheets attached to the statement instead of rewriting*  
2 *the draft statement, subject to the condition that the errata*  
3 *sheets—*

4           “(1) *cite the sources, authorities, or reasons that*  
5           *support the position of the Department; and*

6           “(2) *if appropriate, indicate the circumstances*  
7           *that would trigger Departmental reappraisal or fur-*  
8           *ther response.*

9           “(b) *INCORPORATION.—To the maximum extent prac-*  
10 *ticable, the Department shall expeditiously develop a single*  
11 *document that consists of a final environmental impact*  
12 *statement and a record of decision, unless—*

13           “(1) *the final environmental impact statement*  
14 *makes substantial changes to the proposed action that*  
15 *are relevant to environmental or safety concerns; or*

16           “(2) *there are significant new circumstances or*  
17 *information relevant to environmental concerns and*  
18 *that bear on the proposed action or the impacts of the*  
19 *proposed action.”.*

20           “(b) *CONFORMING AMENDMENT.—The table of contents*  
21 *of chapter 3 is amended by inserting after the item relating*  
22 *to section 304 the following:*

*“304a. Accelerated decision-making in environmental reviews.”.*

1 **SEC. 1104. ENVIRONMENTAL REVIEW ALIGNMENT AND RE-**  
2 **FORM.**

3 (a) *IN GENERAL.*—Subchapter I of chapter 3 is  
4 amended by inserting after section 309 the following:

5 **“§310. Aligning Federal environmental reviews**

6 “(a) *COORDINATED AND CONCURRENT ENVIRON-*  
7 *MENTAL REVIEWS.*—Not later than 1 year after the date  
8 of enactment of the Comprehensive Transportation and  
9 Consumer Protection Act of 2015, the Department of Trans-  
10 portation, in coordination with the Steering Committee de-  
11 scribed in section 312 of this title, shall develop a coordi-  
12 nated and concurrent environmental review and permitting  
13 process for transportation projects when initiating an envi-  
14 ronmental impact statement under the National Environ-  
15 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.) (referred  
16 to in this section as ‘NEPA’). The coordinated and concur-  
17 rent environmental review and permitting process shall—

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

1           “(2) achieve early concurrence or issue resolution  
2           during the NEPA scoping process on the Department  
3           of Transportation’s statement of a project’s purpose  
4           and need and during development of the environ-  
5           mental impact statement on the range of alternatives  
6           for analysis that the lead agency and agencies of ju-  
7           risdiction will rely upon for concurrent environ-  
8           mental reviews and permitting decisions required for  
9           the proposed project absent circumstances that require  
10          reconsideration in order to meet an agency of juris-  
11          diction’s legal obligations; and

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

18          “(b) ENVIRONMENTAL CHECKLIST.—The Secretary of  
19          Transportation and Federal agencies of jurisdiction likely  
20          to have substantive review or approval responsibilities on  
21          transportation projects, not later than 90 days after the  
22          date of enactment of the Comprehensive Transportation and  
23          Consumer Protection Act of 2015, shall jointly develop a  
24          checklist to help project sponsors identify potential natural,

1 *cultural, and historic resources in the area of a proposed*  
2 *project. The purpose of the checklist is—*

3           “(1) *to identify agencies of jurisdiction and co-*  
4 *operating agencies,*

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

7           “(3) *to improve interagency collaboration to help*  
8 *expedite the permitting process for the lead agency*  
9 *and Federal agencies of jurisdiction.*

10       “(c) *INTERAGENCY COLLABORATION.—Consistent with*  
11 *Federal environmental statutes and the priority reform ac-*  
12 *tions for Federal agency permitting and reviews defined*  
13 *and identified by the Steering Committee established under*  
14 *section 312, the Secretary shall facilitate annual inter-*  
15 *agency collaboration sessions at the appropriate jurisdic-*  
16 *tional level to coordinate business plans and facilitate co-*  
17 *ordination of workload planning and workforce manage-*  
18 *ment. This engagement shall ensure agency staff is fully en-*  
19 *gaged and utilizing the flexibility of existing regulations,*  
20 *policies, and guidance and identifying additional actions*  
21 *to facilitate high quality, efficient, and targeted environ-*  
22 *mental reviews and permitting decisions. The sessions and*  
23 *the interagency collaborations they generate shall focus on*  
24 *how to work with State and local transportation entities*  
25 *to improve project planning, siting, and application qual-*

1 *ity and how to consult and coordinate with relevant stake-*  
 2 *holders and Federal, tribal, State, and local representatives*  
 3 *early in permitting processes.*

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

12       (b) *CONFORMING AMENDMENT.*—The table of contents  
 13 of subchapter I of chapter 3 is amended by inserting after  
 14 the item relating to section 309 the following:

“310. *Aligning Federal environmental reviews.*”.

15 **SEC. 1105. MULTIMODAL CATEGORICAL EXCLUSIONS.**

16       Section 304 is amended—

17           (1) in subsection (a)—

18                   (A) in paragraph (1)—

19                           (i) by striking “operating authority”  
 20                           and inserting “operating administration or  
 21                           secretarial office”;

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

24                           (iii) by inserting “proposed  
 25                           multimodal” before “project”;

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

3                   “(2) *LEAD AUTHORITY.*—The term ‘lead author-  
4 ity’ means a Department of Transportation operating  
5 administration or secretarial office that has the lead  
6 responsibility for a proposed multimodal project.”;  
7 and

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

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

17                   (3) in subsection (c)—

18                   (A) in the matter preceding paragraph

19 (1)—

20                   (i) by striking “a categorical exclusion  
21 designated under the implementing regula-  
22 tions or” and inserting “categorical exclu-  
23 sions designated under the National Envi-  
24 ronmental Policy Act of 1969 (42 U.S.C.  
25 4321 et seq.) implementing”; and

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

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

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

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

14                  (C) in paragraph (3)—

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

“311. *Improving transparency in environmental reviews.*”.

5 **SEC. 1107. SAFETY OF THE SURFACE TRANSPORTATION**  
 6                           **NETWORK FOR MOTORIZED AND NON-**  
 7                           **MOTORIZED USERS.**

8           (a) *IN GENERAL.*—*Subchapter I of chapter 3, as*  
 9 *amended by sections 1102, 1103, 1104, and 1106 of this*  
 10 *Act, is further amended by adding at the end the following:*

11 **“§313. Safety of the surface transportation network**  
 12                           **for motorized and nonmotorized users**

13           “(a) *IN GENERAL.*—*Not later than 2 years after the*  
 14 *date of enactment of this section and subject to subsection*  
 15 *(b), the Secretary of Transportation shall establish stand-*  
 16 *ards to ensure that the design of Federal surface transpor-*  
 17 *tation projects provides for the safe and adequate accommo-*  
 18 *dation, as determined by the State or other direct recipient*  
 19 *of funds, in all phases of project planning, development, and*  
 20 *operation, of all users of the transportation network, includ-*  
 21 *ing motorized and nonmotorized users.*

22           “(b) *WAIVER FOR STATE LAW OR POLICY.*—*The Sec-*  
 23 *retary may waive the application of standards established*  
 24 *under subsection (a) to a State that has adopted a law or*  
 25 *policy that provides for the safe and adequate accommoda-*

1 tion, as determined by the State or other direct recipient  
 2 of funds, in all phases of project planning and development,  
 3 of users of the transportation network on Federally funded  
 4 surface transportation projects.

5 “(c) COMPLIANCE.—

6 “(1) IN GENERAL.—Each State department of  
 7 transportation shall submit to the Secretary, at such  
 8 time, in such manner, and containing such informa-  
 9 tion as the Secretary shall require, a report describing  
 10 the implementation by the State of measures to  
 11 achieve compliance with this section.

12 “(2) DETERMINATION BY SECRETARY.—Upon re-  
 13 ceipt of a report under paragraph (1), the Secretary  
 14 shall determine whether the State has achieved com-  
 15 pliance with this section.”.

16 (b) CONFORMING AMENDMENT.—The table of sections  
 17 of chapter 3, as amended by sections 1102, 1103, 1104, and  
 18 1106 of this Act, is further amended by inserting after the  
 19 item relating to section 312 the following:

“313. Safety of the surface transportation network for motorized and non-  
 motorized users.”.

20 **SEC. 1108. LOCAL TRANSPORTATION INFRASTRUCTURE**  
 21 **PROGRAM.**

22 Section 610 of title 23, United States Code, is amend-  
 23 ed—

24 (1) in subsection (d)—

1           (A) in paragraph (1), by striking subpara-  
2 graph (A) and inserting the following:

3           “(A) 10 percent of the funds apportioned to  
4 the State for each of fiscal years 2016 through  
5 2021 under each of sections 104(b)(1), 104(b)(2),  
6 and 144; and”;

7           (B) in paragraph (2), by striking “2005  
8 through 2009” and inserting “2016 through  
9 2021”;

10          (C) in paragraph (3), by striking “2005  
11 through 2009” and inserting “2016 through  
12 2021”; and

13          (D) in paragraph (5), by striking “section  
14 133(d)(3)” and inserting “section 133(d)(4”;  
15 and

16          (2) in subsection (k), by striking “2005 through  
17 2009” and inserting “2016 through 2021”.

## 18                                   **Subtitle B—Freight**

### 19   **SEC. 1201. ESTABLISHMENT OF FREIGHT CHAPTER.**

20          (a) *FREIGHT*.—Subtitle III is amended by inserting  
21 after chapter 53 the following:

### 22                                   **“CHAPTER 54—FREIGHT**

“Sec.

“5401. *Definitions.*

“5402. *National multimodal freight policy.*

“5403. *National multimodal freight network.*

“5404. *National Freight Strategic Plan.*

“5405. *State freight plans.*

“5406. *Reports.*

1 **“§ 5401. Definitions**

2       *“In this chapter:*

3               *“(1) ECONOMIC COMPETITIVENESS.—The term*  
4       *‘economic competitiveness’ means the ability of the*  
5       *economy to efficiently move freight and people,*  
6       *produce goods, and deliver services, including—*

7               *“(A) reductions in the travel time of freight;*

8               *“(B) reductions in the congestion caused by*  
9       *the movement of freight;*

10              *“(C) improvements to freight travel time re-*  
11       *liability; and*

12              *“(D) reductions in freight transportation*  
13       *costs due to congestion and insufficient infra-*  
14       *structure.*

15              *“(2) FREIGHT.—The term ‘freight’ means the*  
16       *commercial transportation of cargo, including agri-*  
17       *cultural, manufactured, retail, or other goods by ves-*  
18       *sel, vehicle, pipeline, or rail.*

19              *“(3) FREIGHT TRANSPORTATION MODES.—The*  
20       *term ‘freight transportation modes’ means—*

21              *“(A) the infrastructure supporting any*  
22       *mode of transportation that moves freight, in-*  
23       *cluding highways, ports, waterways, rail facili-*  
24       *ties, and pipelines; and*

25              *“(B) any vehicles or equipment trans-*  
26       *porting goods on such infrastructure.*

1           “(4) *INTELLIGENT FREIGHT TRANSPORTATION*  
2 *SYSTEM.*—The term ‘*intelligent freight transportation*  
3 *system*’ means—

4           “(A) *an innovative or intelligent techno-*  
5 *logical transportation system, infrastructure, or*  
6 *facilities, including electronic roads, driverless*  
7 *trucks, elevated freight transportation facilities,*  
8 *automated port technologies, autonomous vehicle*  
9 *technology, and other similar freight transpor-*  
10 *tation systems; and*

11           “(B) *communications or information proc-*  
12 *essing systems used singly or in combination for*  
13 *intelligent freight lanes and conveyances that*  
14 *improve the efficiency, security, or safety of the*  
15 *freight system or that operate to convey freight*  
16 *or improve existing freight movements.*

17           “(5) *NATIONAL MULTIMODAL FREIGHT NET-*  
18 *WORK.*—The term ‘*national multimodal freight net-*  
19 *work*’ means the network established under section  
20 5403.

21           “(6) *NATIONAL MULTIMODAL FREIGHT STRA-*  
22 *TEGIC PLAN.*—The term ‘*national multimodal freight*  
23 *strategic plan*’ means the strategic plan developed  
24 under section 5404.

1           “(7) *SECRETARY*.—The term ‘Secretary’ means  
2           the Secretary of Transportation.

3           “(8) *STATE*.—The term ‘State’ means a State of  
4           the United States, the District of Columbia, the Com-  
5           monwealth of Puerto Rico, the Commonwealth of the  
6           Northern Mariana Islands, Guam, American Samoa,  
7           and the United States Virgin Islands.”.

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

9           *Subtitle III, as amended by section 1201 of this Act,*  
10          *is further amended by adding after section 5401 the fol-*  
11          *lowing:*

12   **“§ 5402. National multimodal freight policy**

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

14                   “(1) *to support investment to maintain and im-*  
15                   *prove the condition and performance of the national*  
16                   *multimodal freight network;*

17                   “(2) *to ensure that the United States maximizes*  
18                   *its competitiveness in the global economy by increas-*  
19                   *ing the overall productivity and connectivity of the*  
20                   *national freight system; and*

21                   “(3) *to pursue the goals described in subsection*  
22                   *(b).*

23           “(b) *GOALS*.—The national multimodal freight policy  
24          *has the following goals:*



1           “(1) To enhance the economic competitiveness of  
2           the United States by investing in infrastructure im-  
3           provements and implementing operational improve-  
4           ments on the freight network of the United States that  
5           achieve 1 or more of the following:

6                   “(A) Strengthen the contribution of the na-  
7                   tional freight network to the economic competi-  
8                   tiveness of the United States.

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

11                  “(C) Reduce the cost of freight transpor-  
12                  tation.

13                  “(D) Improve the reliability of freight  
14                  transportation.

15                  “(E) Increase productivity, particularly for  
16                  domestic industries and businesses that create  
17                  jobs.

18           “(2) To improve the safety, security, efficiency,  
19           and resiliency of freight transportation in rural and  
20           urban areas.

21           “(3) To improve the condition of the national  
22           freight network.

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

1           “(5) *To incorporate concepts of performance, in-*  
2           *novation, competition, and accountability into the op-*  
3           *eration and maintenance of the national freight net-*  
4           *work.*

5           “(6) *To improve the efficiency and productivity*  
6           *of the national freight network.*

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

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

11           “(1) *providing funding to maintain and improve*  
12           *freight infrastructure facilities;*

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

15           “(3) *utilizing advanced technology and innova-*  
16           *tion;*

17           “(4) *promoting workforce development; and*

18           “(5) *using performance management activities.*

19           “(d) *IMPLEMENTATION.—The Under Secretary for Pol-*  
20          *icy, who shall be responsible for the oversight and imple-*  
21          *mentation of the national multimodal freight policy,*  
22          *shall—*

23           “(1) *assist with the coordination of modal freight*  
24           *planning;*

1           “(2) ensure consistent, expedited review of  
2           *multimodal freight projects;*

3           “(3) review the project planning and approval  
4           *processes at each modal administration to identify*  
5           *modeling and metric inconsistencies, approvals, and*  
6           *terminology differences that could hamper multimodal*  
7           *project approval;*

8           “(4) identify interagency data sharing opportu-  
9           *nities to promote freight planning and coordination;*

10          “(5) identify multimodal efforts and connections;

11          “(6) designate the lead agency for multimodal  
12          *freight projects;*

13          “(7) develop recommendations for State incen-  
14          *tives for multi-modal planning efforts, which may in-*  
15          *clude—*

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

17                 “(B) expediting the review of agreements for  
18                 *multimodal or freight specific projects;*

19          “(8) consider opportunities to reduce project  
20          *delays by issuing categorical exclusions or allowing*  
21          *self-certifications of right-of-way acquisitions for*  
22          *freight projects; and*

23          “(9) submit a report to the Committee on Com-  
24          *merce, Science, and Transportation of the Senate and*  
25          *the Committee on Transportation and Infrastructure*

1       *of the House of Representatives that identifies re-*  
 2       *quired reports, statutory requirements, and other lim-*  
 3       *itations on efficient freight project delivery that could*  
 4       *be streamlined or consolidated.”.*

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

6       *Subtitle III as amended by section 1202 of this Act,*  
 7       *is further amended by adding after section 5402 the fol-*  
 8       *lowing:*

9       **“§ 5403. National multimodal freight network**

10       *“(a) IN GENERAL.—The Secretary shall establish a na-*  
 11       *tional freight network, in accordance with this section—*

12               *“(1) to assist States in strategically directing re-*  
 13               *sources toward improved system performance for the*  
 14               *efficient movement of freight on transportation net-*  
 15               *works;*

16               *“(2) to inform freight transportation planning;*

17               *“(3) to assist in the prioritization of Federal in-*  
 18               *vestment; and*

19               *“(4) to assess and support Federal investments*  
 20               *to achieve the national multimodal freight policy*  
 21               *goals described in section 5402(b).*

22       *“(b) NETWORK COMPONENTS.—The national*  
 23       *multimodal freight network established under this section*  
 24       *shall consist of all connectors, corridors, and facilities in*  
 25       *all freight transportation modes that are the most critical*

1 *to the current and future movement of freight to achieve*  
2 *the national multimodal freight policy goals described in*  
3 *section 5402(b).*

4       “(c) *INITIAL DESIGNATION OF PRIMARY FREIGHT SYS-*  
5 *TEM.—*

6               “(1) *IN GENERAL.—Not later than 1 year after*  
7 *the date of enactment of the Comprehensive Transpor-*  
8 *tation and Consumer Protection Act of 2015, the Sec-*  
9 *retary, after soliciting input from stakeholders, in-*  
10 *cluding multimodal freight system users, transport*  
11 *providers, metropolitan planning organizations, local*  
12 *governments, ports, airports, railroads, and States,*  
13 *through a public process to identify critical freight fa-*  
14 *cilities and corridors that are vital to achieve the na-*  
15 *tional multimodal freight policy goals described in*  
16 *section 5402(b), and after providing notice and op-*  
17 *portunity for comment on a draft system, shall des-*  
18 *ignate a primary freight system with the goal of—*

19                       “(A) *improving network and intermodal*  
20 *connectivity; and*

21                       “(B) *using measurable data as part of the*  
22 *assessment of the significance of freight move-*  
23 *ment, including the consideration of points of or-*  
24 *igin, destination, and linking components of do-*  
25 *mestic and international supply chains.*

1           “(2) *FACTORS.*—*In designating or redesignating*  
2           *a primary freight system, the Secretary shall con-*  
3           *sider—*

4                   “(A) *origins and destinations of freight*  
5                   *movement within, to, and from the United*  
6                   *States;*

7                   “(B) *volume, value, tonnage, and the stra-*  
8                   *tegic importance of freight;*

9                   “(C) *access to border crossings, airports,*  
10                   *seaports, and pipelines;*

11                   “(D) *economic factors, including balance of*  
12                   *trade;*

13                   “(E) *access to major areas for manufac-*  
14                   *turing, agriculture, or natural resources;*

15                   “(F) *access to energy exploration, develop-*  
16                   *ment, installation, and production areas;*

17                   “(G) *intermodal links and intersections that*  
18                   *promote connectivity;*

19                   “(H) *freight choke points and other impedi-*  
20                   *ments contributing to significant measurable*  
21                   *congestion, delay in freight movement, or ineffi-*  
22                   *cient modal connections;*

23                   “(I) *impacts on all freight transportation*  
24                   *modes and modes that share significant freight*  
25                   *infrastructure;*

1           “(J) elements and transportation corridors  
2 identified by a multi-State coalition, a State, a  
3 State advisory committee, or a metropolitan  
4 planning organization, using national or local  
5 data, as having critical freight importance to the  
6 region;

7           “(K) intermodal connectors, major distribu-  
8 tion centers, inland intermodal facilities, and  
9 first- and last-mile facilities;

10           “(L) the annual average daily truck traffic  
11 on principal arterials; and

12           “(M) the significance of goods movement,  
13 including consideration of global and domestic  
14 supply chains.

15           “(3) REQUIREMENTS FOR DESIGNATION.—A des-  
16 igation may be made under this subsection if the  
17 freight transportation facility or infrastructure being  
18 considered—

19           “(A) is in an urbanized area, regardless of  
20 population;

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

23           “(C) connects an intermodal facility to—

24           “(i) the primary freight network; or

25           “(ii) an intermodal freight facility;

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

3           “(ii) provides an alternative option impor-  
4 tant to goods movement;

5           “(E) serves a major freight generator, logis-  
6 tic center, agricultural region, or manufacturing  
7 or warehouse industrial land; or

8           “(F) is important to the movement of  
9 freight within a State or metropolitan region, as  
10 determined by the State or the metropolitan  
11 planning organization.

12       “(d) REDESIGNATION OF PRIMARY FREIGHT SYS-  
13 TEM.—

14           “(1) IN GENERAL.—Beginning on the date that  
15 is 5 years after the initial designation under sub-  
16 section (c), and every 5 years thereafter, the Sec-  
17 retary, using the designation factors described in sub-  
18 section (c)(3), shall redesignate the primary freight  
19 system.

20           “(2) CONSIDERATIONS.—In redesignating the  
21 primary freight system under paragraph (1), the Sec-  
22 retary shall—

23           “(A) use, to the extent practicable, measur-  
24 able data to assess the significance of goods  
25 movement, including the consideration of points



1 of origin, destination, and linking components of  
2 the United States global and domestic supply  
3 chains;

4 “(B) consider—

5 “(i) the factors described in subsection  
6 (c)(2); and

7 “(ii) any changes in the economy or  
8 freight transportation network demand; and

9 “(C) provide the States with an opportunity  
10 to submit proposed designations in accordance  
11 with paragraph (3).

12 “(3) STATE INPUT.—

13 “(A) IN GENERAL.—Each State that pro-  
14 poses increased designations on the primary  
15 freight system shall—

16 “(i) consider nominations for addi-  
17 tional designations from metropolitan plan-  
18 ning organizations within the State;

19 “(ii) consider nominations for the ad-  
20 ditional designations from owners and oper-  
21 ators of port, rail, pipeline, and airport fa-  
22 cilities; and

23 “(iii) ensure that additional designa-  
24 tions are consistent with the State Trans-

1                    *portation Improvement Program or freight*  
 2                    *plan.*

3                    “(B) *REVISIONS.*—*States may revise routes*  
 4                    *certified under section 4006 of the Intermodal*  
 5                    *Surface Transportation Efficiency Act of 1991*  
 6                    *(Public Law 102–240; 105 Stat. 2148) to con-*  
 7                    *form with the designated freight system under*  
 8                    *this section.*

9                    “(C) *SUBMISSION AND CERTIFICATION.*—  
 10                    *Each State shall submit to the Secretary—*

11                    *“(i) a list of the additional designa-*  
 12                    *tions added under this subsection; and*

13                    *“(ii) certification that—*

14                    *“(I) the State has satisfied the re-*  
 15                    *quirements under subparagraph (A);*  
 16                    *and*

17                    *“(II) the designations referred to*  
 18                    *in clause (i) address the factors for re-*  
 19                    *designation described in subsection*  
 20                    *(c)(3).*

21                    “(e) *CRITICAL RURAL FREIGHT CORRIDORS.*—*A State*  
 22                    *may designate freight transportation infrastructure or fa-*  
 23                    *cilities within the borders of the State as a critical rural*  
 24                    *freight corridor if the public road or facility—*

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

3           “(2) provides access or service to energy explo-  
4           ration, development, installation, or production areas;

5           “(3) provides access or service to—

6                   “(A) a grain elevator;

7                   “(B) an agricultural facility;

8                   “(C) a mining facility;

9                   “(D) a forestry facility; or

10                   “(E) an intermodal facility;

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

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

14           “(6) has been determined by the State to be vital  
15           to improving the efficient movement of freight of im-  
16           portance to the economy of the State.”.

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

18           *Subtitle III as amended by section 1203 of this Act,*  
19 *is further amended by adding after section 5403 the fol-*  
20 *lowing:*

21 **“§ 5404. National Freight Strategic Plan**

22           “(a) *INITIAL DEVELOPMENT OF NATIONAL FREIGHT*  
23 *STRATEGIC PLAN.—Not later than 3 years after the date*  
24 *of enactment of the Comprehensive Transportation and*  
25 *Consumer Protection Act of 2015, the Secretary, in con-*

1 *sultation with State departments of transportation, metro-*  
2 *politan planning organizations, and other appropriate pub-*  
3 *lic and private transportation stakeholders, shall develop,*  
4 *and after providing notice and an opportunity for comment*  
5 *on a draft national freight strategic plan, post on the public*  
6 *website of the Department of Transportation, a national*  
7 *freight strategic plan that—*

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

10           “(2) *identifies any bottlenecks on the national*  
11 *freight network that create significant freight conges-*  
12 *tion based on a quantitative methodology developed*  
13 *by the Secretary, which shall include—*

14           “(A) *information from the Freight Analysis*  
15 *Framework of the Federal Highway Administra-*  
16 *tion; and*

17           “(B) *to the maximum extent practicable—*

18           “(i) *an estimate of the cost of address-*  
19 *ing each bottleneck; and*

20           “(ii) *any operational improvements*  
21 *that could be implemented to address each*  
22 *bottleneck;*

23           “(3) *includes forecasts of freight volumes, based*  
24 *on the most recent data available, for the 5-year pe-*

1        *riod beginning in the year during which the plan is*  
2        *issued;*

3            *“(4) identifies major trade gateways and na-*  
4        *tional freight corridors that connect major economic*  
5        *corridors, population centers, trade gateways, and*  
6        *other major freight generators for current and fore-*  
7        *casted traffic and freight volumes;*

8            *“(5) provides an assessment of statutory, regu-*  
9        *latory, technological, institutional, financial, and*  
10       *other barriers to improved freight transportation per-*  
11       *formance, including opportunities for overcoming*  
12       *such barriers;*

13           *“(6) identifies—*

14                *“(A) routes for providing access to energy*  
15        *exploration, development, installation, or pro-*  
16        *duction areas; and*

17                *“(B) routes for providing access to major*  
18        *areas for manufacturing, agriculture, or natural*  
19        *resources;*

20           *“(7) includes best practices for—*

21                *“(A) improving the performance of the na-*  
22        *tional freight network; and*

23                *“(B) improving urban and rural access to*  
24        *critical freight corridors;*

25           *“(8) includes a process for—*

1           “(A) addressing multistate projects; and

2           “(B) encouraging jurisdictions to collabo-  
3           rate on multistate projects;

4           “(9) identifies—

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

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

8           “(10) includes strategies to improve freight inter-  
9           modal connectivity.

10          “(b) *UPDATES TO NATIONAL FREIGHT STRATEGIC*  
11 *PLAN.*—Not later than 5 years after the date of completion  
12 of the first national freight strategic plan under paragraph  
13 (1) and every 5 years thereafter, the Secretary shall update  
14 and repost on the public website of the Department of  
15 Transportation a revised national freight strategic plan,  
16 which shall include a revision of the major trade gateways  
17 and national freight corridors identified under subsection  
18 (a)(4).

19          “(c) *TRANSPORTATION INVESTMENT DATA AND PLAN-*  
20 *NING TOOLS.*—

21           “(1) *IN GENERAL.*—Not later than 1 year after  
22 the date of enactment of the Comprehensive Transpor-  
23 tation and Consumer Protection Act of 2015, the Sec-  
24 retary shall—

1           “(A) begin developing new tools and im-  
2           proving existing tools to support State-based out-  
3           come-oriented, performance-based approaches to  
4           evaluate proposed freight-related and other trans-  
5           portation projects, including—

6                   “(i) methodologies for systematic anal-  
7                   ysis of benefits and costs on a national and  
8                   regional basis;

9                   “(ii) tools for ensuring that the evalua-  
10                  tion of freight-related and other transpor-  
11                  tation projects could consider safety, eco-  
12                  nomic competitiveness, urban and rural ac-  
13                  cess, and system condition in the project se-  
14                  lection process;

15                  “(iii) improved methods for data col-  
16                  lection and trend analysis;

17                  “(iv) encouragement of public-private  
18                  partnerships to carry out data sharing ac-  
19                  tivities and maintaining the confidentiality  
20                  of all proprietary data; and

21                  “(v) other tools to assist in effective  
22                  transportation planning;

23           “(B) identify transportation-related model  
24           data elements to support a broad range of eval-

1            *uation methods and techniques to assist in mak-*  
 2            *ing transportation investment decisions; and*

3            *“(C) consider, in consultation with other*  
 4            *relevant Federal agencies, any improvements to*  
 5            *existing freight flow data collection efforts that*  
 6            *could—*

7            *“(i) reduce identified freight data gaps*  
 8            *and deficiencies; and*

9            *“(ii) help to improve forecasts of*  
 10           *freight transportation demand.*

11           *“(2) CONSULTATION.—The Secretary shall con-*  
 12           *sult with other Federal agencies, State governments,*  
 13           *and other stakeholders to develop, improve, and im-*  
 14           *plement the tools and collect the data described in*  
 15           *paragraph (1).”.*

16 **SEC. 1205. STATE FREIGHT PLANS.**

17           *Subtitle III as amended by section 1204 of this Act,*  
 18           *is further amended by adding after section 5404 the fol-*  
 19           *lowing:*

20 **“§ 5405. State freight plans**

21           *“(a) STATE FREIGHT ADVISORY COMMITTEES.—*

22           *“(1) IN GENERAL.—Each State may establish a*  
 23           *freight advisory committee, which should consist of a*  
 24           *representative cross-section of public and private sec-*  
 25           *tor freight stakeholders, including representatives of*



1       ports, third party logistics providers, shippers, car-  
2       riers, freight-related associations, the freight industry  
3       workforce, the State transportation department, and  
4       local governments.

5               “(2) *ROLE OF COMMITTEE.*—A freight advisory  
6       committee described in paragraph (1) may—

7                       “(A) advise the State on freight-related pri-  
8       orities, issues, projects, and funding needs;

9                       “(B) serve as a forum for discussion for  
10       State transportation decisions affecting freight  
11       mobility;

12                      “(C) communicate and coordinate with  
13       other organizations regarding regional priorities;  
14       and

15                      “(D) promote the sharing of information be-  
16       tween the private and public sectors on freight  
17       issues.

18       “(b) *STATE FREIGHT PLANS.*—

19                      “(1) *IN GENERAL.*—Each State may develop a  
20       freight plan, or integrate such planning into other  
21       transportation planning documents, that provides a  
22       comprehensive plan for the immediate and long-range  
23       planning activities and investments of the State with  
24       respect to freight.

1           “(2) *PLAN CONTENTS.*—*A freight plan described*  
2 *in paragraph (1) should—*

3           “(A) *identify significant freight system*  
4 *trends, needs, and issues with respect to the*  
5 *State;*

6           “(B) *describe the freight policies, strategies,*  
7 *and performance measures that will guide the*  
8 *freight-related transportation investment deci-*  
9 *sions of the State;*

10          “(C) *include, if applicable, a listing of crit-*  
11 *ical rural and urban freight corridors designated*  
12 *within the State under this chapter;*

13          “(D) *describe how the plan will improve the*  
14 *ability of the State to meet the national freight*  
15 *goals established under section 5402(b);*

16          “(E) *include evidence of consideration of in-*  
17 *novative technologies and operational strategies,*  
18 *including intelligent transportation systems, that*  
19 *improve the safety and efficiency of freight move-*  
20 *ment;*

21          “(F) *include—*

22               “(i) *an inventory of facilities within*  
23 *the State with freight mobility issues, such*  
24 *as freight bottlenecks; and*

1                   “(ii) a description of the strategies the  
2                   State is employing to address such freight  
3                   mobility issues;

4                   “(G) consider—

5                   “(i) any significant congestion or  
6                   delay caused by freight movements; and

7                   “(ii) any strategies to mitigate such  
8                   congestion or delay; and

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

11                  “(i) includes a list of priority projects;  
12                  and

13                  “(ii) describes how funds made avail-  
14                  able to carry out this chapter would be in-  
15                  vested and matched.

16                  “(3) *RELATIONSHIP TO LONG-RANGE PLAN.*—The  
17                  freight investment plan component described in para-  
18                  graph (2)(H) shall include a project, or an identified  
19                  phase of a project, only if funding for completion of  
20                  the project can reasonably be anticipated to be avail-  
21                  able for the project within the time period identified  
22                  in the freight investment plan. Unfunded project  
23                  plans should be included in a separate section.

24                  “(4) *PLANNING PERIOD.*—The freight plan shall  
25                  address a 5-year forecast period.

1           “(5) *UPDATES.*—

2                   “(A) *IN GENERAL.*—*A State may update*  
3                   *the freight plan under this subsection not less*  
4                   *frequently than once every 5 years.*

5                   “(B) *FREIGHT INVESTMENT PLAN.*—*A State*  
6                   *may update the freight investment plan more*  
7                   *frequently than is required under subparagraph*  
8                   *(A).*

9           “(c) *INTELLIGENT FREIGHT TRANSPORTATION SYS-*  
10 *TEM.*—

11                   “(1) *LOCATION.*—*An intelligent freight transpor-*  
12                   *tation system shall be located—*

13                           “(A)(i) *along freight corridors; or*

14                           “(ii) *in a manner that connects ports-of-*  
15                           *entry to the freight network; and*

16                           “(B) *in proximity to, or within, an existing*  
17                           *right-of-way or existing freight right of way.*

18                   “(2) *OPERATING STANDARDS.*—*The Secretary*  
19                   *shall determine the need for establishing operating*  
20                   *standards for intelligent freight transportation sys-*  
21                   *tems.”.*

1 **SEC. 1206. FREIGHT TRANSPORTATION CONDITIONS AND**  
2 **PERFORMANCE REPORTS.**

3 *Subtitle III, as amended by section 1205 of this Act,*  
4 *is further amended by adding after section 5405 the fol-*  
5 *lowing:*

6 **“§5406. Freight transportation conditions and per-**  
7 **formance reports**

8 *“Not later than 3 years after the date of enactment*  
9 *of the Comprehensive Transportation and Consumer Protec-*  
10 *tion Act of 2015, and every 5 years thereafter, the Secretary*  
11 *shall submit a report to Congress that describes the condi-*  
12 *tions and performance of the national freight network in*  
13 *the United States.”.*

14 **SEC. 1207. REPEALS.**

15 *The Moving Ahead for Progress in the 21st Century*  
16 *Act (Public Law 112–141) is amended by striking sections*  
17 *1117 and 1118 (23 U.S.C. 167 note).*

18 **SEC. 1208. SAVINGS PROVISION.**

19 *No provision in this subtitle may be construed to pro-*  
20 *vide additional authority to regulate or direct private activ-*  
21 *ity on freight networks designated by the amendments made*  
22 *under this subtitle.*

23 ***Subtitle C—Research***

24 **SEC. 1301. FINDINGS.**

25 *Congress makes the followings findings:*

1           (1) *Federal transportation research planning*  
2 *and coordination—*

3                 (A) *should occur within the Office of the*  
4 *Secretary; and*

5                 (B) *should be, to the extent practicable,*  
6 *multi-modal and not occur solely within the sub-*  
7 *agencies of the Department of Transportation.*

8           (2) *Managing a multi-modal research portfolio*  
9 *within the Office of the Secretary will—*

10                (A) *help identify opportunities where re-*  
11 *search could be applied across modes; and*

12                (B) *prevent duplication of efforts and waste*  
13 *of limited Federal resources.*

14           (3) *An ombudsman for research at the Depart-*  
15 *ment of Transportation will—*

16                (A) *give stakeholders a formal opportunity*  
17 *to address concerns;*

18                (B) *ensure unbiased research; and*

19                (C) *improve the overall research products of*  
20 *the Department.*

21           (4) *Increasing transparency of transportation re-*  
22 *search efforts will—*

23                (A) *build stakeholder confidence in the final*  
24 *product; and*

1                   (B) lead to the improved implementation of  
2                   research findings.

3 **SEC. 1302. MODAL RESEARCH PLANS.**

4           (a) *IN GENERAL.*—Not later than June 15 of the year  
5 preceding the research fiscal year, the head of each modal  
6 administration and joint program office of the Department  
7 of Transportation shall submit a comprehensive annual  
8 modal research plan to the Assistant Secretary for Research  
9 and Technology of the Department of Transportation (re-  
10 ferred to in this subtitle as the “Assistant Secretary”).

11           (b) *REVIEW.*—

12                   (1) *IN GENERAL.*—Not later than October 1 of  
13 each year, the Assistant Secretary, for each plan sub-  
14 mitted pursuant to subsection (a), shall—

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

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

17                           (ii) request that the plan be revised.

18                   (2) *PUBLICATIONS.*—Not later than January 30  
19 of each year, the Secretary shall publish each plan  
20 that has been approved under paragraph (1)(B)(i) on  
21 a public website.

22                   (3) *REJECTION OF DUPLICATIVE RESEARCH EF-*  
23 *FORTS.*—The Assistant Secretary may not approve  
24 any plan submitted by the head of a modal adminis-  
25 tration or joint program office pursuant to subsection

1       (a) if such plan duplicates the research efforts of any  
2       other modal administration.

3       (c) *FUNDING LIMITATIONS.*—No funds may be ex-  
4       pended by the Department of Transportation on research  
5       that has not previously been approved as part of a modal  
6       research plan approved by the Assistant Secretary unless—

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

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

11              (3) the Secretary of Transportation certifies to  
12       Congress that such research is necessary before the ap-  
13       proval of a modal research plan.

14       (d) *DUPLICATIVE RESEARCH.*—

15              (1) *IN GENERAL.*—Except as provided in para-  
16       graph (2), no funds may be expended by the Depart-  
17       ment of Transportation on research projects that the  
18       Secretary identifies as duplicative under subsection  
19       (b)(3).

20              (2) *EXCEPTIONS.*—Paragraph (1) shall not  
21       apply to—

22                      (A) updates to previously commissioned re-  
23       search;

24                      (B) research commissioned to carry out an  
25       Act of Congress; or



1                   (C) research commissioned before the date of  
2                   enactment of this Act.

3           (e) *CERTIFICATION.*—

4                   (1) *IN GENERAL.*—The Secretary shall annually  
5                   certify to Congress that—

6                           (A) each modal research plan has been re-  
7                           viewed; and

8                           (B) there is no duplication of study for re-  
9                           search directed, commissioned, or conducted by  
10                          the Department of Transportation.

11                   (2) *CORRECTIVE ACTION PLAN.*—If the Secretary,  
12                   after submitting a certification under paragraph (1),  
13                   identifies duplication of research within the Depart-  
14                   ment of Transportation, the Secretary shall—

15                           (A) notify Congress of the duplicative re-  
16                           search; and

17                           (B) submit a corrective action plan to Con-  
18                           gress that will eliminate such duplicative re-  
19                           search.

20 **SEC. 1303. CONSOLIDATED RESEARCH PROSPECTUS AND**  
21 **STRATEGIC PLAN.**

22           (a) *PROSPECTUS.*—

23                   (1) *IN GENERAL.*—The Secretary shall annually  
24                   publish, on a public website, a comprehensive pro-  
25                   spectus on all research projects conducted by the De-

1        *partment of Transportation, including, to the extent*  
2        *practicable, research funded through University*  
3        *Transportation Centers.*

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

6            (A) *include the consolidated modal research*  
7        *plans approved under section 1302;*

8            (B) *describe the research objectives, progress,*  
9        *and allocated funds for each research project;*

10          (C) *identify research projects with multi-*  
11        *modal applications;*

12          (D) *specify how relevant modal administra-*  
13        *tions have assisted, will contribute to, or plan to*  
14        *use the findings from the research projects identi-*  
15        *fied under paragraph (1);*

16          (E) *identify areas in which multiple modal*  
17        *administrations are conducting research projects*  
18        *on similar subjects or subjects which have bear-*  
19        *ing on multiple modes;*

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

1           (G) indicate how research is being dissemi-  
2           nated to improve the efficiency and safety of  
3           transportation systems;

4           (H) describe how agencies developed their  
5           research plans; and

6           (I) describe the opportunities for public and  
7           stakeholder input.

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

13           (1) the amount spent in the last completed fiscal  
14          year on transportation research and development; and

15           (2) the amount proposed in the current budget  
16          for transportation research and development.

17          (c) *PERFORMANCE PLANS AND REPORTS.*—In the  
18          plans and reports submitted under sections 1115 and 1116  
19          of title 31, United States Code, the Secretary shall in-  
20          clude—

21           (1) a summary of the Federal transportation re-  
22          search and development activities for the previous fis-  
23          cal year in each topic area;

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

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

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

6           (d) *TRANSPORTATION RESEARCH AND DEVELOPMENT*  
7 *STRATEGIC PLAN.*—

8           (1) *IN GENERAL.*—*The Secretary shall develop a*  
9           *5-year transportation research and development stra-*  
10           *tegic plan to guide future Federal transportation re-*  
11           *search and development activities.*

12           (2) *CONSISTENCY.*—*The strategic plan developed*  
13           *under paragraph (1) shall be consistent with—*

14                   (A) *section 306 of title 5, United States*  
15                   *Code;*

16                   (B) *sections 1115 and 1116 of title 31,*  
17                   *United States Code; and*

18                   (C) *any other research and development*  
19                   *plan within the Department of Transportation.*

20           (3) *CONTENTS.*—*The strategic plan developed*  
21           *under paragraph (1) shall—*

22                   (A) *describe the primary purposes of the*  
23                   *transportation research and development pro-*  
24                   *gram, which shall include—*

25                           (i) *promoting safety;*

1                   (ii) reducing congestion;

2                   (iii) improving mobility;

3                   (iv) preserving the existing transpor-  
4                   tation system;

5                   (v) improving the durability and ex-  
6                   tending the life of transportation infrastruc-  
7                   ture; and

8                   (vi) improving goods movement;

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

14                   (i) fundamental research in the phys-  
15                   ical and natural sciences;

16                   (ii) applied research;

17                   (iii) technology research; and

18                   (iv) social science research intended for  
19                   each topic; and

20                   (C) for each research and development  
21                  topic—

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

1                   (ii) include any additional informa-  
2                   tion the Department of Transportation ex-  
3                   pects to discover at the end of the period  
4                   covered by the strategic plan as a result of  
5                   the research and development in that topic  
6                   area.

7                   (4) *CONSIDERATIONS.*—The Secretary shall en-  
8                   sure that the strategic plan developed under this sec-  
9                   tion—

10                   (A) reflects input from a wide range of  
11                   stakeholders;

12                   (B) includes and integrates the research and  
13                   development programs of all the Department of  
14                   Transportation’s modal administrations, includ-  
15                   ing aviation, transit, rail, and maritime; and

16                   (C) takes into account how research and de-  
17                   velopment by other Federal, State, private sector,  
18                   and nonprofit institutions—

19                   (i) contributes to the achievement of  
20                   the purposes identified under paragraph  
21                   (3)(A); and

22                   (ii) avoids unnecessary duplication of  
23                   such efforts.

24                   (e) *TECHNICAL AND CONFORMING AMENDMENTS.*—

1           (1) *CHAPTER 5 OF TITLE 23.—Chapter 5 of title*  
2           *23, United States Code, is amended—*

3                     (A) *by striking section 508;*

4                     (B) *in the table of contents, by striking the*  
5                     *item relating to section 508;*

6                     (C) *in section 502—*

7                         (i) *in subsection (a)(9), by striking*  
8                         *“transportation research and technology de-*  
9                         *velopment strategic plan developed under*  
10                         *section 508” and inserting “transportation*  
11                         *research and development strategic plan*  
12                         *under section 1303 of the Comprehensive*  
13                         *Transportation and Consumer Protection*  
14                         *Act of 2015”; and*

15                        (ii) *in subsection (b)(4), by striking*  
16                        *“transportation research and development*  
17                        *strategic plan of the Secretary developed*  
18                        *under section 508” and inserting “transportation*  
19                        *research and development strategic*  
20                        *plan under section 1303 of the Comprehensive*  
21                        *Transportation and Consumer Protec-*  
22                        *tion Act of 2015”; and*

23                     (D) *in section 512(b), by striking “as part*  
24                     *of the transportation research and development*  
25                     *strategic plan developed under section 508”.*

1           (2) *INTELLIGENT TRANSPORTATION SYSTEMS.*—  
2           *The Intelligent Transportation Systems Act of 1998*  
3           *(23 U.S.C. 502 note) is amended—*

4                   (A) *in section 5205(b), by striking “as part*  
5                   *of the Surface Transportation Research and De-*  
6                   *velopment Strategic Plan developed under sec-*  
7                   *tion 508 of title 23, United States Code” and in-*  
8                   *serting “as part of the transportation research*  
9                   *and development strategic plan under section*  
10                   *1303 of the Comprehensive Transportation and*  
11                   *Consumer Protection Act of 2015”; and*

12                   (B) *in section 5206(e)(2)(A), by striking*  
13                   *“or the Surface Transportation Research and*  
14                   *Development Strategic Plan developed under sec-*  
15                   *tion 508 of title 23, United States Code” and in-*  
16                   *serting “or the transportation research and de-*  
17                   *velopment strategic plan under section 1303 of*  
18                   *the Comprehensive Transportation and Con-*  
19                   *sumer Protection Act of 2015”.*

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

24                   (A) *in section 5305(h)(3)(A), by striking*  
25                   *“the strategic plan under section 508 of title 23,*



1           *United States Code*” and inserting “the 5-year  
 2           *transportation research and development stra-*  
 3           *tegic plan under section 1303 of the Comprehen-*  
 4           *sive Transportation and Consumer Protection*  
 5           *Act of 2015”; and*

6                       *(B) in section 5307(c)(2)(A), by striking*  
 7           *“or the surface transportation research and de-*  
 8           *velopment strategic plan developed under section*  
 9           *508 of title 23, United States Code” and insert-*  
 10          *ing “or the 5-year transportation research and*  
 11          *development strategic plan under section 1303 of*  
 12          *the Comprehensive Transportation and Con-*  
 13          *sumer Protection Act of 2015”.*

14 **SEC. 1304. RESEARCH OMBUDSMAN.**

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

17          **“CHAPTER 65—RESEARCH OMBUDSMAN**

          “*Sec.*  
           “6501. *Research ombudsman.*”

18          **“§ 6501. *Research ombudsman***

19           *“(a) ESTABLISHMENT.—The Assistant Secretary for*  
 20          *Research and Technology shall appoint a career Federal*  
 21          *employee to serve as Research Ombudsman. This appoint-*  
 22          *ment shall not diminish the authority of peer review of re-*  
 23          *search.*”

1       “(b) *QUALIFICATIONS.*—*The Research Ombudsman*  
2 *appointed under subsection (a), to the extent practicable—*

3               “(1) *shall have a background in academic re-*  
4 *search and a strong understanding of sound study de-*  
5 *sign;*

6               “(2) *shall develop a working knowledge of the*  
7 *stakeholder communities and research needs of the*  
8 *transportation field; and*

9               “(3) *shall not have served as a political ap-*  
10 *pointee of the Department.*

11       “(c) *RESPONSIBILITIES.*—

12               “(1) *ADDRESSING COMPLAINTS AND QUES-*  
13 *TIONS.*—*The Research Ombudsman shall—*

14                       “(A) *receive complaints and questions*  
15 *about—*

16                               “(i) *significant alleged omissions, im-*  
17 *proprieties, and systemic problems; and*

18                               “(ii) *excessive delays of, or within, a*  
19 *specific research project; and*

20                       “(B) *evaluate and address the complaints*  
21 *and questions described in subparagraph (A).*

22       “(2) *PETITIONS.*—

23               “(A) *REVIEW.*—*The Research Ombudsman*  
24 *shall review petitions relating to—*

25                       “(i) *conflicts of interest;*

1                   “(ii) the study design and method-  
2                   ology;

3                   “(iii) assumptions and potential bias;

4                   “(iv) the length of the study; and

5                   “(v) the composition of any data sam-  
6                   pled.

7                   “(B) RESPONSE TO PETITIONS.—The Re-  
8                   search Ombudsman shall—

9                   “(i) respond to relevant petitions with-  
10                  in a reasonable period;

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

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

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

21                  “(3) REQUIRED REVIEWS.—The Research Om-  
22                  budsman shall evaluate the study plan for all statu-  
23                  torily required studies and reports before the com-  
24                  mencement of such studies to ensure that the research

1 *plan has an appropriate sample size and composition*  
2 *to address the stated purpose of the study.*

3 “(d) *REPORTS.*—

4 “(1) *IN GENERAL.*—*Upon the completion of each*  
5 *review under subsection (c), the Research Ombudsman*  
6 *shall—*

7 “(A) *submit a report containing the results*  
8 *of such review to—*

9 “(i) *the Secretary;*

10 “(ii) *the head of the relevant modal ad-*  
11 *ministration; and*

12 “(iii) *the study or research leader; and*

13 “(B) *publish such results on a public*  
14 *website, with the modal administration response*  
15 *required under subsection (c)(2)(C).*

16 “(2) *INDEPENDENCE.*—*Each report required*  
17 *under this section shall be provided directly to the in-*  
18 *dividuals described in paragraph (1) without any*  
19 *comment or amendment from the Secretary, the Dep-*  
20 *uty Secretary of Transportation, the head of any*  
21 *modal administration of the Department, or any*  
22 *other officer or employee of the Department or the Of-*  
23 *fice of Management and Budget.*

24 “(e) *REPORT TO INSPECTOR GENERAL.*—*The Research*  
25 *Ombudsman shall submit any evidence of misfeasance, mal-*

1 *feasance, waste, fraud, or abuse uncovered during a review*  
 2 *under this section to the Inspector General for further re-*  
 3 *view.*

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

8       (b) *TECHNICAL AND CONFORMING AMENDMENT.*—*The*  
 9 *table of chapters for subtitle III is amended by inserting*  
 10 *after the item relating to chapter 63 the following:*

“65. *Research ombudsman* ..... 6501”.

11 **SEC. 1305. SMART CITIES TRANSPORTATION PLANNING**

12                                   **STUDY.**

13       (a) *IN GENERAL.*—*The Secretary shall conduct a*  
 14 *study of digital technologies and information technologies,*  
 15 *including shared mobility, data, transportation network*  
 16 *companies, and on-demand transportation services—*

17                   (1) *to understand the degree to which cities are*  
 18 *adopting these technologies;*

19                   (2) *to assess future planning, infrastructure and*  
 20 *investment needs; and*

21                   (3) *to provide best practices to plan for smart*  
 22 *cities in which information and technology are*  
 23 *used—*

24                                   (A) *to improve city operations;*

25                                   (B) *to grow the local economy;*

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

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

4           (b) COMPONENTS.—The study conducted under sub-  
5 section (a) shall—

6                   (1) identify broad issues that influence the abil-  
7                   ity of the United States to plan for and invest in  
8                   smart cities, including barriers to collaboration and  
9                   access to scientific information; and

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

12                           (A) enhance the efficiency and effectiveness  
13                           of existing transportation networks;

14                           (B) optimize demand management services;

15                           (C) impact low-income and other disadvan-  
16                           taged communities;

17                           (D) assess opportunities to share, collect,  
18                           and use data;

19                           (E) change current planning and invest-  
20                           ment strategies; and

21                           (F) provide opportunities for enhanced co-  
22                           ordination and planning.

23           (c) REPORTING.—Not later than 18 months after the  
24 date of enactment of this Act, the Secretary shall publish

1 *the report containing the results of the study required under*  
2 *subsection (a) to a public website.*

3 **SEC. 1306. BUREAU OF TRANSPORTATION STATISTICS INDE-**  
4 **PENDENCE.**

5 *Section 6302 is amended by adding at the end the fol-*  
6 *lowing:*

7 *“(d) INDEPENDENCE OF BUREAU.—*

8 *“(1) IN GENERAL.—The Director shall not be re-*  
9 *quired—*

10 *“(A) to obtain the approval of any other of-*  
11 *ficer or employee of the Department with respect*  
12 *to the collection or analysis of any information;*  
13 *or*

14 *“(B) prior to publication, to obtain the ap-*  
15 *proval of any other officer or employee of the*  
16 *United States Government with respect to the*  
17 *substance of any statistical technical reports or*  
18 *press releases lawfully prepared by the Director.*

19 *“(2) BUDGET AUTHORITY.—The Director shall*  
20 *have final authority for the disposition and allocation*  
21 *of the Bureau’s authorized budget, including—*

22 *“(A) all hiring, grants, cooperative agree-*  
23 *ments, and contracts awarded by the Bureau to*  
24 *carry out this section; and*

1           “(B) the disposition and allocation of  
2           amounts paid to the Bureau for cost-reimburs-  
3           able projects.

4           “(3) *EXCEPTIONS.*—The Secretary shall direct  
5           external support functions, such as the coordination  
6           of activities involving multiple modal administra-  
7           tions.

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

16 **SEC. 1307. CONFORMING AMENDMENTS.**

17          (a) *TITLE 49 AMENDMENTS.*—

18                  (1) *ASSISTANT SECRETARIES; GENERAL COUN-*  
19          *SEL.*—Section 102(e) is amended—

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

22                          (B) in paragraph (1)(A), by inserting “an  
23                          Assistant Secretary for Research and Tech-  
24                          nology,” before “and an Assistant Secretary”.



1           (2) *OFFICE OF THE ASSISTANT SECRETARY FOR*  
2           *RESEARCH AND TECHNOLOGY OF THE DEPARTMENT*  
3           *OF TRANSPORTATION.—Section 112 is repealed.*

4           (3) *TABLE OF CONTENTS.—The table of contents*  
5           *of chapter 1 is amended by striking the item relating*  
6           *to section 112.*

7           (4) *RESEARCH CONTRACTS.—Section 330 is*  
8           *amended—*

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

11                   (B) *in subsection (a), by inserting “IN GEN-*  
12                  *ERAL.—” before “The Secretary”;*

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

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

17                   (E) *by adding at the end the following:*

18           “(d) *DUTIES.—The Secretary shall provide for the fol-*  
19           *lowing:*

20                   “(1) *Coordination, facilitation, and review of the*  
21                  *Department’s research and development programs*  
22                  *and activities.*

23                   “(2) *Advancement, and research and develop-*  
24                  *ment, of innovative technologies, including intelligent*  
25                  *transportation systems.*

1           “(3) *Comprehensive transportation statistics re-*  
2           *search, analysis, and reporting.*

3           “(4) *Education and training in transportation*  
4           *and transportation-related fields.*

5           “(5) *Activities of the Volpe National Transpor-*  
6           *tation Systems Center.*

7           “(e) *ADDITIONAL AUTHORITIES.—The Secretary*  
8           *may—*

9           “(1) *enter into grants and cooperative agree-*  
10           *ments with Federal agencies, State and local govern-*  
11           *ment agencies, other public entities, private organiza-*  
12           *tions, and other persons—*

13                   “(A) *to conduct research into transportation*  
14                   *service and infrastructure assurance; and*

15                   “(B) *to carry out other research activities of*  
16                   *the Department;*

17           “(2) *carry out, on a cost-shared basis, collabo-*  
18           *rative research and development to encourage innova-*  
19           *tive solutions to multimodal transportation problems*  
20           *and stimulate the deployment of new technology*  
21           *with—*

22                   “(A) *non-Federal entities, including State*  
23                   *and local governments, foreign governments, in-*  
24                   *stitutions of higher education, corporations, in-*  
25                   *stitutions, partnerships, sole proprietorships, and*

1           *trade associations that are incorporated or estab-*  
2           *lished under the laws of any State;*

3                   “(B) *Federal laboratories; and*

4                   “(C) *other Federal agencies; and*

5                   “(3) *directly initiate contracts, grants, coopera-*  
6           *tive research and development agreements (as defined*  
7           *in section 12 of the Stevenson-Wydler Technology In-*  
8           *novation Act of 1980 (15 U.S.C. 3710a)), and other*  
9           *agreements to fund, and accept funds from, the*  
10          *Transportation Research Board of the National Re-*  
11          *search Council of the National Academy of Sciences,*  
12          *State departments of transportation, cities, counties,*  
13          *institutions of higher education, associations, and the*  
14          *agents of those entities to carry out joint transpor-*  
15          *tation research and technology efforts.*

16          “(f) *FEDERAL SHARE.—*

17                   “(1) *IN GENERAL.—Subject to paragraph (2), the*  
18          *Federal share of the cost of an activity carried out*  
19          *under subsection (e)(3) shall not exceed 50 percent.*

20                   “(2) *EXCEPTION.—If the Secretary determines*  
21          *that the activity is of substantial public interest or*  
22          *benefit, the Secretary may approve a greater Federal*  
23          *share.*

24                   “(3) *NON-FEDERAL SHARE.—All costs directly*  
25          *incurred by the non-Federal partners, including per-*

1       sonnel, travel, facility, and hardware development  
2       costs, shall be credited toward the non-Federal share  
3       of the cost of an activity described in paragraph (1).

4       “(g) *PROGRAM EVALUATION AND OVERSIGHT.*—For  
5       fiscal years 2016 through 2021, the Secretary is authorized  
6       to expend not more than 1 and a half percent of the  
7       amounts authorized to be appropriated for necessary ex-  
8       penses for administration and operations of the Office of  
9       the Assistant Secretary for Research and Technology for the  
10      coordination, evaluation, and oversight of the programs ad-  
11      ministered under this section.

12      “(h) *USE OF TECHNOLOGY.*—The research, develop-  
13      ment, or use of a technology under a contract, grant, cooper-  
14      ative research and development agreement, or other agree-  
15      ment entered into under this section, including the terms  
16      under which the technology may be licensed and the result-  
17      ing royalties may be distributed, shall be subject to the Ste-  
18      venson-Wylder Technology Innovation Act of 1980 (15  
19      U.S.C. 3701 et seq.).

20      “(i) *WAIVER OF ADVERTISING REQUIREMENTS.*—Sec-  
21      tion 6101 of title 41 shall not apply to a contract, grant,  
22      or other agreement entered into under this section.”.

23               (5) *TABLE OF CONTENTS.*—The item relating to  
24      section 330 in the table of contents of chapter 3 is

1       amended by striking “Contracts” and inserting “Ac-  
2       tivities”.

3               (6) *BUREAU OF TRANSPORTATION STATISTICS.*—

4       Section 6302(a) is amended to read as follows:

5       “(a) *IN GENERAL.*—There shall be within the Depart-  
6       ment the Bureau of Transportation Statistics.”.

7               (b) *TITLE 5 AMENDMENTS.*—

8               (1) *POSITIONS AT LEVEL II.*—Section 5313 of  
9       title 5, United States Code, is amended by striking  
10       “The Under Secretary of Transportation for Secu-  
11       rity.”.

12              (2) *POSITIONS AT LEVEL III.*—Section 5314 of  
13       title 5, United States Code, is amended by striking  
14       “Administrator, Research and Innovative Technology  
15       Administration.”.

16              (3) *POSITIONS AT LEVEL IV.*—Section 5315 of  
17       title 5, United States Code, is amended by striking  
18       “(4)” in the undesignated item relating to Assistant  
19       Secretaries of Transportation and inserting “(5)”.

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

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

24       (a) *IN GENERAL.*—Section 5503 is repealed.

1       (b) *TABLE OF CONTENTS.*—*The table of contents of*  
2 *chapter 55 is amended by striking the item relating to sec-*  
3 *tion 5503.*

4       ***Subtitle D—Port Performance Act***

5       ***SEC. 1401. SHORT TITLE.***

6       *This subtitle may be cited as the “Port Performance*  
7 *Act”.*

8       ***SEC. 1402. FINDINGS.***

9       *Congress finds the following:*

10           (1) *America’s ports play a critical role in the*  
11 *Nation’s transportation supply chain network.*

12           (2) *Reliable and efficient movement of goods*  
13 *through the Nation’s ports ensures that American*  
14 *goods are available to customers throughout the world.*

15           (3) *Breakdowns in the transportation supply*  
16 *chain network, particularly at the Nation’s ports, can*  
17 *result in tremendous economic losses for agriculture,*  
18 *businesses, and retailers that rely on timely ship-*  
19 *ments.*

20           (4) *A clear understanding of port productivity*  
21 *and throughput would help—*

22                   (A) *to identify freight bottlenecks;*

23                   (B) *to indicate performance and trends over*  
24 *time; and*

25                   (C) *to inform investment decisions.*

1 **SEC. 1403. PORT PERFORMANCE FREIGHT STATISTICS PRO-**  
2 **GRAM.**

3 (a) *IN GENERAL.*—Chapter 63 is amended by adding  
4 at the end the following:

5 **“§ 6314. Port performance freight statistics program**

6 “(a) *IN GENERAL.*—The Director shall establish, on be-  
7 half of the Secretary, a port performance statistics program  
8 to provide nationally consistent measures of performance  
9 of—

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

11 “(2) the Nation’s top 25 ports by 20-foot equiva-  
12 lent unit; and

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

14 “(b) *ANNUAL REPORTS.*—

15 “(1) *PORT CAPACITY AND THROUGHPUT.*—Not  
16 later than January 15 of each year, the Director shall  
17 submit an annual report to Congress that includes  
18 statistics on capacity and throughput at the ports de-  
19 scribed in subsection (a).

20 “(2) *PORT PERFORMANCE MEASURES.*—The Di-  
21 rector shall collect monthly port performance meas-  
22 ures for each of the United States ports referred to in  
23 subsection (a) that receives Federal assistance or is  
24 subject to Federal regulation to submit an annual re-  
25 port to the Bureau of Transportation Statistics that  
26 includes monthly statistics on capacity and through-

1        *put as applicable to the specific configuration of the*  
2        *port, including—*

3                *“(A) the total capacity of inbound and out-*  
4                *bound cargo, including containers, break bulk,*  
5                *vehicles, and dry and liquid bulk;*

6                *“(B) the total volume of inbound and out-*  
7                *bound cargo, including containers, break bulk,*  
8                *vehicles, and dry and liquid bulk;*

9                *“(C) the average number of lifts per hour of*  
10                *containers by crane;*

11                *“(D) the average vessel turn time by vessel*  
12                *type;*

13                *“(E) the average cargo or container dwell*  
14                *time;*

15                *“(F) port storage capacity and utilization;*

16                *“(G) the average truck time at ports;*

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

18                *“(I) any additional metrics, as determined*  
19                *by the Director after receiving recommendations*  
20                *from the working group established under sub-*  
21                *section (c).*

22        *“(c) RECOMMENDATIONS.—*

23                *“(1) IN GENERAL.—The Director shall obtain*  
24                *recommendations for—*



1           “(A) specifications and data measurements  
2           for the port performance measures listed in sub-  
3           section (b)(2);

4           “(B) additionally needed data elements for  
5           measuring port performance; and

6           “(C) a process for the Department of Trans-  
7           portation to collect timely and consistent data,  
8           including identifying safeguards to protect pro-  
9           prietary information described in subsection  
10          (b)(2).

11          “(2) *WORKING GROUP*.—Not later than 60 days  
12          after the date of the enactment of the Port Perform-  
13          ance Act, the Director shall commission a working  
14          group composed of—

15                 “(A) operating administrations of the De-  
16                 partment of Transportation;

17                 “(B) the Coast Guard;

18                 “(C) the Federal Maritime Commission;

19                 “(D) U.S. Customs and Border Protection;

20                 “(E) the Marine Transportation System  
21                 National Advisory Council;

22                 “(F) the Army Corps of Engineers;

23                 “(G) the Saint Lawrence Seaway Develop-  
24                 ment Corporation;

1           “(H) the Advisory Committee on Supply  
2 Chain Competitiveness;

3           “(I) 1 representative from the rail industry;

4           “(J) 1 representative from the trucking in-  
5 dustry;

6           “(K) 1 representative from the port man-  
7 agement industry;

8           “(L) 1 representative from the maritime  
9 shipping industry;

10          “(M) 1 representative from the maritime  
11 labor industry;

12          “(N) representatives of the National Freight  
13 Advisory Committee of the Department; and

14          “(O) representatives of the Transportation  
15 Research Board of the National Academies.

16          “(3) RECOMMENDATIONS.—Not later than 1 year  
17 after the date of the enactment of the Port Perform-  
18 ance Act, the working group commissioned under this  
19 subsection shall submit its recommendations to the  
20 Director.

21          “(d) ACCESS TO DATA.—The Director shall ensure that  
22 the statistics compiled under this section are readily acces-  
23 sible to the public, consistent with applicable security con-  
24 straints and confidentiality interests.”.

1       (b) *PROHIBITION ON CERTAIN DISCLOSURES.*—Section  
 2       tion 6307(b)(1) is amended by inserting “or section  
 3       6314(b)” after “section 6302(b)(3)(B)” each place it ap-  
 4       pears.

5       (c) *COPIES OF REPORTS.*—Section 6307(b)(2)(A) is  
 6       amended by inserting “or section 6314(b)” after “section  
 7       6302(b)(3)(B)”.

8       (d) *TECHNICAL AND CONFORMING AMENDMENT.*—The  
 9       table of contents for chapter 63 is amended by adding at  
 10      the end the following:

“6314. Port performance freight statistics program.”.

11      **SEC. 1404. MONTHLY REPORTS ON PERFORMANCE AT**  
 12    **UNITED STATES PORTS.**

13      (a) *IN GENERAL.*—Not later than 1 year before the ex-  
 14      piration date of a maritime labor agreement that applies  
 15      to facilities of a United States port, 3 months before the  
 16      expiration date of the maritime labor agreement, and  
 17      monthly thereafter until a new agreement is agreed to, the  
 18      Secretary of Transportation, in consultation with the Sec-  
 19      retary of Commerce and the Secretary of Labor, shall sub-  
 20      mit a report to the Committee on Commerce, Science, and  
 21      Transportation of the Senate and the Committee on Trans-  
 22      portation and Infrastructure of the House of Representa-  
 23      tives that includes port performance indicators at the af-  
 24      fected port. If multiple ports are affected by the expiration

1 *of the maritime labor agreement, the Secretary of Transpor-*  
2 *tation shall submit a report for each affected port.*

3 (b) *CONTENTS.*—*Each report required under sub-*  
4 *section (a) shall include, for the affected port during the*  
5 *previous month—*

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

8 (2) *the number and type of vessels awaiting*  
9 *berthing, including average wait time;*

10 (3) *the number of cancelled vessel calls;*

11 (4) *an estimate of the economic impact associ-*  
12 *ated with any delays both at the port and across the*  
13 *national economy;*

14 (5) *an estimate of the amount of time required*  
15 *to clear any congestion;*

16 (6) *the average number of labor positions ordered*  
17 *and filled; and*

18 (7) *any other factors that might have created*  
19 *delays, including weather, equipment maintenance or*  
20 *failures, or infrastructure development or repair.*

21 (c) *EFFECTIVE PERIOD.*—*The Secretary of Transpor-*  
22 *tation, in consultation with the Secretary of Commerce and*  
23 *the Secretary of Labor, shall submit a report required under*  
24 *subsection (a) for an affected port until the date on which*  
25 *a new maritime labor agreement that applies to the facili-*

1 *ties of the port is agreed to by all of the parties to that*  
 2 *maritime labor agreement.*

3 (d) *DEFINITION OF MARITIME LABOR AGREEMENT.—*  
 4 *In this section, the term “maritime labor agreement” has*  
 5 *the meaning given such term in section 40102 of title 46,*  
 6 *United States Code.*

7 **TITLE II—COMMERCIAL MOTOR**  
 8 **VEHICLE AND DRIVER PRO-**  
 9 **GRAMS**

10 **Subtitle A—Compliance, Safety,**  
 11 **and Accountability Reform**

12 **PART I—COMPLIANCE, SAFETY, AND**  
 13 **ACCOUNTABILITY**

14 **SEC. 2001. CORRELATION STUDY.**

15 (a) *IN GENERAL.—The Administrator of the Federal*  
 16 *Motor Carrier Safety Administration (referred to in this*  
 17 *part as the “Administrator”) shall commission the National*  
 18 *Research Council of the National Academies to conduct a*  
 19 *study of—*

20 (1) *the Safety Measurement System (referred to*  
 21 *in this part as “SMS”); and*

22 (2) *the Compliance, Safety, Accountability pro-*  
 23 *gram (referred to in this part as the “CSA pro-*  
 24 *gram”).*

1           (b) *SCOPE OF STUDY.*—*In carrying out the study com-*  
2 *missioned pursuant to subsection (a), the National Research*  
3 *Council—*

4           (1) *shall analyze—*

5                   (A) *the accuracy with which the Behavior*  
6 *Analysis and Safety Improvement Categories*  
7 *(referred to in this part as “BASIC”) safety*  
8 *measures used by SMS—*

9                           (i) *identify high risk drivers and car-*  
10 *riers; and*

11                           (ii) *predict or be correlated with future*  
12 *crash risk, crash severity, or other safety in-*  
13 *dicators for individual drivers, motor car-*  
14 *riers, and the highest risk carriers;*

15                   (B) *the methodology used to calculate*  
16 *BASIC percentiles and identify carriers for en-*  
17 *forcement, including the weights assigned to par-*  
18 *ticular violations, and the tie between crash risk*  
19 *and specific regulatory violations, in order to ac-*  
20 *curately identify and predict future crash risk*  
21 *for motor carriers;*

22                   (C) *the relative value of inspection informa-*  
23 *tion and roadside enforcement data;*

24                   (D) *any data collection gaps or data suffi-*  
25 *ciency problems that may exist and the impact*

1           of those data gaps and insufficiencies on the effi-  
2           cacy of the CSA program; and

3                   (E) the accuracy of data processing; and

4           (2) should consider—

5                   (A) whether the current SMS provides com-  
6           parable precision and confidence for SMS alerts  
7           and percentiles for the relative crash risk of indi-  
8           vidual large and small motor carriers;

9                   (B) whether alternative systems would iden-  
10          tify high risk carriers or identify high risk driv-  
11          ers and motor carriers more accurately; and

12                   (C) the recommendations and findings of  
13          the Comptroller General of the United States and  
14          the Inspector General, and independent review  
15          team reports issued before the date of the enact-  
16          ment of this Act.

17          (c) *REPORT.*—Not later than 18 months after the date  
18          of enactment of this Act, the Administrator shall submit  
19          a report containing the results of the completed study to—

20                   (1) the Committee on Commerce, Science, and  
21          Transportation of the Senate;

22                   (2) the Committee on Transportation and Infra-  
23          structure of the House of Representatives;

24                   (3) the Inspector General of the Department of  
25          Transportation; and

1           (4) *the Comptroller General of the United States.*

2           (d) *CORRECTIVE ACTION PLAN.—*

3           (1) *IN GENERAL.—Not later than 120 days after*  
4           *the Administrator submits a report under subsection*  
5           *(c) that identifies a deficiency or opportunity for im-*  
6           *provement in the CSA program or in any element of*  
7           *SMS, the Administrator shall submit a corrective ac-*  
8           *tion plan to the Committee on Commerce, Science,*  
9           *and Transportation of the Senate and the Committee*  
10           *on Transportation and Infrastructure of the House of*  
11           *Representatives that—*

12                   (A) *responds to the concerns highlighted by*  
13           *the report;*

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

17                   (C) *provides an estimate of the cost, includ-*  
18           *ing changes in staffing, enforcement, and data*  
19           *collection necessary to implement the rec-*  
20           *ommendations.*

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

24                   (A) *includes benchmarks;*



1           (B) includes programmatic reforms, revi-  
2           sions to regulations, or proposals for legislation;  
3           and

4           (C) shall be considered in any rulemaking  
5           by the Department of Transportation that relates  
6           to the CSA program, including the SMS data  
7           sets or analysis.

8           (e) *INSPECTOR GENERAL REVIEW.*—Not later than  
9           120 days after the Administrator issues a corrective action  
10          plan under subsection (d), the Inspector General of the De-  
11          partment of Transportation shall—

12           (1) review the extent to which such plan imple-  
13          ments—

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

16           (B) recommendations issued by the Comp-  
17          troller General or the Inspector General before  
18          the date of enactment of this Act; and

19           (2) submit a report to the Committee on Com-  
20          merce, Science, and Transportation of the Senate and  
21          the Committee on Transportation and Infrastructure  
22          of the House of Representatives on the responsiveness  
23          of the corrective action plan to the recommendations  
24          described in paragraph (1).

1       (f) *FISCAL LIMITATION.*—*The Administrator shall*  
 2 *carry out the study required under this section using*  
 3 *amounts appropriated to the Federal Motor Carrier Safety*  
 4 *Administration and available for obligation and expendi-*  
 5 *ture as of the date of the enactment of this Act.*

6 **SEC. 2002. SAFETY IMPROVEMENT METRICS.**

7       (a) *IN GENERAL.*—*The Administrator shall incor-*  
 8 *porate a methodology into the CSA program or establish*  
 9 *a third-party process to allow recognition, including credit,*  
 10 *improved score, or by establishing a safety BASIC in SMS*  
 11 *for safety technology, tools, programs, and systems approved*  
 12 *by the Administrator through the qualification process de-*  
 13 *veloped under subsection (b) that exceed regulatory require-*  
 14 *ments or are used to enhance safety performance, includ-*  
 15 *ing—*

16           (1) *the installation of qualifying advanced safety*  
 17 *equipment, such as—*

18                   (A) *collision mitigation systems;*

19                   (B) *lane departure warnings;*

20                   (C) *speed limiters;*

21                   (D) *electronic logging devices;*

22                   (E) *electronic stability control;*

23                   (F) *critical event recorders; and*

24                   (G) *strengthening rear guards and*  
 25 *sideguards for underride protection;*

1           (2) *the use of enhanced driver fitness measures*  
2           *that exceed current regulatory requirements, such*  
3           *as—*

4                   (A) *additional new driver training;*

5                   (B) *enhanced and ongoing driver training;*

6           *and*

7                   (C) *remedial driver training to address spe-*  
8                   *cific deficiencies as identified in roadside inspec-*  
9                   *tion or enforcement reports;*

10           (3) *the adoption of qualifying administrative*  
11           *fleet safety management tools technologies, driver per-*  
12           *formance and behavior management technologies, and*  
13           *programs; and*

14           (4) *technologies and measures identified through*  
15           *the process described in subsection (c).*

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

22           (c) *ADDITIONAL REQUIREMENTS.—In modifying the*  
23           *CSA program under subsection (a), the Administrator,*  
24           *through notice and comment, shall develop a process for*  
25           *identifying and reviewing other technology, advanced safety*

1 *equipment, enhanced driver fitness measures, tools, pro-*  
2 *grams, or systems used by motor carriers to improve safety*  
3 *performance that—*

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

7           (2) *seeks input and participation from industry*  
8 *stakeholders, including drivers, technology manufac-*  
9 *turers, vehicle manufacturers, motor carriers, enforce-*  
10 *ment communities, and safety advocates, and the*  
11 *Motor Carrier Safety Advisory Committee; and*

12           (3) *includes technology, advanced safety equip-*  
13 *ment, enhanced driver fitness measures, tools, pro-*  
14 *grams, or systems with a date certain for future stat-*  
15 *utory or regulatory implementation.*

16       (d) *SAFETY IMPROVEMENT METRICS USE AND*  
17 *VERIFICATION.—The Administrator, through notice and*  
18 *comment process, shall develop a process for—*

19           (1) *providing recognition or credit within a*  
20 *motor carrier’s SMS score for the installation and use*  
21 *of measures in paragraphs (1) through (4) of sub-*  
22 *section (a);*

23           (2) *ensuring that the safety improvement metrics*  
24 *developed under this section are presented with other*  
25 *SMS data;*

1           (3) *verifying the installation or use of such tech-*  
2           *nology, advanced safety equipment, enhanced driver*  
3           *fitness measures, tools, programs, or systems;*

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

6           (5) *ensuring that the credits or recognition re-*  
7           *ferred to in paragraph (1) reflect the safety improve-*  
8           *ment anticipated as a result of the installation or use*  
9           *of the specific technology, advanced safety equipment,*  
10          *enhanced driver fitness measure, tool, program, or*  
11          *system;*

12          (6) *verifying the deployment and use of quali-*  
13          *fying equipment or management systems by a motor*  
14          *carrier through a certification from the vehicle manu-*  
15          *facturer, the system or service provider, the insurance*  
16          *carrier, or through documents submitted by the motor*  
17          *carrier to the Department of Transportation;*

18          (7) *annually reviewing the list of qualifying*  
19          *safety technology, advanced safety equipment, en-*  
20          *hanced driver fitness measures, tools, programs, or*  
21          *systems; and*

22          (8) *removing systems mandated by law or regu-*  
23          *lation, or if such systems demonstrate a lack of effi-*  
24          *cacy, from the list of qualifying technologies, ad-*  
25          *vanced safety equipment, enhanced driver fitness*

1        *measures, tools, programs, or systems eligible for cred-*  
2        *it under the CSA program.*

3        *(e) DISSEMINATION OF INFORMATION.—The Adminis-*  
4        *trator shall maintain a public website that contains infor-*  
5        *mation regarding—*

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

9            *(2) any petitions for study of the technology, ad-*  
10          *vanced safety equipment, enhanced driver fitness*  
11          *measures, tools, programs, or systems; and*

12          *(3) statistics and information relating to the use*  
13          *of such technology, advanced safety equipment, en-*  
14          *hanced driver fitness measures, tools, programs, or*  
15          *systems.*

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

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

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

4           (3) *the number of motor carriers, and a descrip-*  
 5           *tion of the carrier's fleet size, that received recognition*  
 6           *or credit under the modified CSA program; and*

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

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

14          (h) *EVALUATION.—*

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

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

23                       (B) *safety and adoption of new technologies.*

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

1       *shall submit a report to the Committee on Commerce,*  
2       *Science, and Transportation of the Senate and the*  
3       *Committee on Transportation and Infrastructure of*  
4       *the House of Representatives that describes—*

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

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

11       *(i) USE OF ESTIMATES OF SAFETY EFFECTS.—In con-*  
12       *ducting regulatory impact analyses for rulemakings relat-*  
13       *ing to the technology, advanced safety equipment, enhanced*  
14       *driver fitness measures, tools, programs, or systems selected*  
15       *for credit under the CSA program, the Administrator, to*  
16       *the extent practicable, shall use the data gathered under this*  
17       *section and appropriate statistical methodology, including*  
18       *sufficient sample sizes, composition, and appropriate com-*  
19       *parison groups, including representative motor carriers of*  
20       *all sizes, to estimate the effects on safety performance and*  
21       *reduction in the number and severity of accidents with*  
22       *qualifying technology, advanced safety equipment, tools,*  
23       *programs, and systems.*

24       *(j) SAVINGS PROVISION.—Nothing in this section may*  
25       *be construed to provide the Administrator with additional*



1 *authority to change the requirements for the operation of*  
2 *a commercial motor vehicle.*

3 **SEC. 2003. DATA CERTIFICATION.**

4 *(a) LIMITATION.—Beginning not later than 1 day*  
5 *after the date of enactment of this Act, none of the analysis*  
6 *of violation information, enforcement prioritization, not-at-*  
7 *fault crashes, alerts, or the relative percentile for each Be-*  
8 *havioral Analysis and Safety Improvement Category devel-*  
9 *oped through the CSA program may be made available to*  
10 *the general public (including through requests under section*  
11 *552 of title 5, United States Code), but violation and in-*  
12 *spection information submitted by the States may be pre-*  
13 *sented until the Inspector General of the Department of*  
14 *Transportation certifies that—*

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

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

21 *(3) the Administrator has fully implemented or*  
22 *satisfactorily addressed the issues raised in the Feb-*  
23 *ruary 2014 GAO report entitled “Modifying the Com-*  
24 *pliance, Safety, Accountability Program Would Im-*  
25 *prove the Ability to Identify High Risk Carriers”*

1       (GAO-14-114), which called into question the accu-  
2       racy and completeness of safety performance calcula-  
3       tions;

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

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

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

15       (c) *EXCEPTIONS.*—

16           (1) *IN GENERAL.*—Notwithstanding the limita-  
17       tions set forth in subsections (a) and (b)—

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

24           (B) motor carriers and commercial motor  
25       vehicle drivers may access information referred

1           to in subsection (a) that relates directly to the  
2           motor carrier or driver, respectively.

3           (2) *LIMITATION.*—Nothing in subparagraphs (A)  
4           and (B) of paragraph (1) may be construed to restrict  
5           the official use by State enforcement agencies of the  
6           data collected by State enforcement personnel.

7           (d) *CERTIFICATION.*—The certification process de-  
8           scribed in subsection (a) shall occur concurrently with the  
9           implementation of SIMS under section 2002.

10 **SEC. 2004. DATA IMPROVEMENT.**

11           (a) *FUNCTIONAL SPECIFICATIONS.*—Not later than  
12           180 days after the date of enactment of this Act, the Admin-  
13           istrator shall develop functional specifications to ensure the  
14           consistent and accurate input of data into systems and  
15           databases relating to the CSA program.

16           (b) *FUNCTIONALITY.*—The specifications developed  
17           pursuant to subsection (a)—

18                   (1) shall provide for the hardcoding and smart  
19                   logic functionality for roadside inspection data collec-  
20                   tion systems and databases; and

21                   (2) shall be made available to public and private  
22                   sector developers.

23           (c) *EFFECTIVE DATA MANAGEMENT.*—The Adminis-  
24           trator shall ensure that internal systems and databases ac-  
25           cept and effectively manage data using uniform standards.

1           (d) *CONSULTATION WITH THE STATES.*—Before im-  
2 *plementing the functional specifications described in sub-*  
3 *section (a) or the standards described in subsection (c), the*  
4 *Administrator shall seek input from the State agencies re-*  
5 *sponsible for enforcing section 31102 of title 49, United*  
6 *States Code.*

7 **SEC. 2005. ACCIDENT REPORT INFORMATION.**

8           (a) *REVIEW.*—The Administrator shall initiate a dem-  
9 *onstration program that allows motor carriers and drivers*  
10 *to request a review of crashes, and the removal of crash data*  
11 *for use in the Federal Motor Carrier Safety Administra-*  
12 *tion’s safety measurement system of crashes, and removal*  
13 *from any weighting, or carrier safety analysis, if the com-*  
14 *mercial motor vehicle was operated legally and another mo-*  
15 *torist in connection with the crash is found—*

16                   (1) *to have been driving under the influence;*

17                   (2) *to have been driving the wrong direction on*  
18 *a roadway;*

19                   (3) *to have struck the commercial motor vehicle*  
20 *in the rear;*

21                   (4) *to have struck the commercial motor vehicle*  
22 *which was legally stopped;*

23                   (5) *by the investigating officer or agency to have*  
24 *been responsible for the crash; or*

1           (6) *to have committed other violations deter-*  
2           *mined by the Administrator.*

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

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

14          (d) *EVALUATION.—The Federal Motor Carrier Safety*  
15          *Administration shall review the information submitted*  
16          *under subsections (b) and (c).*

17          (e) *RESULTS.—The results of the review under sub-*  
18          *section (a)—*

19                 (1) *shall be used to recalculate the motor car-*  
20                 *rier's crash BASIC percentile;*

21                 (2) *if the carrier is determined not to be respon-*  
22                 *sible for the crash incident, such information, shall be*  
23                 *reflected on the website of the Federal Motor Carrier*  
24                 *Safety Administration; and*

1           (3) *shall not be admitted as evidence or otherwise*  
2 *used in a civil action.*

3           (f) *FEE SYSTEM.—*

4           (1) *ESTABLISHMENT.—The Administrator may*  
5 *establish a fee system, in accordance with section*  
6 *9701 of title 31, United States Code, in which a*  
7 *motor carrier is charged a fee for each review of a*  
8 *crash requested by such motor carrier under this sec-*  
9 *tion.*

10          (2) *DISPOSITION OF FEES.—Fees collected under*  
11 *this section—*

12           (A) *may be credited to the Department of*  
13 *Transportation appropriations account for pur-*  
14 *pose of carrying out this section; and*

15           (B) *shall be used to fully fund the operation*  
16 *of the review program authorized under this sec-*  
17 *tion.*

18          (g) *REVIEW AND REPORT.—Not earlier than 2 years*  
19 *after the establishment of the demonstration program under*  
20 *this section, the Administrator shall—*

21           (1) *conduct a review of the internal crash review*  
22 *program to determine if other crash types should be*  
23 *included; and*

24           (2) *submit a report to Congress that describes—*

25           (A) *the number of crashes reviewed;*

1           (B) *the number of crashes for which the*  
2           *commercial motor vehicle operator was deter-*  
3           *mined not to be at fault; and*

4           (C) *relevant information relating to the*  
5           *program, including the cost to operate the pro-*  
6           *gram and the fee structure established.*

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

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

13           (a) *IN GENERAL.—Not later than 120 days after the*  
14           *date of enactment of this Act, the Secretary shall convene*  
15           *a working group—*

16                   (1) *to review the data elements of post-accident*  
17                   *reports, for tow-away accidents involving commercial*  
18                   *motor vehicles, that are reported to the Federal Gov-*  
19                   *ernment; and*

20                   (2) *to report to the Secretary its findings and*  
21                   *any recommendations, including best practices for*  
22                   *State post-accident reports to achieve the data ele-*  
23                   *ments described in subsection (c).*

24           (b) *COMPOSITION.—Not less than 51 percent of the*  
25           *working group should be composed of individuals rep-*

1 *resenting the States or State law enforcement officials. The*  
2 *remaining members of the working group shall represent*  
3 *industry, labor, safety advocates, and other interested par-*  
4 *ties.*

5 *(c) CONSIDERATIONS.—The working group shall con-*  
6 *sider requiring additional data elements, including—*

7 *(1) the primary cause of the accident, if the pri-*  
8 *mary cause can be determined;*

9 *(2) the physical characteristics of the commercial*  
10 *motor vehicle and any other vehicle involved in the*  
11 *accident, including—*

12 *(A) the vehicle configuration;*

13 *(B) the gross vehicle weight if the weight*  
14 *can be readily determined;*

15 *(C) the number of axles; and*

16 *(D) the distance between axles, if the dis-*  
17 *tance can be readily determined; and*

18 *(3) any data elements that could contribute to*  
19 *the appropriate consideration of requests under sec-*  
20 *tion 2005.*

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

23 *(1) review the findings of the working group;*

24 *(2) identify the best practices for State post-acci-*  
25 *dent reports that are reported to the Federal Govern-*



1        *ment, including identifying the data elements that*  
2        *should be collected following a tow-away commercial*  
3        *motor vehicle accident; and*

4            *(3) recommend to the States the adoption of new*  
5        *data elements to be collected following reportable com-*  
6        *mercial motor vehicle accidents.*

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

8            *(a) IN GENERAL.—The Administrator shall establish*  
9        *a program to publicly recognize motor carriers and drivers*  
10       *whose safety records and programs exceed compliance with*  
11       *the Federal Motor Carrier Safety Administration’s safety*  
12       *regulations and demonstrate clear and outstanding safety*  
13       *practices.*

14           *(b) RESTRICTION.—The program established under*  
15       *subsection (a) may not be deemed to be an endorsement of,*  
16       *or a preference for, motor carriers or drivers recognized*  
17       *under the program.*

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

19           *(a) IN GENERAL.—After the completion of the certifi-*  
20       *cation under section 2003 of this Act, and the establishment*  
21       *of the Safety Fitness Determination program, the Secretary*  
22       *shall ensure that a review is completed on each motor car-*  
23       *rier that demonstrates through performance data that it*  
24       *poses the highest safety risk. At a minimum, a review shall*

1 *be conducted whenever a motor carrier is among the highest*  
 2 *risk carriers for 4 consecutive months.*

3 (b) *REPORT.*—*Not later than 180 days after the com-*  
 4 *pletion of the certification under section 2003 of this Act*  
 5 *and the establishment of the Safety Fitness Determination*  
 6 *program, the Secretary shall post on a public website a re-*  
 7 *port on the actions the Secretary has taken to comply with*  
 8 *this section, including the number of high risk carriers*  
 9 *identified and the high risk carriers reviewed.*

10 (c) *CONFORMING AMENDMENT.*—*Section 4138 of the*  
 11 *Safe, Accountable, Flexible, Efficient Transportation Eq-*  
 12 *uity Act: A Legacy for Users (49 U.S.C. 31144 note) is re-*  
 13 *pealed.*

14 ***PART II—INTERIM HIRING STANDARD***

15 ***SEC. 2101. DEFINITIONS.***

16 *In this part:*

17 (1) *ENTITY.*—*The term “entity” means a person*  
 18 *acting as—*

19 (A) *a shipper or a consignee;*

20 (B) *a broker or a freight forwarder (as such*  
 21 *terms are defined in section 13102 of title 49,*  
 22 *United States Code);*

23 (C) *a non-vessel-operating common carrier,*  
 24 *an ocean freight forwarder, or an ocean trans-*  
 25 *portation intermediary (as such terms are de-*

1           *fined in section 40102 of title 46, United States*  
2           *Code);*

3           *(D) an indirect air carrier authorized to*  
4           *operate under a Standard Security Program ap-*  
5           *proved by the Transportation Security Adminis-*  
6           *tration;*

7           *(E) a customs broker licensed in accordance*  
8           *with section 111.2 of title 19, Code of Federal*  
9           *Regulations;*

10           *(F) an interchange motor carrier subject to*  
11           *paragraphs (1)(B) and (2) of section 13902(i);*  
12           *or*

13           *(G) a warehouse (as defined in Article 7-*  
14           *102(13) of the Uniform Commercial Code).*

15           *(2) MOTOR CARRIER.—The term “motor carrier”*  
16           *means a motor carrier (as that term is defined in sec-*  
17           *tion 13102 of title 49, United States Code) that is*  
18           *subject to Federal motor carrier financial responsi-*  
19           *bility and safety regulations.*

20           *(3) STATE.—The term “State” means each of the*  
21           *50 States, a political subdivision of any such State,*  
22           *any intrastate agency, any other political agency of*  
23           *2 or more States, the District of Columbia, American*  
24           *Samoa, the Commonwealth of the Northern Mariana*

1 *Islands, the Commonwealth of Puerto Rico, Guam,*  
2 *and the Virgin Islands.*

3 **SEC. 2102. NATIONAL HIRING STANDARDS FOR MOTOR CAR-**  
4 **RIERS.**

5 *(a) NATIONAL STANDARD.—Before tendering a ship-*  
6 *ment, but not more than 35 days before the pickup of a*  
7 *shipment by the hired motor carrier, an entity shall verify*  
8 *that the motor carrier, at the time of such verification—*

9 *(1) is registered with and authorized by the Fed-*  
10 *eral Motor Carrier Safety Administration to operate*  
11 *as a motor carrier, if applicable;*

12 *(2) has the minimum insurance coverage re-*  
13 *quired by Federal law; and*

14 *(3)(A) before the safety fitness determination reg-*  
15 *ulations are issued, does not have an unsatisfactory*  
16 *safety fitness determination issued by the Federal*  
17 *Motor Carrier Safety Administration in force at the*  
18 *time of such verification; or*

19 *(B) beginning on the date that safety fitness de-*  
20 *termination regulations are implemented, does not*  
21 *have a safety fitness rating issued by the Federal*  
22 *Motor Carrier Safety Administration under such reg-*  
23 *ulations that is the equivalent of the unsatisfactory*  
24 *fitness rating referred to in subparagraph (A).*

25 *(b) INTERIM USE OF DATA.—*

1           (1) *IN GENERAL.*—Only evidence of an entity’s  
2           compliance with subsection (a), crash data, and viola-  
3           tions may be admitted as evidence or otherwise used  
4           in a civil action for damages resulting from a claim  
5           of negligent selection or retention of such motor car-  
6           rier against the entity.

7           (2) *EXCLUDED EVIDENCE.*—All other motor car-  
8           rier data created or maintained by the Federal Motor  
9           Carrier Safety Administration, including safety  
10          measurement system data or analysis of such data,  
11          may not be admitted into evidence in a case or pro-  
12          ceeding in which it is asserted or alleged that an enti-  
13          ty’s selection or retention of a motor carrier was neg-  
14          ligent.

15          (3) *CESSATION OF EFFECTIVENESS.*—Para-  
16          graphs (1) and (2) of this subsection cease to be effec-  
17          tive on the date of completion of the certification  
18          under section 2003 of this Act.

19 **SEC. 2103. APPLICABILITY.**

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

1           ***Subtitle B—Transparency and***  
2                           ***Accountability***

3   ***SEC. 2201. RULEMAKING REQUIREMENTS.***

4           (a) *IN GENERAL.*—Not later than 2 years after the  
5 date of enactment of this Act, if the Secretary determines  
6 that a significant number of crashes are not covered by the  
7 current minimum insurance requirements, the Secretary  
8 shall commence a rulemaking to determine whether to in-  
9 crease the minimum levels of financial responsibility re-  
10 quired under section 31139 of title 49, United States Code,  
11 for a motor carrier to transport property.

12          (b) *CONSIDERATIONS.*—In considering a notice of pro-  
13 posed rulemaking or final rule to increase the minimum  
14 levels of financial responsibility under subsection (a), the  
15 Secretary shall identify and consider—

16               (1) *current State insurance requirements;*

17               (2) *the differences between the State insurance*  
18 *requirements identified under paragraph (1) and*  
19 *Federal requirements;*

20               (3) *the amount of an insurance claim at the cur-*  
21 *rent minimum levels of financial responsibility that*  
22 *is applied toward—*

23                       (A) *medical care;*

24                       (B) *compensation;*

25                       (C) *attorney fees; or*

1                   (D) other identifiable costs of a claim; and  
2                   (4) the frequency in which an insurance claim  
3                   exceeds the current minimum levels of financial re-  
4                   sponsibility, including, to the extent practicable, un-  
5                   sealed verdicts and settlements.

6           (c) *RULEMAKING.*—If the Secretary commences a rule-  
7           making under subsection (a), the Secretary shall include in  
8           the rulemaking—

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

10                   (A) the safety of motor vehicle transpor-  
11                   tation;

12                   (B) the economic condition of the motor car-  
13                   rier industry, including small and minority  
14                   motor carriers and independent owner-operators;

15                   (C) the ability of the insurance industry to  
16                   provide the required amount of insurance; and

17                   (D) the ability of the minimum insurance  
18                   level to cover the full cost of injuries, compen-  
19                   satory damages, and fatalities; and

20                   (2) an estimate of the effects an increase in the  
21                   minimum levels of financial responsibility would  
22                   have on—

23                   (A) small motor carriers;

1           (B) insurance premiums for motor carriers,  
2           including small and minority motor carriers  
3           and independent owner-operators; and

4           (C) the availability of insurance to meet the  
5           minimum levels of financial responsibility.

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

7           (a) *APPLICATIONS FOR REGULATORY RELIEF.*—Not-  
8           withstanding subpart C of part 381 of title 49, Code of Fed-  
9           eral Regulations, the Secretary shall allow an applicant  
10          representing a class or group of motor carriers to apply  
11          for a specific exemption from any provision of the regula-  
12          tions under part 395 of title 49, Code of Federal Regula-  
13          tions, for commercial motor vehicle drivers.

14          (b) *REVIEW PROCESS.*—

15               (1) *IN GENERAL.*—The Secretary shall establish  
16          the procedures for the application for and the review  
17          of an exemption under subsection (a).

18               (2) *PUBLICATION.*—Not later than 30 days after  
19          the date of receipt of an application for an exemption,  
20          the Secretary shall publish the application in the  
21          Federal Register and provide the public with an op-  
22          portunity to comment.

23               (3) *PUBLIC COMMENT.*—

24                       (A) *IN GENERAL.*—Each application shall  
25          be available for public comment for a 30-day pe-



1           *riod, but the Secretary may extend the oppor-*  
2           *tunity for public comment for up to 60 days if*  
3           *it is a significant or complex request.*

4           *(B) REVIEW.—Beginning on the date that*  
5           *the public comment period under subparagraph*  
6           *(A) ends, the Secretary shall have 60 days to re-*  
7           *view all of the comments received.*

8           *(4) DETERMINATION.—At the end of the 60-day*  
9           *period under paragraph (3)(B), the Secretary shall*  
10          *publish a determination in the Federal Register, in-*  
11          *cluding—*

12           *(A) the reason for granting or denying the*  
13           *application; and*

14           *(B) if the application is granted—*

15            *(i) the specific class of persons eligible*  
16            *for the exemption;*

17            *(ii) each provision of the regulations to*  
18            *which the exemption applies; and*

19            *(iii) any conditions or limitations ap-*  
20            *plied to the exemption.*

21          *(5) CONSIDERATIONS.—In making a determina-*  
22          *tion whether to grant or deny an application for an*  
23          *exemption, the Secretary shall consider the safety im-*  
24          *pacts of the request and may provide appropriate*  
25          *conditions or limitations on the use of the exemption.*

1       (c) *OPPORTUNITY FOR RESUBMISSION.*—If an appli-  
2 cation is denied and the applicant can reasonably address  
3 the reason for the denial, the Secretary may allow the motor  
4 carrier to resubmit the application.

5       (d) *PERIOD OF APPLICABILITY.*—

6           (1) *IN GENERAL.*—Except as provided in para-  
7 graph (2) of this subsection and subsection (f), each  
8 exemption granted under this section shall be valid  
9 for a period of 5 years unless the Secretary identifies  
10 a compelling reason for a shorter exemption period.

11          (2) *RENEWAL.*—At the end of the 5-year period  
12 under paragraph (1)—

13           (A) the Secretary, at the Secretary's discre-  
14 tion, may renew the exemption for an additional  
15 5-year period; or

16           (B) an applicant may apply under sub-  
17 section (a) for a permanent exemption from each  
18 applicable provision of the regulations.

19       (e) *LIMITATION.*—No exemption under this section  
20 may be granted to or used by any motor carrier that has  
21 an unsatisfactory or conditional safety fitness determina-  
22 tion.

23       (f) *PERMANENT EXEMPTIONS.*—

24           (1) *IN GENERAL.*—The Secretary shall make per-  
25 manent the following limited exceptions:

1           (A) *Department of Defense Military Surface*  
2           *Deployment and Distribution Command trans-*  
3           *port of weapons, munitions, and sensitive classi-*  
4           *fied cargo as published in the Federal Register*  
5           *Volume 80 on April 16, 2015 (80 Fed. Reg.*  
6           *20556).*

7           (B) *Department of Energy transport of se-*  
8           *curity-sensitive radioactive materials as pub-*  
9           *lished in the Federal Register Volume 80 on*  
10          *June 22, 2015 (80 Fed. Reg. 35703).*

11          (C) *All motor carriers that transport haz-*  
12          *ardous materials shipments requiring security*  
13          *plans under regulations of the Pipeline and Haz-*  
14          *ardous Materials Safety Administration as pub-*  
15          *lished in the Federal Register Volume 80 on May*  
16          *1, 2015 (80 Fed. Reg. 25004).*

17          (D) *Perishable construction products as*  
18          *published in the Federal Register Volume 80 on*  
19          *April 2, 2015 (80 Fed. Reg. 17819).*

20          (E) *Passenger vehicle record of duty status*  
21          *change as published in the Federal Register Vol-*  
22          *ume 80 on June 4, 2015 (80 Fed. Reg. 31961).*

23          (F) *Transport of commercial bee hives as*  
24          *published in the Federal Register Volume 80 on*  
25          *June 19, 2018. (80 Fed. Reg. 35425).*

1           (G) *All specialized carriers and drivers re-*  
2           *sponsible for transporting loads requiring special*  
3           *permits as published in the Federal Register Vol-*  
4           *ume 80 on June 18, 2015 (80 Fed. Reg. 34957).*

5           (H) *Safe transport of livestock as published*  
6           *in the Federal Register Volume 80 on June 12,*  
7           *2015 (80 Fed. Reg. 33584).*

8           (2) *ADDITIONAL EXEMPTIONS.—The Secretary*  
9           *may make any temporary exemption from any provi-*  
10          *sion of the regulations under part 395 of title 49,*  
11          *Code of Federal Regulations, for commercial motor*  
12          *vehicle drivers that is in effect on the date of enact-*  
13          *ment of this Act permanent if the Secretary deter-*  
14          *mines that the permanent exemption will not degrade*  
15          *safety. The Secretary shall provide public notice and*  
16          *comment on a list of the additional temporary exemp-*  
17          *tions to be made permanent under this paragraph.*

18          (3) *REVOCATION OF EXEMPTIONS.—The Sec-*  
19          *retary may revoke an exemption issued under this*  
20          *section if the Secretary can demonstrate that the ex-*  
21          *emption has had a negative impact on safety.*

22 **SEC. 2203. INSPECTOR STANDARDS.**

23          *Not later than 90 days after the date of enactment of*  
24          *this Act, the Administrator of the Federal Motor Carrier*  
25          *Safety Administration shall revise the regulations under*

1 *part 385 of title 49, Code of Federal Regulations, as nec-*  
2 *essary, to incorporate by reference the certification stand-*  
3 *ards for roadside inspectors issued by the Commercial Vehi-*  
4 *cle Safety Alliance.*

5 **SEC. 2204. TECHNOLOGY IMPROVEMENTS.**

6 (a) *IN GENERAL.*—*Not later than 1 year after the date*  
7 *of enactment of this Act, the Government Accountability Of-*  
8 *fice shall conduct a comprehensive analysis on the Federal*  
9 *Motor Carrier Safety Administration’s information tech-*  
10 *nology and data collection and management systems.*

11 (b) *REQUIREMENTS.*—*The study conducted under sub-*  
12 *section (a) shall—*

13 (1) *evaluate the efficacy of the existing informa-*  
14 *tion technology, data collection, processing systems,*  
15 *and data management systems and programs, includ-*  
16 *ing their interaction with each other and their effi-*  
17 *cacy in meeting user needs;*

18 (2) *identify any redundancies among the systems*  
19 *and programs described in paragraph (1);*

20 (3) *explore the feasibility of consolidating data*  
21 *collection and processing systems;*

22 (4) *evaluate the ability of the systems and pro-*  
23 *grams described in paragraph (1) to meet the needs*  
24 *of—*

1           (A) *the Federal Motor Carrier Safety Ad-*  
2           *ministration, at both the headquarters and State*  
3           *level;*

4           (B) *the State agencies that implement the*  
5           *Motor Carrier Safety Assistance Program under*  
6           *section 31102 of title 49, United States Code;*  
7           *and*

8           (C) *other users;*

9           (5) *evaluate the adaptability of the systems and*  
10          *programs described in paragraph (1), in order to*  
11          *make necessary future changes to ensure user needs*  
12          *are met in an easier, timely, and more cost efficient*  
13          *manner;*

14          (6) *investigate and make recommendations re-*  
15          *garding—*

16               (A) *deficiencies in existing data sets im-*  
17               *acting program effectiveness; and*

18               (B) *methods to improve any and all user*  
19               *interfaces; and*

20          (7) *evaluate the appropriate role the Federal*  
21          *Motor Carrier Safety Administration should take*  
22          *with respect to software and information systems de-*  
23          *sign, development, and maintenance for the purpose*  
24          *of improving the efficacy of the systems and programs*  
25          *described in paragraph (1).*

1 ***Subtitle C—Trucking Rules Up-***  
2 ***dated by Comprehensive and Key***  
3 ***Safety Reform***

4 **SEC. 2301. UPDATE ON STATUTORY REQUIREMENTS.**

5 (a) *IN GENERAL.*—Not later than 90 days after the  
6 date of enactment of this Act, and every 90 days thereafter  
7 until a final rule has been issued for each of the require-  
8 ments described under paragraphs (1) through (5), the Ad-  
9 ministrator of the Federal Motor Carrier Safety Adminis-  
10 tration shall submit to the Committee on Commerce,  
11 Science, and Transportation of the Senate and the Com-  
12 mittee on Transportation and Infrastructure of the House  
13 of Representatives a report on the status of a final rule  
14 for—

15 (1) *the minimum entry-level training require-*  
16 *ments for an individual operating a commercial*  
17 *motor vehicle under section 31305(c) of title 49,*  
18 *United States Code;*

19 (2) *motor carrier safety fitness determinations;*

20 (3) *visibility of agricultural equipment under*  
21 *section 31601 of division C of the Moving Ahead for*  
22 *Progress in the 21st Century Act (49 U.S.C. 30111*  
23 *note);*

24 (4) *regulations to require commercial motor ve-*  
25 *hicles in interstate commerce and operated by a driv-*

1 *er subject to the hours of service and record of duty*  
2 *status requirements under part 395 of title 49, Code*  
3 *of Federal Regulations, be equipped with an electronic*  
4 *control module capable of limiting the maximum*  
5 *speed of the vehicle; and*

6 *(5) any outstanding commercial motor vehicle*  
7 *safety regulation required by law and incomplete for*  
8 *more than 2 years.*

9 *(b) CONTENTS.—Each report under subsection (a)*  
10 *shall include a description of the work plan, an updated*  
11 *rulemaking timeline, current staff allocations, any resource*  
12 *constraints, and any other details associated with the devel-*  
13 *opment of the rulemaking.*

14 **SEC. 2302. STATUTORY RULEMAKING.**

15 *The Administrator of the Federal Motor Carrier Safety*  
16 *Administration shall prioritize the use of Federal Motor*  
17 *Carrier Safety Administration resources for the completion*  
18 *of each outstanding statutory requirement for a rulemaking*  
19 *before beginning any new rulemaking unless the Secretary*  
20 *certifies to Congress that there is an imminent and signifi-*  
21 *cant safety need to move forward with a new rulemaking.*

22 **SEC. 2303. GUIDANCE REFORM.**

23 *(a) GUIDANCE.—*

24 *(1) POINT OF CONTACT.—Each guidance docu-*  
25 *ment, other than a regulatory action, issued by the*



1 *Federal Motor Carrier Safety Administration shall*  
2 *have a date of publication or a date of revision, as*  
3 *applicable, and the name and contact information of*  
4 *a point of contact at the Federal Motor Carrier Safe-*  
5 *ty Administration who can respond to questions re-*  
6 *garding the general applicability of the guidance.*

7 (2) *PUBLIC ACCESSIBILITY.—*

8 (A) *IN GENERAL.—Each guidance document*  
9 *and interpretation issued by the Federal Motor*  
10 *Carrier Safety Administration shall be published*  
11 *on the Department of Transportation’s public*  
12 *website on the date of issuance.*

13 (B) *REDACTION.—The Administrator of the*  
14 *Federal Motor Carrier Safety Administration*  
15 *may redact from a guidance document or inter-*  
16 *pretation under subparagraph (A) any informa-*  
17 *tion that would reveal investigative techniques*  
18 *that would compromise Federal Motor Carrier*  
19 *Safety Administration enforcement efforts.*

20 (3) *RULEMAKING.—Not later than 5 years after*  
21 *the date that a guidance document is published under*  
22 *paragraph (2) or during the comprehensive review*  
23 *under subsection (c), whichever is earlier, the Sec-*  
24 *retary, in consultation with the Administrator, shall*

1        *revise the applicable regulations to incorporate the*  
2        *guidance document to the extent practicable.*

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

6            (A) *reissue an updated guidance document;*  
7        *and*

8            (B) *review and reissue an updated guidance*  
9        *document every 5 years during the comprehen-*  
10       *sive review process under subsection (c) until the*  
11       *date that the guidance document is removed or*  
12       *incorporated into the applicable regulations*  
13       *under paragraph (3) of this subsection.*

14        (b) *UPDATE.*—*Not later than 1 year after the date of*  
15       *enactment of this Act, the Secretary shall review regula-*  
16       *tions, guidance, and enforcement policies published on the*  
17       *Department of Transportation’s public website to ensure the*  
18       *regulations, guidance, and enforcement policies are current,*  
19       *readily accessible to the public, and meet the standards*  
20       *under subsection (c)(1).*

21        (c) *REVIEW.*—

22            (1) *IN GENERAL.*—*Subject to paragraph (2), not*  
23        *less than once every 5 years, the Administrator of the*  
24        *Federal Motor Carrier Safety Administration shall*

1       *conduct a comprehensive review of its guidance and*  
2       *enforcement policies to determine whether—*

3               *(A) the guidance and enforcement policies*  
4               *are consistent and clear;*

5               *(B) the guidance is uniformly and consist-*  
6               *ently enforceable; and*

7               *(C) the guidance is still necessary.*

8               *(2) NOTICE AND COMMENT.—Prior to beginning*  
9       *the review, the Administrator shall publish in the*  
10       *Federal Register a notice and request for comment so-*  
11       *liciting input from stakeholders on which regulations*  
12       *should be updated or eliminated.*

13               *(3) REPORT.—Not later than 60 days after the*  
14       *date that a review under paragraph (1) is complete,*  
15       *the Administrator shall publish on the Department of*  
16       *Transportation’s public website a report detailing the*  
17       *review and a full inventory of guidance and enforce-*  
18       *ment policies.*

19       **SEC. 2304. PETITIONS.**

20               *(a) IN GENERAL.—The Administrator of the Federal*  
21       *Motor Carrier Safety Administration shall to the extent fea-*  
22       *sible—*

23               *(1) publish in the Federal Register or on the De-*  
24       *partment of Transportation’s public website all peti-*  
25       *tions for regulatory action submitted;*

1           (2) *prioritize stakeholder petitions based on the*  
2           *likelihood of providing safety improvements;*

3           (3) *formally respond to each petition by indi-*  
4           *cating whether the Administrator will accept, deny,*  
5           *or further review, the petition not later than 180 days*  
6           *after the date the petition is published under para-*  
7           *graph (1);*

8           (4) *prioritize resulting actions consistent with*  
9           *an action’s potential to reduce crashes, improve en-*  
10          *forcement, and reduce unnecessary burdens; and*

11          (5) *publish, and update as necessary, on the De-*  
12          *partment of Transportation’s public website an in-*  
13          *ventory of each petition described in paragraph (1),*  
14          *including any applicable disposition information for*  
15          *that petition.*

16          (b) *DEFINITION OF PETITION.*—*In this section, the*  
17          *term “petition” means a request for new regulations, regu-*  
18          *latory interpretations or clarifications, or retrospective re-*  
19          *view of regulations to eliminate or modify obsolete, ineffec-*  
20          *tive, or overly-burdensome rules.*

21          **SEC. 2305. REGULATORY REFORM.**

22          (a) *REGULATORY IMPACT ANALYSIS.*—

23                  (1) *IN GENERAL.*—*Within each regulatory im-*  
24                  *plyment analysis of a proposed or final rule issued by the*

1 *Federal Motor Carrier Safety Administration, the*  
2 *Secretary shall—*

3 *(A) consider effects of the proposed or final*  
4 *rule on a carrier with differing characteristics;*  
5 *and*

6 *(B) formulate estimates and findings on the*  
7 *best available science.*

8 *(2) SCOPE.—To the extent feasible and appro-*  
9 *prate, and consistent with law, the analysis described*  
10 *in paragraph (1) shall—*

11 *(A) use data generated from a representa-*  
12 *tive sample of commercial vehicle operators,*  
13 *motor carriers, or both, that will be covered*  
14 *under the proposed or final rule; and*

15 *(B) consider effects on commercial truck*  
16 *and bus carriers of various sizes and types.*

17 *(b) PUBLIC PARTICIPATION.—*

18 *(1) IN GENERAL.—Before promulgating a pro-*  
19 *posed rule under subtitle VI of title 49, United States*  
20 *Code, if the proposed rule is likely to lead to the pro-*  
21 *mulgation of a major rule the Secretary shall—*

22 *(A) issue an advance notice of proposed*  
23 *rulemaking; or*

24 *(B) determine to proceed with a negotiated*  
25 *rulemaking.*

1           (2) *REQUIREMENTS.*—*Each advance notice of*  
2 *proposed rulemaking issued under paragraph (1)*  
3 *shall—*

4                   (A) *identify the compelling public concern*  
5 *for a potential regulatory action, such as failures*  
6 *of private markets to protect or improve the safe-*  
7 *ty of the public, the environment, or the well-*  
8 *being of the American people;*

9                   (B) *identify and request public comment on*  
10 *the best available science or technical informa-*  
11 *tion on the need for regulatory action and on the*  
12 *potential regulatory alternatives;*

13                   (C) *request public comment on the benefits*  
14 *and costs of potential regulatory alternatives*  
15 *reasonably likely to be included or analyzed as*  
16 *part of the notice of proposed rulemaking; and*

17                   (D) *request public comment on the available*  
18 *alternatives to direct regulation, including pro-*  
19 *viding economic incentives to encourage the de-*  
20 *sired behavior.*

21           (3) *WAIVER.*—*This subsection shall not apply*  
22 *when the Secretary, for good cause, finds (and incor-*  
23 *porates the finding and a brief statement of reasons*  
24 *for such finding in the proposed or final rule) an ad-*

1        *vance notice of proposed rulemaking impracticable,*  
 2        *unnecessary, or contrary to the public interest.*

3        (c) *SAVINGS CLAUSE.*—*Nothing in this section may be*  
 4        *construed to limit the contents of any Advance Notice of*  
 5        *Proposed Rulemaking.*

## 6        ***Subtitle D—State Authorities***

### 7        ***SEC. 2401. EMERGENCY ROUTE WORKING GROUP.***

8        (a) *IN GENERAL.*—

9                (1) *ESTABLISHMENT.*—*Not later than 1 year*  
 10        *after the date of enactment of this Act, the Secretary*  
 11        *shall establish a working group to determine best*  
 12        *practices for expeditious State approval of special*  
 13        *permits for vehicles involved in emergency response*  
 14        *and recovery.*

15                (2) *MEMBERS.*—*The working group shall include*  
 16        *representatives from—*

17                        (A) *State highway transportation depart-*  
 18        *ments or agencies;*

19                        (B) *relevant modal agencies within the De-*  
 20        *partment of Transportation;*

21                        (C) *emergency response or recovery experts;*

22                        (D) *relevant safety groups; and*

23                        (E) *persons affected by special permit re-*  
 24        *strictions during emergency response and recov-*  
 25        *ery efforts.*

1       (b) *CONSIDERATIONS.*—*In determining best practices*  
2 *under subsection (a), the working group shall consider*  
3 *whether—*

4           (1) *hurdles currently exist that prevent the expedient*  
5 *State approval for special permits for vehicles*  
6 *involved in emergency response and recovery;*

7           (2) *it is possible to pre-identify and establish*  
8 *emergency routes between States through which infrastructure*  
9 *repair materials could be delivered following*  
10 *a natural disaster or an emergency;*

11          (3) *a State could pre-designate an emergency*  
12 *route identified under paragraph (1) as a certified*  
13 *emergency route if a motor vehicle that exceeds the*  
14 *otherwise applicable Federal and State truck length*  
15 *or width limits may safely operate along such route*  
16 *during period of emergency recovery; and*

17          (4) *an online map could be created to identify*  
18 *each pre-designated emergency route under paragraph*  
19 *(2), including information on specific limitations, obligations,*  
20 *and notification requirements along that*  
21 *route.*

22       (c) *REPORT.*—*Not later than 1 year after the date of*  
23 *enactment of this Act, the working group shall submit to*  
24 *the Secretary a report of its findings under this section and*  
25 *any recommendations for the implementation of the best*



1 *practices for expeditious State approval of special permits*  
 2 *for vehicles involved in emergency recovery. Upon receipt,*  
 3 *the Secretary shall publish the report on a public website.*

4 (d) *FEDERAL ADVISORY COMMITTEE ACT EXEMP-*  
 5 *TION.—The Federal Advisory Committee Act (5 U.S.C.*  
 6 *App.) shall not apply to the working group established*  
 7 *under this section.*

8 **SEC. 2402. ADDITIONAL STATE AUTHORITY.**

9 *Notwithstanding any other provision of law, not later*  
 10 *than 180 days after the date of enactment of this Act, any*  
 11 *State impacted by section 4006 of the Intermodal Surface*  
 12 *Transportation Efficiency Act of 1991 (Public Law 102–*  
 13 *240; 105 Stat. 2148) shall be provided the option to update*  
 14 *the routes listed in the final list as long as the update shifts*  
 15 *routes to divided highways or does not increase centerline*  
 16 *miles by more than 5 percent and the change is expected*  
 17 *to increase safety performance.*

18 **SEC. 2403. COMMERCIAL DRIVER ACCESS.**

19 (a) *INTERSTATE COMPACT PILOT PROGRAM.—*

20 (1) *IN GENERAL.—The Administrator of the Fed-*  
 21 *eral Motor Carrier Safety Administration shall estab-*  
 22 *lish a 6-year pilot program to study the feasibility,*  
 23 *benefits, and safety impacts of allowing a licensed*  
 24 *driver between the ages of 18 and 21 to operate a*  
 25 *commercial motor vehicle in interstate commerce.*

1           (2) *INTERSTATE COMPACTS.*—*The Secretary*  
2           *shall allow States, including the District of Columbia,*  
3           *to enter into an interstate compact with contiguous*  
4           *States to allow a licensed driver between the ages of*  
5           *18 and 21 to operate a motor vehicle across the appli-*  
6           *cable State lines. The Secretary shall approve as*  
7           *many as 6 interstate compacts, with no limit on the*  
8           *number of States participating in each interstate*  
9           *compact.*

10           (3) *MUTUAL RECOGNITION OF LICENSES.*—*A*  
11           *valid intrastate commercial driver’s licenses issued by*  
12           *a State participating in an interstate compact under*  
13           *paragraph (2) shall be recognized as valid in each*  
14           *State that is participating in that interstate compact.*

15           (4) *STANDARDS.*—*In developing an interstate*  
16           *compact under this subsection, participating States*  
17           *shall provide for minimum licensure standards ac-*  
18           *ceptable for interstate travel under this section, which*  
19           *may include, for a licensed driver between the ages of*  
20           *18 and 21 participating in the pilot program—*

21                   (A) *age restrictions;*

22                   (B) *distance from origin (measured in air*  
23                   *miles);*

24                   (C) *reporting requirements; or*

25                   (D) *additional hours of service restrictions.*

1           (5) *LIMITATIONS.*—*An interstate compact under*  
2           *paragraph (2) may not permit special configuration*  
3           *or hazardous cargo operations to be transported by a*  
4           *licensed driver under the age of 21.*

5           (6) *ADDITIONAL REQUIREMENTS.*—*The Secretary*  
6           *may—*

7                   (A) *prescribe such additional requirements,*  
8                   *including training, for a licensed driver between*  
9                   *the ages of 18 and 21 participating in the pilot*  
10                  *program as the Secretary considers necessary;*  
11                  *and*

12                   (B) *provide risk mitigation restrictions and*  
13                  *limitations.*

14           (b) *APPROVAL.*—*An interstate compact under sub-*  
15           *section (a)(2) may not go into effect until it has been ap-*  
16           *proved by the governor of each State (or the Mayor of the*  
17           *District of Columbia, if applicable) that is a party to the*  
18           *interstate compact, after consultation with the Secretary of*  
19           *Transportation and the Administrator of the Federal Motor*  
20           *Carrier Safety Administration.*

21           (c) *REPORT.*—*Not earlier than 4 years after the date*  
22           *the test program is established, the Secretary shall submit*  
23           *to Congress a report containing the findings of the pilot*  
24           *program, a determination of whether a licensed driver be-*  
25           *tween the ages of 18 and 21 can operate a commercial motor*

1 *vehicle in interstate commerce with an equivalent level of*  
 2 *safety, and the reasons for that determination.*

3 ***Subtitle E—Motor Carrier Safety***  
 4 ***Grant Consolidation***

5 ***SEC. 2501. DEFINITIONS.***

6 *(a) IN GENERAL.—Section 31101 is amended—*

7 *(1) by redesignating paragraph (4) as para-*  
 8 *graph (5); and*

9 *(2) by inserting after paragraph (3) the fol-*  
 10 *lowing:*

11 *“(4) ‘Secretary’ means the Secretary of Trans-*  
 12 *portation.”.*

13 *(b) TECHNICAL AND CONFORMING AMENDMENTS.—*  
 14 *Section 31101, as amended by subsection (a), is amended—*

15 *(1) in paragraph (1)(B), by inserting a comma*  
 16 *after “passengers”; and*

17 *(2) in paragraph (1)(C), by striking “of Trans-*  
 18 *portation”.*

19 ***SEC. 2502. GRANTS TO STATES.***

20 *(a) MOTOR CARRIER SAFETY ASSISTANCE PRO-*  
 21 *GRAM.—Section 31102 is amended to read as follows:*

22 ***“§31102. Motor Carrier Safety Assistance Program***

23 *“(a) IN GENERAL.—The Secretary shall administer a*  
 24 *motor carrier safety assistance program funded under sec-*  
 25 *tion 31104.*

1       “(b) *GOAL.*—*The goal of the program is to ensure that*  
2 *the Secretary, States, local governments, other political ju-*  
3 *risdictions, federally-recognized Indian tribes, and other*  
4 *persons work in partnership to establish programs to im-*  
5 *prove motor carrier, commercial motor vehicle, and driver*  
6 *safety to support a safe and efficient surface transportation*  
7 *system—*

8               “(1) *by making targeted investments to promote*  
9 *safe commercial motor vehicle transportation, includ-*  
10 *ing the transportation of passengers and hazardous*  
11 *materials;*

12               “(2) *by investing in activities likely to generate*  
13 *maximum reductions in the number and severity of*  
14 *commercial motor vehicle crashes and fatalities result-*  
15 *ing from such crashes;*

16               “(3) *by adopting and enforcing effective motor*  
17 *carrier, commercial motor vehicle, and driver safety*  
18 *regulations and practices consistent with Federal re-*  
19 *quirements; and*

20               “(4) *by assessing and improving statewide per-*  
21 *formance by setting program goals and meeting per-*  
22 *formance standards, measures, and benchmarks.*

23       “(c) *STATE PLANS.*—

24               “(1) *IN GENERAL.*—*The Secretary shall prescribe*  
25 *procedures for a State to submit a multiple-year*

1        *plan, and annual updates thereto, under which the*  
2        *State agrees to assume responsibility for improving*  
3        *motor carrier safety, adopting and enforcing compat-*  
4        *ible regulations, standards, and orders of the Federal*  
5        *Government on commercial motor vehicle safety and*  
6        *hazardous materials transportation safety.*

7            “(2) *CONTENTS.—The Secretary shall approve a*  
8        *plan if the Secretary determines that the plan is ade-*  
9        *quate to comply with the requirements of this section,*  
10       *and the plan—*

11            “(A) *implements performance-based activi-*  
12        *ties, including deployment and maintenance of*  
13        *technology to enhance the efficiency and effective-*  
14        *ness of commercial motor vehicle safety pro-*  
15        *grams;*

16            “(B) *designates a lead State commercial*  
17        *motor vehicle safety agency responsible for ad-*  
18        *ministering the plan throughout the State;*

19            “(C) *contains satisfactory assurances that*  
20        *the lead State commercial motor vehicle safety*  
21        *agency has or will have the legal authority, re-*  
22        *sources, and qualified personnel necessary to en-*  
23        *force the regulations, standards, and orders;*

24            “(D) *contains satisfactory assurances that*  
25        *the State will devote adequate resources to the*

1           *administration of the plan and enforcement of*  
2           *the regulations, standards, and orders;*

3           “(E) provides a right of entry and inspec-  
4           tion to carry out the plan;

5           “(F) provides that all reports required  
6           under this section be available to the Secretary  
7           on request;

8           “(G) provides that the lead State commer-  
9           cial motor vehicle safety agency will adopt the  
10          reporting requirements and use the forms for rec-  
11          ordkeeping, inspections, and investigations that  
12          the Secretary prescribes;

13          “(H) requires all registrants of commercial  
14          motor vehicles to demonstrate knowledge of ap-  
15          plicable safety regulations, standards, and orders  
16          of the Federal Government and the State;

17          “(I) provides that the State will grant max-  
18          imum reciprocity for inspections conducted  
19          under the North American Inspection Standards  
20          through the use of a nationally-accepted system  
21          that allows ready identification of previously in-  
22          spected commercial motor vehicles;

23          “(J) ensures that activities described in sub-  
24          section (h), if financed through grants to the  
25          State made under this section, will not diminish

1           *the effectiveness of the development and imple-*  
2           *mentation of the programs to improve motor car-*  
3           *rier, commercial motor vehicle, and driver safety*  
4           *as described in subsection (b);*

5           *“(K) ensures that the lead State commercial*  
6           *motor vehicle safety agency will coordinate the*  
7           *plan, data collection, and information systems*  
8           *with the State highway safety improvement pro-*  
9           *gram required under section 148(c) of title 23;*

10           *“(L) ensures participation in appropriate*  
11           *Federal Motor Carrier Safety Administration in-*  
12           *formation technology and data systems and other*  
13           *information systems by all appropriate jurisdic-*  
14           *tions receiving Motor Carrier Safety Assistance*  
15           *Program funding;*

16           *“(M) ensures that information is exchanged*  
17           *among the States in a timely manner;*

18           *“(N) provides satisfactory assurances that*  
19           *the State will undertake efforts that will empha-*  
20           *size and improve enforcement of State and local*  
21           *traffic safety laws and regulations related to*  
22           *commercial motor vehicle safety;*

23           *“(O) provides satisfactory assurances in the*  
24           *plan that the State will address national prior-*  
25           *ities and performance goals, including—*



1           “(i) activities aimed at removing im-  
2           paired commercial motor vehicle drivers  
3           from the highways of the United States  
4           through adequate enforcement of regulations  
5           on the use of alcohol and controlled sub-  
6           stances and by ensuring ready roadside ac-  
7           cess to alcohol detection and measuring  
8           equipment;

9           “(ii) activities aimed at providing an  
10           appropriate level of training to State motor  
11           carrier safety assistance program officers  
12           and employees on recognizing drivers im-  
13           paired by alcohol or controlled substances;  
14           and

15           “(iii) when conducted with an appro-  
16           priate commercial motor vehicle inspection,  
17           criminal interdiction activities, and appro-  
18           priate strategies for carrying out those  
19           interdiction activities, including interdic-  
20           tion activities that affect the transportation  
21           of controlled substances (as defined under  
22           section 102 of the Comprehensive Drug  
23           Abuse Prevention and Control Act of 1970  
24           (21 U.S.C. 802) and listed in part 1308 of  
25           title 21, Code of Federal Regulations, as up-

1           *dated and republished from time to time)*  
2           *by any occupant of a commercial motor ve-*  
3           *hicle;*

4           “(P) provides that the State has established  
5           and dedicated sufficient resources to a program  
6           to ensure that—

7                   “(i) the State collects and reports to  
8                   the Secretary accurate, complete, and timely  
9                   motor carrier safety data; and

10                   “(ii) the State participates in a na-  
11                   tional motor carrier safety data correction  
12                   system prescribed by the Secretary;

13           “(Q) ensures that the State will cooperate  
14           in the enforcement of financial responsibility re-  
15           quirements under sections 13906, 31138, and  
16           31139 of this title, and regulations issued under  
17           these sections;

18           “(R) ensures consistent, effective, and rea-  
19           sonable sanctions;

20           “(S) ensures that roadside inspections will  
21           be conducted at locations that are adequate to  
22           protect the safety of drivers and enforcement per-  
23           sonnel;

24           “(T) provides that the State will include in  
25           the training manuals for the licensing examina-

1            *tion to drive both noncommercial motor vehicles*  
2            *and commercial motor vehicles information on*  
3            *best practices for driving safely in the vicinity of*  
4            *noncommercial and commercial motor vehicles;*

5            *“(U) provides that the State will enforce the*  
6            *registration requirements of sections 13902 and*  
7            *31134 of this title by prohibiting the operation*  
8            *of any vehicle discovered to be operated by a*  
9            *motor carrier without a registration issued*  
10           *under those sections or to be operated beyond the*  
11           *scope of the motor carrier’s registration;*

12           *“(V) provides that the State will conduct*  
13           *comprehensive and highly visible traffic enforce-*  
14           *ment and commercial motor vehicle safety in-*  
15           *spection programs in high-risk locations and cor-*  
16           *ridors;*

17           *“(W) except in the case of an imminent*  
18           *hazard or obvious safety hazard, ensures that an*  
19           *inspection of a vehicle transporting passengers*  
20           *for a motor carrier of passengers is conducted at*  
21           *a station, terminal, border crossing, maintenance*  
22           *facility, destination, or other location where ade-*  
23           *quate food, shelter, and sanitation facilities are*  
24           *available for passengers, and reasonable accom-*

1           *modations are available for passengers with dis-*  
2           *abilities;*

3           “(X) ensures that the State will transmit to  
4           its roadside inspectors the notice of each Federal  
5           exemption granted under section 31315(b) of this  
6           title and sections 390.23 and 390.25 of title 49  
7           of the Code of Federal Regulations and provided  
8           to the State by the Secretary, including the name  
9           of the person granted the exemption and any  
10          terms and conditions that apply to the exemp-  
11          tion;

12          “(Y) except as provided in subsection (d),  
13          provides that the State—

14                 “(i) will conduct safety audits of inter-  
15                 state and, at the State’s discretion, intra-  
16                 state new entrant motor carriers under sec-  
17                 tion 31144(g) of this title; and

18                 “(ii) if the State authorizes a third  
19                 party to conduct safety audits under section  
20                 31144(g) on its behalf, the State verifies the  
21                 quality of the work conducted and remains  
22                 solely responsible for the management and  
23                 oversight of the activities;

24          “(Z) provides that the State agrees to fully  
25          participate in the performance and registration

1           *information system management under section*  
2           *31106(b) not later than October 1, 2020, by com-*  
3           *plying with the conditions for participation*  
4           *under paragraph (3) of that section;*

5           *“(AA) provides that a State that shares a*  
6           *land border with another country—*

7                   *“(i) will conduct a border commercial*  
8                   *motor vehicle safety program focusing on*  
9                   *international commerce that includes en-*  
10                  *forcement and related projects; or*

11                  *“(ii) will forfeit all funds calculated by*  
12                  *the Secretary based on border-related activi-*  
13                  *ties if the State declines to conduct the pro-*  
14                  *gram described in clause (i) in its plan;*  
15                  *and*

16           *“(BB) provides that a State that meets the*  
17           *other requirements of this section and agrees to*  
18           *comply with the requirements established in sub-*  
19           *section (l)(3) may fund operation and mainte-*  
20           *nance costs associated with innovative technology*  
21           *deployment under subsection (l)(3) with Motor*  
22           *Carrier Safety Assistance Program funds author-*  
23           *ized under section 31104(a)(1).*

24           *“(3) PUBLICATION.—*

1           “(A) *IN GENERAL.*—Subject to subpara-  
2 graph (B), the Secretary shall publish each ap-  
3 proved State multiple-year plan, and each an-  
4 nual update thereto, on the Department of  
5 Transportation’s public website not later than 30  
6 days after the date the Secretary approves the  
7 plan or update.

8           “(B) *LIMITATION.*—Before posting an ap-  
9 proved State multiple-year plan or annual up-  
10 date under subparagraph (A), the Secretary shall  
11 redact any information identified by the State  
12 that, if disclosed—

13                   “(i) would reasonably be expected to  
14 interfere with enforcement proceedings; or

15                   “(ii) would reveal enforcement tech-  
16 niques or procedures that would reasonably  
17 be expected to risk circumvention of the law.

18           “(d) *EXCLUSION OF U.S. TERRITORIES.*—The require-  
19 ment that a State conduct safety audits of new entrant  
20 motor carriers under subsection (c)(2)(Y) does not apply  
21 to a territory of the United States unless required by the  
22 Secretary.

23           “(e) *INTRASTATE COMPATIBILITY.*—The Secretary  
24 shall prescribe regulations specifying tolerance guidelines  
25 and standards for ensuring compatibility of intrastate com-

1 *mercial motor vehicle safety laws, including regulations,*  
2 *with Federal motor carrier safety regulations to be enforced*  
3 *under subsections (b) and (c). To the extent practicable, the*  
4 *guidelines and standards shall allow for maximum flexi-*  
5 *bility while ensuring a degree of uniformity that will not*  
6 *diminish motor vehicle safety.*

7 “(f) *MAINTENANCE OF EFFORT.*—

8 “(1) *BASELINE.*—*Except as provided under*  
9 *paragraphs (2) and (3) and in accordance with sec-*  
10 *tion 2508 of the Comprehensive Transportation and*  
11 *Consumer Protection Act of 2015, a State plan under*  
12 *subsection (c) shall provide that the total expenditure*  
13 *of amounts of the lead State commercial motor vehicle*  
14 *safety agency responsible for administering the plan*  
15 *will be maintained at a level each fiscal year at least*  
16 *equal to—*

17 “(A) *the average level of that expenditure*  
18 *for fiscal years 2004 and 2005; or*

19 “(B) *the level of that expenditure for the*  
20 *year in which the Secretary implements a new*  
21 *allocation formula under section 2508 of the*  
22 *Comprehensive Transportation and Consumer*  
23 *Protection Act of 2015.*

24 “(2) *ADJUSTED BASELINE AFTER FISCAL YEAR*  
25 *2017.*—*At the request of a State, the Secretary may*

1 *evaluate additional documentation related to the*  
2 *maintenance of effort and may make reasonable ad-*  
3 *justments to the maintenance of effort baseline after*  
4 *the year in which the Secretary implements a new al-*  
5 *location formula under section 2508 of the Com-*  
6 *prehensive Transportation and Consumer Protection*  
7 *Act of 2015, and this adjusted baseline will replace*  
8 *the maintenance of effort requirement under para-*  
9 *graph (1).*

10 *“(3) WAIVERS.—At the request of a State, the*  
11 *Secretary may waive or modify the requirements of*  
12 *this subsection for 1 fiscal year if the Secretary deter-*  
13 *mines that a waiver or modification is reasonable,*  
14 *based on circumstances described by the State, to en-*  
15 *sure the continuation of commercial motor vehicle en-*  
16 *forcement activities in the State.*

17 *“(4) LEVEL OF STATE EXPENDITURES.—In esti-*  
18 *imating the average level of State expenditure under*  
19 *paragraph (1), the Secretary—*

20 *“(A) may allow the State to exclude State*  
21 *expenditures for Federally-sponsored demonstra-*  
22 *tion and pilot programs and strike forces;*

23 *“(B) may allow the State to exclude expend-*  
24 *itures for activities related to border enforcement*  
25 *and new entrant safety audits; and*



1           “(C) shall require the State to exclude State  
2           matching amounts used to receive Federal fi-  
3           nancing under section 31104.

4           “(g) *USE OF UNIFIED CARRIER REGISTRATION FEES*  
5 *AGREEMENT.*—Amounts generated under section 14504a of  
6 this title and received by a State and used for motor carrier  
7 safety purposes may be included as part of the State’s  
8 match required under section 31104 of this title or mainte-  
9 nance of effort required by subsection (f) of this section.

10          “(h) *USE OF GRANTS TO ENFORCE OTHER LAWS.*—  
11 When approved in the States’ plan under subsection (c),  
12 a State may use Motor Carrier Safety Assistance Program  
13 funds received under this section—

14           “(1) if the activities are carried out in conjunc-  
15           tion with an appropriate inspection of a commercial  
16           motor vehicle to enforce Federal or State commercial  
17           motor vehicle safety regulations, for—

18           “(A) enforcement of commercial motor vehi-  
19           cle size and weight limitations at locations, ex-  
20           cluding fixed weight facilities, such as near steep  
21           grades or mountainous terrains, where the  
22           weight of a commercial motor vehicle can signifi-  
23           cantly affect the safe operation of the vehicle, or  
24           at ports where intermodal shipping containers  
25           enter and leave the United States; and

1           “(B) detection of and enforcement actions  
2 taken as a result of criminal activity, including  
3 the trafficking of human beings, in a commercial  
4 motor vehicle or by any occupant, including the  
5 operator, of the commercial motor vehicle;

6           “(2) for documented enforcement of State traffic  
7 laws and regulations designed to promote the safe op-  
8 eration of commercial motor vehicles, including docu-  
9 mented enforcement of such laws and regulations re-  
10 lating to noncommercial motor vehicles when nec-  
11 essary to promote the safe operation of commercial  
12 motor vehicles, if—

13           “(A) the number of motor carrier safety ac-  
14 tivities, including roadside safety inspections,  
15 conducted in the State is maintained at a level  
16 at least equal to the average level of such activi-  
17 ties conducted in the State in fiscal years 2004  
18 and 2005; and

19           “(B) the State does not use more than 10  
20 percent of the basic amount the State receives  
21 under a grant awarded under section  
22 31104(a)(1) for enforcement activities relating to  
23 noncommercial motor vehicles necessary to pro-  
24 mote the safe operation of commercial motor ve-  
25 hicles unless the Secretary determines that a

1           *higher percentage will result in significant in-*  
2           *creases in commercial motor vehicle safety; and*  
3           “(3) *for the enforcement of household goods regu-*  
4           *lations on intrastate and interstate carriers if the*  
5           *State has adopted laws or regulations compatible*  
6           *with the Federal household goods regulations.*

7           “(i) *EVALUATION OF PLANS AND AWARD OF*  
8           *GRANTS.—*

9           “(1) *AWARDS.—The Secretary shall establish cri-*  
10           *teria for the application, evaluation, and approval of*  
11           *State plans under this section. Subject to subsection*  
12           *(j), the Secretary may allocate the amounts made*  
13           *available under section 31104(a)(1) among the States.*

14           “(2) *OPPORTUNITY TO CURE.—If the Secretary*  
15           *disapproves a plan under this section, the Secretary*  
16           *shall give the State a written explanation of the rea-*  
17           *sons for disapproval and allow the State to modify*  
18           *and resubmit the plan for approval.*

19           “(j) *ALLOCATION OF FUNDS.—*

20           “(1) *IN GENERAL.—The Secretary, by regulation,*  
21           *shall prescribe allocation criteria for funds made*  
22           *available under section 31104(a)(1).*

23           “(2) *ANNUAL ALLOCATIONS.—On October 1 of*  
24           *each fiscal year, or as soon as practicable thereafter,*  
25           *and after making a deduction under section 31104(c),*

1     *the Secretary shall allocate amounts made available*  
2     *in section 31104(a)(1) to carry out this section for the*  
3     *fiscal year among the States with plans approved*  
4     *under this section in accordance with the criteria*  
5     *under paragraph (1).*

6             “(3) *ELECTIVE ADJUSTMENTS.*—*Subject to the*  
7     *availability of funding and notwithstanding fluctua-*  
8     *tions in the data elements used by the Secretary to*  
9     *calculate the annual allocation amounts, after the cre-*  
10    *ation of a new allocation formula under section 2508*  
11    *of the Comprehensive Transportation and Consumer*  
12    *Protection Act of 2015 the Secretary may not make*  
13    *elective adjustments to the allocation formula that de-*  
14    *crease a State’s Federal funding levels by more than*  
15    *3 percent in a fiscal year. The 3 percent limit shall*  
16    *not apply to the withholding provisions of subsection*  
17    *(k).*

18             “(k) *PLAN MONITORING.*—

19             “(1) *IN GENERAL.*—*On the basis of reports sub-*  
20    *mitted by the lead State agency responsible for ad-*  
21    *ministering an approved State plan and an inves-*  
22    *tigation by the Secretary, the Secretary shall periodi-*  
23    *cally evaluate State implementation of and compli-*  
24    *ance with the State plan.*

25             “(2) *WITHHOLDING OF FUNDS.*—

1           “(A) *DISAPPROVAL.*—If, after notice and an  
2           *opportunity to be heard, the Secretary finds that*  
3           *the State plan previously approved is not being*  
4           *followed or has become inadequate to ensure en-*  
5           *forcement of the regulations, standards, or or-*  
6           *ders, or the State is otherwise not in compliance*  
7           *with the requirements of this section, the Sec-*  
8           *retary may withdraw approval of the plan and*  
9           *notify the State. The plan is no longer in effect*  
10           *once the State receives notice, and the Secretary*  
11           *shall withhold all funding under this section.*

12           “(B) *NONCOMPLIANCE WITHHOLDING.*—In  
13           *lieu of withdrawing approval of the plan, the*  
14           *Secretary may, after providing notice and an*  
15           *opportunity to be heard, withhold funding from*  
16           *the State to which the State would otherwise be*  
17           *entitled under this section for the period of the*  
18           *State’s noncompliance. In exercising this option,*  
19           *the Secretary may withhold—*

20                   “(i) *up to 5 percent of funds during*  
21                   *the fiscal year that the Secretary notifies*  
22                   *the State of its noncompliance;*

23                   “(ii) *up to 10 percent of funds for the*  
24                   *first full fiscal year of noncompliance;*

1                   “(iii) up to 25 percent of funds for the  
2                   second full fiscal year of noncompliance;  
3                   and

4                   “(iv) not more than 50 percent of  
5                   funds for the third and any subsequent full  
6                   fiscal year of noncompliance.

7                   “(3) *JUDICIAL REVIEW.*—A State adversely af-  
8                   fected by a determination under paragraph (2) may  
9                   seek judicial review under chapter 7 of title 5. Not-  
10                  withstanding the disapproval of a State plan under  
11                  paragraph (2)(A) or the withholding under para-  
12                  graph (2)(B), the State may retain jurisdiction in an  
13                  administrative or a judicial proceeding that com-  
14                  menced before the notice of disapproval or with-  
15                  holding if the issues involved are not related directly  
16                  to the reasons for the disapproval or withholding.

17                  “(l) *HIGH PRIORITY FINANCIAL ASSISTANCE PRO-*  
18 *GRAM.*—

19                  “(1) *IN GENERAL.*—The Secretary shall admin-  
20                  ister a high priority financial assistance program  
21                  funded under section 31104 for the purposes described  
22                  in paragraphs (2) and (3).

23                  “(2) *ACTIVITIES RELATED TO MOTOR CARRIER*  
24                  *SAFETY.*—The purpose of this paragraph is to make  
25                  discretionary grants to and cooperative agreements

1 *with States, local governments, federally-recognized*  
2 *Indian tribes, other political jurisdictions as nec-*  
3 *essary, and any person to carry out high priority ac-*  
4 *tivities and projects that augment motor carrier safe-*  
5 *ty activities and projects planned in accordance with*  
6 *subsections (b) and (c), including activities and*  
7 *projects that—*

8 *“(A) increase public awareness and edu-*  
9 *cation on commercial motor vehicle safety;*

10 *“(B) target unsafe driving of commercial*  
11 *motor vehicles and non-commercial motor vehi-*  
12 *cles in areas identified as high risk crash cor-*  
13 *ridors;*

14 *“(C) support the enforcement of State house-*  
15 *hold goods regulations on intrastate and inter-*  
16 *state carriers if the State has adopted laws or*  
17 *regulations compatible with the Federal house-*  
18 *hold good laws;*

19 *“(D) improve the safe and secure movement*  
20 *of hazardous materials;*

21 *“(E) improve safe transportation of goods*  
22 *and persons in foreign commerce;*

23 *“(F) demonstrate new technologies to im-*  
24 *prove commercial motor vehicle safety;*

1           “(G) support participation in performance  
2           and registration information systems manage-  
3           ment under section 31106(b)—

4                   “(i) for entities not responsible for sub-  
5                   mitting the plan under subsection (c); or

6                   “(ii) for entities responsible for submit-  
7                   ting the plan under subsection (c)—

8                           “(I) before October 1, 2020, to  
9                           achieve compliance with the require-  
10                          ments of participation; and

11                           “(II) beginning on October 1,  
12                           2020, or once compliance is achieved,  
13                           whichever is sooner, for special initia-  
14                           tives or projects that exceed routine op-  
15                           erations required for participation;

16           “(H) conduct safety data improvement  
17           projects—

18                   “(i) that complete or exceed the re-  
19                   quirements under subsection (c)(2)(P) for  
20                   entities not responsible for submitting the  
21                   plan under subsection (c); or

22                   “(ii) that exceed the requirements  
23                   under subsection (c)(2)(P) for entities re-  
24                   sponsible for submitting the plan under sub-  
25                   section (c); and



1           “(I) otherwise improve commercial motor  
2           vehicle safety and compliance with commercial  
3           motor vehicle safety regulations.

4           “(3) INNOVATIVE TECHNOLOGY DEPLOYMENT  
5           GRANT PROGRAM.—

6           “(A) IN GENERAL.—The Secretary shall es-  
7           tablish an innovative technology deployment  
8           grant program to make discretionary grants  
9           funded under section 31104(a)(2) to eligible  
10          States for the innovative technology deployment  
11          of commercial motor vehicle information systems  
12          and networks.

13          “(B) PURPOSES.—The purposes of the pro-  
14          gram shall be—

15                 “(i) to advance the technological capa-  
16                 bility and promote the deployment of intel-  
17                 ligent transportation system applications  
18                 for commercial motor vehicle operations, in-  
19                 cluding commercial motor vehicle, commer-  
20                 cial driver, and carrier-specific information  
21                 systems and networks; and

22                 “(ii) to support and maintain com-  
23                 mercial motor vehicle information systems  
24                 and networks—

1           “(I) to link Federal motor carrier  
2           safety information systems with State  
3           commercial motor vehicle systems;

4           “(II) to improve the safety and  
5           productivity of commercial motor vehi-  
6           cles and drivers; and

7           “(III) to reduce costs associated  
8           with commercial motor vehicle oper-  
9           ations and Federal and State commer-  
10          cial vehicle regulatory requirements.

11          “(C) *ELIGIBILITY.*—To be eligible for a  
12          grant under this paragraph, a State shall—

13               “(i) have a commercial motor vehicle  
14               information systems and networks program  
15               plan approved by the Secretary that de-  
16               scribes the various systems and networks at  
17               the State level that need to be refined, re-  
18               vised, upgraded, or built to accomplish de-  
19               ployment of commercial motor vehicle infor-  
20               mation systems and networks capabilities;

21               “(ii) certify to the Secretary that its  
22               commercial motor vehicle information sys-  
23               tems and networks deployment activities,  
24               including hardware procurement, software

1                    *and system development, and infrastructure*  
2                    *modifications—*

3                    *“(I) are consistent with the na-*  
4                    *tional intelligent transportation sys-*  
5                    *tems and commercial motor vehicle in-*  
6                    *formation systems and networks archi-*  
7                    *tectures and available standards; and*

8                    *“(II) promote interoperability*  
9                    *and efficiency to the extent practicable;*  
10                   *and*

11                   *“(iii) agree to execute interoperability*  
12                   *tests developed by the Federal Motor Carrier*  
13                   *Safety Administration to verify that its sys-*  
14                   *tems conform with the national intelligent*  
15                   *transportation systems architecture, appli-*  
16                   *cable standards, and protocols for commer-*  
17                   *cial motor vehicle information systems and*  
18                   *networks.*

19                   *“(D) USE OF FUNDS.—Grant funds may be*  
20                   *used—*

21                   *“(i) for deployment activities and ac-*  
22                   *tivities to develop new and innovative ad-*  
23                   *vanced technology solutions that support*  
24                   *commercial motor vehicle information sys-*  
25                   *tems and networks;*

1                   “(ii) for planning activities, including  
 2                   the development or updating of program or  
 3                   top level design plans in order to become el-  
 4                   igible or maintain eligibility under sub-  
 5                   paragraph (C); and

6                   “(iii) for the operation and mainte-  
 7                   nance costs associated with innovative tech-  
 8                   nology.

9                   “(E) *SECRETARY AUTHORIZATION.*—The  
 10                  Secretary is authorized to award a State fund-  
 11                  ing for the operation, and maintenance costs as-  
 12                  sociated with innovative technology deployment  
 13                  with funds made available under both sections  
 14                  31104(a)(1) and 31104(a)(2) of this title.”.

15               (b) *COMMERCIAL MOTOR VEHICLE OPERATORS GRANT*  
 16               PROGRAM.—Section 31103 is amended to read as follows:

17               “**§31103. Commercial Motor Vehicle Operators Grant**  
 18               **Program**

19               “(a) *IN GENERAL.*—The Secretary shall administer a  
 20               commercial motor vehicle operators grant program funded  
 21               under section 31104.

22               “(b) *PURPOSE.*—The purpose of the grant program is  
 23               to train individuals in the safe operation of commercial  
 24               motor vehicles (as defined in section 31301).”.

1       (c) *AUTHORIZATION OF APPROPRIATIONS.*—Section  
2 *31104* is amended to read as follows:

3 **“§31104. Authorization of appropriations**

4       “(a) *FINANCIAL ASSISTANCE PROGRAMS.*—The fol-  
5 *lowing sums are authorized to be appropriated from the*  
6 *Highway Trust Fund for the following Federal Motor Car-*  
7 *rier Safety Administration Financial Assistance Programs:*

8               “(1) *MOTOR CARRIER SAFETY ASSISTANCE PRO-*  
9 *GRAM.*—Subject to paragraph (2) of this subsection  
10 *and subsection (c) of this section, to carry out section*  
11 *31102—*

12                       “(A) \$295,636,000 for fiscal year 2017;

13                       “(B) \$301,845,000 for fiscal year 2018;

14                       “(C) \$308,183,000 for fiscal year 2019;

15                       “(D) \$314,655,000 for fiscal year 2020; and

16                       “(E) \$321,263,000 for fiscal year 2021.

17               “(2) *HIGH PRIORITY ACTIVITIES FINANCIAL AS-*  
18 *SISTANCE PROGRAM.*—Subject to subsection (c), to  
19 *make grants and cooperative agreements under sec-*  
20 *tion 31102(l) of this title, the Secretary may set aside*  
21 *from amounts made available under paragraph (1) of*  
22 *this subsection up to—*

23                       “(A) \$42,323,000 for fiscal year 2017;

24                       “(B) \$43,212,000 for fiscal year 2018;

25                       “(C) \$44,119,000 for fiscal year 2019;

1                   “(D) \$45,046,000 for fiscal year 2020; and

2                   “(E) \$45,992,000 for fiscal year 2021.

3                   “(3) *COMMERCIAL MOTOR VEHICLE OPERATORS*

4                   *GRANT PROGRAM.—To carry out section 31103—*

5                   “(A) \$1,000,000 for fiscal year 2017;

6                   “(B) \$1,000,000 for fiscal year 2018;

7                   “(C) \$1,000,000 for fiscal year 2019;

8                   “(D) \$1,000,000 for fiscal year 2020; and

9                   “(E) \$1,000,000 for fiscal year 2021.

10                  “(4) *COMMERCIAL DRIVER’S LICENSE PROGRAM*

11                  *IMPLEMENTATION FINANCIAL ASSISTANCE PRO-*

12                  *GRAM.—Subject to subsection (c), to carry out section*

13                  *31313—*

14                  “(A) \$31,273,000 for fiscal year 2017;

15                  “(B) \$31,930,000 for fiscal year 2018;

16                  “(C) \$32,600,000 for fiscal year 2019;

17                  “(D) \$33,285,000 for fiscal year 2020; and

18                  “(E) \$33,984,000 for fiscal year 2021.

19                  “(b) *REIMBURSEMENT AND PAYMENT TO RECIPIENTS*

20                  *FOR GOVERNMENT SHARE OF COSTS.—*

21                  “(1) *IN GENERAL.—Amounts made available*

22                  *under subsection (a) shall be used to reimburse finan-*

23                  *cial assistance recipients proportionally for the Fed-*

24                  *eral Government’s share of the costs incurred.*

1           “(2) *REIMBURSEMENT AMOUNTS.*—*The Secretary*  
2           *shall reimburse a recipient, in accordance with a fi-*  
3           *nancial assistance agreement made under section*  
4           *31102, 31103, or 31313, an amount that is at least*  
5           *85 percent of the costs incurred by the recipient in a*  
6           *fiscal year in developing and implementing programs*  
7           *under these sections. The Secretary shall pay the re-*  
8           *recipient an amount not more than the Federal Govern-*  
9           *ment share of the total costs approved by the Federal*  
10          *Government in the financial assistance agreement.*  
11          *The Secretary shall include a recipient’s in-kind con-*  
12          *tributions in determining the reimbursement.*

13           “(3) *VOUCHERS.*—*Each recipient shall submit*  
14          *vouchers at least quarterly for costs the recipient in-*  
15          *currs in developing and implementing programs under*  
16          *section 31102, 31103, or 31313.*

17          “(c) *DEDUCTIONS FOR PARTNER TRAINING AND PRO-*  
18          *GRAM SUPPORT.*—*On October 1 of each fiscal year, or as*  
19          *soon after that date as practicable, the Secretary may de-*  
20          *duct from amounts made available under paragraphs (1),*  
21          *(2), and (4) of subsection (a) for that fiscal year not more*  
22          *than 1.50 percent of those amounts for partner training and*  
23          *program support in that fiscal year. The Secretary shall*  
24          *use at least 75 percent of those deducted amounts to train*

1 *non-Federal Government employees and to develop related*  
 2 *training materials in carrying out these programs.*

3       “(d) *GRANTS AND COOPERATIVE AGREEMENTS AS*  
 4 *CONTRACTUAL OBLIGATIONS.*—*The approval of a financial*  
 5 *assistance agreement by the Secretary under section 31102,*  
 6 *31103, or 31313 is a contractual obligation of the Federal*  
 7 *Government for payment of the Federal Government’s share*  
 8 *of costs in carrying out the provisions of the grant or coop-*  
 9 *erative agreement.*

10       “(e) *ELIGIBLE ACTIVITIES.*—*The Secretary shall es-*  
 11 *tablish criteria for eligible activities to be funded with fi-*  
 12 *nancial assistance agreements under this section and pub-*  
 13 *lish those criteria in a notice of funding availability before*  
 14 *the financial assistance program application period.*

15       “(f) *PERIOD OF AVAILABILITY OF FINANCIAL ASSIST-*  
 16 *ANCE AGREEMENT FUNDS FOR RECIPIENT EXPENDI-*  
 17 *TURES.*—

18               “(1) *IN GENERAL.*—*The period of availability*  
 19 *for a recipient to expend a grant or cooperative agree-*  
 20 *ment authorized under subsection (a) is as follows:*

21                       “(A) *For grants made for carrying out sec-*  
 22 *tion 31102, other than section 31102(l), for the*  
 23 *fiscal year in which it is obligated and for the*  
 24 *next fiscal year.*



1           “(B) For grants or cooperative agreements  
2           made for carrying out section 31102(l)(2), for  
3           the fiscal year in which it is obligated and for  
4           the next 2 fiscal years.

5           “(C) For grants made for carrying out sec-  
6           tion 31102(l)(3), for the fiscal year in which it  
7           is obligated and for the next 4 fiscal years.

8           “(D) For grants made for carrying out sec-  
9           tion 31103, for the fiscal year in which it is obli-  
10          gated and for the next fiscal year.

11          “(E) For grants or cooperative agreements  
12          made for carrying out 31313, for the fiscal year  
13          in which it is obligated and for the next 4 fiscal  
14          years.

15          “(2) REOBLIGATION.—Amounts not expended by  
16          a recipient during the period of availability shall be  
17          released back to the Secretary for reobligation for any  
18          purpose under sections 31102, 31103, 31104, and  
19          31313 in accordance with subsection (i) of this sec-  
20          tion.

21          “(g) CONTRACT AUTHORITY; INITIAL DATE OF AVAIL-  
22          ABILITY.—Amounts authorized from the Highway Trust  
23          Fund by this section shall be available for obligation on  
24          the date of their apportionment or allocation or on October

1 *1 of the fiscal year for which they are authorized, whichever*  
2 *occurs first.*

3       “(h) *AVAILABILITY OF FUNDING.—Amounts made*  
4 *available under this section shall remain available until ex-*  
5 *pended.*

6       “(i) *TRANSFER OF OBLIGATION AUTHORITY.—*

7               “(1) *IN GENERAL.—Of the contract authority au-*  
8 *thorized for motor carrier safety grants, the Secretary*  
9 *shall have authority to transfer available unobligated*  
10 *contract authority and associated liquidating cash*  
11 *within or between Federal financial assistance pro-*  
12 *grams authorized under this section and make new*  
13 *Federal financial assistance awards under this sec-*  
14 *tion.*

15               “(2) *COST ESTIMATES.—Of the funds trans-*  
16 *ferred, the contract authority and associated liqui-*  
17 *dating cash or obligations and expenditures stemming*  
18 *from Federal financial assistance awards made with*  
19 *this contract authority shall not be scored as new ob-*  
20 *ligations by the Congressional Budget Office or by the*  
21 *Secretary.*

22               “(3) *NO LIMITATION ON TOTAL OF OBLIGA-*  
23 *TIONS.—Notwithstanding any other provision of law,*  
24 *no limitation on the total of obligations for Federal*  
25 *financial assistance programs carried out by the Fed-*

1 *eral Motor Carrier Safety Administration under this*  
 2 *section shall apply to unobligated funds transferred*  
 3 *under this subsection.”.*

4 *(d) TECHNICAL AND CONFORMING AMENDMENTS.—*

5 *(1) SAFETY FITNESS OF OWNERS AND OPERATOR;*  
 6 *SAFETY REVIEWS OF NEW OPERATORS.—Section*  
 7 *31144(g) is amended—*

8 *(A) by striking paragraph (5); and*

9 *(B) by redesignating paragraph (6) as*  
 10 *paragraph (5).*

11 *(2) INFORMATION SYSTEMS; PERFORMANCE AND*  
 12 *REGISTRATION INFORMATION PROGRAM.—Section*  
 13 *31106(b) is amended by striking paragraph (4).*

14 *(3) BORDER ENFORCEMENT GRANTS.—Section*  
 15 *31107 is repealed.*

16 *(4) PERFORMANCE AND REGISTRATION INFORMA-*  
 17 *TION SYSTEM MANAGEMENT.—Section 31109 is re-*  
 18 *pealed.*

19 *(5) TABLE OF CONTENTS.—The table of contents*  
 20 *of chapter 311 is amended—*

21 *(A) by striking the items relating to 31107*  
 22 *and 31109; and*

23 *(B) by striking the items relating to sections*  
 24 *31102, 31103, and 31104 and inserting the fol-*  
 25 *lowing:*

*“31102. Motor Carrier Safety Assistance Program.*

*“31103. Commercial Motor Vehicle Operators Grant Program.*

*“31104. Authorization of appropriations.”.*

1           (6) *GRANTS FOR COMMERCIAL DRIVER’S LICENSE*  
2           *PROGRAM IMPLEMENTATION.—Section 31313(a), as*  
3           *amended by section 2506 of this Act, is further*  
4           *amended by striking “The Secretary of Transpor-*  
5           *tation shall administer a financial assistance pro-*  
6           *gram for commercial driver’s license program imple-*  
7           *mentation for the purposes described in paragraphs*  
8           *(1) and (2)” and inserting “The Secretary of Trans-*  
9           *portation shall administer a financial assistance pro-*  
10           *gram for commercial driver’s license program imple-*  
11           *mentation funded under section 31104 of this title for*  
12           *the purposes described in paragraphs (1) and (2)”.*

13           (7) *COMMERCIAL VEHICLE INFORMATION SYS-*  
14           *TEMS AND NETWORKS DEPLOYMENT.—Section 4126 of*  
15           *SAFETEA-LU (49 U.S.C. 31106 note) is repealed.*

16           (8) *SAFETY DATA IMPROVEMENT PROGRAM.—*  
17           *Section 4128 of SAFETEA-LU (49 U.S.C. 31100*  
18           *note) is repealed.*

19           (9) *GRANT PROGRAM FOR COMMERCIAL MOTOR*  
20           *VEHICLE OPERATORS.—Section 4134 of SAFETEA-*  
21           *LU (49 U.S.C. 31301 note) is repealed.*

22           (10) *WINTER HOME HEATING OIL DELIVERY*  
23           *STATE FLEXIBILITY PROGRAM.—Section 346 of Na-*

1        *tional Highway System Designation Act of 1995 (49*  
2        *U.S.C. 31136 note) is repealed.*

3            (11) *MAINTENANCE OF EFFORT AS CONDITION ON*  
4        *GRANTS TO STATES.—Section 103(c) of the Motor*  
5        *Carrier Safety Improvement Act of 1999 (49 U.S.C.*  
6        *31102 note) is repealed.*

7            (12) *STATE COMPLIANCE WITH CDL REQUIRE-*  
8        *MENTS.—Section 103(e) of the Motor Carrier Safety*  
9        *Improvement Act of 1999 (49 U.S.C. 31102 note) is*  
10       *repealed.*

11           (13) *BORDER STAFFING STANDARDS.—Section*  
12       *218(d) of the Motor Carrier Safety Improvement Act*  
13       *of 1999 (49 U.S.C. 31133 note) is amended—*

14            (A) *in paragraph (1), by striking “section*  
15            *31104(f)(2)(B) of title 49, United States Code”*  
16            *and inserting “section 31104(a)(1) of title 49,*  
17            *United States Code”; and*

18            (B) *by striking paragraph (3).*

19        (e) *EFFECTIVE DATE.—The amendments made by this*  
20        *section shall take effect on October 1, 2016.*

21        (f) *TRANSITION.—Notwithstanding the amendments*  
22        *made by this section, the Secretary shall carry out sections*  
23        *31102, 31103, 31104, and any sections repealed under sub-*  
24        *section (d) of this section, as necessary, as those sections*  
25        *were in effect on the day before October 1, 2016, with respect*

1 to applications for grants, cooperative agreements, or con-  
2 tracts under those sections submitted before October 1, 2016.

3 **SEC. 2503. NEW ENTRANT SAFETY REVIEW PROGRAM**  
4 **STUDY.**

5 (a) *IN GENERAL.*—Not later than 1 year after the date  
6 of enactment of this Act, the Office of Inspector General of  
7 the Department of Transportation shall report to the Com-  
8 mittee on Commerce, Science, and Transportation of the  
9 Senate and the Committee on Transportation and Infra-  
10 structure in the House of Representatives on its assessment  
11 of the new operator safety review program, required under  
12 section 31144(g) of title 49, United States Code, including  
13 the program’s effectiveness in reducing commercial motor  
14 vehicles involved in crashes, fatalities, and injuries, and in  
15 improving commercial motor vehicle safety.

16 (b) *REPORT.*—Not later than 90 days after completion  
17 of the report under subsection (a), the Secretary shall sub-  
18 mit to the Committee on Commerce, Science, and Transpor-  
19 tation of the Senate and the Committee on Transportation  
20 and Infrastructure in the House of Representatives a report  
21 on the actions the Secretary will take to address any rec-  
22 ommendations included in the study under subsection (a).

23 (c) *PAPERWORK REDUCTION ACT OF 1995; EXCEP-*  
24 *TION.*—The study and the Office of the Inspector General

1 *assessment shall not be subject to section 3506 or section*  
 2 *3507 of title 44, United States Code.*

3 **SEC. 2504. PERFORMANCE AND REGISTRATION INFORMA-**  
 4 **TION SYSTEMS MANAGEMENT.**

5 *Section 31106(b) is amended in the heading by strik-*  
 6 *ing “PROGRAM” and inserting “SYSTEMS MANAGEMENT”.*

7 **SEC. 2505. AUTHORIZATION OF APPROPRIATIONS.**

8 *(a) IN GENERAL.—Subchapter I of chapter 311 is*  
 9 *amended by adding at the end the following:*

10 **“§31110. Authorization of appropriations**

11 *“(a) ADMINISTRATIVE EXPENSES.—There are author-*  
 12 *ized to be appropriated from the Highway Trust Fund*  
 13 *(other than the Mass Transit Account) for the Secretary of*  
 14 *Transportation to pay administrative expenses of the Fed-*  
 15 *eral Motor Carrier Safety Administration—*

16 *“(1) \$264,439,000 for fiscal year 2016;*

17 *“(2) \$269,992,000 for fiscal year 2017;*

18 *“(3) \$275,662,000 for fiscal year 2018;*

19 *“(4) \$281,451,000 for fiscal year 2019;*

20 *“(5) \$287,361,000 for fiscal year 2020; and*

21 *“(6) \$293,396,000 for fiscal year 2021.*

22 *“(b) USE OF FUNDS.—The funds authorized by this*  
 23 *section shall be used—*

24 *“(1) for personnel costs;*

25 *“(2) for administrative infrastructure;*

1           “(3) for rent;

2           “(4) for information technology;

3           “(5) for programs for research and technology,  
4 information management, regulatory development, the  
5 administration of the performance and registration  
6 information systems management;

7           “(6) for programs for outreach and education  
8 under subsection (d);

9           “(7) to fund the motor carrier safety facility  
10 working capital fund established under subsection (c);

11           “(8) for other operating expenses;

12           “(9) to conduct safety reviews of new operators;  
13 and

14           “(10) for such other expenses as may from time  
15 to time become necessary to implement statutory  
16 mandates of the Federal Motor Carrier Safety Admin-  
17 istration not funded from other sources.

18           “(c) *MOTOR CARRIER SAFETY FACILITY WORKING*  
19 *CAPITAL FUND.*—

20           “(1) *IN GENERAL.*—*The Secretary may establish*  
21 *a motor carrier safety facility working capital fund.*

22           “(2) *PURPOSE.*—*Amounts in the fund shall be*  
23 *available for modernization, construction, leases, and*  
24 *expenses related to vacating, occupying, maintaining,*



1       *and expanding motor carrier safety facilities, and as-*  
2       *sociated activities.*

3               “(3) *AVAILABILITY.*—*Amounts in the fund shall*  
4       *be available without regard to fiscal year limitation.*

5               “(4) *FUNDING.*—*Amounts may be appropriated*  
6       *to the fund from the amounts made available in sub-*  
7       *section (a).*

8               “(5) *FUND TRANSFERS.*—*The Secretary may*  
9       *transfer funds to the working capital fund from the*  
10       *amounts made available in subsection (a) or from*  
11       *other funds as identified by the Secretary.*

12       “(d) *OUTREACH AND EDUCATION PROGRAM.*—

13               “(1) *IN GENERAL.*—*The Secretary may conduct,*  
14       *through any combination of grants, contracts, cooper-*  
15       *ative agreements, or other activities, an internal and*  
16       *external outreach and education program to be ad-*  
17       *ministered by the Administrator of the Federal Motor*  
18       *Carrier Safety Administration.*

19               “(2) *FEDERAL SHARE.*—*The Federal share of an*  
20       *outreach and education program for which a grant,*  
21       *contract, or cooperative agreement is made under this*  
22       *subsection may be up to 100 percent of the cost of the*  
23       *grant, contract, or cooperative agreement.*

24               “(3) *FUNDING.*—*From amounts made available*  
25       *in subsection (a), the Secretary shall make available*

1        *such sums as are necessary to carry out this sub-*  
 2        *section each fiscal year.*

3        “(e) *CONTRACT AUTHORITY; INITIAL DATE OF AVAIL-*  
 4        *ABILITY.—Amounts authorized from the Highway Trust*  
 5        *Fund by this section shall be available for obligation on*  
 6        *the date of their apportionment or allocation or on October*  
 7        *1 of the fiscal year for which they are authorized, whichever*  
 8        *occurs first.*

9        “(f) *FUNDING AVAILABILITY.—Amounts made avail-*  
 10        *able under this section shall remain available until ex-*  
 11        *pended.*

12        “(g) *CONTRACTUAL OBLIGATION.—The approval of*  
 13        *funds by the Secretary under this section is a contractual*  
 14        *obligation of the Federal Government for payment of the*  
 15        *Federal Government’s share of costs.”*

16        (b) *TECHNICAL AND CONFORMING AMENDMENTS.—*

17                (1) *ADMINISTRATIVE EXPENSES; AUTHORIZATION*  
 18        *OF APPROPRIATIONS.—Section 31104 is amended—*

19                        (A) *by striking subsection (i); and*

20                        (B) *by redesignating subsections (j) and (k)*  
 21        *and subsections (i) and (j), respectively.*

22                (2) *USE OF AMOUNTS MADE AVAILABLE UNDER*  
 23        *SUBSECTION (I).—Section 4116(d) of SAFETEA-LU*  
 24        *(49 U.S.C. 31104 note) is amended by striking “sec-*  
 25        *tion 31104(i)” and inserting “section 31110”.*

1           (3) *INTERNAL COOPERATION.*—Section 31161 is  
2           amended by striking “31104(i)” and inserting  
3           “31110”.

4           (4) *SAFETEA-LU; OUTREACH AND EDU-*  
5           *CATION.*—Section 4127 of *SAFETEA-LU* (119 Stat.  
6           1741; Public Law 109–59) is repealed.

7           (5) *TABLE OF CONTENTS.*—The table of contents  
8           of subchapter I of chapter 311 is amended by adding  
9           at the end the following:

“31110. Authorization of appropriations.”.

10 **SEC. 2506. COMMERCIAL DRIVER’S LICENSE PROGRAM IM-**  
11 **PLEMENTATION.**

12           (a) *IN GENERAL.*—Section 31313 is amended to read  
13 as follows:

14 **“§31313. Commercial driver’s license program imple-**  
15 **mentation financial assistance program**

16           “(a) *IN GENERAL.*—The Secretary of Transportation  
17 shall administer a financial assistance program for com-  
18 mercial driver’s license program implementation for the  
19 purposes described in paragraphs (1) and (2).

20           “(1) *STATE COMMERCIAL DRIVER’S LICENSE*  
21 *PROGRAM IMPLEMENTATION GRANTS.*—The Secretary  
22 of Transportation may make a grant to a State agen-  
23 cy in a fiscal year—

24           “(A) to comply with the requirements of sec-  
25           tion 31311;

1           “(B) in the case of a State that is making  
2 a good faith effort toward substantial compliance  
3 with the requirements of section 31311, to im-  
4 prove its implementation of its commercial driv-  
5 er’s license program, including expenses—

6                   “(i) for computer hardware and soft-  
7 ware;

8                   “(ii) for publications, testing, per-  
9 sonnel, training, and quality control;

10                  “(iii) for commercial driver’s license  
11 program coordinators; and

12                  “(iv) to implement or maintain a sys-  
13 tem to notify an employer of an operator of  
14 a commercial motor vehicle of the suspen-  
15 sion or revocation of the operator’s commer-  
16 cial driver’s license consistent with the  
17 standards developed under section 32303(b)  
18 of the Commercial Motor Vehicle Safety En-  
19 hancement Act of 2012 (49 U.S.C. 31304  
20 note).

21           “(2) *PRIORITY ACTIVITIES.*—The Secretary may  
22 make a grant or cooperative agreement in a fiscal  
23 year to a State agency, local government, or any per-  
24 son for research, development or testing, demonstra-  
25 tion projects, public education, or other special activi-

1 *ties and projects relating to commercial driver's li-*  
2 *ensing and motor vehicle safety that—*

3 *“(A) benefit all jurisdictions of the United*  
4 *States;*

5 *“(B) address national safety concerns and*  
6 *circumstances;*

7 *“(C) address emerging issues relating to*  
8 *commercial driver's license improvements;*

9 *“(D) support innovative ideas and solutions*  
10 *to commercial driver's license program issues; or*

11 *“(E) address other commercial driver's li-*  
12 *cence issues, as determined by the Secretary.*

13 *“(b) PROHIBITIONS.—A recipient may not use finan-*  
14 *cial assistance funds awarded under this section to rent,*  
15 *lease, or buy land or buildings.*

16 *“(c) REPORT.—The Secretary shall issue an annual*  
17 *report on the activities carried out under this section.*

18 *“(d) APPORTIONMENT.—All amounts made available*  
19 *to carry out this section for a fiscal year shall be appor-*  
20 *tioned to a State or recipient described in subsection (a)(2)*  
21 *according to criteria prescribed by the Secretary.”.*

22 *(b) TECHNICAL AND CONFORMING AMENDMENTS.—*  
23 *The table of contents of chapter 313 is amended by striking*  
24 *the item relating to section 31313 and inserting the fol-*  
25 *lowing:*

*“31313. Commercial driver’s license program implementation financial assistance program.”.*

1 **SEC. 2507. EXTENSION OF FEDERAL MOTOR CARRIER SAFE-**  
 2 **TY PROGRAMS FOR FISCAL YEAR 2016.**

3 (a) *MOTOR CARRIER SAFETY ASSISTANCE PROGRAM*  
 4 *GRANT EXTENSION.*—*Section 31104(a) is amended—*

5 (1) *in the matter preceding paragraph (1), by*  
 6 *inserting “and, for fiscal year 2016, sections 31102,*  
 7 *31107, and 31109 of this title and section 4128 of*  
 8 *SAFETEA-LU (49 U.S.C. 31100 note)” after*  
 9 *“31102”;*

10 (2) *in paragraph (9), by striking “and” at the*  
 11 *end; and*

12 (3) *by striking paragraph (10) and inserting the*  
 13 *following:*

14 (10) *\$218,000,000 for fiscal year 2015; and*

15 (11) *“\$259,000,000 for fiscal year 2016.”.*

16 (b) *EXTENSION OF GRANT PROGRAMS.*—*Section*  
 17 *4101(c) SAFETEA-LU (119 Stat. 1715; Public Law 109–*  
 18 *59), is amended to read as follows:*

19 (c) *GRANT PROGRAMS FUNDING.*—*There are author-*  
 20 *ized to be appropriated from the Highway Trust Fund the*  
 21 *following sums for the following Federal Motor Carrier*  
 22 *Safety Administration programs:*

23 (1) *COMMERCIAL DRIVER’S LICENSE PROGRAM*  
 24 *IMPROVEMENT GRANTS.*—*For carrying out the com-*

1        *mercial driver’s license program improvement grants*  
2        *program under section 31313 of title 49, United*  
3        *States Code, \$30,000,000 for fiscal year 2016.*

4            “(2) *BORDER ENFORCEMENT GRANTS.—From*  
5        *amounts made available under section 31104(a) of*  
6        *title 49, United States Code, for border enforcement*  
7        *grants under section 31107 of that title, \$32,000,000*  
8        *for fiscal year 2016.*

9            “(3) *PERFORMANCE AND REGISTRATION INFOR-*  
10        *MATION SYSTEMS MANAGEMENT GRANT PROGRAMS.—*  
11        *From amounts made available under section 31104(a)*  
12        *of title 49, United States Code, for the performance*  
13        *and registration information systems management*  
14        *grant program under section 31109 of that title,*  
15        *\$5,000,000 for fiscal year 2016.*

16            “(4) *COMMERCIAL VEHICLE INFORMATION SYS-*  
17        *TEMS AND NETWORKS DEPLOYMENT.—For carrying*  
18        *out the commercial vehicle information systems and*  
19        *networks deployment program under section 4126 of*  
20        *this Act (the innovative technology deployment pro-*  
21        *gram), \$25,000,000, for fiscal year 2016.*

22            “(5) *SAFETY DATA IMPROVEMENT GRANTS.—*  
23        *From amounts made available under section 31104(a)*  
24        *of title 49, United States Code, for safety data im-*

1        *provement grants under section 4128 of this Act,*  
2        *\$3,000,000 for fiscal year 2016.”.*

3        *(c) HIGH-PRIORITY ACTIVITIES.—Section 31104(j)(2),*  
4        *as redesignated by section 2605 of this Act is amended by*  
5        *striking “2014 and up to \$12,493,151 for the period begin-*  
6        *ning on October 1, 2014, and ending on July 31, 2015,,”*  
7        *and inserting “2016”.*

8        *(d) NEW ENTRANT AUDITS.—Section 31144(g)(5)(B)*  
9        *is amended to read as follows:*

10                *“(B) SET ASIDE.—The Secretary shall set*  
11                *aside from amounts made available by section*  
12                *31104(a) up to \$32,000,000 for fiscal year 2016*  
13                *for audits of new entrant motor carriers con-*  
14                *ducted under this paragraph.”.*

15        *(e) GRANT PROGRAM FOR COMMERCIAL MOTOR VEHI-*  
16        *CLE OPERATORS.—Section 4134(c) of SAFETEA-LU (49*  
17        *U.S.C. 31301 note) is amended to read as follows:*

18                *“(c) FUNDING.—From amounts made available under*  
19                *section 31110 of title 49, United States Code, the Secretary*  
20                *shall make available, \$1,000,000 for fiscal year 2016 to*  
21                *carry out the commercial motor vehicle operators grant pro-*  
22                *gram.”.*

23        *(f) COMMERCIAL VEHICLE INFORMATION SYSTEMS*  
24        *AND NETWORKS DEPLOYMENT.—*



1           (1) *IN GENERAL.*—Section 4126 of SAFETEA-  
2 *LU* (49 U.S.C. 31106 note; 119 Stat. 1738; Public  
3 *Law 109–59*) is amended—

4           (A) in subsection (c)—

5           (i) in paragraph (2), by adding at the  
6 end the following: “Funds deobligated by the  
7 Secretary from previous year grants shall  
8 not be counted towards the \$2,500,000 max-  
9 imum aggregate amount for core deploy-  
10 ment.”; and

11           (ii) in paragraph (3), by adding at the  
12 end the following: “Funds may also be used  
13 for planning activities, including the devel-  
14 opment or updating of program or top level  
15 design plans.”; and

16           (B) in subsection (d)(4), by adding at the  
17 end the following: “Funds may also be used for  
18 planning activities, including the development or  
19 updating of program or top level design plans.”.

20           (2) *INNOVATIVE TECHNOLOGY DEPLOYMENT PRO-*  
21 *GRAM.*—For fiscal year 2016, the commercial vehicle  
22 information systems and networks deployment pro-  
23 gram under section 4126 of SAFETEA-LU (119 Stat.  
24 1738; Public Law 109—59) may also be referred to  
25 as the innovative technology deployment program.

1 **SEC. 2508. MOTOR CARRIER SAFETY ASSISTANCE PROGRAM**

2 **ALLOCATION.**

3 (a) *WORKING GROUP.*—

4 (1) *ESTABLISHMENT.*—*Not later than 180 days*  
5 *after the date of enactment of this Act, the Secretary*  
6 *shall establish a motor carrier safety assistance pro-*  
7 *gram formula working group (referred to in this sec-*  
8 *tion as the “working group”).*

9 (2) *MEMBERSHIP.*—

10 (A) *IN GENERAL.*—*Subject to subparagraph*  
11 *(B), the working group shall consist of represent-*  
12 *atives of the following:*

13 (i) *The Federal Motor Carrier Safety*  
14 *Administration.*

15 (ii) *The lead State commercial motor*  
16 *vehicle safety agencies responsible for ad-*  
17 *ministering the plan required by section*  
18 *31102 of title 49, United States Code.*

19 (iii) *An organization representing*  
20 *State agencies responsible for enforcing a*  
21 *program for inspection of commercial motor*  
22 *vehicles.*

23 (iv) *Such other persons as the Sec-*  
24 *retary considers necessary.*

25 (B) *COMPOSITION.*—*Representatives of*  
26 *State commercial motor vehicle safety agencies*

1           *shall comprise at least 51 percent of the member-*  
2           *ship.*

3           (3) *NEW ALLOCATION FORMULA.*—*The working*  
4           *group shall analyze requirements and factors for a*  
5           *new motor carrier safety assistance program alloca-*  
6           *tion formula.*

7           (4) *RECOMMENDATION.*—*Not later than 1 year*  
8           *after the date the working group is established under*  
9           *paragraph (1), the working group shall make a rec-*  
10          *ommendation to the Secretary regarding a new Motor*  
11          *Carrier Safety Assistance Program allocation for-*  
12          *mula.*

13          (5) *FACA EXEMPTION.*—*The Federal Advisory*  
14          *Committee Act (5 U.S.C. App.) shall not apply to the*  
15          *working group established under this subsection.*

16          (6) *PUBLICATION.*—*The Administrator of the*  
17          *Federal Motor Carrier Safety Administration shall*  
18          *publish on a public website summaries of its meet-*  
19          *ings, and the final recommendation provided to the*  
20          *Secretary.*

21          (b) *NOTICE OF PROPOSED RULEMAKING.*—*After re-*  
22          *ceiving the recommendation under subsection (a)(4), the*  
23          *Secretary shall publish in the Federal Register a notice*  
24          *seeking public comment on a new allocation formula for*

1 *the motor carrier safety assistance program under section*  
2 *31102 of title 49, United States Code.*

3 *(c) BASIS FOR FORMULA.—The Secretary shall ensure*  
4 *that the new allocation formula is based on factors that re-*  
5 *flect, at a minimum—*

6 *(1) the relative needs of the States to comply*  
7 *with section 31102 of title 49, United States Code;*

8 *(2) the relative administrative capacities of and*  
9 *challenges faced by States in complying with section*  
10 *31102 of title 49, United States Code;*

11 *(3) the average of each State’s new entrant motor*  
12 *carrier inventory for the 3-year period prior to the*  
13 *date of enactment of this Act;*

14 *(4) the number of international border inspec-*  
15 *tion facilities and border crossings by commercial ve-*  
16 *hicles in each State; and*

17 *(5) any other factors the Secretary considers ap-*  
18 *propriate.*

19 *(d) FUNDING AMOUNTS PRIOR TO DEVELOPMENT OF*  
20 *A NEW ALLOCATION FORMULA.—*

21 *(1) INTERIM FORMULA.—Prior to the develop-*  
22 *ment of the new allocation formula, the Secretary*  
23 *may calculate the interim funding amounts for the*  
24 *motor carrier safety assistance program in fiscal year*  
25 *2017 (and later fiscal years, as necessary) under sec-*

1        *tion 31104(a)(1) of title 49, United States Code, as*  
2        *amended by section 2502 of this Act, by the following*  
3        *methodology:*

4                *(A) The Secretary shall calculate the fund-*  
5                *ing amount using the allocation formula the Sec-*  
6                *retary used to award motor carrier safety assist-*  
7                *ance program funding in fiscal year 2016 under*  
8                *section 2507 of this Act.*

9                *(B) The Secretary shall average the funding*  
10               *awarded or other equitable amounts to a State*  
11               *in fiscal years 2013, 2014, and 2015 for border*  
12               *enforcement grants awarded under section*  
13               *32603(c) of MAP-21 (126 Stat. 807; Public Law*  
14               *112—141) and new entrant audit grants award-*  
15               *ed under that section, or other equitable*  
16               *amounts.*

17               *(C) The Secretary shall add the amounts*  
18               *calculated in subparagraphs (A) and (B).*

19               *(2) ADJUSTMENTS.—Subject to the availability*  
20               *of funding and notwithstanding fluctuations in the*  
21               *data elements used by the Secretary, the initial*  
22               *amounts resulting from the calculation described in*  
23               *paragraph (1) shall be adjusted to ensure that, for*  
24               *each State, the amount shall not be less than 97 per-*  
25               *cent of the average amount of funding received or*

1 *other equitable amounts in fiscal years 2013, 2014,*  
2 *and 2015 for—*

3 *(A) motor carrier safety assistance program*  
4 *funds awarded under section 32603(a) of MAP-*  
5 *21 (126 Stat. 807; Public Law 112–141);*

6 *(B) border enforcement grants awarded*  
7 *under section 32603(a) of MAP-21 (126 Stat.*  
8 *807; Public Law 112–141); and*

9 *(C) new entrant audit grants awarded*  
10 *under section 32603(a) of MAP-21 (126 Stat.*  
11 *807; Public Law 112–141).*

12 *(3) IMMEDIATE RELIEF.—In developing the new*  
13 *allocation formula, the Secretary shall provide imme-*  
14 *diate relief for at least 3 fiscal years to all States cur-*  
15 *rently subject to the withholding provisions of Motor*  
16 *Carrier Safety Assistance Program funds for matters*  
17 *of noncompliance.*

18 *(4) FUTURE WITHHOLDINGS.—Beginning on the*  
19 *date that the new allocation formula is implemented,*  
20 *the Secretary shall impose all future withholdings in*  
21 *accordance with section 31102(k) of title 49, United*  
22 *States Code, as amended by section 2502 of this Act.*

23 *(e) TERMINATION OF EFFECTIVENESS.—This section*  
24 *expires upon the implementation of a new Motor Carrier*  
25 *Safety Assistance Program Allocation Formula.*

1 **SEC. 2509. MAINTENANCE OF EFFORT CALCULATION.**

2 (a) *BEFORE NEW ALLOCATION FORMULA.*—

3 (1) *FISCAL YEAR 2017.*—*If a new allocation for-*  
4 *mula has not been established for fiscal year 2017,*  
5 *then, for fiscal year 2017, the Secretary of Transpor-*  
6 *tation shall calculate the maintenance of effort re-*  
7 *quired under section 31102(f) of title 49, United*  
8 *States Code, as amended by section 2502 of this Act,*  
9 *by averaging the expenditures for fiscal years 2004*  
10 *and 2005 required by section 32601(a)(5) of MAP-21*  
11 *(Public Law 112—141), as that section was in effect*  
12 *on the day before the date of enactment of this Act.*

13 (2) *SUBSEQUENT FISCAL YEARS.*—*The Secretary*  
14 *may use the methodology for calculating the mainte-*  
15 *nance of effort for fiscal year 2017 and each fiscal*  
16 *year thereafter if a new allocation formula has not*  
17 *been established.*

18 (b) *BEGINNING WITH NEW ALLOCATION FORMA-*  
19 *TION.*—

20 (1) *IN GENERAL.*—*Subject to paragraphs (2) and*  
21 *(3)(B), beginning on the date that a new allocation*  
22 *formula is established under section 2508, upon the*  
23 *request of a State, the Secretary may modify the base-*  
24 *line maintenance of effort required by section*  
25 *31102(e) of title 49, United States Code, as amended*  
26 *by section 2502 of this Act, for the purpose of estab-*

1 *lishing a new baseline maintenance of effort if the*  
2 *Secretary determines that a waiver or modification—*

3 *(A) is equitable due to reasonable cir-*  
4 *cumstances;*

5 *(B) will ensure the continuation of commer-*  
6 *cial motor vehicle enforcement activities in the*  
7 *State; and*

8 *(C) is necessary to ensure that the total*  
9 *amount of State maintenance of effort and*  
10 *matching expenditures required under sections*  
11 *31102 and 31104 of title 49, United States Code,*  
12 *as amended by section 2502 of this Act, does not*  
13 *exceed a sum greater than the average of the*  
14 *total amount of State maintenance of effort and*  
15 *matching expenditures for the 3 fiscal years*  
16 *prior to the date of enactment of this Act.*

17 *(2) ADJUSTMENT METHODOLOGY.—If requested*  
18 *by a State, the Secretary may modify the mainte-*  
19 *nance of effort baseline according to the following*  
20 *methodology:*

21 *(A) The Secretary shall establish the main-*  
22 *tenance of effort using the average of fiscal years*  
23 *2004 and 2005, as required by section*  
24 *32601(a)(5) of MAP-21 (Public Law 112—141).*



1           (B) *The Secretary shall calculate the aver-*  
2 *age required match by a lead State commercial*  
3 *motor vehicle safety agency for fiscal years 2013,*  
4 *2014, and 2015 for motor carrier safety assist-*  
5 *ance grants established at 20 percent by section*  
6 *31103 of title 49, United States Code, as that*  
7 *section was in effect on the day before the date*  
8 *of enactment of this Act.*

9           (C) *The Secretary shall calculate the esti-*  
10 *mated match required under section 31104(b) of*  
11 *title 49, United States Code, as amended by sec-*  
12 *tion 2502 of this Act.*

13           (D) *The Secretary will subtract the amount*  
14 *in subparagraph (B) from the amount in sub-*  
15 *paragraph (C) and—*

16                 (i) *if the number is greater than 0,*  
17                 *then the Secretary shall subtract the number*  
18                 *from the amount in subparagraph (A); or*

19                 (ii) *if the number is not greater than*  
20                 *0, then the Secretary shall calculate the*  
21                 *maintenance of effort using the methodology*  
22                 *in subparagraph (A).*

23           (3) *MAINTENANCE OF EFFORT AMOUNT.—*

24                 (A) *IN GENERAL.—The Secretary shall use*  
25                 *the amount calculated in paragraph (2) as the*

1           *baseline maintenance of effort required in section*  
2           *31102(f) of title 49, United States Code, as*  
3           *amended by section 2502 of this Act.*

4           *(B) DEADLINE.—If a State does not request*  
5           *a waiver or modification under this subsection*  
6           *before September 30 during the first fiscal year*  
7           *that the Secretary implements the new allocation*  
8           *formula under section 2508, the Secretary shall*  
9           *calculate the maintenance of effort using the*  
10           *methodology in paragraph (2)(A) of this sub-*  
11           *section.*

12           *(4) MAINTENANCE OF EFFORT DESCRIBED.—The*  
13           *maintenance of effort calculated under this section is*  
14           *the amount required under section 31102(f) of title*  
15           *49, United States Code, as amended by section 2502*  
16           *of this Act.*

17           *(c) TERMINATION OF EFFECTIVENESS.—The authority*  
18           *under this section terminates effective on the date that the*  
19           *new maintenance of effort is calculated based on the new*  
20           *allocation formula implemented under section 2508.*

21           ***Subtitle F—Miscellaneous***  
22           ***Provisions***

23           ***SEC. 2601. WINDSHIELD TECHNOLOGY.***

24           *(a) IN GENERAL.—Not later than 180 days after the*  
25           *date of enactment of this Act, the Secretary shall revise the*

1 *regulations in section 393.60(e) of title 49, Code of Federal*  
2 *Regulations (relating to the prohibition on obstructions to*  
3 *the driver’s field of view) to exempt from that section the*  
4 *voluntary mounting on a windshield of vehicle safety tech-*  
5 *nology likely to achieve a level of safety that is equivalent*  
6 *to or greater than the level of safety that would be achieved*  
7 *absent the exemption.*

8       **(b) DEFINITION OF VEHICLE SAFETY TECHNOLOGY.—**  
9 *In this section, “vehicle safety technology” includes fleet-*  
10 *related incident management system, performance or behav-*  
11 *ior management system, speed management system, lane de-*  
12 *parture warning system, forward collision warning or miti-*  
13 *gation system, active cruise control system, and any other*  
14 *technology that the Secretary considers applicable.*

15       **(c) RULE OF CONSTRUCTION.—***For purposes of this*  
16 *section, any windshield mounted technology with a short*  
17 *term exemption under part 381 of title 49, Code of Federal*  
18 *Regulations, on the day before the date of enactment of this*  
19 *Act, shall be considered likely to achieve a level of safety*  
20 *that is equivalent to or greater than the level of safety that*  
21 *would be achieved absent an exemption under subsection*  
22 *(a).*

23 **SEC. 2602. ELECTRONIC LOGGING DEVICES REQUIRE-**  
24 **MENTS.**

25       *Section 31137(b) is amended—*

1           (1) in paragraph (1)(C), by striking “apply to”  
 2           and inserting “except as provided in paragraph (3),  
 3           apply to”; and

4           (2) by adding at the end the following:

5           “(3) *EXCEPTION.*—A motor carrier, when trans-  
 6           porting a motor home or recreation vehicle trailer  
 7           within the definition of ‘driveaway-towaway oper-  
 8           ation’ (as defined in section 390.5 of title 49, Code of  
 9           Federal Regulations) may comply with the hours of  
 10          service requirements by requiring each driver to use—

11                   “(A) a paper record of duty status form; or

12                   “(B) an electronic logging device.”.

13   **SEC. 2603. LAPSE OF REQUIRED FINANCIAL SECURITY; SUS-**  
 14                   **PENSION OF REGISTRATION.**

15          Section 13906(e) is amended by inserting “or suspend”  
 16          after “revoke”.

17   **SEC. 2604. ACCESS TO NATIONAL DRIVER REGISTER.**

18          Section 30305(b) is amended by adding at the end the  
 19          following:

20                   “(13) The Administrator of the Federal Motor  
 21                   Carrier Safety Administration may request the chief  
 22                   driver licensing official of a State to provide informa-  
 23                   tion under subsection (a) of this section about an in-  
 24                   dividual in connection with a safety investigation  
 25                   under the Administrator’s jurisdiction.”.

1 **SEC. 2605. STUDY ON COMMERCIAL MOTOR VEHICLE DRIV-**  
2 **ER COMMUTING.**

3 (a) *EFFECTS OF COMMUTING.*—*The Administrator of*  
4 *the Federal Motor Carrier Safety Administration shall con-*  
5 *duct a study of the effects of motor carrier operator com-*  
6 *muting exceeding 150 minutes commuting time on safety and*  
7 *commercial motor vehicle driver fatigue.*

8 (b) *STUDY.*—*In conducting the study, the Adminis-*  
9 *trator shall consider—*

10 (1) *the prevalence of driver commuting in the*  
11 *commercial motor vehicle industry, including the*  
12 *number and percentage of drivers who commute;*

13 (2) *the distances traveled, time zones crossed,*  
14 *time spent commuting, and methods of transportation*  
15 *used;*

16 (3) *research on the impact of excessive com-*  
17 *muting on safety and commercial motor vehicle driver*  
18 *fatigue;*

19 (4) *the commuting practices of commercial motor*  
20 *vehicle drivers and policies of motor carriers;*

21 (5) *the Federal Motor Carrier Safety Adminis-*  
22 *tration regulations, policies, and guidance regarding*  
23 *driver commuting; and*

24 (6) *any other matters the Administrator con-*  
25 *siders appropriate.*

1       (c) *REPORT.*—Not later than 18 months after the date  
 2 of enactment of this Act, the Administrator shall submit  
 3 to Congress a report containing the findings under the  
 4 study and any recommendations for legislative action con-  
 5 cerning driver commuting.

6 **SEC. 2606. HOUSEHOLD GOODS CONSUMER PROTECTION**  
 7 **WORKING GROUP.**

8       (a) *WORKING GROUP.*—The Secretary shall establish  
 9 a working group for the purpose of developing recommenda-  
 10 tions on how to best convey to inexperienced consumers the  
 11 information such consumers need to know with respect to  
 12 the Federal laws concerning the interstate transportation  
 13 of household goods by motor carrier.

14       (b) *MEMBERSHIP.*—The Secretary shall ensure that  
 15 the working group is comprised of individuals with exper-  
 16 tise in consumer affairs, educators with expertise in how  
 17 people learn most effectively, and representatives of the  
 18 household goods moving industry.

19       (c) *RECOMMENDATIONS.*—

20               (1) *CONTENTS.*—The recommendations developed  
 21 by the working group shall include, at a minimum,  
 22 recommendations on—

23                       (A) condensing publication ESA 03005 of  
 24                       the Federal Motor Carrier Safety Administration

1           *into a format that is more easily used by con-*  
2           *sumers;*

3           *(B) using state-of-the-art education tech-*  
4           *niques and technologies, including optimizing*  
5           *the use of the Internet as an educational tool;*  
6           *and*

7           *(C) reducing and simplifying the paperwork*  
8           *required of motor carriers and shippers in inter-*  
9           *state transportation.*

10          (2) *DEADLINE.—Not later than one year after*  
11          *the date of enactment of this Act, the working group*  
12          *shall make the recommendations described in para-*  
13          *graph (1) which the Secretary shall publish on a pub-*  
14          *lic website.*

15          (d) *REPORT.—Not later than 1 year after the date on*  
16          *which the working group makes its recommendations, the*  
17          *Secretary shall issue a report to Congress on the implemen-*  
18          *tation of such recommendations.*

19          (e) *FEDERAL ADVISORY COMMITTEE ACT EXEMP-*  
20          *TION.—The Federal Advisory Committee Act (5 U.S.C.*  
21          *App.) shall not apply to the working group established*  
22          *under this section.*

23          (f) *TERMINATION.—The working group shall terminate*  
24          *2 years after the date of enactment of this Act.*

1 **SEC. 2607. INTERSTATE VAN OPERATIONS.**

2 *Section 4136 of SAFETEA-LU (Public Law 109–59;*  
3 *119 Stat. 1745; 49 U.S.C. 3116 note) is amended by insert-*  
4 *ing “with the exception of commuter vanpool operations,*  
5 *which shall remain exempt” before the period at the end.*

6 **SEC. 2608. REPORT ON DESIGN AND IMPLEMENTATION OF**  
7 **WIRELESS ROADSIDE INSPECTION SYSTEMS.**

8 *(a) IN GENERAL.—Not later than 180 days after the*  
9 *date of enactment of this Act, the Secretary shall submit*  
10 *to the Committee on Commerce, Science, and Transpor-*  
11 *tation of the Senate and the Committee on Transportation*  
12 *and Infrastructure of the House of Representatives a report*  
13 *regarding the design, development, testing, and implemen-*  
14 *tation of wireless roadside inspection systems.*

15 *(b) ELEMENTS.—The report required under subsection*  
16 *(a) shall include a determination as to whether wireless*  
17 *roadside inspection systems—*

18 *(1) conflict with existing non-Federal electronic*  
19 *screening systems, or create capabilities already*  
20 *available;*

21 *(2) require additional statutory authority to in-*  
22 *corporate generated inspection data into the safety*  
23 *measurement system or the safety fitness determina-*  
24 *tions program; and*



1           (3) *provide appropriate restrictions to specifi-*  
2           *cally address privacy concerns of affected motor car-*  
3           *riers and operators.*

4 **SEC. 2609. MOTORCOACH HOURS OF SERVICE STUDY.**

5           (a) *REQUIREMENT BEFORE IMPLEMENTING NEW*  
6 *RULES.—*

7           (1) *IN GENERAL.—The Secretary may not*  
8           *amend, adjust, or revise the driver hours of service*  
9           *regulations for motor carriers of passengers, by rule-*  
10           *making or any other means, until the Secretary con-*  
11           *ducts a formal study that properly accounts for oper-*  
12           *ational differences and variances in crash data for*  
13           *drivers in intercity motorcoach service and interstate*  
14           *property carrier operations and between segments of*  
15           *the intercity motorcoach industry.*

16           (2) *CONTENTS.—The study required under para-*  
17           *graph (1) shall include—*

18                   (A) *the impact of the current hours of serv-*  
19                   *ice regulations for motor carriers of passengers*  
20                   *on fostering safe operation of intercity*  
21                   *motorcoaches;*

22                   (B) *the separation of the failures of the cur-*  
23                   *rent passenger carrier hours-of-service regula-*  
24                   *tions and the lack of enforcement of the current*  
25                   *regulations by Federal and State agencies;*

1           (C) the correlation of noncompliance with  
2           current passenger carrier hours of service rule to  
3           passenger carrier accidents using data from 2000  
4           through 2013; and

5           (D) how passenger carrier crashes could  
6           have been mitigated by any changes to passenger  
7           carrier hours of service rules.

8           (b) *EMERGENCY REGULATIONS.*—Nothing in this sec-  
9           tion may be construed to affect the Secretary’s existing au-  
10          thority to provide relief from the hours of service regulations  
11          in the event of an emergency under section 390.232 of title  
12          49, Code of Federal Regulations.

13       **SEC. 2610. GAO REVIEW OF SCHOOL BUS SAFETY.**

14          Not later than 1 year after the date of enactment of  
15          this Act, the Comptroller General of the United States shall  
16          submit, to the Committee on Commerce, Science, and  
17          Transportation of the Senate and the Committee on Trans-  
18          portation and Infrastructure of the House of Representa-  
19          tives, a review of the following:

20               (1) Existing Federal and State rules and guid-  
21               ance, as of the date of the review, concerning school  
22               bus transportation of elementary school and sec-  
23               ondary school students engaging in home-to-school  
24               transport or other transport determined by the Comp-  
25               troller General to be a routine part of kindergarten

1 *through grade 12 education, including regulations*  
2 *and guidance regarding driver training programs, ca-*  
3 *capacity requirements, programs for special needs stu-*  
4 *dents, inspection standards, vehicle age requirements,*  
5 *best practices, and public access to inspection results*  
6 *and crash records.*

7 (2) *Any correlation between public or private*  
8 *school bus fleet operators whose vehicles are involved*  
9 *in an accident as defined by section 390.5 of title 49,*  
10 *Code of Federal Regulations, and each of the fol-*  
11 *lowing:*

12 (A) *A failure by those same operators of*  
13 *State or local safety inspections.*

14 (B) *The average age or odometer readings of*  
15 *the school buses in the fleets of such operators.*

16 (C) *Violations of Federal laws administered*  
17 *by the Department of Transportation, or of State*  
18 *law equivalents of such laws.*

19 (D) *Violations of State or local law relating*  
20 *to illegal passing of a school bus.*

21 (3) *A regulatory framework comparison of public*  
22 *and private school bus operations.*

23 (4) *Expert recommendations on best practices for*  
24 *safe and reliable school bus transportation, including*  
25 *driver training programs, inspection standards,*

1        *school bus age and odometer reading maximums for*  
 2        *retirement, the percentage of buses in a local bus fleet*  
 3        *needed as spare buses, and capacity levels per school*  
 4        *bus for different age groups.*

5        **SEC. 2611. USE OF HAIR TESTING FOR PREEMPLOYMENT**  
 6                                **AND RANDOM CONTROLLED SUBSTANCES**  
 7                                **TESTS.**

8        (a) *SHORT TITLE.*—*This section may be cited as the*  
 9        *“Drug Free Commercial Driver Act of 2015”.*

10        (b) *AUTHORIZATION OF HAIR TESTING AS AN ACCEPT-*  
 11        *ABLE PROCEDURE FOR PREEMPLOYMENT AND RANDOM*  
 12        *CONTROLLED SUBSTANCE TESTS.*—*Section 31306 is*  
 13        *amended—*

14                (1) *in subsection (b)(1)—*

15                                (A) *by redesignating subparagraph (B) as*  
 16                                *subparagraph (C); and*

17                                (B) *in subparagraph (A), by striking “The*  
 18                                *regulations shall permit such motor carriers to*  
 19                                *conduct preemployment testing of such employees*  
 20                                *for the use of alcohol.” and inserting the fol-*  
 21                                *lowing:*

22                                “(B) *The regulations prescribed under subparagraph*  
 23        (A) *shall permit motor carriers—*

1           “(i) to conduct preemployment testing of com-  
2           mercial motor vehicle operators for the use of alcohol;  
3           and

4           “(ii) to use hair testing as an acceptable alter-  
5           native to urinalysis—

6                 “(I) in conducting preemployment screening  
7                 for the use of a controlled substance; and

8                 “(II) in conducting random screening for  
9                 the use of a controlled substance by individuals  
10                who were subject to preemployment screening.”;

11           and

12           (2) in subsection (c)(2)—

13                 (A) in subparagraph (B), by striking “and”  
14                 at the end;

15                 (B) in subparagraph (C), by inserting  
16                 “and” after the semicolon; and

17                 (C) by adding at the end the following:

18                 “(D) laboratory protocols and cut-off levels  
19                 for hair testing to detect the use of a controlled  
20                 substance;”.

21           (c) *EXEMPTION FROM MANDATORY URINALYSIS.*—

22                 (1) *IN GENERAL.*—Any motor carrier that dem-  
23                 onstrates, to the satisfaction of the Administrator of  
24                 the Federal Motor Carrier Safety Administration, in  
25                 consultation with the Department of Health and

1 *Human Services, that it can carry out an applicable*  
2 *hair testing program, consistent with generally ac-*  
3 *cepted industry standards, to detect the use of a con-*  
4 *trolled substance by commercial motor vehicle opera-*  
5 *tors, may apply to the Administrator for an exemp-*  
6 *tion from the mandatory urinalysis testing require-*  
7 *ments set forth in subpart C of part 382 of title 49,*  
8 *Code of Federal Regulations until a final rule is*  
9 *issued implementing the amendments made by sub-*  
10 *section (b).*

11 (2) *EVALUATION OF APPLICATIONS.*—

12 (A) *IN GENERAL.*—*In evaluating applica-*  
13 *tions for an exemption under paragraph (1), the*  
14 *Administrator, in consultation with the Depart-*  
15 *ment of Health and Human Services, shall deter-*  
16 *mine if the applicant's testing program employs*  
17 *procedures and protections similar to fleets that*  
18 *have carried out hair testing programs for at*  
19 *least 1 year.*

20 (B) *REQUIREMENTS.*—*A testing program*  
21 *may not receive an exemption under paragraph*  
22 *(1) unless the applicable testing laboratories—*

23 (i) *have obtained laboratory accredita-*  
24 *tion specific to hair testing from an accred-*  
25 *iting body, compliant with international or*

1           *other Federal standards, as appropriate,*  
2           *such as the College of American Patholo-*  
3           *gists; and*

4           *(ii) utilize hair testing assays that*  
5           *have been cleared by the Food and Drug*  
6           *Administration under section 510(k) of the*  
7           *Federal Food, Drug and Cosmetic Act (21*  
8           *U.S.C. 360(k)).*

9           (3) *DEADLINE FOR DECISIONS.*—*Not later than*  
10          *90 days after receiving an application from a motor*  
11          *carrier under this subsection, the Administrator, in*  
12          *consultation with the Secretary of Health and*  
13          *Human Services, shall determine whether the motor*  
14          *carrier is exempt from the testing requirements de-*  
15          *scribed in paragraph (1).*

16          (4) *REPORTING REQUIREMENT.*—*Any motor car-*  
17          *rier that is granted an exemption under paragraph*  
18          *(1) shall submit records to the national clearinghouse*  
19          *established under section 31306a of title 49, United*  
20          *States Code, relating to all positive test results and*  
21          *test refusals from the hair testing program described*  
22          *in that paragraph.*

23          (d) *GUIDELINES FOR HAIR TESTING.*—*Not later than*  
24          *1 year after the date of the enactment of this Act, the Sec-*  
25          *retary of Health and Human Services shall issue scientific*

1 *and technical guidelines for hair testing as a method of de-*  
 2 *tecting the use of a controlled substance for purposes of sec-*  
 3 *tion 31306 of title 49, United States Code, as amended by*  
 4 *subsection (b). When issuing the scientific and technical*  
 5 *guidelines, the Secretary of Health and Human Services*  
 6 *may consider differentiating between exposure to, and usage*  
 7 *of, various controlled substances.*

8 *(e) ANNUAL REPORT TO CONGRESS.—The Secretary*  
 9 *shall submit an annual report to Congress that—*

10 *(1) summarizes the results of preemployment and*  
 11 *random drug testing using both hair testing and uri-*  
 12 *nalysis;*

13 *(2) evaluates the efficacy of each method; and*

14 *(3) determines which method provides the most*  
 15 *accurate means of detecting the use of controlled sub-*  
 16 *stances over time.*

17 **TITLE III—HAZARDOUS**  
 18 **MATERIALS**

19 **SEC. 3101. ENDORSEMENTS.**

20 *(a) EXCLUSIONS.—Section 5117(d)(1) is amended—*

21 *(1) in subparagraph (B), by striking “and” at*  
 22 *the end;*

23 *(2) in subparagraph (C), by striking the period*  
 24 *at the end and inserting “; and”; and*

25 *(3) by adding at the end the following:*



1           “(D) a service vehicle (as defined in section  
2           3101 of the Comprehensive Transportation and  
3           Consumer Protection Act of 2015) carrying die-  
4           sel fuel in quantities of 3,785 liters (1,000 gal-  
5           lons) or less that is—

6                   “(i) driven by a class A commercial  
7                   driver’s license holder who is a custom har-  
8                   vester, an agricultural retailer, an agricul-  
9                   tural business employee, an agricultural co-  
10                  operative employee, or an agricultural pro-  
11                  ducer; and

12                   “(ii) clearly marked with a placard  
13                  reading ‘Diesel Fuel’.”.

14           (b) *HAZARDOUS MATERIALS ENDORSEMENT EXEMP-*  
15           *TION.—The Secretary shall exempt all class A commercial*  
16           *driver’s license holders who are custom harvesters, agricul-*  
17           *tural retailers, agricultural business employees, agricul-*  
18           *tural cooperative employees, or agricultural producers from*  
19           *the requirement to obtain a hazardous materials endorse-*  
20           *ment under part 383 of title 49, Code of Federal Regula-*  
21           *tions, while operating a service vehicle carrying diesel fuel*  
22           *in quantities of 3,785 liters (1,000 gallons) or less if the*  
23           *tank containing such fuel is clearly marked with a placard*  
24           *reading “Diesel Fuel”.*

1       (c) *DEFINITION OF SERVICE VEHICLE.*—*In this sec-*  
2 *tion, the term “service vehicle” means a vehicle carrying*  
3 *diesel fuel that will be deductible as a profit-seeking activ-*  
4 *ity—*

5           (1) *under section 162 of the Internal Revenue*  
6 *Code of 1986 as a business expense; or*

7           (2) *under section 212 of the Internal Revenue*  
8 *Code of 1986 as a production of income expense.*

9 **SEC. 3102. ENHANCED REPORTING.**

10       *Section 5121(h) is amended by striking “transmit to*  
11 *the Committee on Transportation and Infrastructure of the*  
12 *House of Representatives and the Committee on Commerce,*  
13 *Science, and Transportation of the Senate” and inserting*  
14 *“post on the Department of Transportation public website”.*

15 **SEC. 3103. HAZARDOUS MATERIAL INFORMATION.**

16       (a) *DERAILMENT DATA.*—

17           (1) *IN GENERAL.*—*Not later than 180 days after*  
18 *the date of enactment of this Act, the Secretary shall*  
19 *revise the form for reporting a rail equipment acci-*  
20 *dent or incident under section 225.21 of title 49, Code*  
21 *of Federal Regulations (Form FRA F 6180.54, Rail*  
22 *Equipment Accident/Incident Report), including to*  
23 *its instructions, to require additional data concerning*  
24 *rail cars carrying crude oil or ethanol that are in-*

1 *involved in a reportable rail equipment accident or in-*  
2 *cident under part 225 of that title.*

3 (2) *CONTENTS.—The data under subsection (a)*  
4 *shall include—*

5 (A) *the number of rail cars carrying crude*  
6 *oil or ethanol;*

7 (B) *the number of rail cars carrying crude*  
8 *oil or ethanol damaged or derailed; and*

9 (C) *the number of rail cars releasing crude*  
10 *oil or ethanol.*

11 (3) *DIFFERENTIATION.—The data described in*  
12 *paragraph (2) shall be reported separately for crude*  
13 *oil and for ethanol.*

14 (b) *DATABASE CONNECTIVITY.—*

15 (1) *IN GENERAL.—Not later than 180 days after*  
16 *the date of enactment of this Act, the Secretary shall*  
17 *implement information management practices to en-*  
18 *sure that the Pipeline and Hazardous Materials Safe-*  
19 *ty Administration Hazardous Materials Incident Re-*  
20 *ports Database (referred to in this section as “Inci-*  
21 *dent Reports Database”)* and the Federal Railroad  
22 *Administration Railroad Safety Information System*  
23 *contain accurate and consistent data on a reportable*  
24 *rail equipment accident or incident under part 225*

1 of title 49, Code of Federal Regulations, involving the  
2 release of hazardous materials.

3 (2) *IDENTIFIERS.*—The Secretary shall ensure  
4 that the Incident Reports Database uses a searchable  
5 Federal Railroad Administration report number, or  
6 other applicable unique identifier that is linked to the  
7 Federal Railroad Safety Information System, for each  
8 reportable rail equipment accident or incident under  
9 part 225 of title 49, Code of Federal Regulations, in-  
10 volving the release of hazardous materials.

11 (c) *EVALUATION.*—

12 (1) *IN GENERAL.*—The Department of Transpor-  
13 tation Inspector General shall—

14 (A) evaluate the accuracy of information in  
15 the Incident Reports Database, including deter-  
16 mining whether any inaccuracies exist in—

17 (i) the type of hazardous materials re-  
18 leased;

19 (ii) the quantity of hazardous mate-  
20 rials released;

21 (iii) the location of hazardous mate-  
22 rials released;

23 (iv) the damages or effects of hazardous  
24 materials released; and

1                   (v) any other data contained in the  
2                   database; and

3                   (B) considering the requirements in sub-  
4                   section (b), evaluate the consistency and accu-  
5                   racy of data involving accidents or incidents re-  
6                   portable to both the Pipeline and Hazardous Ma-  
7                   terials Safety Administration and the Federal  
8                   Railroad Administration, including whether the  
9                   Incident Reports Database uses a searchable  
10                  identifier described in subsection (b)(2).

11                  (2) *REPORT.*—Not later than 18 months after the  
12                  date of enactment of this Act, the Department of  
13                  Transportation Inspector General shall submit to the  
14                  Committee on Commerce, Science, and Transpor-  
15                  tation of the Senate and the Committee on Transpor-  
16                  tation and Infrastructure of the House of Representa-  
17                  tives a report of the findings under subparagraphs  
18                  (A) and (B) of paragraph (1) and recommendations  
19                  for resolving any inconsistencies or inaccuracies.

20                  (d) *SAVINGS CLAUSE.*—Nothing in this section may  
21                  be construed to prohibit the Secretary from requiring other  
22                  commodity-specific information for any reportable rail  
23                  equipment accident or incident under part 225 of title 49,  
24                  Code of Federal Regulations.

1 **SEC. 3104. HAZARDOUS MATERIALS TRAINING REQUIRE-**  
2 **MENTS AND GRANTS.**

3 *Section 5107(e) is amended to read as follows:*

4 *“(e) TRAINING GRANTS.—*

5 *“(1) IN GENERAL.—Subject to the availability of*  
6 *funds under section 5128(c), the Secretary shall make*  
7 *grants under this subsection—*

8 *“(A) for training instructors to train—*

9 *“(i) hazmat employees;*

10 *“(ii) employees who enforce the haz-*  
11 *ardous materials regulations;*

12 *“(iii) employees who respond to haz-*  
13 *ardous materials incidents; or*

14 *“(iv) a combination of the employees*  
15 *described in clauses (i) through (iii); and*

16 *“(B) to the extent the Secretary considers*  
17 *appropriate, for such instructors to train—*

18 *“(i) hazmat employees;*

19 *“(ii) employees who enforce the haz-*  
20 *ardous materials regulations;*

21 *“(iii) employees who respond to haz-*  
22 *ardous materials incidents; or*

23 *“(iv) a combination of the employees*  
24 *described in clauses (i) through (iii).*

1           “(2) *ELIGIBILITY.*—*Grants under this subsection*  
2 *shall be made on a competitive basis to organizations*  
3 *that—*

4                   “(A) *train on a not-for-profit basis—*

5                           “(i) *hazmat employees;*

6                           “(ii) *employees who enforce the haz-*  
7 *ardous materials regulations;*

8                           “(iii) *employees who respond to haz-*  
9 *ardous materials incidents; or*

10                          “(iv) *a combination of the employees*  
11 *described in clauses (i) through (iii); and*

12                          “(B) *demonstrate—*

13                           “(i) *expertise in conducting a training*  
14 *program for 1 or more of the groups of em-*  
15 *ployees described in clauses (i) through (iii)*  
16 *of subparagraph (A); and*

17                           “(ii) *the ability to reach and involve*  
18 *in a training program a target population*  
19 *of 1 or more of the groups of employees de-*  
20 *scribed in clauses (i) through (iii) of sub-*  
21 *paragraph (A).”.*

1 **SEC. 3105. NATIONAL EMERGENCY AND DISASTER RE-**  
2 **SPONSE.**

3 (a) *PURPOSE.*—Section 5101 is amended by inserting  
4 and “and to facilitate the safe movement of hazardous mate-  
5 rials during national emergencies” after “commerce”.

6 (b) *GENERAL REGULATORY AUTHORITY.*—Section  
7 5103 is amended—

8 (1) by redesignating subsections (c) and (d) as  
9 subsections (d) and (e), respectively; and

10 (2) by inserting after subsection (b) the fol-  
11 lowing:

12 “(c) *FEDERALLY DECLARED DISASTER AND EMER-*  
13 *GENCY AREAS.*—The Secretary, in consultation with the  
14 Secretary of Homeland Security, may prescribe standards  
15 to facilitate the safe movement of hazardous materials into,  
16 from, and within a federally declared disaster area or a  
17 national emergency area.”.

18 **SEC. 3106. FLEXIBLE SERVICES.**

19 (a) *SERVICES.*—

20 (1) *IN GENERAL.*—An entity that provides dis-  
21 patching services for railroad industry clients, does  
22 not own a railroad, and is not under the control of  
23 an entity that owns a railroad shall not be considered  
24 a rail carrier for the purpose of jurisdiction under the  
25 applicable Acts, notwithstanding any Federal agency  
26 decision to the contrary.



1       (b) *DEFINITIONS.*—*In this section:*

2               (1) *APPLICABLE ACTS.*—*The term “applicable*  
3 *Acts” includes—*

4                       (A) *the Interstate Commerce Commission*  
5 *Termination Act (Public Law 104–88; 109 Stat.*  
6 *803);*

7                       (B) *the Railroad Retirement Act of 1974*  
8 *(45 U.S.C. 231); and*

9                       (C) *the Railroad Unemployment Insurance*  
10 *Act (45 U.S.C. 351 et seq.).*

11               (2) *DISPATCHING SERVICES.*—*The term “dis-*  
12 *patching services” means the use of an electrical or*  
13 *mechanical device to dispatch, report, transmit, re-*  
14 *ceive, or deliver orders related to or affecting train*  
15 *movements.*

16               (3) *RAIL CARRIER.*—*The term “rail carrier” has*  
17 *the meaning given the term in section 10102 of title*  
18 *49, United States Code.*

19               (4) *RAILROAD.*—*The term “railroad” has the*  
20 *meaning given the term in section 10102 of title 49,*  
21 *United States Code.*

22       (c) *SAVINGS CLAUSE.*—*Nothing in this section may be*  
23 *construed as affecting the applicability or any requirements*  
24 *of the applicable Acts for any entity that owns a railroad*  
25 *or is under the control of an entity that owns a railroad.*

1 **SEC. 3107. AUTHORIZATION OF APPROPRIATIONS.**

2 (a) *AUTHORIZATION OF APPROPRIATIONS.*—Section  
3 5128 is amended to read as follows:

4 **“§ 5128. Authorization of appropriations**

5 “(a) *IN GENERAL.*—There are authorized to be appro-  
6 priated to the Secretary to carry out this chapter (except  
7 sections 5107(e), 5108(g)(2), 5113, 5115, 5116, and 5119)—

8 “(1) \$43,660,000 for fiscal year 2016;

9 “(2) \$44,577,000 for fiscal year 2017;

10 “(3) \$45,513,000 for fiscal year 2018;

11 “(4) \$46,469,000 for fiscal year 2019;

12 “(5) \$47,445,000 for fiscal year 2020; and

13 “(6) \$48,441,000 for fiscal year 2021.

14 “(b) *HAZARDOUS MATERIALS EMERGENCY PRE-*  
15 *PAREDNESS FUND.*—From the Hazardous Materials Emer-  
16 gency Preparedness Fund established under section 5116(i),  
17 the Secretary may expend, during each of fiscal years 2016  
18 through 2021—

19 “(1) \$188,000 to carry out section 5115;

20 “(2) \$21,800,000 to carry out subsections (a)  
21 and (b) of section 5116, of which not less than  
22 \$13,650,000 shall be available to carry out section  
23 5116(b);

24 “(3) \$150,000 to carry out section 5116(f); and

1           “(4) \$625,000 to publish and distribute the  
2       *Emergency Response Guidebook* under section  
3       5116(i)(3).

4           “(c) *HAZARDOUS MATERIALS TRAINING GRANTS.*—  
5       *From the Hazardous Materials Emergency Preparedness*  
6       *Fund established pursuant to section 5116(i), the Secretary*  
7       *may expend \$5,000,000, of which at least \$1,000,000 shall*  
8       *be available for hazardous materials response training*  
9       *grants (including grants to nonprofit fire service organiza-*  
10       *tions), for each of the fiscal years 2016 through 2021 to*  
11       *carry out section 5107(e).*

12           “(d) *CREDITS TO APPROPRIATIONS.*—

13           “(1) *EXPENSES.*—*In addition to amounts other-*  
14       *wise made available to carry out this chapter, the*  
15       *Secretary may credit amounts received from a State,*  
16       *Indian tribe, or other public authority or private en-*  
17       *tity for expenses the Secretary incurs in providing*  
18       *training to the State, authority, or entity.*

19           “(2) *AVAILABILITY OF AMOUNTS.*—*Amounts*  
20       *made available under this section shall remain avail-*  
21       *able until expended.”.*

22           “(b) *CONFORMING AMENDMENT.*—*Section 5116 is*  
23       *amended—*

24           (1) *by striking subsection (j);*

1           (2) *in subsection (k), by striking “, and grants*  
 2           *under subsection (j)”*; and

3           (3) *by redesignating subsection (k) as subsection*  
 4           *(j).*

5           **TITLE IV—HIGHWAY AND MOTOR**  
 6                           **VEHICLE SAFETY**

7           **Subtitle A—Highway Traffic Safety**

8                           **PART I—HIGHWAY SAFETY**

9           **SEC. 4101. AUTHORIZATION OF APPROPRIATIONS.**

10           (a) *IN GENERAL.*—*The following sums are authorized*  
 11           *to be appropriated out of the Highway Trust Fund (other*  
 12           *than the Mass Transit Account):*

13                       (1) *HIGHWAY SAFETY PROGRAMS.*—*For carrying*  
 14           *out section 402 of title 23, United States Code—*

15                               (A) *\$243,526,500 for fiscal year 2016;*

16                               (B) *\$252,267,972 for fiscal year 2017;*

17                               (C) *\$261,229,288 for fiscal year 2018;*

18                               (D) *\$270,415,429 for fiscal year 2019;*

19                               (E) *\$279,831,482 for fiscal year 2020; and*

20                               (F) *\$289,482,646 for fiscal year 2021.*

21                       (2) *HIGHWAY SAFETY RESEARCH AND DEVELOP-*  
 22           *MENT.*—*For carrying out section 403 of title 23,*  
 23           *United States Code—*

24                               (A) *\$137,835,000 for fiscal year 2016;*

25                               (B) *\$140,729,535 for fiscal year 2017;*

- 1           (C) \$143,684,855 for fiscal year 2018;  
2           (D) \$146,702,237 for fiscal year 2019;  
3           (E) \$149,782,984 for fiscal year 2020; and  
4           (F) \$152,928,427 for fiscal year 2021.

5           (3) *NATIONAL PRIORITY SAFETY PROGRAMS.—*  
6           *For carrying out section 405 of title 23, United States*  
7           *Code—*

- 8           (A) \$274,720,000 for fiscal year 2016;  
9           (B) \$277,467,200 for fiscal year 2017;  
10          (C) \$280,241,872 for fiscal year 2018;  
11          (D) \$283,044,291 for fiscal year 2019;  
12          (E) \$285,874,734 for fiscal year 2020; and  
13          (F) \$288,733,481 for fiscal year 2021.

14          (4) *NATIONAL DRIVER REGISTER.—For the Na-*  
15          *tional Highway Traffic Safety Administration to*  
16          *carry out chapter 303 of title 49, United States*  
17          *Code—*

- 18          (A) \$5,105,000 for fiscal year 2016;  
19          (B) \$5,212,205 for fiscal year 2017;  
20          (C) \$5,321,661 for fiscal year 2018;  
21          (D) \$5,433,416 for fiscal year 2019;  
22          (E) \$5,547,518 for fiscal year 2020; and  
23          (F) \$5,664,016 for fiscal year 2021.

1           (5) *HIGH VISIBILITY ENFORCEMENT PROGRAM.*—  
2           *For carrying out section 2009 of SAFETEA-LU (23*  
3           *U.S.C. 402 note)*—

4                   (A) \$29,290,000 for fiscal year 2016;

5                   (B) \$29,582,900 for fiscal year 2017;

6                   (C) \$29,878,729 for fiscal year 2018;

7                   (D) \$30,177,516 for fiscal year 2019;

8                   (E) \$30,479,291 for fiscal year 2020; and

9                   (F) \$30,784,084 for fiscal year 2021.

10           (6) *ADMINISTRATIVE EXPENSES.*—*For adminis-*  
11           *trative and related operating expenses of the National*  
12           *Highway Traffic Safety Administration in carrying*  
13           *out chapter 4 of title 23, United States Code, and this*  
14           *subtitle*—

15                   (A) \$25,755,000 for fiscal year 2016;

16                   (B) \$26,012,550 for fiscal year 2017;

17                   (C) \$26,272,676 for fiscal year 2018;

18                   (D) \$26,535,402 for fiscal year 2019;

19                   (E) \$26,800,756 for fiscal year 2020; and

20                   (F) \$27,068,764 for fiscal year 2021.

21           (b) *PROHIBITION ON OTHER USES.*—*Except as other-*  
22           *wise provided in chapter 4 of title 23, United States Code,*  
23           *in this subtitle, and in the amendments made by this sub-*  
24           *title, the amounts made available from the Highway Trust*

1 *Fund (other than the Mass Transit Account) for a program*  
2 *under such chapter—*

3           (1) *shall only be used to carry out such program;*

4           *and*

5           (2) *may not be used by States or local govern-*  
6           *ments for construction purposes.*

7           (c) *APPLICABILITY OF TITLE 23.—Except as otherwise*  
8 *provided in chapter 4 of title 23, United States Code, and*  
9 *in this subtitle, amounts made available under subsection*  
10 *(a) for fiscal years 2016 through 2021 shall be available*  
11 *for obligation in the same manner as if such funds were*  
12 *apportioned under chapter 1 of title 23, United States Code.*

13           (d) *REGULATORY AUTHORITY.—Grants awarded*  
14 *under this subtitle shall be in accordance with regulations*  
15 *issued by the Secretary.*

16           (e) *STATE MATCHING REQUIREMENTS.—If a grant*  
17 *awarded under this subtitle requires a State to share in*  
18 *the cost, the aggregate of all expenditures for highway safety*  
19 *activities made during any fiscal year by the State and*  
20 *its political subdivisions (exclusive of Federal funds) for*  
21 *carrying out the grant (other than planning and adminis-*  
22 *tration) shall be available for the purpose of crediting the*  
23 *State during such fiscal year for the non-Federal share of*  
24 *the cost of any project under this subtitle (other than plan-*  
25 *ning or administration) without regard to whether such ex-*

1 *penditures were actually made in connection with such*  
2 *project.*

3       (f) *GRANT APPLICATION AND DEADLINE.*—*To receive*  
4 *a grant under this subtitle, a State shall submit an applica-*  
5 *tion, and the Secretary shall establish a single deadline for*  
6 *such applications to enable the award of grants early in*  
7 *the next fiscal year.*

8       (g) *TRANSFERS.*—*Section 405(a)(1)(G) of title 23,*  
9 *United States Code, is amended to read as follows:*

10               “(G) *TRANSFERS.*—*Notwithstanding sub-*  
11 *paragraphs (A) through (F), the Secretary shall*  
12 *reallocate, before the last day of any fiscal year,*  
13 *any amounts remaining available of the*  
14 *amounts allocated to carry out any of the activi-*  
15 *ties described in subsections (b) through (g) to*  
16 *increase the amount made available to carry out*  
17 *section 402, in order to ensure, to the maximum*  
18 *extent possible, that all such amounts are obli-*  
19 *gated during such fiscal year.”.*

20 **SEC. 4102. HIGHWAY SAFETY PROGRAMS.**

21       (a) *RESTRICTION.*—*Section 402(g) of title 23, United*  
22 *States Code, is amended to read as follows:*

23               “(g) *RESTRICTION.*—*Nothing in this section may be*  
24 *construed to authorize the appropriation or expenditure of*  
25 *funds for highway construction, maintenance, or design*



1 *(other than design of safety features of highways to be incor-*  
2 *porated into guidelines).”.*

3 *(b) USE OF FUNDS.—*

4 *(1) HIGHWAY SAFETY PROGRAMS.—Section*  
5 *402(c)(2) of title 23, United States Code, is amended*  
6 *by inserting “A State may provide the funds appor-*  
7 *tioned under this section to a political subdivision of*  
8 *a State, including Indian tribal governments.” after*  
9 *“neighboring States.”.*

10 *(2) NATIONAL PRIORITY SAFETY PROGRAMS.—*  
11 *Section 405(a)(1) is amended by adding at the end*  
12 *the following:*

13 *“(I) POLITICAL SUBDIVISIONS.—A State*  
14 *may provide the funds awarded under this sec-*  
15 *tion to a political subdivision of a State, includ-*  
16 *ing Indian tribal governments.”.*

17 *(c) TRACKING PROCESS.—Section 412 of title 23,*  
18 *United States Code, is amended by adding at the end the*  
19 *following:*

20 *“(f) TRACKING PROCESS.—The Secretary shall develop*  
21 *a process to identify and mitigate possible systemic issues*  
22 *across States and regional offices by reviewing oversight*  
23 *findings and recommended actions identified in triennial*  
24 *State management reviews.”.*

1       (d) *HIGHWAY SAFETY PLANS.*—Section 402(k)(5)(A)  
 2 of title 23, United States Code, is amended by striking “60”  
 3 and inserting “30”.

4       (e) *MAINTENANCE OF EFFORT.*—Section 405(a)(1)(H)  
 5 of title 23, United States Code, is amended to read as fol-  
 6 lows:

7               “(H) *MAINTENANCE OF EFFORT CERTIFI-*  
 8               *CATION.*—As part of the grant application re-  
 9               quired in section 402(k)(3)(F), a State receiving  
 10              a grant in any fiscal year under subsection (b),  
 11              subsection (c), or subsection (d) of this section  
 12              shall provide certification that the lead State  
 13              agency responsible for programs described in any  
 14              of those sections is maintaining aggregate ex-  
 15              penditures at or above the average level of such  
 16              expenditures in the 2 fiscal years prior to the  
 17              date of enactment of the Comprehensive Trans-  
 18              portation and Consumer Protection Act of  
 19              2015.”.

20 **SEC. 4103. GRANTS FOR ALCOHOL-IGNITION INTERLOCK**  
 21 **LAWS AND 24–7 SOBRIETY PROGRAMS.**

22       Section 405(d) of title 23, United States Code, is  
 23 amended—

24              (1) in paragraph (1)(A), by adding “, including  
 25       24–7 sobriety programs” after “and drugs”;

1           (2) *in paragraph (6)—*

2                   (A) *by amending the heading to read as fol-*  
3 *lows: “GRANTS TO STATES FOR ALCOHOL-IGNI-*  
4 *TION INTERLOCK LAWS AND 24–7 SOBRIETY PRO-*  
5 *GRAMS.—”;*

6                   (B) *by amending subparagraph (A) to read*  
7 *as follows:*

8                   “(A) *ALCOHOL-IGNITION INTERLOCK LAWS*  
9 *AND 24–7 SOBRIETY PROGRAMS.—*

10                   “(i) *IN GENERAL.—The Secretary shall*  
11 *make a separate grant under this subsection*  
12 *to each State that—*

13                           “(I) *adopts and is enforcing a law*  
14 *that requires all individuals convicted*  
15 *of driving under the influence of alco-*  
16 *hol or of driving while intoxicated to*  
17 *receive a restriction on driving privi-*  
18 *leges; and*

19                           “(II) *either—*

20                                   “(aa) *except as provided*  
21 *under clause (ii), adopts and is*  
22 *enforcing a mandatory alcohol-ig-*  
23 *nitition interlock law for all indi-*  
24 *viduals convicted of driving under*

1                   *the influence of alcohol or of driv-*  
2                   *ing while intoxicated; or*

3                   *“(bb) provides a 24–7 sobri-*  
4                   *ety program.*

5                   *“(i) EXCEPTIONS.—A State alcohol-ig-*  
6                   *niton interlock law under clause (i)(II)(aa)*  
7                   *may include exceptions for the following*  
8                   *circumstances:*

9                   *“(I) The individual is required to*  
10                   *operate an employer’s motor vehicle in*  
11                   *the course and scope of employment*  
12                   *and the business entity that owns the*  
13                   *vehicle is not owned or controlled by*  
14                   *the individual.*

15                   *“(II) The individual is certified*  
16                   *by a medical doctor as being unable to*  
17                   *provide a deep lung breath sample for*  
18                   *analysis by an ignition interlock de-*  
19                   *vice.”; and*

20                   *(C) in subparagraph (D), by adding at the*  
21                   *end the following: “Not more than 20 percent of*  
22                   *the funds made available under this paragraph*  
23                   *in a fiscal year may be available to States under*  
24                   *subparagraph (A)(i)(II)(bb).”;* and

25                   *(3) in paragraph (7)(A)—*

1 (A) in the matter preceding clause (i)—

2 (i) by striking “or a State agency”  
3 and inserting “or an agency with jurisdic-  
4 tion”; and

5 (ii) by inserting “bond,” before “sen-  
6 tence”;

7 (B) in clause (i), by striking “who plead  
8 guilty or” and inserting “who was arrested,  
9 plead guilty, or”; and

10 (C) in clause (ii), by inserting “at an in-  
11 person testing location” after “per day”.

12 **SEC. 4104. REPEAT OFFENDER CRITERIA.**

13 Section 164(a) of title 23, United States Code, is  
14 amended—

15 (1) by redesignating paragraphs (1) through (4)  
16 as paragraphs (2) through (5), respectively;

17 (2) by inserting before paragraph (2), as redesign-  
18 ated, the following:

19 “(1) 24–7 SOBRIETY PROGRAM.—The term ‘24–  
20 7 sobriety program’ has the meaning given the term  
21 in section 405(d)(7)(A).”;

22 (3) in paragraph (5), as redesignated—

23 (A) in the matter preceding subparagraph  
24 (A), by inserting “or combination of laws or pro-  
25 grams” after “State law”; and

1           (B) by amending subparagraph (A) to read  
2 as follows:

3           “(A) receive, for a period of not less than 1  
4 year—

5                 “(i) a suspension of all driving privi-  
6 leges;

7                 “(ii) a restriction on driving privileges  
8 that limits the individual to operating only  
9 motor vehicles with an ignition interlock de-  
10 vice installed, unless a special exception ap-  
11 plies;

12                 “(iii) a restriction on driving privi-  
13 leges that limits the individual to operating  
14 motor vehicles only if participating in, and  
15 complying with, a 24-7 sobriety program;  
16 or

17                 “(iv) any combination of clauses (i)  
18 through (iii);”;

19           (C) by striking subparagraph (B);

20           (D) by redesignating subparagraphs (C)  
21 and (D) as subparagraphs (B) and (C), respec-  
22 tively; and

23           (E) in subparagraph (C), as redesignated—  
24                 (i) in clause (i)—

1                   (I) in subclause (I), by striking “;  
2                   or” and inserting a semicolon;

3                   (II) in subclause (II), by striking  
4                   “; and”; and inserting “; or”; and

5                   (III) by adding at the end the fol-  
6                   lowing:

7                   “(III) the State certifies that the  
8                   general practice is that such an indi-  
9                   vidual will be incarcerated; and”; and  
10                  (ii) in clause (ii)—

11                  (I) in subclause (I), by striking “;  
12                  or” and inserting a semicolon;

13                  (II) in subclause (II), by striking  
14                  “the period at the end”; and inserting  
15                  “; or”; and

16                  (III) by adding at the end the fol-  
17                  lowing:

18                  “(III) the State certifies that the  
19                  general practice is that such an indi-  
20                  vidual will receive approximately 10  
21                  days of incarceration.”; and

22                  (4) by adding at the end—

23                  “(6) *SPECIAL EXCEPTION.*—The term ‘special ex-  
24                  ception’ means an exception under a State alcohol-ig-  
25                  nition interlock law for the following circumstances:

1           “(A) *The individual is required to operate*  
2           *an employer’s motor vehicle in the course and*  
3           *scope of employment and the business entity that*  
4           *owns the vehicle is not owned or controlled by*  
5           *the individual.*

6           “(B) *The individual is certified by a med-*  
7           *ical doctor as being unable to provide a deep*  
8           *lung breath sample for analysis by an ignition*  
9           *interlock device.”.*

10 **SEC. 4105. STUDY ON THE NATIONAL ROADSIDE SURVEY OF**  
11 **ALCOHOL AND DRUG USE BY DRIVERS.**

12           *Not later than 180 days after the date that the Comp-*  
13 *troller General reviews and reports on the overall value of*  
14 *the National Roadside Survey to researchers and other pub-*  
15 *lic safety stakeholders, the differences between a National*  
16 *Roadside Survey site and typical law enforcement check-*  
17 *points, and the effectiveness of the National Roadside Sur-*  
18 *vey methodology at protecting the privacy of the driving*  
19 *public, as requested by the Committee on Appropriations*  
20 *of the Senate on June 5, 2014 (Senate Report 113–182),*  
21 *the Secretary shall report to Congress on the National High-*  
22 *way Traffic Safety Administration’s progress toward re-*  
23 *viewing that report and implementing any recommenda-*  
24 *tions made in that report.*



1 **SEC. 4106. INCREASING PUBLIC AWARENESS OF THE DAN-**  
2 **GERs OF DRUG-IMPAIRED DRIVING.**

3 (a) *ADDITIONAL ACTIONS.*—*The Administrator of the*  
4 *National Highway Traffic Safety Administration, in con-*  
5 *sultation with the White House Office of National Drug*  
6 *Control Policy, the Secretary of Health and Human Serv-*  
7 *ices, State highway safety offices, and other interested par-*  
8 *ties, as determined by the Administrator, shall identify and*  
9 *carry out additional actions that should be undertaken by*  
10 *the Administration to assist States in their efforts to in-*  
11 *crease public awareness of the dangers of drug-impaired*  
12 *driving, including the dangers of driving while under the*  
13 *influence of heroin or prescription opioids.*

14 (b) *REPORT.*—*Not later than 60 days after the date*  
15 *of enactment of this Act, the Administrator shall submit*  
16 *a report to the Committee on Commerce, Science, and*  
17 *Transportation of the Senate and the Committee on Trans-*  
18 *portation and Infrastructure of the House of Representa-*  
19 *tives that describes the additional actions undertaken by the*  
20 *Administration pursuant to subsection (a).*

21 **SEC. 4107. IMPROVEMENT OF DATA COLLECTION ON CHILD**  
22 **OCCUPANTS IN VEHICLE CRASHES.**

23 (a) *IN GENERAL.*—*Not later than 1 year after the date*  
24 *of enactment of this Act, the Secretary shall revise the crash*  
25 *investigation data collection system of the National High-*  
26 *way Traffic Safety Administration to include the collection*

1 of the following data in connection with vehicle crashes  
2 whenever a child restraint system was in use in a vehicle  
3 involved in a crash:

4           (1) The type or types of child restraint systems  
5           in use during the crash in any vehicle involved in the  
6           crash, including whether a five-point harness or belt-  
7           positioning booster.

8           (2) If a five-point harness child restraint system  
9           was in use during the crash, whether the child re-  
10          straint system was forward-facing or rear-facing in  
11          the vehicle concerned.

12          (b) CONSULTATION.—In implementing subsection (a),  
13          the Secretary shall work with law enforcement officials,  
14          safety advocates, the medical community, and research or-  
15          ganizations to improve the recordation of data described in  
16          subsection (a) in police and other applicable incident re-  
17          ports.

18          (c) REPORT.—Not later than 3 years after the date of  
19          enactment of this Act, the Secretary shall submit to the  
20          Committee on Commerce, Science, and Transportation of  
21          the Senate and the Committee on Energy and Commerce  
22          of the House of Representatives a report on child occupant  
23          crash data collection in the crash investigation data collec-  
24          tion system of the National Highway Traffic Safety Admin-

1 *istration pursuant to the revision required by subsection*  
 2 *(a).*

3 **PART II—STOP MOTORCYCLE CHECKPOINT**

4 **FUNDING ACT**

5 **SEC. 4121. SHORT TITLE.**

6 *This part may be cited as the “Stop Motorcycle Check-*  
 7 *point Funding Act”.*

8 **SEC. 4122. GRANT RESTRICTION.**

9 *Notwithstanding section 153 of title 23, United States*  
 10 *Code, the Secretary may not provide a grant or any funds*  
 11 *to a State, county, town, township, Indian tribe, munici-*  
 12 *pality, or other local government that may be used for any*  
 13 *program—*

- 14 *(1) to check helmet usage; or*  
 15 *(2) to create checkpoints that specifically target*  
 16 *motorcycle operators or motorcycle passengers.*

17 **PART III—IMPROVING DRIVER SAFETY ACT OF**

18 **2015**

19 **SEC. 4131. SHORT TITLE.**

20 *This part may be cited as the “Improving Driver Safe-*  
 21 *ty Act of 2015”.*

22 **SEC. 4132. DISTRACTED DRIVING INCENTIVE GRANTS.**

23 *Section 405(e) of title 23, United States Code, is*  
 24 *amended—*

1           (1) in paragraph (1), by inserting “includes dis-  
2           tricted driving issues as part of the State’s driver’s  
3           license examination and” after “any State that”;

4           (2) in paragraph (2)—

5                 (A) in subparagraph (B), by striking “and”  
6                 at the end;

7                 (B) by amending subparagraph (C) to read  
8                 as follows:

9                     “(C) establishes a minimum fine for a vio-  
10                     lation of the statute; and”; and

11                     (C) by adding at the end the following:

12                         “(D) does not provide for an exception that  
13                         specifically allows a driver to use a personal  
14                         wireless communications device for texting while  
15                         stopped in traffic.”;

16           (3) in paragraph (3)—

17                 (A) by amending subparagraph (A) to read  
18                 as follows:

19                     “(A) prohibits the use of a personal wireless  
20                     communications device while driving for driv-  
21                     ers—

22                         “(i) younger than 18 years of age; or

23                         “(ii) in the learner’s permit and inter-  
24                         mediate license stages;”; and

1           (B) by striking subparagraphs (C) and (D)  
2 and inserting the following:

3           “(C) establishes a minimum fine for a vio-  
4 lation of the statute; and

5           “(D) does not provide for an exception that  
6 specifically allows a driver to text through a per-  
7 sonal wireless communications device while  
8 stopped in traffic.”; and

9 (4) in paragraph (4)—

10           (A) in subparagraph (B)(ii), by striking  
11 “and” at the end;

12           (B) in subparagraph (C)—

13           (i) by striking “section 31152” and in-  
14 serting “section 31136”; and

15           (ii) by striking the period at the end  
16 and inserting “; and”; and

17           (C) by adding at the end the following:

18           “(D) any additional exceptions determined  
19 by the Secretary through the rulemaking proc-  
20 ess.”;

21           (5) by amending paragraph (6) to read as fol-  
22 lows:

23           “(6)    *ADDITIONAL    DISTRACTED    DRIVING*  
24           *GRANTS.*—

1           “(A) *IN GENERAL.*—*Notwithstanding para-*  
2 *graph (1), the Secretary shall use up to 50 per-*  
3 *cent of the amounts available for grants under*  
4 *this subsection to award grants to any State*  
5 *that—*

6                   “(i) *in fiscal year 2017—*

7                           “(I) *certifies that it has enacted a*  
8 *basic text messaging statute that—*

9                                   “(aa) *is applicable to drivers*  
10 *of all ages; and*

11                                   “(bb) *makes violation of the*  
12 *basic text messaging statute a pri-*  
13 *mary offense or secondary enforce-*  
14 *ment action as allowed by State*  
15 *statute; and*

16                           “(II) *is otherwise ineligible for a*  
17 *grant under this subsection; and*

18                   “(ii) *in fiscal year 2018—*

19                           “(I) *meets the requirements under*  
20 *clause (i);*

21                           “(II) *imposes fines for violations;*  
22 *and*

23                           “(III) *has a statute that prohibits*  
24 *drivers who are younger than 18 years*

1                   of age from using a personal wireless  
2                   communications device while driving.

3                   “(B) *USE OF GRANT FUNDS.*—

4                   “(i) *IN GENERAL.*—Notwithstanding  
5                   paragraph (5) and subject to clauses (ii)  
6                   and (iii) of this subparagraph, amounts re-  
7                   ceived by a State under subparagraph (A)  
8                   may be used for activities related to the en-  
9                   forcement of distracted driving laws, includ-  
10                  ing for public information and awareness  
11                  purposes.

12                  “(ii) *FISCAL YEAR 2017.*—In fiscal year  
13                  2017, up to 15 percent of the amounts re-  
14                  ceived by a State under subparagraph (A)  
15                  may be used for any eligible project or ac-  
16                  tivity under section 402.

17                  “(iii) *FISCAL YEAR 2018.*—In fiscal  
18                  year 2018, up to 25 percent of the amounts  
19                  received by a State under subparagraph (A)  
20                  may be used for any eligible project or ac-  
21                  tivity under section 402.”; and

22                  (6) in paragraph (9)(A)(i), by striking “, includ-  
23                  ing operation while temporarily stationary because of  
24                  traffic, a traffic light or stop sign, or otherwise”.

1 **SEC. 4133. BARRIERS TO DATA COLLECTION REPORT.**

2 *Not later than 180 days after the date of the enactment*  
 3 *of this Act, the Administrator of the National Highway*  
 4 *Traffic Safety Administration shall submit a report to the*  
 5 *Committee on Commerce, Science, and Transportation of*  
 6 *the Senate, the Committee on Energy and Commerce of the*  
 7 *House of Representatives, and the Committee on Transpor-*  
 8 *tation and Infrastructure of the House of Representatives*  
 9 *that—*

- 10 *(1) identifies any legal and technical barriers to*  
 11 *capturing adequate data on the prevalence of the use*  
 12 *of wireless communications devices while driving; and*  
 13 *(2) provides recommendations on how to address*  
 14 *such barriers.*

15 **SEC. 4134. MINIMUM REQUIREMENTS FOR STATE GRAD-**  
 16 **UATED DRIVER LICENSING INCENTIVE**  
 17 **GRANT PROGRAM.**

18 *Section 405(g)(2) of title 23, United States Code, is*  
 19 *amended—*

- 20 *(1) in subparagraph (A), by striking “21” and*  
 21 *inserting “18”; and*  
 22 *(2) by amending subparagraph (B) to read as*  
 23 *follows:*

24 *“(B) LICENSING PROCESS.—A State is in*  
 25 *compliance with the 2-stage licensing process de-*



1           *scribed in this subparagraph if the State's driv-*  
2           *er's license laws include—*

3                   *“(i) a learner's permit stage that—*

4                           *“(I) is at least 6 months in dura-*  
5                           *tion;*

6                           *“(II) contains a prohibition on*  
7                           *the driver using a personal wireless*  
8                           *communications device (as defined in*  
9                           *subsection (e)) while driving except*  
10                           *under an exception permitted under*  
11                           *paragraph (4) of that subsection, and*  
12                           *makes a violation of the prohibition a*  
13                           *primary offense;*

14                           *“(III) requires applicants to suc-*  
15                           *cessfully pass a vision and knowledge*  
16                           *assessment prior to receiving a learn-*  
17                           *er's permit;*

18                           *“(IV) requires that the driver be*  
19                           *accompanied and supervised at all*  
20                           *times while the driver is operating a*  
21                           *motor vehicle by a licensed driver who*  
22                           *is at least 21 years of age or is a*  
23                           *State-certified driving instructor;*

24                           *“(V) has a requirement that the*  
25                           *driver—*

1                   “(aa) complete a State-cer-  
2                   tified driver education or training  
3                   course; or

4                   “(bb) obtain at least 50 hours  
5                   of behind-the-wheel training, with  
6                   at least 10 hours at night, with a  
7                   licensed driver;

8                   “(VI) remains in effect until the  
9                   driver—

10                   “(aa) reaches 16 years of age  
11                   and enters the intermediate stage;  
12                   or

13                   “(bb) reaches 18 years of age;  
14                   “(ii) an intermediate stage that—

15                   “(I) commences immediately after  
16                   the expiration of the learner’s permit  
17                   stage and successful completion of a  
18                   driving skills assessment;

19                   “(II) is at least 6 months in du-  
20                   ration;

21                   “(III) prohibits the driver from  
22                   using a personal wireless communica-  
23                   tions device (as defined in subsection  
24                   (e)) while driving except under an ex-  
25                   ception permitted under paragraph (4)

1           of that subsection, and makes a viola-  
2           tion of the prohibition a primary of-  
3           fense;

4           “(IV) for the first 6 month of the  
5           intermediate stage, restricts driving at  
6           night between the hours of 10:00 p.m.  
7           and 5:00 a.m. when not supervised by  
8           a licensed driver 21 years of age or  
9           older, excluding transportation to  
10          work, school, religious activities, or  
11          emergencies;

12          “(V) prohibits the driver from op-  
13          erating a motor vehicle with more than  
14          1 nonfamilial passenger younger than  
15          21 years of age unless a licensed driver  
16          who is at least 21 years of age is in the  
17          motor vehicle; and

18          “(VI) remains in effect until the  
19          driver reaches 17 years of age; and

20          “(iii) a learner’s permit and inter-  
21          mediate stage that require, in addition to  
22          any other penalties imposed by State law,  
23          the granting of an unrestricted driver’s li-  
24          cense be automatically delayed for any indi-  
25          vidual who, during the learner’s permit or

1            *intermediate stage, is convicted of a driv-*  
 2            *ing-related offense during the first 6*  
 3            *months, including—*

4                    *“(I) driving while intoxicated;*

5                    *“(II) misrepresentation of the in-*  
 6                    *dividual’s age;*

7                    *“(III) reckless driving;*

8                    *“(IV) driving without wearing a*  
 9                    *seat belt;*

10                   *“(V) speeding; or*

11                   *“(VI) any other driving-related of-*  
 12                   *fense, as determined by the Secretary.”.*

13            **PART IV—TECHNICAL AND CONFORMING**

14                    **AMENDMENTS**

15    **SEC. 4141. TECHNICAL CORRECTIONS TO THE MOTOR VEHI-**  
 16                    **CLE AND HIGHWAY SAFETY IMPROVEMENT**  
 17                    **ACT OF 2012.**

18            *(a) HIGHWAY SAFETY PROGRAMS.—Section 402 of*  
 19            *title 23, United States Code is amended—*

20                    *(1) in subsection (b)(1)(C), by striking “except*  
 21                    *as provided in paragraph (3),”;*

22                    *(2) in subsection (b)(1)(E)—*

23                    *(A) by striking “in which a State” and in-*  
 24                    *serting “for which a State”; and*

1                   (B) by striking “subsection (f)” and insert-  
2                   ing “subsection (k)”; and

3                   (3) in subsection (k)(4), by striking “paragraph  
4                   (2)(A)” and inserting “paragraph (3)(A)”.

5                   (b) *HIGHWAY SAFETY RESEARCH AND DEVELOP-*  
6 *MENT.*—Section 403(e) of title 23, United States Code is  
7 amended by inserting “of title 49” after “chapter 301”.

8                   (c) *NATIONAL PRIORITY SAFETY PROGRAMS.*—Section  
9 405 of title 23, United States Code is amended—

10                   (1) in subsection (d)(5), by striking “section  
11                   402(c)” and inserting “section 402”; and

12                   (2) in subsection (f)(4)(A)(iv), by striking “de-  
13                   veloped under subsection (g)”.

## 14                   ***Subtitle B—Vehicle Safety***

### 15                   ***SEC. 4201. AUTHORIZATION OF APPROPRIATIONS.***

16                   (a) *IN GENERAL.*—Subject to subsection (b), there is  
17 authorized to be appropriated to the Secretary to carry out  
18 chapter 301 of title 49, and part C of subtitle VI of title  
19 49, United States Code, amounts as follows:

20                   (1) \$132,730,000 for fiscal year 2016.

21                   (2) \$135,517,330 for fiscal year 2017.

22                   (3) \$138,363,194 for fiscal year 2018.

23                   (4) \$141,268,821 for fiscal year 2019.

24                   (5) \$144,235,466 for fiscal year 2020.

25                   (6) \$147,264,411 for fiscal year 2021.

1           **(b) ADDITIONAL AUTHORIZATION OF APPROPRIATIONS**  
2 *IF A CERTIFICATION IS MADE.—*

3           **(1) IN GENERAL.—***In addition to the amounts*  
4 *authorized to be appropriated under subsection (a) to*  
5 *carry out chapter 301 of title 49, and part C of sub-*  
6 *title VI of title 49, United States Code, if the certifi-*  
7 *cation described in paragraph (2) is made during a*  
8 *fiscal year there is authorized to be appropriated to*  
9 *the Secretary for that purpose for that fiscal year and*  
10 *subsequent fiscal years an additional amount as fol-*  
11 *lows:*

12                   **(A)** *\$46,270,000 for fiscal year 2016.*

13                   **(B)** *\$51,537,670 for fiscal year 2017.*

14                   **(C)** *\$57,296,336 for fiscal year 2018.*

15                   **(D)** *\$62,999,728 for fiscal year 2019.*

16                   **(E)** *\$69,837,974 for fiscal year 2020.*

17                   **(F)** *\$76,656,407 for fiscal year 2021.*

18           **(2) CERTIFICATION DESCRIBED.—***The certifi-*  
19 *cation described in this paragraph is a certification*  
20 *made by the Inspector General of the Department of*  
21 *Transportation and submitted to Congress that the*  
22 *National Highway Traffic Safety Administration has*  
23 *implemented all of the recommendations in the Office*  
24 *of Inspector General Audit Report issued June 18,*  
25 *2015 (ST-2015-063).*

1 **SEC. 4202. INSPECTOR GENERAL RECOMMENDATIONS.**

2       (a) *IN GENERAL.*—Not later than 90 days after the  
3 date of enactment of this Act, and periodically thereafter  
4 until the completion date, the Department of Transpor-  
5 tation Inspector General shall report to the appropriate  
6 committees of Congress on whether and what progress has  
7 been made to implement the recommendations in the Office  
8 of Inspector General Audit Report issued June 18, 2015  
9 (ST-2015-063).

10       (b) *IMPLEMENTATION PROGRESS.*—The Administrator  
11 of the National Highway Traffic Safety Administration  
12 shall—

13               (1) not later than 90 days after the date of en-  
14 actment of this Act, and periodically thereafter until  
15 the completion date, provide a briefing to the appro-  
16 priate committees of Congress on the actions the Ad-  
17 ministrator has taken to implement the recommenda-  
18 tions in the audit report described in subsection (a),  
19 including a plan for implementing any remaining  
20 recommendations; and

21               (2) not later than 1 year after the date of enact-  
22 ment of this Act, issue a final report to the appro-  
23 priate committees of Congress on the implementation  
24 of all of the recommendations in the audit report de-  
25 scribed in subsection (a).

26       (c) *DEFINITIONS.*—In this section:





1           (3) *by establishing best practices for scheduling*  
2           *routine website maintenance.*

3           (b) *GOVERNMENT ACCOUNTABILITY OFFICE PUBLIC*  
4 *AWARENESS REPORT.—*

5           (1) *IN GENERAL.—The Comptroller General shall*  
6           *study the current use by consumers, dealers, and*  
7           *manufacturers of the safety recall information made*  
8           *available to the public, including the usability and*  
9           *content of the Federal and manufacturers’ websites*  
10           *and the National Highway Traffic Safety Adminis-*  
11           *tration’s efforts to publicize and educate consumers*  
12           *about safety recall information.*

13           (2) *REPORT.—Not later than 2 years after the*  
14           *date of enactment of this Act, the Comptroller General*  
15           *shall issue a report with the findings of the study*  
16           *under paragraph (1), including recommending any*  
17           *actions the Secretary can take to improve public*  
18           *awareness and use of the websites for safety recall in-*  
19           *formation.*

20           (c) *PROMOTION OF PUBLIC AWARENESS.—Section*  
21 *31301(c) of the Moving Ahead for Progress in the 21st Cen-*  
22 *tury Act (49 U.S.C. 30166 note) is amended to read as fol-*  
23 *lows:*

24           “(c) *PROMOTION OF PUBLIC AWARENESS.—The Sec-*  
25 *retary shall improve public awareness of safety recall infor-*

1 *mation made publicly available by periodically updating*  
2 *the method of conveying that information to consumers,*  
3 *dealers, and manufacturers, such as through public service*  
4 *announcements.”.*

5 *(d) CONSUMER GUIDANCE.—Not later than 1 year*  
6 *after the date of enactment of this Act, the Secretary shall*  
7 *make available to the public on the Internet detailed guid-*  
8 *ance for consumers submitting safety complaints, includ-*  
9 *ing—*

10 *(1) a detailed explanation of what information*  
11 *a consumer should include in a complaint; and*

12 *(2) a detailed explanation of the possible actions*  
13 *the National Highway Traffic Safety Administration*  
14 *can take to address a complaint and respond to the*  
15 *consumer, including information on—*

16 *(A) the consumer records, such as photo-*  
17 *graphs and police reports, that could assist with*  
18 *an investigation; and*

19 *(B) the length of time a consumer should re-*  
20 *tain the records described in subparagraph (A).*

21 *(e) VIN SEARCH.—*

22 *(1) IN GENERAL.—The Secretary, in coordina-*  
23 *tion with industry, including manufacturers and*  
24 *dealers, shall study—*

1           (A) the feasibility of searching multiple ve-  
2           hicle identification numbers at a time to retrieve  
3           motor vehicle safety recall information; and

4           (B) the feasibility of making the search  
5           mechanism described under subparagraph (A)  
6           publicly available.

7           (2) *CONSIDERATIONS.*—In conducting the study  
8           under paragraph (1), the Secretary shall consider the  
9           potential costs, and potential risks to privacy and se-  
10          curity in implementing such a search mechanism.

11 **SEC. 4204. RECALL PROCESS.**

12          (a) *NOTIFICATION IMPROVEMENT.*—

13           (1) *IN GENERAL.*—Not later than 270 days after  
14           the date of enactment of this Act, the Secretary shall  
15           prescribe a final rule revising the regulations under  
16           section 577.7 of title 49, Code of Federal Regulations,  
17           to include notification by electronic means in addi-  
18           tion to notification by first class mail.

19           (2) *DEFINITION OF ELECTRONIC MEANS.*—In this  
20           subsection, the term “electronic means” includes elec-  
21           tronic mail and may include such other means of  
22           electronic notification, such as social media or tar-  
23           geted online campaigns, as determined by the Sec-  
24           retary.

1       (b) *NOTIFICATION BY MANUFACTURER.*—Section  
2 30118(c) is amended by inserting “or electronic mail” after  
3 “certified mail”.

4       (c) *RECALL COMPLETION RATES REPORT.*—

5           (1) *IN GENERAL.*—Not later than 1 year after  
6 the date of enactment of this Act, and biennially  
7 thereafter for 4 years, the Secretary shall—

8           (A) conduct an analysis of vehicle safety re-  
9 call completion rates to assess potential actions  
10 by the National Highway Traffic Safety Admin-  
11 istration to improve vehicle safety recall comple-  
12 tion rates; and

13           (B) submit to the Committee on Commerce,  
14 Science, and Transportation of the Senate and  
15 the Committee on Energy and Commerce of the  
16 House of Representatives a report on the results  
17 of the analysis.

18           (2) *CONTENTS.*—Each report shall include—

19           (A) the annual recall completion rate by  
20 manufacturer, model year, component (such as  
21 brakes, fuel systems, and air bags), and vehicle  
22 type (passenger car, sport utility vehicle, pas-  
23 senger van, and pick-up truck) for each of the 5  
24 years before the year the report is submitted;

1           (B) the methods by which the Secretary has  
2           conducted analyses of these recall completion  
3           rates to determine trends and identify risk fac-  
4           tors associated with lower recall rates; and

5           (C) the actions the Secretary has planned to  
6           improve recall completion rates based on the re-  
7           sults of this data analysis.

8           (d) *INSPECTOR GENERAL AUDIT OF VEHICLE RE-*  
9           *CALLS.—*

10           (1) *IN GENERAL.—*The Department of Transpor-  
11           tation Inspector General shall conduct an audit of the  
12           National Highway Traffic Safety Administration's  
13           management of vehicle safety recalls.

14           (2) *CONTENTS.—*The audit shall include a deter-  
15           mination of whether the National Highway Traffic  
16           Safety Administration—

17           (A) appropriately monitors recalls to ensure  
18           the appropriateness of scope and adequacy of re-  
19           call completion rates and remedies;

20           (B) ensures manufacturers provide safe  
21           remedies, at no cost to consumers;

22           (C) is capable of coordinating recall rem-  
23           edies and processes; and

24           (D) can improve its policy on consumer no-  
25           tice to combat effects of recall fatigue.

1 **SEC. 4205. PILOT GRANT PROGRAM FOR STATE NOTIFICA-**  
2 **TION TO CONSUMERS OF MOTOR VEHICLE**  
3 **RECALL STATUS.**

4 (a) *IN GENERAL.*—Not later than October 1, 2016, the  
5 Secretary shall implement a 2-year pilot program to evalu-  
6 ate the feasibility and effectiveness of a State process for  
7 informing consumers of open motor vehicle recalls at the  
8 time of motor vehicle registration in the State.

9 (b) *GRANTS.*—To carry out this program, the Sec-  
10 retary may make a grant to each eligible State, but not  
11 more than 6 eligible States in total, that agrees to comply  
12 with the requirements under subsection (c). Funds made  
13 available to a State under this section shall be used by the  
14 State for the pilot program described in subsection (a).

15 (c) *ELIGIBILITY.*—To be eligible for a grant, a State  
16 shall—

17 (1) *submit an application in such form and*  
18 *manner as the Secretary prescribes;*

19 (2) *agree to notify, at the time of registration,*  
20 *each owner or lessee of a motor vehicle presented for*  
21 *registration in the State of any open recall on that*  
22 *vehicle;*

23 (3) *provide the open motor vehicle recall infor-*  
24 *mation at no cost to each owner or lessee of a motor*  
25 *vehicle presented for registration in the State; and*

1           (4) *provide such other information as the Sec-*  
2           *retary may require.*

3           (d) *AWARDS.*—*In selecting an applicant for an award*  
4           *under this section, the Secretary shall consider the State’s*  
5           *methodology for determining open recalls on a motor vehi-*  
6           *cle, for informing consumers of the open recalls, and for*  
7           *determining performance.*

8           (e) *PERFORMANCE PERIOD.*—*Each grant awarded*  
9           *under this section shall require a 2-year performance pe-*  
10          *riod.*

11          (f) *REPORT.*—*Not later than 90 days after the comple-*  
12          *tion of the performance period under subsection (e), a*  
13          *grantee shall provide to the Secretary a report of perform-*  
14          *ance containing such information as the Secretary con-*  
15          *siders necessary to evaluate the extent to which open recalls*  
16          *have been remedied.*

17          (g) *EVALUATION.*—*Not later than 180 days after the*  
18          *completion of the pilot program, the Secretary shall evalu-*  
19          *ate the extent to which open recalls identified have been*  
20          *remedied.*

21          (h) *DEFINITIONS.*—*In this section:*

22                  (1) *CONSUMER.*—*The term “consumer” includes*  
23                  *owner and lessee.*

1           (2) *MOTOR VEHICLE.*—*The term “motor vehicle”*  
2           *has the meaning given the term under section*  
3           *30102(a) of title 49, United States Code.*

4           (3) *OPEN RECALL.*—*The term “open recall”*  
5           *means a recall for which a notification by a manufac-*  
6           *turer has been provided under section 30119 of title*  
7           *49, United States Code, and that has not been rem-*  
8           *edied under section 30120 of that title.*

9           (4) *REGISTRATION.*—*The term “registration”*  
10          *means the process for registering motor vehicles in the*  
11          *State.*

12          (5) *STATE.*—*The term “State” has the meaning*  
13          *given the term under section 101(a) of title 23,*  
14          *United States Code.*

15   **SEC. 4206. RECALL OBLIGATIONS UNDER BANKRUPTCY.**

16          *Section 30120A is amended by striking “chapter 11*  
17          *of title 11,” and inserting “chapter 7 or chapter 11 of title*  
18          *11”.*

19   **SEC. 4207. DEALER REQUIREMENT TO CHECK FOR OPEN RE-**  
20          **CALL.**

21          *Section 30120(f) is amended—*

22                  (1) *by inserting “(1) IN GENERAL.—” before “A*  
23          *manufacturer” and indenting appropriately;*



1           (2) *in paragraph (1), as redesignated, by strik-*  
 2 *ing the period at the end and inserting the following:*

3 *“if—*

4                   *“(A) at the time of providing service for*  
 5 *each of the manufacturer’s motor vehicles it serv-*  
 6 *ices, the dealer notifies the owner or the indi-*  
 7 *vidual requesting the service of any open recall;*  
 8 *and*

9                   *“(B) the notification requirement under*  
 10 *subparagraph (A) is specified in a franchise, op-*  
 11 *erating, or other agreement between the dealer*  
 12 *and the manufacturer.”; and*

13 *(3) by adding at the end the following:*

14                   *“(2) DEFINITION OF OPEN RECALL.—In this sub-*  
 15 *section, the term ‘open recall’ means a recall for*  
 16 *which a notification by a manufacturer has been pro-*  
 17 *vided under section 30119 and that has not been rem-*  
 18 *edied under this section.”.*

19 **SEC. 4208. EXTENSION OF TIME PERIOD FOR REMEDY OF**  
 20 **TIRE DEFECTS.**

21           *Section 30120(b) of title 49, United States Code, is*  
 22 *amended—*

23                   *(1) in paragraph (1), by striking “60 days” and*  
 24 *inserting “180 days”; and*

1           (2) in paragraph (2), by striking “60-day” each  
2           place it appears and inserting “180-day”.

3 **SEC. 4209. RENTAL CAR SAFETY.**

4           (a) *SHORT TITLE.*—This section may be cited as the  
5 “Raechel and Jacqueline Houck Safe Rental Car Act of  
6 2015”.

7           (b) *DEFINITIONS.*—Section 30102(a) is amended—

8                 (1) by redesignating paragraphs (10) and (11)  
9                 as paragraphs (12) and (13), respectively;

10                (2) by redesignating paragraphs (1) through (9)  
11                as paragraphs (2) through (10), respectively;

12                (3) by inserting before paragraph (2), as redesign-  
13                ated, the following:

14                    “(1) ‘covered rental vehicle’ means a motor vehi-  
15                    cle that—

16                         “(A) has a gross vehicle weight rating of  
17                         10,000 pounds or less;

18                         “(B) is rented without a driver for an ini-  
19                         tial term of less than 4 months; and

20                         “(C) is part of a motor vehicle fleet of 5 or  
21                         more motor vehicles that are used for rental pur-  
22                         poses by a rental company.”; and

23                (4) by inserting after paragraph (10), as redesign-  
24                ated, the following:

25                    “(11) ‘rental company’ means a person who—

1           “(A) is engaged in the business of renting  
2 covered rental vehicles; and

3           “(B) uses for rental purposes a motor vehi-  
4 cle fleet of 5 or more covered rental vehicles.”.

5       (c) *REMEDIES FOR DEFECTS AND NONCOMPLIANCE.*—  
6 Section 30120(i) is amended—

7           (1) in the subsection heading, by adding “, OR  
8 RENTAL” at the end;

9           (2) in paragraph (1)—

10           (A) by striking “(1) If notification” and in-  
11 serting the following:

12           “(1) *IN GENERAL.*—If notification”;

13           (B) by indenting subparagraphs (A) and  
14 (B) four ems from the left margin;

15           (C) by inserting “or the manufacturer has  
16 provided to a rental company notification about  
17 a covered rental vehicle in the company’s posses-  
18 sion at the time of notification” after “time of  
19 notification”;

20           (D) by striking “the dealer may sell or  
21 lease” and inserting “the dealer or rental com-  
22 pany may sell, lease, or rent”; and

23           (E) in subparagraph (A), by striking “sale  
24 or lease” and inserting “sale, lease, or rental  
25 agreement”;

1           (3) *by amending paragraph (2) to read as fol-*  
2 *lows:*

3           “(2) *RULE OF CONSTRUCTION.—Nothing in this*  
4 *subsection may be construed to prohibit a dealer or*  
5 *rental company from offering the vehicle or equip-*  
6 *ment for sale, lease, or rent.”; and*

7           (4) *by adding at the end the following:*

8           “(3) *SPECIFIC RULES FOR RENTAL COMPA-*  
9 *NIES.—*

10           “(A) *IN GENERAL.—Except as otherwise*  
11 *provided under this paragraph, a rental com-*  
12 *pany shall comply with the limitations on sale,*  
13 *lease, or rental set forth in subparagraph (C)*  
14 *and paragraph (1) as soon as practicable, but*  
15 *not later than 24 hours after the earliest receipt*  
16 *of the notice to owner under subsection (b) or (c)*  
17 *of section 30118 (including the vehicle identifica-*  
18 *tion number for the covered vehicle) by the rental*  
19 *company, whether by electronic means or first*  
20 *class mail.*

21           “(B) *SPECIAL RULE FOR LARGE VEHICLE*  
22 *FLEETS.—Notwithstanding subparagraph (A), if*  
23 *a rental company receives a notice to owner cov-*  
24 *ering more than 5,000 motor vehicles in its fleet,*  
25 *the rental company shall comply with the limi-*

1            *tations on sale, lease, or rental set forth in sub-*  
2            *paragraph (C) and paragraph (1) as soon as*  
3            *practicable, but not later than 48 hours after the*  
4            *earliest receipt of the notice to owner under sub-*  
5            *section (b) or (c) of section 30118 (including the*  
6            *vehicle identification number for the covered ve-*  
7            *hicle) by the rental company, whether by elec-*  
8            *tronic means or first class mail.*

9            *“(C) SPECIAL RULE FOR WHEN REMEDIES*  
10           *NOT IMMEDIATELY AVAILABLE.—If a notification*  
11           *required under subsection (b) or (c) of section*  
12           *30118 indicates that the remedy for the defect or*  
13           *noncompliance is not immediately available and*  
14           *specifies actions to temporarily alter the vehicle*  
15           *that eliminate the safety risk posed by the defect*  
16           *or noncompliance, the rental company, after*  
17           *causing the specified actions to be performed,*  
18           *may rent (but may not sell or lease) the motor*  
19           *vehicle. Once the remedy for the rental vehicle be-*  
20           *comes available to the rental company, the rental*  
21           *company may not rent the vehicle until the vehi-*  
22           *cle has been remedied, as provided in subsection*  
23           *(a).*

24           *“(D) INAPPLICABILITY TO JUNK AUTO-*  
25           *MOBILES.—Notwithstanding paragraph (1), this*

1            *subsection does not prohibit a rental company*  
 2            *from selling a covered rental vehicle if such vehi-*  
 3            *cle—*

4                    *“(i) meets the definition of a junk*  
 5                    *automobile under section 201 of the Anti-*  
 6                    *Car Theft Act of 1992 (49 U.S.C. 30501);*

7                    *“(ii) is retitled as a junk automobile*  
 8                    *pursuant to applicable State law; and*

9                    *“(iii) is reported to the National Motor*  
 10                   *Vehicle Information System, if required*  
 11                   *under section 204 of such Act (49 U.S.C.*  
 12                   *30504).”.*

13            *(d) MAKING SAFETY DEVICES AND ELEMENTS INOP-*  
 14            *ERATIVE.—Section 30122(b) is amended by inserting “rent-*  
 15            *al company,” after “dealer,” each place such term appears.*

16            *(e) INSPECTIONS, INVESTIGATIONS, AND RECORDS.—*  
 17            *Section 30166 is amended—*

18                    *(1) in subsection (c)(2), by striking “or dealer”*  
 19                    *each place such term appears and inserting “dealer,*  
 20                    *or rental company”;*

21                    *(2) in subsection (e), by striking “or dealer” each*  
 22                    *place such term appears and inserting “dealer, or*  
 23                    *rental company”; and*

24                    *(3) in subsection (f), by striking “or to owners”*  
 25                    *and inserting “, rental companies, or other owners”.*

1           (f) *RESEARCH AUTHORITY.*—*The Secretary of Trans-*  
2 *portation may conduct a study of—*

3                 (1) *the effectiveness of the amendments made by*  
4 *this section; and*

5                 (2) *other activities of rental companies (as de-*  
6 *fin ed in section 30102(a)(11) of title 49, United*  
7 *States Code) related to their use and disposition of*  
8 *motor vehicles that are the subject of a notification re-*  
9 *quired under section 30118 of title 49, United States*  
10 *Code.*

11           (g) *STUDY.*—

12                 (1) *ADDITIONAL REQUIREMENT.*—*Section*  
13 *32206(b)(2) of the Moving Ahead for Progress in the*  
14 *21st Century Act (Public Law 112–141; 126 Stat.*  
15 *785) is amended—*

16                     (A) *in subparagraph (E), by striking “and”*  
17 *at the end;*

18                     (B) *by redesignating subparagraph (F) as*  
19 *subparagraph (G); and*

20                     (C) *by inserting after subparagraph (E) the*  
21 *following:*

22                             “*(F) evaluate the completion of safety recall*  
23 *remedies on rental trucks; and”.*

24                 (2) *REPORT.*—*Section 32206(c) of such Act is*  
25 *amended—*

1           (A) by redesignating paragraphs (1) and  
 2           (2) as subparagraphs (A) and (B), respectively;  
 3           (B) by striking “REPORT.—Not later” and  
 4           inserting the following:

5           “REPORTS.—

6           “(1) INITIAL REPORT.—Not later”;

7           (C) in paragraph (A), as redesignated, by  
 8           striking “subsection (b)” and inserting “sub-  
 9           paragraphs (A) through (E) and (G) of sub-  
 10          section (b)(2)”; and

11          (D) by adding at the end the following:

12          “(2) SAFETY RECALL REMEDY REPORT.—Not  
 13          later than 1 year after the date of the enactment of  
 14          the ‘Raechel and Jacqueline Houck Safe Rental Car  
 15          Act of 2015’, the Secretary shall submit a report to  
 16          the congressional committees set forth in paragraph  
 17          (1) that contains—

18                 “(A) the findings of the study conducted  
 19                 pursuant to subsection (b)(2)(F); and

20                 “(B) any recommendations for legislation  
 21                 that the Secretary determines to be appro-  
 22                 priate.”.

23          (h) PUBLIC COMMENTS.—The Secretary shall solicit  
 24          comments regarding the implementation of this section from  
 25          members of the public, including rental companies, con-



1 *sumer organizations, automobile manufacturers, and auto-*  
 2 *mobile dealers.*

3 *(i) RULE OF CONSTRUCTION.—Nothing in this section*  
 4 *or the amendments made by this section—*

5 *(1) may be construed to create or increase any*  
 6 *liability, including for loss of use, for a manufacturer*  
 7 *as a result of having manufactured or imported a*  
 8 *motor vehicle subject to a notification of defect or*  
 9 *noncompliance under subsection (b) or (c) of section*  
 10 *30118 of title 49, United States Code; or*

11 *(2) shall supersede or otherwise affect the con-*  
 12 *tractual obligations, if any, between such a manufac-*  
 13 *turer and a rental company (as defined in section*  
 14 *30102(a) of title 49, United States Code).*

15 *(j) RULEMAKING.—The Secretary may promulgate*  
 16 *rules, as appropriate, to implement this section and the*  
 17 *amendments made by this section.*

18 *(k) EFFECTIVE DATE.—The amendments made by this*  
 19 *section shall take effect on the date that is 180 days after*  
 20 *the date of enactment of this Act.*

21 **SEC. 4210. MOTOR VEHICLE EQUIPMENT.**

22 *Section 30102(a)(7)(C) of title 49, United States Code,*  
 23 *is amended by inserting “, excluding portable wireless com-*  
 24 *munications devices and associated applications and soft-*  
 25 *ware used with such devices, which do not operate or control*

1 *a critical or primary system, part, or component of a motor*  
2 *vehicle,” after “device”.*

3 **SEC. 4211. INCREASE IN CIVIL PENALTIES FOR VIOLATIONS**  
4 **OF MOTOR VEHICLE SAFETY.**

5 *(a) INCREASE IN CIVIL PENALTIES.—Section 30165(a)*  
6 *is amended—*

7 *(1) in paragraph (1)—*

8 *(A) by striking “\$5,000” and inserting*  
9 *“\$14,000”; and*

10 *(B) by striking “\$35,000,000” and inserting*  
11 *“\$70,000,000”; and*

12 *(2) in paragraph (3)—*

13 *(A) by striking “\$5,000” and inserting*  
14 *“\$14,000”; and*

15 *(B) by striking “\$35,000,000” and inserting*  
16 *“\$70,000,000”.*

17 *(b) EFFECTIVE DATE.—The amendments made by sub-*  
18 *section (a) of this section take effect on the later of the fol-*  
19 *lowing:*

20 *(1) The date that the Secretary certifies to Con-*  
21 *gress that the National Highway Traffic Safety Ad-*  
22 *ministration has issued the final rule required by sec-*  
23 *tion 31203(b) of the Moving Ahead for Progress In the*  
24 *21st Century Act (Public Law 112-141; 126 Stat.*  
25 *758; 49 U.S.C. 30165 note).*

1           (2) *The date that the Inspector General of the*  
2           *Department of Transportation certifies to Congress*  
3           *that the National Highway Traffic Safety Adminis-*  
4           *tration has implemented all of the recommendations*  
5           *in the Office of Inspector General Audit Report issued*  
6           *on June 18, 2015 (ST-2015-063).*

7           (c) *PUBLICATION OF EFFECTIVE DATE.—The Sec-*  
8           *retary shall publish notice of the effective date under sub-*  
9           *section (b) of this section in the Federal Register.*

10 **SEC. 4212. ELECTRONIC ODOMETER DISCLOSURES.**

11           *Section 32705(g) is amended—*

12                   (1) *by inserting “(1)” before “Not later than”*  
13                   *and indenting appropriately; and*

14                   (2) *by adding at the end the following:*

15                           “(2) *Notwithstanding paragraph (1) and subject*  
16                           *to paragraph (3), a State, without approval from the*  
17                           *Secretary under subsection (d), may allow for written*  
18                           *disclosures or notices and related matters to be pro-*  
19                           *vided electronically if—*

20                                   “(A) *in compliance with—*

21   “(i) *the requirements of subchapter 1 of*  
22   *chapter 96 of title 15; or*

23   “(ii) *the requirements of a State law*  
24   *under section 7002(a) of title 15; and*

1           “(B) the disclosures or notices otherwise  
2           meet the requirements under this section, includ-  
3           ing appropriate authentication and security  
4           measures.

5           “(3) Paragraph (2) ceases to be effective on the  
6           date the regulations under paragraph (1) become ef-  
7           fective.”.

8 **SEC. 4213. CORPORATE RESPONSIBILITY FOR NHTSA RE-**  
9           **PORTS.**

10          Section 30166(o) is amended—

11           (1) in paragraph (1), by striking “may” and in-  
12          serting “shall”; and

13           (2) by adding at the end the following:

14           “(3) **DEADLINE.**—Not later than 1 year after the  
15          date of enactment of the Comprehensive Transpor-  
16          tation and Consumer Protection Act of 2015, the Sec-  
17          retary shall issue a final rule under paragraph (1).”.

18 **SEC. 4214. DIRECT VEHICLE NOTIFICATION OF RECALLS.**

19          (a) **RECALL NOTIFICATION REPORT.**—Not later than  
20          1 year after the date of enactment of this Act, the Secretary  
21          shall issue a report on the feasibility of a technical system  
22          that would operate in each new motor vehicle to indicate  
23          when the vehicle is subject to an open recall.

24          (b) **DEFINITION OF OPEN RECALL.**—In this section the  
25          term “open recall” means a recall for which a notification

1 *by a manufacturer has been provided under section 30119*  
2 *of title 49, United States Code, and that has not been rem-*  
3 *edied under section 30120 of that title.*

4 **SEC. 4215. UNATTENDED CHILDREN WARNING.**

5 *Section 31504(a) of the Moving Ahead for Progress in*  
6 *the 21st Century Act (49 U.S.C. 30111 note) is amended*  
7 *by striking “may” and inserting “shall”.*

8 **SEC. 4216. TIRE PRESSURE MONITORING SYSTEM.**

9 *(a) PROPOSED RULE.—Not later than 1 year after the*  
10 *date of enactment of this Act, the Secretary shall publish*  
11 *a proposed rule that updates the standards pertaining to*  
12 *tire pressure monitoring systems to ensure that a tire pres-*  
13 *sure monitoring system cannot be overridden, reset, or re-*  
14 *calibrated to an unsafe pressure level.*

15 *(b) FINAL RULE.—Not later than 2 years after the date*  
16 *of enactment of this Act, after providing the public with*  
17 *sufficient opportunity for notice and comment on the pro-*  
18 *posed rule published under subsection (a), the Secretary*  
19 *shall issue a final rule on the subject described in subsection*  
20 *(a).*

1 ***Subtitle C—Research and Develop-***  
2 ***ment and Vehicle Electronics***

3 ***SEC. 4301. REPORT ON OPERATIONS OF THE COUNCIL FOR***  
4 ***VEHICLE ELECTRONICS, VEHICLE SOFTWARE,***  
5 ***AND EMERGING TECHNOLOGIES.***

6 *Not later than 1 year after the date of enactment of*  
7 *this Act, the Secretary shall submit to the Committee on*  
8 *Commerce, Science, and Transportation of the Senate and*  
9 *the Committee on Energy and Commerce of the House of*  
10 *Representatives a report regarding the operations of the*  
11 *Council for Vehicle Electronics, Vehicle Software, and*  
12 *Emerging Technologies established under section 31401 of*  
13 *the Moving Ahead for Progress in the 21st Century Act (49*  
14 *U.S.C. 105 note). The report shall include information*  
15 *about the accomplishments of the Council, the role of the*  
16 *Council in integrating and aggregating electronic and*  
17 *emerging technologies expertise across the National High-*  
18 *way Traffic Safety Administration, the role of the Council*  
19 *in coordinating with other Federal agencies, and the prior-*  
20 *ities of the Council over the next 5 years.*

21 ***SEC. 4302. COOPERATION WITH FOREIGN GOVERNMENTS.***

22 *(a) TITLE 49 AMENDMENT.—Section 30182(b) is*  
23 *amended—*

24 *(1) in paragraph (4), by striking “; and” and*  
25 *inserting a semicolon;*

1           (2) *in paragraph (5), by striking the period at*  
2           *the end and inserting “; and”; and*

3           (3) *by inserting after paragraph (5) the fol-*  
4           *lowing:*

5           “*(6) in coordination with Department of State,*  
6           *enter into cooperative agreements and collaborative*  
7           *research and development agreements with foreign*  
8           *governments.”.*

9           (b) *TITLE 23 AMENDMENT.—Section 403 of title 23,*  
10          *United States Code, is amended—*

11           (1) *in subsection (b)(2)(C), by inserting “foreign*  
12           *government (in coordination with the Department of*  
13           *State)” after “institution,”; and*

14           (2) *in subsection (c)(1)(A), by inserting “foreign*  
15           *governments,” after “local governments,”.*

16           (c) *AUDIT.—The Department of Transportation In-*  
17           *spector General shall conduct an audit of the Secretary of*  
18           *Transportation’s management and oversight of cooperative*  
19           *agreements and collaborative research and development*  
20           *agreements, including any cooperative agreements between*  
21           *the Secretary of Transportation and foreign governments*  
22           *under section 30182(b)(6) of title 49, United States Code,*  
23           *and subsections (b)(2)(C) and (c)(1)(A) of title 23, United*  
24           *States Code.*

1                   **Subtitle D—Miscellaneous**  
2                   **Provisions**

3                   **PART I—DRIVER PRIVACY ACT OF 2015**

4   **SEC. 4401. SHORT TITLE.**

5           *This part may be cited as the “Driver Privacy Act*  
6 *of 2015”.*

7   **SEC. 4402. LIMITATIONS ON DATA RETRIEVAL FROM VEHI-**  
8                   **CLE EVENT DATA RECORDERS.**

9           *(a) OWNERSHIP OF DATA.—Any data retained by an*  
10 *event data recorder (as defined in section 563.5 of title 49,*  
11 *Code of Federal Regulations), regardless of when the motor*  
12 *vehicle in which it is installed was manufactured, is the*  
13 *property of the owner, or, in the case of a leased vehicle,*  
14 *the lessee of the motor vehicle in which the event data re-*  
15 *recorder is installed.*

16           *(b) PRIVACY.—Data recorded or transmitted by an*  
17 *event data recorder described in subsection (a) may not be*  
18 *accessed by a person other than an owner or a lessee of the*  
19 *motor vehicle in which the event data recorder is installed*  
20 *unless—*

21                   *(1) a court or other judicial or administrative*  
22                   *authority having jurisdiction—*

23                           *(A) authorizes the retrieval of the data; and*

24                           *(B) to the extent that there is retrieved*  
25                   *data, the data is subject to the standards for ad-*



1           *mission into evidence required by that court or*  
2           *other administrative authority;*

3           (2) *an owner or a lessee of the motor vehicle pro-*  
4           *vides written, electronic, or recorded audio consent to*  
5           *the retrieval of the data for any purpose, including*  
6           *the purpose of diagnosing, servicing, or repairing the*  
7           *motor vehicle, or by agreeing to a subscription that*  
8           *describes how data will be retrieved and used;*

9           (3) *the data is retrieved pursuant to an inves-*  
10          *tigation or inspection authorized under section*  
11          *1131(a) or 30166 of title 49, United States Code, and*  
12          *the personally identifiable information of an owner or*  
13          *a lessee of the vehicle and the vehicle identification*  
14          *number is not disclosed in connection with the re-*  
15          *trieved data, except that the vehicle identification*  
16          *number may be disclosed to the certifying manufac-*  
17          *turer;*

18          (4) *the data is retrieved for the purpose of deter-*  
19          *mining the need for, or facilitating, emergency med-*  
20          *ical response in response to a motor vehicle crash; or*

21          (5) *the data is retrieved for traffic safety re-*  
22          *search, and the personally identifiable information of*  
23          *an owner or a lessee of the vehicle and the vehicle*  
24          *identification number is not disclosed in connection*  
25          *with the retrieved data.*

1 **SEC. 4403. VEHICLE EVENT DATA RECORDER STUDY.**

2       (a) *IN GENERAL.*—Not later than 1 year after the date  
3 of enactment of this Act, the Administrator of the National  
4 Highway Traffic Safety Administration shall submit to  
5 Congress a report that contains the results of a study con-  
6 ducted by the Administrator to determine the amount of  
7 time event data recorders installed in passenger motor vehi-  
8 cles should capture and record for retrieval vehicle-related  
9 data in conjunction with an event in order to provide suffi-  
10 cient information to investigate the cause of motor vehicle  
11 crashes.

12       (b) *RULEMAKING.*—Not later than 2 years after sub-  
13 mitting the report required under subsection (a), the Ad-  
14 ministrator of the National Highway Traffic Safety Ad-  
15 ministration shall promulgate regulations to establish the  
16 appropriate period during which event data recorders in-  
17 stalled in passenger motor vehicles may capture and record  
18 for retrieval vehicle-related data to the time necessary to  
19 provide accident investigators with vehicle-related informa-  
20 tion pertinent to crashes involving such motor vehicles.

21           **PART II—SAFETY THROUGH INFORMED**

22                   **CONSUMERS ACT OF 2015**

23 **SEC. 4421. SHORT TITLE.**

24       This part may be cited as the “Safety Through In-  
25 formed Consumers Act of 2015”.

1 **SEC. 4422. PASSENGER MOTOR VEHICLE INFORMATION.**

2 *Section 32302 is amended by inserting after subsection*  
 3 *(b) the following:*

4 *“(c) CRASH AVOIDANCE.—Not later than 1 year after*  
 5 *the date of enactment of the Safety Through Informed Con-*  
 6 *sumers Act of 2015, the Secretary shall promulgate a rule*  
 7 *to ensure that crash avoidance information is indicated*  
 8 *next to crashworthiness information on stickers placed on*  
 9 *motor vehicles by their manufacturers.”.*

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

12 **SEC. 4431. SHORT TITLE.**

13 *This part may be cited as the “Tire Efficiency, Safety,*  
 14 *and Registration Act of 2015” or the “TESR Act”.*

15 **SEC. 4432. TIRE FUEL EFFICIENCY MINIMUM PERFORM-**  
 16 **ANCE STANDARDS.**

17 *Section 32304A is amended—*

18 *(1) in the section heading, by inserting “AND*  
 19 *STANDARDS” after “CONSUMER TIRE INFORMA-*  
 20 *TION”;*

21 *(2) in subsection (a)—*

22 *(A) in the heading, by striking “RULE-*  
 23 *MAKING” and inserting “CONSUMER TIRE IN-*  
 24 *FORMATION”;* and

1           (B) in paragraph (1), by inserting “(re-  
2           ferred to in this section as the ‘Secretary’)” after  
3           “Secretary of Transportation”;

4           (3) by redesignating subsections (b) through (e)  
5           as subsections (e) through (h), respectively; and

6           (4) by inserting after subsection (a) the fol-  
7           lowing:

8           “(b) *PROMULGATION OF REGULATIONS FOR TIRE*  
9           *FUEL EFFICIENCY MINIMUM PERFORMANCE STANDARDS.—*

10           “(1) *IN GENERAL.—The Secretary, after con-*  
11           *sultation with the Secretary of Energy and the Ad-*  
12           *ministrator of the Environmental Protection Agency,*  
13           *shall promulgate regulations for tire fuel efficiency*  
14           *minimum performance standards for—*

15           “(A) *passenger car tires with a maximum*  
16           *speed capability equal to or less than 149 miles*  
17           *per hour or 240 kilometers per hour; and*

18           “(B) *passenger car tires with a maximum*  
19           *speed capability greater than 149 miles per hour*  
20           *or 240 kilometers per hour.*

21           “(2) *TIRE FUEL EFFICIENCY MINIMUM PERFORM-*  
22           *ANCE STANDARDS.—*

23           “(A) *STANDARD BASIS AND TEST PROCE-*  
24           *DURES.—The minimum performance standards*  
25           *promulgated under paragraph (1) shall be ex-*

1           *pressed in terms of the rolling resistance coeffi-*  
2           *cient measured using the test procedure specified*  
3           *in section 575.106 of title 49, Code of Federal*  
4           *Regulations (as in effect on the date of enact-*  
5           *ment of this Act).*

6           “(B) *NO DISPARATE EFFECT ON HIGH PER-*  
7           *FORMANCE TIRES.—The Secretary shall ensure*  
8           *that the minimum performance standards pro-*  
9           *mulgated under paragraph (1) will not have a*  
10           *disproportionate effect on passenger car high*  
11           *performance tires with a maximum speed capa-*  
12           *bility greater than 149 miles per hour or 240*  
13           *kilometers per hour.*

14           “(C) *APPLICABILITY.—*

15           “(i) *IN GENERAL.—This subsection ap-*  
16           *plies to new pneumatic tires for use on pas-*  
17           *senger cars.*

18           “(ii) *EXCEPTIONS.—This subsection*  
19           *does not apply to light truck tires, deep*  
20           *tread tires, winter-type snow tires, space-*  
21           *saver or temporary use spare tires, or tires*  
22           *with nominal rim diameters of 12 inches or*  
23           *less.*

24           “(c) *PROMULGATION OF REGULATIONS FOR TIRE WET*  
25           *TRACTION MINIMUM PERFORMANCE STANDARDS.—*

1           “(1) *IN GENERAL.*—*The Secretary shall promul-*  
2           *gate regulations for tire wet traction minimum per-*  
3           *formance standards to ensure that passenger tire wet*  
4           *traction capability is not reduced to achieve improved*  
5           *tire fuel efficiency.*

6           “(2) *TIRE WET TRACTION MINIMUM PERFORM-*  
7           *ANCE STANDARDS.*—

8                   “(A) *BASIS OF STANDARD.*—*The minimum*  
9                   *performance standards promulgated under para-*  
10                  *graph (1) shall be expressed in terms of peak co-*  
11                  *efficient of friction.*

12                  “(B) *TEST PROCEDURES.*—*Any test proce-*  
13                  *dure promulgated under this subsection shall be*  
14                  *consistent with any test procedure promulgated*  
15                  *under subsection (a).*

16                  “(C) *BENCHMARKING.*—*The Secretary shall*  
17                  *conduct testing to benchmark the wet traction*  
18                  *performance of tire models available for sale in*  
19                  *the United States as of the date of enactment of*  
20                  *this Act to ensure that the minimum perform-*  
21                  *ance standards promulgated under paragraph*  
22                  *(1) are tailored to—*

23                           “(i) *tires sold in the United States;*

24                           *and*

1                   “(ii) *the needs of consumers in the*  
2                   *United States.*

3                   “(D) *APPLICABILITY.—*

4                   “(i) *IN GENERAL.—This subsection ap-*  
5                   *plies to new pneumatic tires for use on pas-*  
6                   *senger cars.*

7                   “(ii) *EXCEPTIONS.—This subsection*  
8                   *does not apply to light truck tires, deep*  
9                   *tread tires, winter-type snow tires, space-*  
10                   *saver or temporary use spare tires, or tires*  
11                   *with nominal rim diameters of 12 inches or*  
12                   *less.*

13                   “(d) *COORDINATION AMONG REGULATIONS.—*

14                   “(1) *COMPATIBILITY.—The Secretary shall en-*  
15                   *sure that the test procedures and requirements pro-*  
16                   *mulgated under subsections (a), (b), and (c) are com-*  
17                   *patible and consistent.*

18                   “(2) *COMBINED EFFECT OF RULES.—The Sec-*  
19                   *retary shall evaluate the regulations promulgated*  
20                   *under subsections (b) and (c) to ensure that compli-*  
21                   *ance with the minimum performance standards pro-*  
22                   *mulgated under subsection (b) will not diminish wet*  
23                   *traction performance of affected tires.*

24                   “(3) *RULEMAKING DEADLINES.—The Secretary*  
25                   *shall promulgate —*

1           “(A) the regulations under subsections (b)  
2 and (c) not later than 24 months after the date  
3 of enactment of this Act; and

4           “(B) the regulations under subsection (c)  
5 not later than the date of promulgation of the  
6 regulations under subsection (b).”.

7 **SEC. 4433. TIRE REGISTRATION BY INDEPENDENT SELLERS.**

8           Section 30117(b) is amended by striking paragraph  
9 (3) and inserting the following:

10           “(3) RULEMAKING.—

11           “(A) IN GENERAL.—The Secretary shall ini-  
12 tiate a rulemaking to require a distributor or  
13 dealer of tires that is not owned or controlled by  
14 a manufacturer of tires to maintain records of—

15           “(i) the name and address of tire pur-  
16 chasers and lessors and information identi-  
17 fying the tire that was purchased or leased;  
18 and

19           “(ii) any additional records the Sec-  
20 retary considers appropriate.

21           “(B) ELECTRONIC TRANSMISSION.—The  
22 rulemaking carried out under subparagraph (A)  
23 shall require a distributor or dealer of tires that  
24 is not owned or controlled by a manufacturer of  
25 tires to electronically transmit the records de-



1           scribed in clauses (i) and (ii) of subparagraph  
 2           (A) to the manufacturer of the tires or the des-  
 3           ignee of the manufacturer by secure means at no  
 4           cost to tire purchasers or lessors.

5                   “(C) SATISFACTION OF REQUIREMENTS.—A  
 6           regulation promulgated under subparagraph (A)  
 7           may be considered to satisfy the requirements of  
 8           paragraph (2)(B).”.

9   **SEC. 4434. TIRE RECALL DATABASE.**

10           (a) *IN GENERAL.*—The Secretary shall establish a pub-  
 11           licly available and searchable electronic database of tire re-  
 12           call information that is reported to the Administrator of  
 13           the National Highway Traffic Safety Administration.

14           (b) *TIRE IDENTIFICATION NUMBER.*—The database es-  
 15           tablished under subsection (a) shall be searchable by Tire  
 16           Identification Number (TIN) and any other criteria that  
 17           assists consumers in determining whether a tire is subject  
 18           to a recall.

19   **TITLE V—RAILROAD REFORM,**  
 20           **ENHANCEMENT, AND EFFI-**  
 21           **CIENCY**

22   **SEC. 5001. SHORT TITLE.**

23           This title may be cited as the “Rail Reform, Enhance-  
 24           ment, and Efficiency Act”.

1 **SEC. 5002. PASSENGER TRANSPORTATION; DEFINITIONS.**

2 *Section 24102 is amended—*

3 *(1) by redesignating paragraphs (5) through (9)*  
4 *as paragraphs (6) through (10), respectively;*

5 *(2) by inserting after paragraph (4), the fol-*  
6 *lowing:*

7 *“(5) ‘long-distance route’ means a route de-*  
8 *scribed in paragraph (6)(C).”;*

9 *(3) by amending paragraph (6)(A), as redesign-*  
10 *ated, to read as follows:*

11 *“(A) the Northeast Corridor main line be-*  
12 *tween Boston, Massachusetts and the Virginia*  
13 *Avenue interlocking in the District of Columbia,*  
14 *and the facilities and services used to operate*  
15 *and maintain that line;”;*

16 *(4) in paragraph (7), as redesignated, by strik-*  
17 *ing the period at the end and inserting “, except that*  
18 *the term ‘Northeast Corridor’ for the purposes of*  
19 *chapter 243 means the main line between Boston,*  
20 *Massachusetts and the Virginia Avenue interlocking*  
21 *in the District of Columbia, and the facilities and*  
22 *services used to operate and maintain that line.”; and*

23 *(5) by adding at the end the following:*

24 *“(11) ‘state-of-good-repair’ means a condition in*  
25 *which physical assets, both individually and as a sys-*  
26 *tem, are—*

1           “(A) performing at a level at least equal to  
2           that called for in their as-built or as-modified  
3           design specification during any period when the  
4           life cycle cost of maintaining the assets is lower  
5           than the cost of replacing them; and

6           “(B) sustained through regular mainte-  
7           nance and replacement programs.

8           “(12) ‘State-supported route’ means a route de-  
9           scribed in paragraph (6)(B) or paragraph (6)(D), or  
10          in section 24702(a).”.

11           ***Subtitle A—Authorization of***  
12           ***Appropriations***

13          ***SEC. 5101. AUTHORIZATION OF GRANTS TO AMTRAK.***

14          (a) *IN GENERAL.*—There are authorized to be appro-  
15          priated to the Secretary for the use of Amtrak for deposit  
16          into the accounts established under section 24319(a) of title  
17          49, United States Code, the following amounts:

18                  (1) *For fiscal year 2016, \$1,450,000,000.*

19                  (2) *For fiscal year 2017, \$1,550,000,000.*

20                  (3) *For fiscal year 2018, \$1,700,000,000.*

21                  (4) *For fiscal year 2019, \$1,900,000,000.*

22          (b) *PROJECT MANAGEMENT OVERSIGHT.*—The Sec-  
23          retary may withhold up to one half of 1 percent of the  
24          amount appropriated under subsection (a) for the costs of  
25          management oversight of Amtrak.

1           (c) *COMPETITION.*—*In administering grants to Am-*  
 2 *trak under section 24318 of title 49, United States Code,*  
 3 *the Secretary may withhold, from amounts that would oth-*  
 4 *erwise be made available to Amtrak, such sums as are nec-*  
 5 *essary from the amount appropriated under subsection (a)*  
 6 *of this section to cover the operating subsidy described in*  
 7 *section 24711(b)(1)(E)(vi) of title 49, United States Code.*

8           (d) *STATE-SUPPORTED ROUTE COMMITTEE.*—*The*  
 9 *Secretary may withhold up to \$2,000,000 from the amount*  
 10 *appropriated in each fiscal year under subsection (a) of this*  
 11 *section for the use of the State-Supported Route Committee*  
 12 *established under section 24712 of title 49, United States*  
 13 *Code.*

14           (e) *NORTHEAST CORRIDOR COMMISSION.*—*The Sec-*  
 15 *retary may withhold up to \$5,000,000 from the amount ap-*  
 16 *propriated in each fiscal year under subsection (a) of this*  
 17 *section for the use of the Northeast Corridor Commission*  
 18 *established under section 24905 of title 49, United States*  
 19 *Code.*

20 **SEC. 5102. NATIONAL INFRASTRUCTURE AND SAFETY IN-**  
 21 **VESTMENTS.**

22           (a) *IN GENERAL.*—*There are authorized to be appro-*  
 23 *priated to the Secretary for grants under chapter 244 of*  
 24 *title 49, United States Code, the following amounts:*

25                   (1) *For fiscal year 2016, \$350,000,000.*

1           (2) *For fiscal year 2017, \$430,000,000.*

2           (3) *For fiscal year 2018, \$600,000,000.*

3           (4) *For fiscal year 2019, \$900,000,000.*

4           (b) *PROJECT MANAGEMENT OVERSIGHT.—The Sec-*  
 5 *retary may withhold up to 1 percent from the amount ap-*  
 6 *propriated under subsection (a) of this section for the costs*  
 7 *of project management oversight of grants carried out under*  
 8 *chapter 244 of title 49, United States Code.*

9   **SEC. 5103. AUTHORIZATION OF APPROPRIATIONS FOR NA-**  
 10                           **TIONAL TRANSPORTATION SAFETY BOARD**  
 11                           **RAIL INVESTIGATIONS.**

12           (a) *IN GENERAL.—Notwithstanding any other provi-*  
 13 *sion of law, there are authorized to be appropriated to the*  
 14 *National Transportation Safety Board to carry out rail-*  
 15 *road accident investigations under section 1131(a)(1)(C) of*  
 16 *title 49, United States Code, the following amounts:*

17           (1) *For fiscal year 2016, \$6,300,000.*

18           (2) *For fiscal year 2017, \$6,400,000.*

19           (3) *For fiscal year 2018, \$6,500,000.*

20           (4) *For fiscal year 2019, \$6,600,000.*

21           (b) *INVESTIGATION PERSONNEL.—Amounts appro-*  
 22 *priated under subsection (a) of this section shall be avail-*  
 23 *able to the National Transportation Safety Board for per-*  
 24 *sonnel, in regional offices and in Washington, DC, whose*  
 25 *duties involve railroad accident investigations.*

1 **SEC. 5104. AUTHORIZATION OF APPROPRIATIONS FOR AM-**  
2 **TRAK OFFICE OF INSPECTOR GENERAL.**

3 *There are authorized to be appropriated to the Office*  
4 *of Inspector General of Amtrak the following amounts:*

5 *(1) For fiscal year 2016, \$20,000,000.*

6 *(2) For fiscal year 2017, \$20,500,000.*

7 *(3) For fiscal year 2018, \$21,000,000.*

8 *(4) For fiscal year 2019, \$21,500,000.*

9 **SEC. 5105. NATIONAL COOPERATIVE RAIL RESEARCH PRO-**  
10 **GRAM.**

11 *(a) IN GENERAL.—Section 24910 is amended—*

12 *(1) in subsection (b)—*

13 *(A) in paragraph (12), by striking “and”;*

14 *(B) in paragraph (13), by striking the pe-*  
15 *riod at the end and inserting “; and”; and*

16 *(C) by adding at the end the following:*

17 *“(14) to improve the overall safety of intercity*  
18 *passenger and freight rail operations.”; and*

19 *(2) by amending subsection (e) to read as fol-*  
20 *lows:*

21 *“(e) ALLOCATION.—At least \$5,000,000 of the amounts*  
22 *appropriated to the Secretary for a fiscal year to carry out*  
23 *railroad research and development programs shall be avail-*  
24 *able to carry out this section.”.*

1           **Subtitle B—Amtrak Reform**

2   **SEC. 5201. AMTRAK GRANT PROCESS.**

3           (a) *REQUIREMENTS AND PROCEDURES.—Chapter 243*  
4 *is amended by adding at the end the following:*

5   **“§ 24317. Costs and revenues**

6           “(a) *ALLOCATION.—Not later than 180 days after the*  
7 *date of enactment of the Rail Reform, Enhancement, and*  
8 *Efficiency Act, Amtrak shall establish and maintain inter-*  
9 *nal controls to ensure Amtrak’s costs, revenues, and other*  
10 *compensation are appropriately and proportionally allo-*  
11 *cated to its Northeast Corridor train services or infrastruc-*  
12 *ture, its State-supported routes, its long-distance routes,*  
13 *and its other national network activities.*

14           “(b) *RULE OF CONSTRUCTION.—Nothing in this sec-*  
15 *tion shall be construed to limit the ability of Amtrak to*  
16 *enter into an agreement with 1 or more States to allocate*  
17 *operating and capital costs under section 209 of the Pas-*  
18 *senger Rail Investment and Improvement Act of 2008 (49*  
19 *U.S.C. 24101 note).*

20   **“§ 24318. Grant process**

21           “(a) *PROCEDURES FOR GRANT REQUESTS.—Not later*  
22 *than 90 days after the date of enactment of the Rail Reform,*  
23 *Enhancement, and Efficiency Act, the Secretary of Trans-*  
24 *portation shall establish and transmit to the Committee on*  
25 *Commerce, Science, and Transportation and the Committee*

1 *on Appropriations of the Senate and the Committee on*  
2 *Transportation and Infrastructure and the Committee on*  
3 *Appropriations of the House of Representatives substantive*  
4 *and procedural requirements, including schedules, for grant*  
5 *requests under this section.*

6       “(b) *GRANT REQUESTS.*—*Amtrak shall transmit grant*  
7 *requests for Federal funds appropriated to the Secretary of*  
8 *Transportation for the use of Amtrak to—*

9               “(1) *the Secretary; and*

10              “(2) *the Committee on Commerce, Science, and*  
11 *Transportation, the Committee on Appropriations,*  
12 *and the Committee on the Budget of the Senate and*  
13 *the Committee on Transportation and Infrastructure,*  
14 *the Committee on Appropriations, and the Committee*  
15 *on the Budget of the House of Representatives.*

16       “(c) *CONTENTS.*—*A grant request under subsection (b)*  
17 *shall—*

18              “(1) *describe projected operating and capital*  
19 *costs for the upcoming fiscal year for Northeast Cor-*  
20 *ridor train services and infrastructure, Amtrak’s*  
21 *State-supported routes, and Amtrak’s long-distance*  
22 *routes, and Amtrak’s other national network activi-*  
23 *ties, as applicable, in comparison to prior fiscal year*  
24 *actual financial performance;*



1           “(2) describe the capital projects to be funded,  
2           with cost estimates and an estimated timetable for  
3           completion of the projects covered by the request;

4           “(3) assess Amtrak’s financial condition;

5           “(4) be displayed on Amtrak’s Web site within a  
6           reasonable timeframe following its transmission under  
7           subsection (b); and

8           “(5) describe how the funding requested in a  
9           grant will be allocated to the accounts established  
10          under section 24319(a), considering the projected op-  
11          erating losses or capital costs for services and activi-  
12          ties associated with such accounts over the time pe-  
13          riod intended to be covered by the grants.

14          “(d) REVIEW AND APPROVAL.—

15                 “(1) THIRTY-DAY APPROVAL PROCESS.—

16                         “(A) IN GENERAL.—Not later than 30 days  
17                         after the date that Amtrak submits a grant re-  
18                         quest under this section, the Secretary of Trans-  
19                         portation shall complete a review of the request  
20                         and provide notice to Amtrak that—

21                                 “(i) the request is approved; or

22                                 “(ii) the request is disapproved, in-  
23                                 cluding the reason for the disapproval and  
24                                 an explanation of any incomplete or defi-  
25                                 cient items.

1           “(B) *GRANT AGREEMENT.*—If a grant re-  
2           quest is approved, the Secretary shall enter into  
3           a grant agreement with Amtrak that allocates  
4           the grant funding to 1 of the 4 accounts estab-  
5           lished under section 24319(a).

6           “(2) *FIFTEEN-DAY MODIFICATION PERIOD.*—Not  
7           later than 15 days after the date of the notice under  
8           paragraph (1)(A)(ii), Amtrak shall submit a modified  
9           request for the Secretary’s review.

10          “(3) *MODIFIED REQUESTS.*—Not later than 15  
11          days after the date that Amtrak submits a modified  
12          request under paragraph (2), the Secretary shall ei-  
13          ther approve the modified request, or, if the Secretary  
14          finds that the request is still incomplete or deficient,  
15          the Secretary shall identify in writing to the Com-  
16          mittee on Commerce, Science, and Transportation,  
17          the Committee on Appropriations, and the Committee  
18          on the Budget of the Senate and the Committee on  
19          Transportation and Infrastructure, the Committee on  
20          Appropriations, and the Committee on the Budget of  
21          the House of Representatives the remaining defi-  
22          ciencies and recommend a process for resolving the  
23          outstanding portions of the request.

24          “(e) *PAYMENTS TO AMTRAK.*—

1           “(1) *IN GENERAL.*—A grant agreement entered  
2           into under subsection (d) shall specify the operations,  
3           services, and other activities to be funded by the  
4           grant. The grant agreement shall include provisions,  
5           consistent with the requirements of this chapter, to  
6           measure Amtrak’s performance and ensure account-  
7           ability in delivering the operations, services, or ac-  
8           tivities to be funded by the grant.

9           “(2) *SCHEDULE.*—Except as provided in para-  
10          graph (3), in each fiscal year for which amounts are  
11          appropriated to the Secretary for the use of Amtrak,  
12          and for which the Secretary and Amtrak have entered  
13          into a grant agreement under subsection (d), the Sec-  
14          retary shall disburse grant funds to Amtrak on the  
15          following schedule:

16                 “(A) 50 percent on October 1.

17                 “(B) 25 percent on January 1.

18                 “(C) 25 percent on April 1.

19          “(3) *EXCEPTIONS.*—The Secretary may make a  
20          payment to Amtrak of appropriated funds—

21                 “(A) more frequently than the schedule  
22                 under paragraph (2) if Amtrak, for good cause,  
23                 requests more frequent payment before the end of  
24                 a payment period; or

1           “(B) with a different frequency or in dif-  
2           ferent percentage allocations in the event of a  
3           continuing resolution or in the absence of an ap-  
4           propriations Act for the duration of a fiscal  
5           year.

6           “(f) AVAILABILITY OF AMOUNTS AND EARLY APPRO-  
7           PRIATIONS.—Amounts appropriated to the Secretary for the  
8           use of Amtrak shall remain available until expended.  
9           Amounts for capital acquisitions and improvements may  
10          be appropriated for a fiscal year before the fiscal year in  
11          which the amounts will be obligated.

12          “(g) LIMITATIONS ON USE.—Amounts appropriated to  
13          the Secretary for the use of Amtrak may not be used to  
14          cross-subsidize operating losses or capital costs of commuter  
15          rail passenger or freight rail transportation.

16          “**§ 24319. Accounts**

17          “(a) ESTABLISHMENT OF ACCOUNTS.—Beginning not  
18          later than October 1, 2016, Amtrak, in consultation with  
19          the Secretary of Transportation, shall define and estab-  
20          lish—

21                  “(1) a Northeast Corridor investment account,  
22                  including subaccounts for Amtrak train services and  
23                  infrastructure;

24                  “(2) a State-supported account;

25                  “(3) a long-distance account; and

1           “(4) *an other national network activities ac-*  
2 *count.*

3           “(b) *NORTHEAST CORRIDOR INVESTMENT ACCOUNT.—*

4           “(1) *DEPOSITS.—Amtrak shall deposit in the*  
5 *Northeast Corridor investment account established*  
6 *under subsection (a)(1)—*

7           “(A) *a portion of the grant funds appro-*  
8 *priated under the authorization in section*  
9 *5101(a) of the Rail Reform, Enhancement, and*  
10 *Efficiency Act, or any subsequent Act appro-*  
11 *priating funds for the use of Amtrak, as specified*  
12 *in a grant agreement entered into under section*  
13 *24318;*

14           “(B) *any compensation received from com-*  
15 *muter rail passenger transportation providers*  
16 *for such providers’ share of capital costs on the*  
17 *Northeast Corridor provided to Amtrak under*  
18 *section 24905(c);*

19           “(C) *any operating surplus of the Northeast*  
20 *Corridor train services or infrastructure, as allo-*  
21 *cated under section 24317; and*

22           “(D) *any other net revenue received in asso-*  
23 *ciation with the Northeast Corridor, including*  
24 *freight access fees, electric propulsion, and com-*  
25 *mercial development.*

1           “(2) *USE OF NORTHEAST CORRIDOR INVESTMENT*  
2           *ACCOUNT.—Except as provided in subsection (f),*  
3           *amounts deposited in the Northeast Corridor invest-*  
4           *ment account shall be made available for the use of*  
5           *Amtrak for its share of—*

6                   “(A) *capital projects described in section*  
7                   *24904(a)(2)(E)(i), and developed under the plan-*  
8                   *ning process established under that section, to*  
9                   *bring Northeast Corridor infrastructure to a*  
10                  *state-of-good-repair;*

11                   “(B) *capital projects described in clauses*  
12                   *(ii) and (iv) of section 24904(a)(2)(E) that are*  
13                   *developed under the planning process established*  
14                   *under that section intended to increase corridor*  
15                   *capacity, improve service reliability, and reduce*  
16                   *travel time on the Northeast Corridor;*

17                   “(C) *capital projects to improve safety and*  
18                   *security;*

19                   “(D) *capital projects to improve customer*  
20                   *service and amenities;*

21                   “(E) *acquiring, rehabilitating, manufac-*  
22                   *turing, remanufacturing, overhauling, or im-*  
23                   *proving equipment and associated facilities used*  
24                   *for intercity rail passenger transportation by*  
25                   *Northeast Corridor train services;*

1           “(F) retirement of principal and payment  
2 of interest on loans for capital projects described  
3 in this paragraph or for capital leases for equip-  
4 ment and related to the Northeast Corridor;

5           “(G) participation in public-private part-  
6 nerships, joint ventures, and other mechanisms  
7 or arrangements that result in the completion of  
8 capital projects described in this paragraph; and

9           “(H) indirect, common, corporate, or other  
10 costs directly incurred by or allocated to the  
11 Northeast Corridor.

12       “(c) STATE-SUPPORTED ACCOUNT.—

13           “(1) DEPOSITS.—Amtrak shall deposit in the  
14 State-supported account established under subsection  
15 (a)(2)—

16           “(A) a portion of the grant funds appro-  
17 priated under the authorization in section  
18 5101(a) of the Rail Reform, Enhancement, and  
19 Efficiency Act, or any subsequent Act appro-  
20 priating funds for the use of Amtrak, as specified  
21 in a grant agreement entered into under section  
22 24318;

23           “(B) any compensation received from States  
24 provided to Amtrak under section 209 of the

1           *Passenger Rail Investment and Improvement Act*  
2           *of 2008 (42 U.S.C. 24101 note); and*

3           “(C) *any operating surplus from its State-*  
4           *supported routes, as allocated under section*  
5           *24317.*

6           “(2) *USE OF STATE-SUPPORTED ACCOUNT.—Ex-*  
7           *cept as provided in subsection (f), amounts deposited*  
8           *in the State-supported account shall be made avail-*  
9           *able for the use of Amtrak for capital expenses and*  
10           *operating costs, including indirect, common, cor-*  
11           *porate, or other costs directly incurred by or allocated*  
12           *to State-supported routes, of its State-supported*  
13           *routes and retirement of principal and payment of*  
14           *interest on loans or capital leases attributable to its*  
15           *State-supported routes.*

16           “(d) *LONG-DISTANCE ACCOUNT.—*

17           “(1) *DEPOSITS.—Amtrak shall deposit in the*  
18           *long-distance account established under subsection*  
19           *(a)(3)—*

20           “(A) *a portion of the grant funds appro-*  
21           *priated under the authorization in section*  
22           *5101(a) of the Rail Reform, Enhancement, and*  
23           *Efficiency Act, or any subsequent Act appro-*  
24           *priating funds for the use of Amtrak, as specified*



1           *in a grant agreement entered into under section*  
2           *24318;*

3           “(B) *any compensation received from States*  
4           *provided to Amtrak for costs associated with its*  
5           *long-distance routes; and*

6           “(C) *any operating surplus from its long-*  
7           *distance routes, as allocated under section 24317.*

8           “(2) *USE OF LONG-DISTANCE ACCOUNT.—Except*  
9           *as provided in subsection (f), amounts deposited in*  
10          *the long-distance account shall be made available for*  
11          *the use of Amtrak for capital expenses and operating*  
12          *costs, including indirect, common, corporate, or other*  
13          *costs directly incurred by or allocated to long-distance*  
14          *routes, of its long-distance routes and retirement of*  
15          *principal and payment of interest on loans or capital*  
16          *leases attributable to the long-distance routes.*

17          “(e) *OTHER NATIONAL NETWORK ACTIVITIES AC-*  
18          *COUNT.—*

19                 “(1) *DEPOSITS.—Amtrak shall deposit in the*  
20                 *other national network activities account established*  
21                 *under subsection (a)(4)—*

22                         “(A) *a portion of the grant funds appro-*  
23                         *priated under the authorization in section*  
24                         *101(a) of the Railroad Reform, Enhancement,*  
25                         *and Efficiency Act, or any subsequent Act ap-*

1           *appropriating funds for the use of Amtrak, as spec-*  
2           *ified in a grant agreement entered into under*  
3           *section 24318;*

4           “(B) *any compensation received from States*  
5           *provided to Amtrak for costs associated with its*  
6           *other national network activities; and*

7           “(C) *any operating surplus from its other*  
8           *national network activities.*

9           “(2) *USE OF OTHER NATIONAL NETWORK ACTIVI-*  
10          *TIES ACCOUNT.—Except as provided in subsection (f),*  
11          *amounts deposited into the other national network ac-*  
12          *tivities account shall be made available for the use of*  
13          *Amtrak for capital and operating costs not allocated*  
14          *to the Northeast Corridor investment account, State-*  
15          *supported account, or long-distance account, and re-*  
16          *tirement of principal and payment of interest on*  
17          *loans or capital leases attributable to other national*  
18          *network activities.*

19          “(f) *TRANSFER AUTHORITY.—*

20                 “(1) *AUTHORITY.—Amtrak may transfer any*  
21                 *funds appropriated under the authorization in section*  
22                 *5101(a) of the Rail Reform, Enhancement, and Effi-*  
23                 *ciency Act, or any subsequent Act appropriating*  
24                 *funds for the use of Amtrak for deposit into the ac-*  
25                 *counts described in that section, or any surplus gen-*

1 *erated by operations, between the Northeast Corridor,*  
2 *State-supported, long-distance, and other national*  
3 *network activities accounts—*

4 *“(A) upon the expiration of 10 days after*  
5 *the date that Amtrak notifies the Amtrak Board*  
6 *of Directors, including the Secretary, of the*  
7 *planned transfer; and*

8 *“(B) with the approval of the Secretary.*

9 *“(2) REPORT.—Not later than 5 days after the*  
10 *date that Amtrak notifies the Amtrak Board of Direc-*  
11 *tors of a planned transfer under paragraph (1), Am-*  
12 *trak shall transmit to the Committee on Commerce,*  
13 *Science, and Transportation and the Committee on*  
14 *Appropriations of the Senate and the Committee on*  
15 *Transportation and Infrastructure and the Committee*  
16 *on Appropriations of the House of Representatives a*  
17 *report that includes—*

18 *“(A) the amount of the transfer; and*

19 *“(B) a detailed explanation of the reason*  
20 *for the transfer, including—*

21 *“(i) the effects on Amtrak services*  
22 *funded by the account from which the trans-*  
23 *fer is drawn, in comparison to a scenario*  
24 *in which no transfer was made; and*

1                   “(ii) the effects on Amtrak services  
2                   funded by the account receiving the transfer,  
3                   in comparison to a scenario in which no  
4                   transfer was made.

5                   “(3) NOTIFICATIONS.—

6                   “(A) STATE-SUPPORTED ACCOUNT.—Not  
7                   later than 5 days after the date that Amtrak no-  
8                   tifies the Amtrak Board of Directors of a  
9                   planned transfer under paragraph (1) of funds  
10                  to or from the State-supported account, Amtrak  
11                  shall transmit to each State that sponsors a  
12                  State-supported route a letter that includes the  
13                  information described under subparagraphs (A)  
14                  and (B) of paragraph (2).

15                  “(B) NORTHEAST CORRIDOR ACCOUNT.—  
16                  Not later than 5 days after the date that Amtrak  
17                  notifies the Amtrak Board of Directors of a  
18                  planned transfer under paragraph (1) of funds  
19                  to or from the Northeast Corridor account, Am-  
20                  trak shall transmit to the Northeast Corridor  
21                  Commission a letter that includes the informa-  
22                  tion described under subparagraphs (A) and (B)  
23                  of paragraph (2).

1       “(g) *ENFORCEMENT.*—*The Secretary shall enforce the*  
2 *provisions of each grant agreement under section 24318(d),*  
3 *including any deposit into an account under this section.*

4       “(h) *LETTERS OF INTENT.*—

5               “(1) *REQUIREMENT.*—*The Secretary may issue a*  
6 *letter of intent to Amtrak announcing an intention to*  
7 *obligate, for a major capital project described in*  
8 *clauses (ii) and (iv) of section 24904(a)(2)(E), an*  
9 *amount from future available budget authority speci-*  
10 *fied in law that is not more than the amount stipu-*  
11 *lated as the financial participation of the Secretary*  
12 *in the project.*

13              “(2) *NOTICE TO CONGRESS.*—*At least 30 days*  
14 *before issuing a letter under paragraph (1), the Sec-*  
15 *retary shall notify in writing the Committee on Com-*  
16 *merce, Science, and Transportation and the Com-*  
17 *mittee on Appropriations of the Senate and the Com-*  
18 *mittee on Transportation and Infrastructure and the*  
19 *Committee on Appropriations of the House of Rep-*  
20 *resentatives of the proposed letter. The Secretary shall*  
21 *include with the notice a copy of the proposed letter,*  
22 *the criteria used for selecting the project for a grant*  
23 *award, and a description of how the project meets the*  
24 *criteria under this section.*

1           “(3) *CONTINGENT NATURE OF OBLIGATION OR*  
 2           *COMMITMENT.—An obligation or administrative com-*  
 3           *mitment may be made only when amounts are appro-*  
 4           *propriated. The letter of intent shall state that the con-*  
 5           *tingent commitment is not an obligation of the Fed-*  
 6           *eral Government, and is subject to the availability of*  
 7           *appropriations under Federal law and to Federal*  
 8           *laws in force or enacted after the date of the contin-*  
 9           *gent commitment.”.*

10          (b) *CONFORMING AMENDMENTS.—The table of contents*  
 11          *for chapter 243 is amended by adding at the end the fol-*  
 12          *lowing:*

          “24317. *Costs and revenues.*

          “24318. *Grant process.*

          “24319. *Accounts.”.*

13          (c) *REPEALS.—*

14                 (1) *ESTABLISHMENT OF GRANT PROCESS.—Sec-*  
 15                 *tion 206 of the Passenger Rail Investment and Im-*  
 16                 *provement Act of 2008 (49 U.S.C. 24101 note) and*  
 17                 *the item relating to that section in the table of con-*  
 18                 *tents of that Act are repealed.*

19                 (2) *AUTHORIZATION OF APPROPRIATIONS.—Sec-*  
 20                 *tion 24104 and the item relating to that section in*  
 21                 *the table of contents of chapter 241 are repealed.*

22          **SEC. 5202. 5-YEAR BUSINESS LINE AND ASSETS PLANS.**

23                 (a) *AMTRAK 5-YEAR BUSINESS LINE AND ASSET*  
 24                 *PLANS.—Chapter 243, as amended by section 5201 of this*

1 *Act, is further amended by inserting after section 24319 the*  
2 *following:*

3 **“§ 24320. Amtrak 5-year business line and asset plans**

4 *“(a) IN GENERAL.—*

5 *“(1) FINAL PLANS.—Not later than February 15*  
6 *of each year, Amtrak shall submit to Congress and the*  
7 *Secretary final 5-year business line plans and 5-year*  
8 *asset plans prepared in accordance with this section.*  
9 *These final plans shall form the basis for Amtrak’s*  
10 *general and legislative annual report to the President*  
11 *and Congress required by section 24315(b).*

12 *“(2) FISCAL CONSTRAINT.—Each plan prepared*  
13 *under this section shall be based on funding levels au-*  
14 *thorized or otherwise available to Amtrak in a fiscal*  
15 *year. In the absence of an authorization or appro-*  
16 *priation of funds for a fiscal year, the plans shall be*  
17 *based on the amount of funding available in the pre-*  
18 *vious fiscal year, plus inflation. Amtrak may include*  
19 *an appendix to the asset plan required in subsection*  
20 *(c) that describes any capital funding requirements in*  
21 *excess of amounts authorized or otherwise available to*  
22 *Amtrak in a fiscal year for capital investment.*

23 *“(b) AMTRAK 5-YEAR BUSINESS LINE PLANS.—*

1           “(1) *AMTRAK BUSINESS LINES.*—*Amtrak shall*  
2           *prepare a 5-year business line plan for each of the fol-*  
3           *lowing business lines and services:*

4                   “(A) *Northeast Corridor train services.*

5                   “(B) *State-supported routes operated by*  
6           *Amtrak.*

7                   “(C) *Long-distance routes operated by Am-*  
8           *trak.*

9                   “(D) *Ancillary services operated by Amtrak,*  
10           *including commuter operations and other rev-*  
11           *enue generating activities as determined by the*  
12           *Secretary in consultation with Amtrak.*

13           “(2) *CONTENTS OF 5-YEAR BUSINESS LINE*  
14           *PLANS.*—*The 5-year business line plan for each busi-*  
15           *ness line shall include, at a minimum—*

16                   “(A) *a statement of Amtrak’s vision, goals,*  
17           *and service plan for the business line, coordi-*  
18           *nated with any entities that are contributing*  
19           *capital or operating funding to support pas-*  
20           *senger rail services within those business lines,*  
21           *and aligned with Amtrak’s Strategic Plan and*  
22           *5-year asset plans under subsection (c);*

23                   “(B) *all projected revenues and expenditures*  
24           *for the business line, including identification of*  
25           *revenues and expenditures incurred by—*



- 1                   “(i) passenger operations;
- 2                   “(ii) non-passenger operations that are
- 3                   *directly related to the business line; and*
- 4                   “(iii) governmental funding sources,
- 5                   *including revenues and other funding re-*
- 6                   *ceived from States;*
- 7                   “(C) projected ridership levels for all pas-
- 8                   *senger operations;*
- 9                   “(D) estimates of long-term and short-term
- 10                   *debt and associated principal and interest pay-*
- 11                   *ments (both current and forecasts);*
- 12                   “(E) annual profit and loss statements and
- 13                   *forecasts and balance sheets;*
- 14                   “(F) annual cash flow forecasts;
- 15                   “(G) a statement describing the methodolo-
- 16                   *gies and significant assumptions underlying esti-*
- 17                   *mates and forecasts;*
- 18                   “(H) specific performance measures that
- 19                   *demonstrate year over year changes in the results*
- 20                   *of Amtrak’s operations;*
- 21                   “(I) financial performance for each route
- 22                   *within each business line, including descriptions*
- 23                   *of the cash operating loss or contribution and*
- 24                   *labor productivity for each route;*

1           “(J) specific costs and savings estimates re-  
2           sulting from reform initiatives;

3           “(K) prior fiscal year and projected equip-  
4           ment reliability statistics; and

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

8           “(3) 5-YEAR BUSINESS LINE PLANS PROCESS.—  
9           In meeting the requirements of this section, Amtrak  
10          shall—

11           “(A) coordinate the development of the busi-  
12          ness line plans with the Secretary;

13           “(B) for the Northeast Corridor business  
14          line plan, coordinate with the Northeast Corridor  
15          Commission and transmit to the Commission the  
16          final plan under subsection (a)(1), and consult  
17          with other entities, as appropriate;

18           “(C) for the State-supported route business  
19          line plan, coordinate with the State-Supported  
20          Route Committee established under section  
21          24712;

22           “(D) for the long-distance route business  
23          line plan, coordinate with any States or Inter-  
24          state Compacts that provide funding for such  
25          routes, as appropriate;

1           “(E) ensure that Amtrak’s annual budget  
2 request to Congress is consistent with the infor-  
3 mation in the 5-year business line plans; and

4           “(F) identify the appropriate Amtrak offi-  
5 cials that are responsible for each business line.

6           “(4) STANDARDS TO PROMOTE FINANCIAL STA-  
7 BILITY.—In meeting the requirements under this sub-  
8 section, Amtrak shall use the categories specified in  
9 the financial accounting and reporting system devel-  
10 oped under section 203 of the Passenger Rail Invest-  
11 ment and Improvement Act of 2008 (49 U.S.C. 24101  
12 note) when preparing its 5-year business line plans.

13           “(c) AMTRAK 5-YEAR ASSET PLANS.—

14           “(1) ASSET CATEGORIES.—Amtrak shall prepare  
15 a 5-year asset plan for each of the following asset cat-  
16 egories:

17           “(A) Infrastructure, including all Amtrak-  
18 controlled Northeast Corridor assets and other  
19 Amtrak-owned infrastructure, and the associated  
20 facilities that support the operation, mainte-  
21 nance, and improvement of those assets.

22           “(B) Passenger rail equipment, including  
23 all Amtrak-controlled rolling stock, locomotives,  
24 and mechanical shop facilities that are used to  
25 overhaul equipment.

1           “(C) *Stations, including all Amtrak-con-*  
2           *trolled passenger rail stations and elements of*  
3           *other stations for which Amtrak has legal respon-*  
4           *sibility or intends to make capital investments.*

5           “(D) *National assets, including national*  
6           *reservations, security, training and training cen-*  
7           *ters, and other assets associated with Amtrak’s*  
8           *national passenger rail transportation system.*

9           “(2) *CONTENTS OF 5-YEAR ASSET PLANS.—Each*  
10          *asset plan shall include, at a minimum—*

11           “(A) *a summary of Amtrak’s 5-year stra-*  
12           *tegic plan for each asset category, including*  
13           *goals, objectives, any relevant performance*  
14           *metrics, and statutory or regulatory actions af-*  
15           *fecting the assets;*

16           “(B) *an inventory of existing Amtrak cap-*  
17           *ital assets, to the extent practicable, including*  
18           *information regarding shared use or ownership,*  
19           *if applicable;*

20           “(C) *a prioritized list of proposed capital*  
21           *investments that—*

22                   “(i) *categorizes each capital project as*  
23                   *being primarily associated with—*

24                           “(I) *normalized capital replace-*  
25                           *ment;*

1                   “(II) backlog capital replacement;

2                   “(III) improvements to support  
3                   service enhancements or growth;

4                   “(IV) strategic initiatives that  
5                   will improve overall operational per-  
6                   formance, lower costs, or otherwise im-  
7                   prove Amtrak’s corporate efficiency; or

8                   “(V) statutory, regulatory, or  
9                   other legal mandates;

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

13                  “(iii) describes the anticipated business  
14                  outcome of each project or program identi-  
15                  fied under this subparagraph, including an  
16                  assessment of—

17                         “(I) the potential effect on pas-  
18                         senger operations, safety, reliability,  
19                         and resilience;

20                         “(II) the potential effect on Am-  
21                         trak’s ability to meet regulatory re-  
22                         quirements if the project or program is  
23                         not funded; and

24                         “(III) the benefits and costs; and

1           “(D) annual profit and loss statements and  
2           forecasts and balance sheets for each asset cat-  
3           egory.

4           “(3) 5-YEAR ASSET PLAN PROCESS.—In meeting  
5           the requirements of this subsection, Amtrak shall—

6           “(A) coordinate with each business line de-  
7           scribed in subsection (b)(1) in the preparation of  
8           each 5-year asset plan and ensure integration of  
9           each 5-year asset plan with the 5-year business  
10          line plans;

11          “(B) as applicable, coordinate with the  
12          Northeast Corridor Commission, the State-Sup-  
13          ported Route Committee, and owners of assets af-  
14          fected by 5-year asset plans; and

15          “(C) identify the appropriate Amtrak offi-  
16          cials that are responsible for each asset category.

17          “(4) EVALUATION OF NATIONAL ASSETS  
18          COSTS.—The Secretary shall—

19          “(A) evaluate the costs and scope of all na-  
20          tional assets; and

21          “(B) determine the activities and costs that  
22          are—

23                  “(i) required in order to ensure the ef-  
24                  ficient operations of a national passenger  
25                  rail system;

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

3                   “(iii) extraneous to providing an effi-  
4                   cient national passenger rail system or are  
5                   too costly relative to the benefits or perform-  
6                   ance outcomes they provide.

7                   “(5) *DEFINITION OF NATIONAL ASSETS.*—In this  
8                   section, the term ‘national assets’ means the Nation’s  
9                   core rail assets shared among Amtrak services, includ-  
10                  ing national reservations, security, training and  
11                  training centers, and other assets associated with Am-  
12                  trak’s national passenger rail transportation system.

13                  “(6) *RESTRUCTURING OF NATIONAL ASSETS.*—  
14                  Not later than 1 year after the date of completion of  
15                  the evaluation under paragraph (4), the Adminis-  
16                  trator of the Federal Railroad Administration, in  
17                  consultation with the Amtrak Board of Directors, the  
18                  governors of each relevant State, and the Mayor of the  
19                  District of Columbia, or their designees, shall restruc-  
20                  ture or reallocate, or both, the national assets costs in  
21                  accordance with the determination under that section,  
22                  including making appropriate updates to Amtrak’s  
23                  cost accounting methodology and system.”.

24                  “(b) *EFFECTIVE DATE.*—The requirements for Amtrak  
25                  to submit final 5-year business line plans and 5-year asset

1 *plans under section 24320 of title 49, United States Code,*  
2 *shall take effect 1 year after the date of enactment of this*  
3 *Act.*

4 (c) *CONFORMING AMENDMENTS.*—*The table of contents*  
5 *for chapter 243, as amended by section 5201 of this Act,*  
6 *is further amended by adding at the end the following:*

*“24320. Amtrak 5-year business line and asset plans.”.*

7 (d) *REPEAL OF 5-YEAR FINANCIAL PLAN.*—*Section*  
8 *204 of the Passenger Rail Investment and Improvement Act*  
9 *of 2008 (49 U.S.C. 24101 note), and the item relating to*  
10 *that section in the table of contents of that Act, are repealed.*

11 (e) *IDENTIFICATION OF DUPLICATIVE REPORTING RE-*  
12 *QUIREMENTS.*—*Not later than 1 year after the date of en-*  
13 *actment of this Act, the Secretary shall—*

14 (1) *review existing Amtrak reporting require-*  
15 *ments and identify where the existing requirements*  
16 *are duplicative with the business line and capital*  
17 *plans required by section 24320 of title 49, United*  
18 *States Code;*

19 (2) *if the duplicative reporting requirements are*  
20 *administrative, the Secretary shall eliminate the du-*  
21 *plicative requirements; and*

22 (3) *submit to Congress a report with any rec-*  
23 *ommendations for repealing any other duplicative*  
24 *Amtrak reporting requirements.*



1 **SEC. 5203. STATE-SUPPORTED ROUTE COMMITTEE.**

2 (a) *AMENDMENT.*—Chapter 247 is amended by adding  
3 at the end the following:

4 **“§ 24712. State-supported routes operated by Amtrak**

5 “(a) *STATE-SUPPORTED ROUTE COMMITTEE.*—

6 “(1) *ESTABLISHMENT.*—Not later than 180 days  
7 after the date of enactment of the Rail Reform, En-  
8 hancement, and Efficiency Act, the Secretary of  
9 Transportation shall establish the State-Supported  
10 Route Committee (referred to in this section as the  
11 ‘Committee’) to promote mutual cooperation and  
12 planning pertaining to the rail operations of Amtrak  
13 and related activities of trains operated by Amtrak on  
14 State-supported routes and to further implement sec-  
15 tion 209 of the Passenger Rail Investment and Im-  
16 provement Act of 2008 (49 U.S.C. 24101 note).

17 “(2) *MEMBERSHIP.*—

18 “(A) *IN GENERAL.*—The Committee shall  
19 consist of—

20 “(i) members representing Amtrak;

21 “(ii) members representing the Depart-  
22 ment of Transportation, including the Fed-  
23 eral Railroad Administration; and

24 “(iii) members representing States, in-  
25 cluding other public entities that sponsor  
26 the operation of trains by Amtrak on a

1           *State-supported route, designated by, and*  
2           *serving at the pleasure of, the chief executive*  
3           *officer thereof.*

4           “(B) *NON-VOTING MEMBERS.*—*The Com-*  
5           *mittee may invite and accept other non-voting*  
6           *members to participate in Committee activities,*  
7           *as appropriate.*

8           “(3) *DECISIONMAKING.*—*The Committee shall es-*  
9           *tablish a bloc voting system under which, at a min-*  
10          *imum—*

11           “(A) *there are 3 separate voting blocs to*  
12           *represent the Committee’s voting members, in-*  
13           *cluding—*

14           “(i) *1 voting bloc to represent the*  
15           *members described in paragraph (2)(A)(i);*

16           “(ii) *1 voting bloc to represent the*  
17           *members described in paragraph (2)(A)(ii);*  
18           *and*

19           “(iii) *1 voting bloc to represent the*  
20           *members described in paragraph (2)(A)(iii);*

21           “(B) *each voting bloc has 1 vote;*

22           “(C) *the vote of the voting bloc representing*  
23           *the members described in paragraph (2)(A)(iii)*  
24           *requires the support of at least two-thirds of that*  
25           *voting bloc’s members; and*

1           “(D) the Committee makes decisions by  
2 unanimous consent of the 3 voting blocs.

3           “(4) MEETINGS; RULES AND PROCEDURES.—The  
4 Committee shall convene a meeting and shall define  
5 and implement the rules and procedures governing the  
6 Committee’s proceedings not later than 180 days after  
7 the date of establishment of the Committee by the Sec-  
8 retary. The rules and procedures shall—

9           “(A) incorporate and further describe the  
10 decisionmaking procedures to be used in accord-  
11 ance with paragraph (3); and

12           “(B) be adopted in accordance with such de-  
13 cisionmaking procedures.

14           “(5) COMMITTEE DECISIONS.—Decisions made  
15 by the Committee in accordance with the Committee’s  
16 rules and procedures, once established, are binding on  
17 all Committee members.

18           “(6) COST ALLOCATION METHODOLOGY.—

19           “(A) IN GENERAL.—Subject to subpara-  
20 graph (B), the Committee may amend the cost  
21 allocation methodology required and previously  
22 approved under section 209 of the Passenger  
23 Rail Investment and Improvement Act of 2008  
24 (49 U.S.C. 24101 note).

1           “(B) *PROCEDURES FOR CHANGING METH-*  
2           *ODOLOGY.—The rules and procedures imple-*  
3           *mented under paragraph (4) shall include proce-*  
4           *dures for changing the cost allocation method-*  
5           *ology.*

6           “(C) *REQUIREMENTS.—The cost allocation*  
7           *methodology shall—*

8                   “(i) *ensure equal treatment in the pro-*  
9                   *vision of like services of all States and*  
10                  *groups of States; and*

11                   “(ii) *allocate to each route the costs in-*  
12                   *curring only for the benefit of that route and*  
13                   *a proportionate share, based upon factors*  
14                   *that reasonably reflect relative use, of costs*  
15                   *incurred for the common benefit of more*  
16                   *than 1 route.*

17           “(b) *INVOICES AND REPORTS.—Not later than Feb-*  
18           *ruary 15, 2016, and monthly thereafter, Amtrak shall pro-*  
19           *vide to each State that sponsors a State-supported route a*  
20           *monthly invoice of the cost of operating such route, includ-*  
21           *ing fixed costs and third-party costs. The Committee shall*  
22           *determine the frequency and contents of the financial and*  
23           *performance reports that Amtrak shall provide to the*  
24           *States, as well as the planning and demand reports that*  
25           *the States shall provide to Amtrak.*

1       “(c) *DISPUTE RESOLUTION.*—

2               “(1) *REQUEST FOR DISPUTE RESOLUTION.*—If a  
3       *dispute arises with respect to the rules and procedures*  
4       *implemented under subsection (a)(4), an invoice or a*  
5       *report provided under subsection (b), implementation*  
6       *or compliance with the cost allocation methodology*  
7       *developed under section 209 of the Passenger Rail In-*  
8       *vestment and Improvement Act of 2008 (49 U.S.C.*  
9       *24101 note) or amended under subsection (a)(6) of*  
10       *this section, either Amtrak or the State may request*  
11       *that the Surface Transportation Board conduct dis-*  
12       *pute resolution under this subsection.*

13               “(2) *PROCEDURES.*—The Surface Transportation  
14       *Board shall establish procedures for resolution of dis-*  
15       *putes brought before it under this subsection, which*  
16       *may include provision of professional mediation serv-*  
17       *ices.*

18               “(3) *BINDING EFFECT.*—A decision of the Sur-  
19       *face Transportation Board under this subsection shall*  
20       *be binding on the parties to the dispute.*

21               “(4) *OBLIGATION.*—Nothing in this subsection  
22       *shall affect the obligation of a State to pay an*  
23       *amount not in dispute.*

24       “(d) *ASSISTANCE.*—

1           “(1) *IN GENERAL.*—*The Secretary may provide*  
2           *assistance to the parties in the course of negotiations*  
3           *for a contract for operation of a State-supported*  
4           *route.*

5           “(2) *FINANCIAL ASSISTANCE.*—*From among*  
6           *available funds, the Secretary shall—*

7                   “(A) *provide financial assistance to Amtrak*  
8                   *or 1 or more States to perform requested inde-*  
9                   *pendent technical analysis of issues before the*  
10                  *Committee; and*

11                   “(B) *reimburse Members for travel expenses,*  
12                   *including per diem in lieu of subsistence, in ac-*  
13                   *cordance with section 5703 of title 5.*

14           “(e) *PERFORMANCE METRICS.*—*In negotiating a con-*  
15           *tract for operation of a State-supported route, Amtrak and*  
16           *the State or States that sponsor the route shall consider in-*  
17           *cluding provisions that provide penalties and incentives for*  
18           *performance.*

19           “(f) *STATEMENT OF GOALS AND OBJECTIVES.*—

20                   “(1) *IN GENERAL.*—*The Committee shall develop*  
21                   *a statement of goals, objectives, and associated rec-*  
22                   *ommendations concerning the future of State-sup-*  
23                   *ported routes operated by Amtrak. The statement*  
24                   *shall identify the roles and responsibilities of Com-*  
25                   *mittee members and any other relevant entities, such*

1       *as host railroads, in meeting the identified goals and*  
2       *objectives, or carrying out the recommendations. The*  
3       *Committee may consult with such relevant entities, as*  
4       *the Committee considers appropriate, when developing*  
5       *the statement.*

6               “(2) *TRANSMISSION OF STATEMENT OF GOALS*  
7       *AND OBJECTIVES.—Not later than 2 years after the*  
8       *date of enactment of the Rail Reform, Enhancement,*  
9       *and Efficiency Act the Committee shall transmit the*  
10       *statement developed under paragraph (1) to the Com-*  
11       *mittee on Commerce, Science, and Transportation of*  
12       *the Senate and the Committee on Transportation and*  
13       *Infrastructure of the House of Representatives.*

14              “(g) *RULE OF CONSTRUCTION.—The decisions of the*  
15       *Committee—*

16               “(1) *shall pertain to the rail operations of Am-*  
17       *trak and related activities of trains operated by Am-*  
18       *trak on State-sponsored routes; and*

19               “(2) *shall not pertain to the rail operations or*  
20       *related activities of services operated by other rail*  
21       *passenger carriers on State-supported routes.*

22              “(h) *FEDERAL ADVISORY COMMITTEE ACT.—The Fed-*  
23       *eral Advisory Committee Act (5 U.S.C. App.) shall not*  
24       *apply to the Committee.*

1           “(i) *DEFINITION OF STATE.*—*In this section, the term*  
 2 *‘State’ means each of the 50 States, the District of Colum-*  
 3 *bia, and a public entity that sponsors the operation of*  
 4 *trains by Amtrak on a State-supported route.”.*

5           (b) *TECHNICAL AND CONFORMING AMENDMENTS.*—  
 6 *The table of contents for chapter 247 is amended by adding*  
 7 *at the end the following:*

*“24712. State-supported routes operated by Amtrak.”.*

8   **SEC. 5204. ROUTE AND SERVICE PLANNING DECISIONS.**

9           *Section 208 of the Passenger Rail Investment and Im-*  
 10 *provement Act of 2008 (49 U.S.C. 24101 note) is amended*  
 11 *to read as follows:*

12   **“SEC. 208. METHODOLOGIES FOR AMTRAK ROUTE AND**  
 13                           **SERVICE PLANNING DECISIONS.**

14           “(a) *METHODOLOGY DEVELOPMENT.*—*Not later than*  
 15 *180 days after the date of enactment of the Rail Reform,*  
 16 *Enhancement, and Efficiency Act, as a condition of receiv-*  
 17 *ing a grant under section 101 of that Act, Amtrak shall*  
 18 *obtain the services of an independent entity to develop and*  
 19 *recommend objective methodologies for Amtrak to use in de-*  
 20 *termining what intercity rail passenger transportation*  
 21 *routes and services it should provide, including the estab-*  
 22 *lishment of new routes, the elimination of existing routes,*  
 23 *and the contraction or expansion of services or frequencies*  
 24 *over such routes.*



1       “(b) *CONSIDERATIONS.—Amtrak shall require the*  
2 *independent entity, in developing the methodologies de-*  
3 *scribed in subsection (a), to consider—*

4               “(1) *the current and expected performance and*  
5 *service quality of intercity rail passenger transpor-*  
6 *tation operations, including cost recovery, on-time*  
7 *performance, ridership, on-board services, stations, fa-*  
8 *cilities, equipment, and other services;*

9               “(2) *the connectivity of a route with other routes;*

10              “(3) *the transportation needs of communities*  
11 *and populations that are not well served by intercity*  
12 *rail passenger transportation service or by other*  
13 *forms of intercity transportation;*

14              “(4) *the methodologies of Amtrak and major*  
15 *intercity rail passenger transportation service pro-*  
16 *viders in other countries for determining intercity*  
17 *passenger rail routes and services;*

18              “(5) *the financial and operational effects on the*  
19 *overall network, including the effects on indirect costs;*

20              “(6) *the views of States and the recommenda-*  
21 *tions described in State rail plans, rail carriers that*  
22 *own infrastructure over which Amtrak operates,*  
23 *Interstate Compacts established by Congress and*  
24 *States, Amtrak employee representatives, stakeholder*  
25 *organizations, and other interested parties; and*

1           “(7) the funding levels that will be available  
2           under authorization levels that have been enacted into  
3           law.

4           “(c) *RECOMMENDATIONS*.—Not later than 1 year after  
5           the date of enactment of the Rail Reform, Enhancement,  
6           and Efficiency Act, Amtrak shall transmit to the Committee  
7           on Commerce, Science, and Transportation of the Senate  
8           and the Committee on Transportation and Infrastructure  
9           of the House of Representatives recommendations developed  
10          by the independent entity under subsection (a).

11          “(d) *CONSIDERATION OF RECOMMENDATIONS*.—Not  
12          later than 90 days after the date the recommendations are  
13          transmitted under subsection (c), Amtrak shall consider the  
14          adoption of each recommendation and transmit to the Com-  
15          mittee on Commerce, Science, and Transportation of the  
16          Senate and the Committee on Transportation and Infra-  
17          structure of the House of Representatives a report explain-  
18          ing the reasons for adopting or not adopting each rec-  
19          ommendation.”.

20          **SEC. 5205. COMPETITION.**

21          (a) *ALTERNATE PASSENGER RAIL SERVICE PILOT*  
22          *PROGRAM*.—Section 24711 is amended to read as follows:

1 **“§24711. Alternate passenger rail service pilot pro-**  
2 **gram**

3 “(a) *IN GENERAL.*—Not later than 18 months after the  
4 date of enactment of the Rail Reform, Enhancement, and  
5 Efficiency Act, the Secretary of Transportation shall pro-  
6 mulgate a rule to implement a pilot program for competi-  
7 tive selection of rail carriers for long-distance routes (as de-  
8 fined in section 24102).

9 “(b) *PILOT PROGRAM REQUIREMENTS.*—

10 “(1) *IN GENERAL.*—The pilot program shall—

11 “(A) allow a party described in paragraph  
12 (2) to petition the Secretary to provide intercity  
13 rail passenger transportation over a long-dis-  
14 tance route in lieu of Amtrak for an operations  
15 period of 4 years from the date of commencement  
16 of service by the winning bidder and, at the op-  
17 tion of the Secretary, consistent with the rule  
18 promulgated under subsection (a), allow the con-  
19 tract to be renewed for an additional operations  
20 period of 4 years, but not to exceed a total of 3  
21 operations periods;

22 “(B) require the Secretary to—

23 “(i) notify the petitioner and Amtrak  
24 of receipt of the petition under subpara-  
25 graph (A) and to publish in the Federal

1           *Register a notice of receipt not later than*  
2           *30 days after the date of receipt; and*

3                   “(ii) *establish a deadline, of not more*  
4                   *than 120 days after the notice of receipt is*  
5                   *published in the Federal Register under*  
6                   *clause (i), by which both the petitioner and*  
7                   *Amtrak, if Amtrak chooses to do so, would*  
8                   *be required to submit a complete bid to pro-*  
9                   *vide intercity rail passenger transportation*  
10                   *over the applicable route;*

11                   “(C) *require that each bid—*

12                           “(i) *describe the capital needs, finan-*  
13                           *cial projections, and operational plans, in-*  
14                           *cluding staffing plans, for the service, and*  
15                           *such other factors as the Secretary considers*  
16                           *appropriate; and*

17                           “(ii) *be made available by the winning*  
18                           *bidder to the public after the bid award;*

19                   “(D) *for a route that receives funding from*  
20                   *a State or States, require that for each bid re-*  
21                   *ceived from a party described in paragraph (2),*  
22                   *other than a State, the Secretary have the con-*  
23                   *currence of the State or States that provide fund-*  
24                   *ing for that route;*

1           “(E) for a winning bidder that is not or  
2 does not include Amtrak, require the Secretary to  
3 execute a contract not later than 270 days after  
4 the deadline established under subparagraph  
5 (B)(ii) and award to the winning bidder—

6           “(i) subject to paragraphs (3) and (4),  
7 the right and obligation to provide intercity  
8 rail passenger transportation over that  
9 route subject to such performance standards  
10 as the Secretary may require; and

11           “(ii) an operating subsidy, as deter-  
12 mined by the Secretary, for—

13           “(I) the first year at a level that  
14 does not exceed 90 percent of the level  
15 in effect for that specific route during  
16 the fiscal year preceding the fiscal year  
17 in which the petition was received, ad-  
18 justed for inflation; and

19           “(II) any subsequent years at the  
20 level calculated under subclause (I),  
21 adjusted for inflation; and

22           “(F) for a winning bidder that is or in-  
23 cludes Amtrak, award to that bidder an oper-  
24 ating subsidy, as determined by the Secretary,  
25 over the applicable route that will not change

1           *during the fiscal year in which the bid was sub-*  
2           *mitted solely as a result of the winning bid.*

3           “(2) *ELIGIBLE PETITIONERS.—The following*  
4           *parties are eligible to submit petitions under para-*  
5           *graph (1):*

6                     “(A) *A rail carrier or rail carriers that own*  
7                     *the infrastructure over which Amtrak operates a*  
8                     *long-distance route.*

9                     “(B) *A rail passenger carrier with a writ-*  
10                    *ten agreement with the rail carrier or rail car-*  
11                    *riers that own the infrastructure over which Am-*  
12                    *trak operates a long-distance route and that host*  
13                    *or would host the intercity rail passenger trans-*  
14                    *portation.*

15                    “(C) *A State, group of States, or State-sup-*  
16                    *ported joint powers authority or other sub-State*  
17                    *governance entity responsible for provision of*  
18                    *intercity rail passenger transportation with a*  
19                    *written agreement with the rail carrier or rail*  
20                    *carriers that own the infrastructure over which*  
21                    *Amtrak operates a long-distance route and that*  
22                    *host or would host the intercity rail passenger*  
23                    *transportation.*

24                    “(D) *A State, group of States, or State-sup-*  
25                    *ported joint powers authority or other sub-State*

1           *governance entity responsible for provision of*  
2           *intercity rail passenger transportation and a*  
3           *rail passenger carrier with a written agreement*  
4           *with the rail carrier or rail carriers that own the*  
5           *infrastructure over which Amtrak operates a*  
6           *long-distance route and that host or would host*  
7           *the intercity rail passenger transportation.*

8           “(3) *PERFORMANCE STANDARDS.—If the win-*  
9           *ning bidder under paragraph (1)(E)(i) is not or does*  
10           *not include Amtrak, the performance standards shall*  
11           *be consistent with the performance required of or*  
12           *achieved by Amtrak on the applicable route during*  
13           *the last fiscal year.*

14           “(4) *AGREEMENT GOVERNING ACCESS ISSUES.—*  
15           *Unless the winning bidder already has applicable ac-*  
16           *cess agreements in place or includes a rail carrier*  
17           *that owns the infrastructure used in the operation of*  
18           *the route, the winning bidder under paragraph*  
19           *(1)(E)(i) shall enter into a written agreement gov-*  
20           *erning access issues between the winning bidder and*  
21           *the rail carrier or rail carriers that own the infra-*  
22           *structure over which the winning bidder would oper-*  
23           *ate and that host or would host the intercity rail pas-*  
24           *senger transportation.*

1       “(c) *ACCESS TO FACILITIES; EMPLOYEES.—If the Sec-*  
2 *retary awards the right and obligation to provide rail pas-*  
3 *senger transportation over a route under this section to an*  
4 *entity in lieu of Amtrak—*

5               “(1) *the Secretary shall require Amtrak to pro-*  
6 *vide access to the Amtrak-owned reservation system,*  
7 *stations, and facilities directly related to operations of*  
8 *the awarded routes to the rail passenger carrier*  
9 *awarded a contract under this section, in accordance*  
10 *with subsection (g), as necessary to carry out the pur-*  
11 *poses of this section;*

12               “(2) *an employee of any person, except for a*  
13 *freight railroad or a person employed or contracted*  
14 *by a freight railroad, used by such rail passenger car-*  
15 *rier in the operation of a route under this section*  
16 *shall be considered an employee of that rail passenger*  
17 *carrier and subject to the applicable Federal laws and*  
18 *regulations governing similar crafts or classes of em-*  
19 *ployees of Amtrak; and*

20               “(3) *the winning bidder shall provide hiring*  
21 *preference to qualified Amtrak employees displaced by*  
22 *the award of the bid, consistent with the staffing plan*  
23 *submitted by the bidder, and shall be subject to the*  
24 *grant conditions under section 24405.*



1       “(d) *CESSATION OF SERVICE.*—If a rail passenger car-  
2 rier awarded a route under this section ceases to operate  
3 the service or fails to fulfill an obligation under the contract  
4 required under subsection (b)(1)(E), the Secretary shall take  
5 any necessary action consistent with this title to enforce the  
6 contract and ensure the continued provision of service, in-  
7 cluding—

8               “(1) the installment of an interim rail passenger  
9 carrier;

10              “(2) providing to the interim rail passenger car-  
11 rier under paragraph (1) an operating subsidy nec-  
12 essary to provide service; and

13              “(3) rebidding the contract to operate the rail  
14 passenger transportation.

15       “(e) *BUDGET AUTHORITY.*—

16              “(1) *IN GENERAL.*—The Secretary shall provide  
17 to a winning bidder that is not or does not include  
18 Amtrak and that is selected under this section any  
19 appropriations withheld under section 5101(c) of the  
20 Rail Reform, Enhancement, and Efficiency Act, or  
21 any subsequent appropriation for the same purpose,  
22 necessary to cover the operating subsidy described in  
23 subsection (b)(1)(E)(ii).

24              “(2) *AMTRAK.*—If the Secretary selects a win-  
25 ning bidder that is not or does not include Amtrak,

1        *the Secretary may provide to Amtrak an appropriate*  
2        *portion of the appropriations under section 5101(a)*  
3        *of the Rail Reform, Enhancement, and Efficiency Act,*  
4        *or any subsequent appropriation for the same pur-*  
5        *pose, to cover any cost directly attributable to the ter-*  
6        *mination of Amtrak service on the route and any in-*  
7        *direct costs to Amtrak imposed on other Amtrak*  
8        *routes as a result of losing service on the route oper-*  
9        *ated by the winning bidder. Any amount provided by*  
10       *the Secretary to Amtrak under this paragraph shall*  
11       *not be deducted from or have any effect on the oper-*  
12       *ating subsidy described in subsection (b)(1)(E)(ii).*

13       *“(f) DEADLINE.—If the Secretary does not promulgate*  
14       *the final rule and implement the program before the dead-*  
15       *line under subsection (a), the Secretary shall submit to the*  
16       *Committee on Commerce, Science, and Transportation of*  
17       *the Senate and the Committee on Transportation and In-*  
18       *frastructure of the House of Representatives a letter, signed*  
19       *by the Secretary and Administrator of the Federal Railroad*  
20       *Administration, each month until the rule is complete, in-*  
21       *cluding—*

22                *“(1) the reasons why the rule has not been*  
23        *issued;*

24                *“(2) an updated staffing plan for completing the*  
25        *rule as soon as feasible;*

1           “(3) the contact information of the official that  
2           will be overseeing the execution of the staffing plan;  
3           and

4           “(4) the estimated date of completion of the rule.

5           “(g) *DISPUTES.*—If Amtrak and the rail passenger  
6 carrier awarded a route under this section cannot agree  
7 upon terms to carry out subsection (c)(1), and the Surface  
8 Transportation Board finds that access to Amtrak’s facili-  
9 ties or equipment, or the provision of services by Amtrak,  
10 is necessary under subsection (c)(1) and that the operation  
11 of Amtrak’s other services will not be impaired thereby, the  
12 Surface Transportation Board shall issue an order that the  
13 facilities and equipment be made available, and that serv-  
14 ices be provided, by Amtrak, and shall determine reasonable  
15 compensation, liability, and other terms for use of the facili-  
16 ties and equipment and provision of the services.

17           “(h) *LIMITATION.*—Not more than 3 long-distance  
18 routes may be selected under this section for operation by  
19 a winning bidder that is not or does not include Amtrak.

20           “(i) *PRESERVATION OF RIGHT TO COMPETITION ON*  
21 *STATE-SUPPORTED ROUTES.*—Nothing in this section shall  
22 be construed as prohibiting a State from introducing com-  
23 petition for intercity rail passenger transportation or serv-  
24 ices on its State-supported route or routes.”.

1       (b) *REPORT.*—Not later than 4 years after the date  
2 of implementation of the pilot program under section 24711  
3 of title 49, United States Code, and quadrennially there-  
4 after until the pilot program is discontinued, the Secretary  
5 shall submit to the Committee on Commerce, Science, and  
6 Transportation of the Senate and the Committee on Trans-  
7 portation and Infrastructure of the House of Representa-  
8 tives a report on the results on the pilot program to date  
9 and any recommendations for further action.

10 **SEC. 5206. ROLLING STOCK PURCHASES.**

11       (a) *IN GENERAL.*—Prior to entering into any contract  
12 in excess of \$100,000,000 for rolling stock and locomotive  
13 procurements Amtrak shall submit a business case analysis  
14 to the Secretary, the Committee on Commerce, Science, and  
15 Transportation and the Committee on Appropriations of  
16 the Senate and the Committee on Transportation and In-  
17 frastructure and the Committee on Appropriations of the  
18 House of Representatives, on the utility of such procure-  
19 ments.

20       (b) *CONTENTS.*—The business case analysis shall—

21           (1) include a cost and benefit comparison that  
22 describes the total lifecycle costs and the anticipated  
23 benefits related to revenue, operational efficiency, reli-  
24 ability, and other factors;

25           (2) set forth the total payments by fiscal year;

1           (3) *identify the specific source and amounts of*  
 2           *funding for each payment, including Federal funds,*  
 3           *State funds, Amtrak profits, Federal, State, or pri-*  
 4           *vate loans or loan guarantees, and other funding;*

5           (4) *include an explanation of whether any pay-*  
 6           *ment under the contract will increase Amtrak's grant*  
 7           *request, as required under section 24318 of title 49,*  
 8           *United States Code, in that particular fiscal year;*  
 9           *and*

10          (5) *describe how Amtrak will adjust the procure-*  
 11          *ment if future funding is not available.*

12          (c) **RULE OF CONSTRUCTION.**—*Nothing in this section*  
 13          *shall be construed as requiring Amtrak to disclose confiden-*  
 14          *tial information regarding a potential vendor's proposed*  
 15          *pricing or other sensitive business information prior to con-*  
 16          *tract execution.*

17          **SEC. 5207. FOOD AND BEVERAGE POLICY.**

18          (a) **IN GENERAL.**—*Chapter 243, as amended in section*  
 19          *5202 of this Act, is further amended by adding after section*  
 20          *24320 the following:*

21          **“§ 24321. Food and beverage reform**

22          “(a) **PLAN.**—*Not later than 90 days after the date of*  
 23          *enactment of the Rail Reform, Enhancement, and Effi-*  
 24          *ciency Act, Amtrak shall develop and begin implementing*  
 25          *a plan to eliminate, not later than 4 years after the date*

1 *of enactment of that Act, the operating loss associated with*  
2 *providing food and beverage service on board Amtrak*  
3 *trains.*

4       “(b) *CONSIDERATIONS.—In developing and imple-*  
5 *menting the plan under subsection (a), Amtrak shall con-*  
6 *sider a combination of cost management and revenue gen-*  
7 *eration initiatives, including—*

8               “(1) *scheduling optimization;*

9               “(2) *onboard logistics;*

10              “(3) *product development and supply chain effi-*  
11 *ciency;*

12              “(4) *training, awards, and accountability;*

13              “(5) *technology enhancements and process im-*  
14 *provements; and*

15              “(6) *ticket revenue allocation.*

16       “(c) *SAVINGS CLAUSE.—Amtrak shall ensure that no*  
17 *Amtrak employee holding a position as of the date of enact-*  
18 *ment of the Rail Reform, Enhancement, and Efficiency Act*  
19 *is involuntarily separated because of—*

20              “(1) *the development and implementation of the*  
21 *plan required under subsection (a); or*

22              “(2) *any other action taken by Amtrak to imple-*  
23 *ment this section.*

24       “(d) *NO FEDERAL FUNDING FOR OPERATING*  
25 *LOSSES.—Beginning on the date that is 4 years after the*

1 *date of enactment of the Rail Reform, Enhancement, and*  
 2 *Efficiency Act, no Federal funds may be used to cover any*  
 3 *operating loss associated with providing food and beverage*  
 4 *service on a route operated by Amtrak or an alternative*  
 5 *passenger rail service provider that operates a route in lieu*  
 6 *of Amtrak under section 24711.*

7       “(e) *REPORT.—Not later than 120 days after the date*  
 8 *of enactment of the Rail Reform, Enhancement, and Effi-*  
 9 *ciency Act, and annually thereafter for a period of 4 years,*  
 10 *Amtrak shall transmit to the Committee on Commerce,*  
 11 *Science, and Transportation of the Senate and the Com-*  
 12 *mittee on Transportation and Infrastructure of the House*  
 13 *of Representatives a report on the plan developed under sub-*  
 14 *section (a) and a description of progress in the implementa-*  
 15 *tion of the plan.”.*

16       “(b) *CONFORMING AMENDMENT.—The table of contents*  
 17 *for chapter 243, as amended in section 5202 of this Act,*  
 18 *is amended by adding at the end the following:*

“24321. *Food and beverage reform.”.*

19 **SEC. 5208. LOCAL PRODUCTS AND PROMOTIONAL EVENTS.**

20       “(a) *IN GENERAL.—Not later than 6 months after the*  
 21 *date of enactment of this Act, Amtrak shall establish a pilot*  
 22 *program for a State or States that sponsor a State-sup-*  
 23 *ported route operated by Amtrak to facilitate—*

24               (1) *onboard purchase and sale of local food and*  
 25               *beverage products; and*

1           (2) *partnerships with local entities to hold pro-*  
2           *motional events on trains or in stations.*

3           (b) *PROGRAM DESIGN.—The pilot program under*  
4           *paragraph (1) shall allow a State or States—*

5           (1) *to nominate and select a local food and bev-*  
6           *erage products supplier or suppliers or local pro-*  
7           *motional event partner;*

8           (2) *to charge a reasonable price or fee for local*  
9           *food and beverage products or promotional events and*  
10          *related activities to help defray the costs of program*  
11          *administration and State-supported routes; and*

12          (3) *a mechanism to ensure that State products*  
13          *can effectively be handled and integrated into existing*  
14          *food and beverage services, including compliance with*  
15          *all applicable regulations and standards governing*  
16          *such services.*

17          (c) *PROGRAM ADMINISTRATION.—The pilot program*  
18          *shall—*

19               (1) *for local food and beverage products, ensure*  
20               *the products are integrated into existing food and bev-*  
21               *erage services, including compliance with all applica-*  
22               *ble regulations and standards;*

23               (2) *for promotional events, ensure the events are*  
24               *held in compliance with all applicable regulations*



1        *and standards, including terms to address insurance*  
2        *requirements; and*

3            (3) *require an annual report that documents rev-*  
4        *enues and costs and indicates whether the products or*  
5        *events resulted in a reduction in the financial con-*  
6        *tribution of a State or States to the applicable State-*  
7        *supported route.*

8        (d) *REPORT.—Not later than 4 years after the date*  
9        *of establishment of the pilot programs under this section,*  
10       *Amtrak shall report to the Committee on Commerce,*  
11       *Science, and Transportation of the Senate and the Com-*  
12       *mittee on Transportation and Infrastructure of the House*  
13       *of Representatives on which States have participated in the*  
14       *pilot programs under this section. The report shall summa-*  
15       *rize the financial and operational outcomes of the pilot pro-*  
16       *grams.*

17       (e) *RULE OF CONSTRUCTION.—Nothing in this sub-*  
18       *section shall be construed as limiting Amtrak’s ability to*  
19       *operate special trains in accordance with section 216 of the*  
20       *Passenger Rail Investment and Improvement Act of 2008*  
21       *(49 U.S.C. 24308 note).*

22       **SEC. 5209. RIGHT-OF-WAY LEVERAGING.**

23       (a) *REQUEST FOR PROPOSALS.—*

24            (1) *IN GENERAL.—Not later than 1 year after*  
25        *the date of enactment of this Act, Amtrak shall issue*

1        *a Request for Proposals seeking qualified persons or*  
2        *entities to utilize right-of-way and real estate owned,*  
3        *controlled, or managed by Amtrak for telecommuni-*  
4        *cations systems, energy distribution systems, and*  
5        *other activities considered appropriate by Amtrak.*

6            (2) *CONTENTS.—The Request for Proposals shall*  
7        *provide sufficient information on the right-of-way*  
8        *and real estate assets to enable respondents to propose*  
9        *an arrangement that will monetize or generate addi-*  
10       *tional revenue from such assets through revenue shar-*  
11       *ing or leasing agreements with Amtrak, to the extent*  
12       *possible.*

13           (b) *CONSIDERATION OF PROPOSALS.—Not later than*  
14       *180 days following the deadline for the receipt of proposals*  
15       *under subsection (a), Amtrak shall review and consider each*  
16       *qualified proposal. Amtrak may enter into such agreements*  
17       *as are necessary to implement any qualified proposal.*

18           (c) *REPORT.—Not later than 270 days following the*  
19       *deadline for the receipt of proposals under subsection (a),*  
20       *Amtrak shall transmit to the Committee on Commerce,*  
21       *Science, and Transportation of the Senate and the Com-*  
22       *mittee on Transportation and Infrastructure of the House*  
23       *of Representatives a report on the Request for Proposals re-*  
24       *quired by this section, including summary information of*

1 *any proposals submitted to Amtrak and any proposals ac-*  
2 *cepted by Amtrak.*

3 *(d) SAVINGS CLAUSE.—Nothing in this section shall*  
4 *be construed to limit Amtrak’s ability to utilize right-of-*  
5 *way or real estate assets that it currently owns, controls,*  
6 *or manages or constrain Amtrak’s ability to enter into*  
7 *agreements with other parties to utilize such assets.*

8 **SEC. 5210. STATION DEVELOPMENT.**

9 *(a) REPORT ON DEVELOPMENT OPTIONS.—Not later*  
10 *than 1 year after the date of the enactment of this Act, Am-*  
11 *trak shall submit a report to the Committee on Commerce,*  
12 *Science, and Transportation of the Senate and the Com-*  
13 *mittee on Transportation and Infrastructure of the House*  
14 *of Representatives that describes—*

15 *(1) options to enhance economic development and*  
16 *accessibility of and around Amtrak stations and ter-*  
17 *minals, for the purposes of—*

18 *(A) improving station condition,*  
19 *functionality, capacity, and customer amenities;*

20 *(B) generating additional investment cap-*  
21 *ital and development-related revenue streams;*

22 *(C) increasing ridership and revenue;*

23 *(D) complying with the applicable sections*  
24 *of the Americans with Disabilities Act of 1990*

1           (42 U.S.C. 12101 *et seq.*) and the Rehabilitation  
2           Act of 1973 (29 U.S.C. 701 *et seq.*); and

3           (E) strengthening multimodal connections,  
4           including transit, intercity buses, roll-on and  
5           roll-off bicycles, and airports, as appropriate;  
6           and

7           (2) options for additional Amtrak stops that  
8           would have a positive incremental financial impact  
9           to Amtrak, based on Amtrak feasibility studies that  
10          demonstrate a financial benefit to Amtrak by gener-  
11          ating additional revenue that exceeds any incremental  
12          costs.

13          (b) *REQUEST FOR INFORMATION.*—Not later than 90  
14          days after the date the report is transmitted under sub-  
15          section (a), Amtrak shall issue a Request of Information  
16          for 1 or more owners of stations served by Amtrak to for-  
17          mally express an interest in completing the requirements  
18          of this section.

19          (c) *PROPOSALS.*—

20                 (1) *REQUEST FOR PROPOSALS.*—Not later than  
21                 180 days after the date the Request for Information  
22                 is issued under subsection (a), Amtrak shall issue a  
23                 Request for Proposals from qualified persons, includ-  
24                 ing small business concerns owned and controlled by  
25                 socially and economically disadvantaged individuals

1        *and veteran-owned small businesses, to lead, partici-*  
2        *cate, or partner with Amtrak, a station owner that*  
3        *responded under subsection (b), and other entities in*  
4        *enhancing development in and around such stations*  
5        *and terminals using applicable options identified*  
6        *under subsection (a) at facilities selected by Amtrak.*

7            (2) *CONSIDERATION OF PROPOSALS.—Not later*  
8        *than 1 year after the date the Request for Proposals*  
9        *are issued under paragraph (1), Amtrak shall review*  
10       *and consider qualified proposals submitted under*  
11       *paragraph (1). Amtrak or a station owner that re-*  
12       *sponded under subsection (b) may enter into such*  
13       *agreements as are necessary to implement any quali-*  
14       *fied proposal.*

15           (d) *REPORT.—Not later than 3 years after the date*  
16       *of enactment of this Act, Amtrak shall transmit to the Com-*  
17       *mittee on Commerce, Science, and Transportation of the*  
18       *Senate and the Committee on Transportation and Infra-*  
19       *structure of the House of Representatives a report on the*  
20       *Request for Proposals process required under this section,*  
21       *including summary information of any qualified proposals*  
22       *submitted to Amtrak and any proposals acted upon by Am-*  
23       *trak or a station owner that responded under subsection (b).*

24           (e) *DEFINITIONS.—In this section, the terms “small*  
25       *business concern”, “socially and economically disadvan-*

1 *taged individual*”, and *“veteran-owned small business”*  
 2 *have the meanings given the terms in section 304(c) of this*  
 3 *Act.*

4 (f) *SAVINGS CLAUSE.—Nothing in this section shall be*  
 5 *construed to limit Amtrak’s ability to develop its stations,*  
 6 *terminals, or other assets, to constrain Amtrak’s ability to*  
 7 *enter into and carry out agreements with other parties to*  
 8 *enhance development at or around Amtrak stations or ter-*  
 9 *minals, or to affect any station development initiatives on-*  
 10 *going as of the date of enactment of this Act.*

11 **SEC. 5211. AMTRAK DEBT.**

12 *Section 205 of the Passenger Rail Investment and Im-*  
 13 *provement Act of 2008 (49 U.S.C. 24101 note) is amend-*  
 14 *ed—*

15 (1) *by striking “as of the date of enactment of*  
 16 *this Act” each place it appears;*

17 (2) *in subsection (a)—*

18 (A) *by inserting “, to the extent provided in*  
 19 *advance in appropriations Acts” after “Amtrak’s*  
 20 *indebtedness”; and*

21 (B) *by striking the second sentence;*

22 (3) *in subsection (b), by striking “The Secretary*  
 23 *of the Treasury, in consultation” and inserting “To*  
 24 *the extent amounts are provided in advance in appro-*

1        *provisions Acts, the Secretary of the Treasury, in con-*  
 2        *sultation”;*

3                *(4) in subsection (d), by inserting “, to the extent*  
 4        *provided in advance in appropriations Acts” after*  
 5        *“as appropriate”;*

6                *(5) in subsection (e)—*

7                        *(A) in paragraph (1), by striking “by sec-*  
 8        *tion 102 of this division”; and*

9                        *(B) in paragraph (2), by striking “by sec-*  
 10        *tion 102” and inserting “for Amtrak”;*

11                *(6) in subsection (g), by inserting “, unless that*  
 12        *debt receives credit assistance, including direct loans*  
 13        *and loan guarantees, under chapter 6 of title 23,*  
 14        *United States Code or title V of the Railroad Revital-*  
 15        *ization and Regulatory Act of 1976 (45 U.S.C. 821*  
 16        *et seq.)” after “Secretary”; and*

17                *(7) by striking subsection (h).*

18        **SEC. 5212. AMTRAK PILOT PROGRAM FOR PASSENGERS**  
 19                        **TRANSPORTING DOMESTICATED CATS AND**  
 20                        **DOGS.**

21                *(a) IN GENERAL.—Not later than 1 year after the date*  
 22        *of enactment of this Act, Amtrak shall develop a pilot pro-*  
 23        *gram that allows passengers to transport domesticated cats*  
 24        *or dogs on certain trains operated by Amtrak.*

1           **(b) PET POLICY.**—*In developing the pilot program re-*  
2 *quired under subsection (a), Amtrak shall—*

3                   (1) *in the case of a passenger train that is com-*  
4 *prised of more than 1 car, designate, where feasible,*  
5 *at least 1 car in which a ticketed passenger may*  
6 *transport a domesticated cat or dog in the same man-*  
7 *ner as carry-on baggage if—*

8                           (A) *the cat or dog is contained in a pet ken-*  
9 *nel;*

10                           (B) *the pet kennel complies with Amtrak*  
11 *size requirements for carriage of carry-on bag-*  
12 *gage;*

13                           (C) *the passenger is traveling on a train op-*  
14 *erating on a route described in subparagraph*  
15 *(A), (B), or (D) of section 24102(6) of title 49,*  
16 *United States Code; and*

17                           (D) *the passenger pays a fee described in*  
18 *paragraph (3);*

19                   (2) *allow a ticketed passenger to transport a do-*  
20 *mesticated cat or dog on a train in the same manner*  
21 *as cargo if—*

22                           (A) *the cat or dog is contained in a pet ken-*  
23 *nel;*

24                           (B) *the pet kennel is stowed in accordance*  
25 *with Amtrak requirements for cargo stowage;*



1           (C) the passenger is traveling on a train op-  
2           erating on a route described in subparagraph  
3           (A), (B), or (D) of section 24102(6) of title 49,  
4           United States Code;

5           (D) the cargo area is temperature controlled  
6           in a manner protective of cat and dog safety and  
7           health; and

8           (E) the passenger pays a fee described in  
9           paragraph (3); and

10          (3) collect fees for each cat or dog transported by  
11          a ticketed passenger in an amount that, in the aggre-  
12          gate and at a minimum, covers the full costs of the  
13          pilot program.

14          (c) *REPORT.*—Not later than 1 year after the pilot pro-  
15          gram required under subsection (a) is first implemented,  
16          Amtrak shall transmit to the Committee on Commerce,  
17          Science, and Transportation of the Senate and the Com-  
18          mittee on Transportation and Infrastructure of the House  
19          of Representatives a report containing an evaluation of the  
20          pilot program.

21          (d) *LIMITATION ON STATUTORY CONSTRUCTION.*—

22          (1) *SERVICE ANIMALS.*—The pilot program  
23          under subsection (a) shall be separate from and in  
24          addition to the policy governing Amtrak passengers  
25          traveling with service animals. Nothing in this sec-

1        *tion may be interpreted to limit or waive the rights*  
 2        *of passengers to transport service animals.*

3            (2) *ADDITIONAL TRAIN CARS.*—*Nothing in this*  
 4        *section may be interpreted to require Amtrak to add*  
 5        *additional train cars or modify existing train cars.*

6            (3) *FEDERAL FUNDS.*—*No Federal funds may be*  
 7        *used to implement the pilot program required under*  
 8        *this section.*

9        **SEC. 5213. AMTRAK BOARD OF DIRECTORS.**

10        (a) *IN GENERAL.*—*Section 24302(a) is amended to*  
 11        *read as follows:*

12            “(a) *COMPOSITION AND TERMS.*—

13            “(1) *IN GENERAL.*—*The Amtrak Board of Direc-*  
 14        *tors (referred to in this section as the ‘Board’) is com-*  
 15        *posed of the following 9 directors, each of whom must*  
 16        *be a citizen of the United States:*

17            “(A) *The Secretary of Transportation.*

18            “(B) *The President of Amtrak.*

19            “(C) *7 individuals appointed by the Presi-*  
 20        *dent of the United States, by and with the advice*  
 21        *and consent of the Senate, with general business*  
 22        *and financial experience, experience or qualifica-*  
 23        *tions in transportation, freight and passenger*  
 24        *rail transportation, travel, hospitality, or pas-*  
 25        *senger air transportation businesses, or rep-*

1            *representatives of employees or users of passenger*  
2            *rail transportation or a State government.*

3            “(2) *SELECTION.—In selecting individuals de-*  
4            *scribed in paragraph (1)(C) for nominations for ap-*  
5            *pointments to the Board, the President shall consult*  
6            *with the Speaker of the House of Representatives, the*  
7            *minority leader of the House of Representatives, the*  
8            *majority leader of the Senate, and the minority leader*  
9            *of the Senate. The individuals appointed to the Board*  
10           *under paragraph (1)(C) shall be composed of the fol-*  
11           *lowing;*

12                    “(A) *2 individuals from the Northeast Cor-*  
13                    *ridor.*

14                    “(B) *4 individuals from regions of the coun-*  
15                    *try outside of the Northeast Corridor and geo-*  
16                    *graphically distributed with—*

17                            “(i) *2 individuals from States with*  
18                            *long-distance routes operated by Amtrak;*  
19                            *and*

20                            “(ii) *2 individuals from States with*  
21                            *State-supported routes operated by Amtrak.*

22                    “(C) *1 individual from the Northeast Cor-*  
23                    *ridor or a State with long-distance or State-sup-*  
24                    *ported routes.*

1           “(3) *TERM.*—An individual appointed under  
2           paragraph (1)(C) shall be appointed for a term of 5  
3           years. The term may be extended until the individ-  
4           ual’s successor is appointed and qualified. Not more  
5           than 4 individuals appointed under paragraph (1)(C)  
6           may be members of the same political party.

7           “(4) *CHAIRPERSON AND VICE CHAIRPERSON.*—  
8           The Board shall elect a chairperson and vice chair-  
9           person, other than the President of Amtrak, from  
10          among its membership. The vice chairperson shall  
11          serve as chairperson in the absence of the chairperson.

12          “(5) *SECRETARY’S DESIGNEE.*—The Secretary  
13          may be represented at Board meetings by the Sec-  
14          retary’s designee.”.

15          (b) *RULE OF CONSTRUCTION.*—Nothing in this section  
16          shall be construed as affecting the term of any director serv-  
17          ing on the Amtrak Board of Directors under section  
18          24302(a)(1)(C) of title 49, United States Code, on the day  
19          preceding the date of enactment of this Act.

20          **SEC. 5214. AMTRAK BOARDING PROCEDURES.**

21          (a) *REPORT.*—Not later than 6 months after the date  
22          of enactment of this Act, the Amtrak Office of Inspector  
23          General shall submit a report to the Committee on Com-  
24          merce, Science, and Transportation of the Senate and the

1 *Committee on Transportation and Infrastructure of the*  
2 *House of Representatives that—*

3           (1) *evaluates Amtrak’s boarding procedures for*  
4 *passengers, including passengers using or trans-*  
5 *porting nonmotorized transportation, such as wheel-*  
6 *chairs and bicycles, at its 15 stations through which*  
7 *the most people pass;*

8           (2) *compares Amtrak’s boarding procedures to—*

9                   (A) *commuter railroad boarding procedures*  
10 *at stations shared with Amtrak;*

11                   (B) *international intercity passenger rail*  
12 *boarding procedures; and*

13                   (C) *fixed guideway transit boarding proce-*  
14 *dures; and*

15           (3) *makes recommendations, as appropriate, in*  
16 *consultation with the Transportation Security Ad-*  
17 *ministration, to improve Amtrak’s boarding proce-*  
18 *dures, including recommendations regarding the*  
19 *queuing of passengers and free-flow of all station*  
20 *users and facility improvements needed to achieve the*  
21 *recommendations.*

22           (b) *CONSIDERATION OF RECOMMENDATIONS.—Not*  
23 *later than 6 months after the report is submitted under sub-*  
24 *section (a), Amtrak shall consider each recommendation*

1 *provided under subsection (a)(3) for implementation at ap-*  
 2 *propriate locations across the Amtrak system.*

3       ***Subtitle C—Intercity Passenger***  
 4                       ***Rail Policy***

5 ***SEC. 5301. COMPETITIVE OPERATING GRANTS.***

6       (a) *IN GENERAL.*—*Chapter 244 is amended—*

7               (1) *by striking section 24406; and*

8               (2) *by inserting after section 24405 the fol-*  
 9       *lowing:*

10 ***“§ 24406. Competitive operating grants***

11       “(a) *APPLICANT DEFINED.*—*In this section, the term*  
 12 *‘applicant’ means—*

13               “(1) *a State;*

14               “(2) *a group of States;*

15               “(3) *an Interstate Compact;*

16               “(4) *a public agency or publicly chartered au-*  
 17 *thority established by 1 or more States and having re-*  
 18 *sponsibility for providing intercity rail passenger*  
 19 *transportation or commuter rail passenger transpor-*  
 20 *tation;*

21               “(5) *a political subdivision of a State;*

22               “(6) *Amtrak or another rail passenger carrier*  
 23 *that provides intercity rail passenger transportation;*

1           “(7) Any rail carrier in partnership with at  
2           least 1 of the entities described in paragraphs (1)  
3           through (5); and

4           “(8) any combination of the entities described in  
5           paragraphs (1) through (7).

6           “(b) GRANTS AUTHORIZED.—The Secretary of Trans-  
7           portation shall develop and implement a program for  
8           issuing 3-year operating assistance grants to applicants, on  
9           a competitive basis, for the purpose of initiating, restoring,  
10          or enhancing intercity rail passenger service.

11          “(c) APPLICATION.—An applicant for a grant under  
12          this section shall submit to the Secretary—

13                 “(1) a capital and mobilization plan that—

14                         “(A) describes any capital investments,  
15                         service planning actions (such as environmental  
16                         reviews), and mobilization actions (such as qual-  
17                         ification of train crews) required for initiation  
18                         of service; and

19                         “(B) includes the timeline for undertaking  
20                         and completing each of the investments and ac-  
21                         tions referred to in subparagraph (A);

22                 “(2) an operating plan that describes the  
23                 planned operation of the service, including—

24                         “(A) the identity and qualifications of the  
25                         train operator;

1           “(B) the identity and qualifications of any  
2 other service providers;

3           “(C) service frequency;

4           “(D) the planned routes and schedules;

5           “(E) the station facilities that will be uti-  
6 lized;

7           “(F) projected ridership, revenues, and  
8 costs;

9           “(G) descriptions of how the projections  
10 under subparagraph (F) were developed;

11           “(H) the equipment that will be utilized,  
12 how such equipment will be acquired or refur-  
13 bished, and where such equipment will be main-  
14 tained; and

15           “(I) a plan for ensuring safe operations and  
16 compliance with applicable safety regulations;

17           “(3) a funding plan that—

18           “(A) describes the funding of initial capital  
19 costs and operating costs for the first 3 years of  
20 operation;

21           “(B) includes a commitment by the appli-  
22 cant to provide the funds described in subpara-  
23 graph (A) to the extent not covered by Federal  
24 grants and revenues; and



1           “(C) describes the funding of operating costs  
2           and capital costs, to the extent necessary, after  
3           the first 3 years of operation; and

4           “(4) a description of the status of negotiations  
5           and agreements with—

6           “(A) each of the railroads or regional trans-  
7           portation authorities whose tracks or facilities  
8           would be utilized by the service;

9           “(B) the anticipated rail passenger carrier,  
10          if such entity is not part of the applicant group;  
11          and

12          “(C) any other service providers or entities  
13          expected to provide services or facilities that will  
14          be used by the service, including any required  
15          access to Amtrak systems, stations, and facilities  
16          if Amtrak is not part of the applicant group.

17          “(d) PRIORITIES.—In awarding grants under this sec-  
18          tion, the Secretary shall give priority to applications—

19          “(1) for which planning, design, any environ-  
20          mental reviews, negotiation of agreements, acquisition  
21          of equipment, construction, and other actions nec-  
22          essary for initiation of service have been completed or  
23          nearly completed;

1           “(2) that would restore service over routes for-  
2           merly operated by Amtrak, including routes with  
3           international connections;

4           “(3) that would provide daily or daytime service  
5           over routes where such service did not previously  
6           exist;

7           “(4) that include private funding (including  
8           funding from railroads), and funding or other signifi-  
9           cant participation by State, local, and regional gov-  
10          ernmental and private entities;

11          “(5) that include a funding plan that dem-  
12          onstrates the intercity rail passenger service will be  
13          financially sustainable beyond the 3-year grant pe-  
14          riod;

15          “(6) that would provide service to regions and  
16          communities that are underserved or not served by  
17          other intercity public transportation;

18          “(7) that would foster economic development,  
19          particularly in rural communities and for disadvan-  
20          taged populations;

21          “(8) that would provide other non-transportation  
22          benefits; and

23          “(9) that would enhance connectivity and geo-  
24          graphic coverage of the existing national network of  
25          intercity passenger rail service.

1       “(e) *LIMITATIONS.*—

2               “(1) *DURATION.*—*Federal operating assistance*  
3       *grants authorized under this section for any indi-*  
4       *vidual intercity rail passenger transportation route*  
5       *may not provide funding for more than 3 years and*  
6       *may not be renewed.*

7               “(2) *LIMITATION.*—*Not more than 6 of the oper-*  
8       *ating assistance grants awarded pursuant to sub-*  
9       *section (b) may be simultaneously active.*

10              “(3) *MAXIMUM FUNDING.*—*Grants described in*  
11       *paragraph (1) may not exceed—*

12                      “(A) *80 percent of the projected net oper-*  
13       *ating costs for the first year of service;*

14                      “(B) *60 percent of the projected net oper-*  
15       *ating costs for the second year of service; and*

16                      “(C) *40 percent of the projected net oper-*  
17       *ating costs for the third year of service.*

18              “(f) *USE WITH CAPITAL GRANTS AND OTHER FED-*  
19       *ERAL FUNDING.*—*A recipient of an operating assistance*  
20       *grant under subsection (b) may use that grant in combina-*  
21       *tion with other grants awarded under this chapter or any*  
22       *other Federal funding that would benefit the applicable*  
23       *service.*

1       “(g) *AVAILABILITY.*—Amounts appropriated for car-  
2 *rying out this section shall remain available until ex-*  
3 *pended.*

4       “(h) *COORDINATION WITH AMTRAK.*—If the Secretary  
5 *awards a grant under this section to a rail passenger car-*  
6 *rier other than Amtrak, Amtrak may be required under sec-*  
7 *tion 24711(c)(1) of this title to provide access to its reserva-*  
8 *tion system, stations, and facilities that are directly related*  
9 *to operations to such carrier, to the extent necessary to*  
10 *carry out the purposes of this section. The Secretary may*  
11 *award an appropriate portion of the grant to Amtrak as*  
12 *compensation for this access.*

13       “(i) *CONDITIONS.*—

14               “(1) *GRANT AGREEMENT.*—The Secretary shall  
15 *require grant recipients under this section to enter*  
16 *into a grant agreement that requires them to provide*  
17 *similar information regarding the route performance,*  
18 *financial, and ridership projections, and capital and*  
19 *business plans that Amtrak is required to provide,*  
20 *and such other data and information as the Secretary*  
21 *deems necessary.*

22               “(2) *INSTALLMENTS; TERMINATION.*—The Sec-  
23 *retary may—*

1           “(A) award grants under this section in in-  
2           stallments, as the Secretary considers appro-  
3           priate; and

4           “(B) terminate any grant agreement  
5           upon—

6                     “(i) the cessation of service; or

7                     “(ii) the violation of any other term of  
8                     the grant agreement.

9           “(3) GRANT CONDITIONS.—Except as specifically  
10           provided in this section, the use of any amounts ap-  
11           propriated for grants under this section shall be sub-  
12           ject to the requirements under this chapter.

13           “(j) REPORT.—Not later than 4 years after the date  
14           of enactment of the Rail Reform, Enhancement, and Effi-  
15           ciency Act, the Secretary, after consultation with grant re-  
16           cipients under this section, shall submit a report to Con-  
17           gress that describes—

18                     “(1) the implementation of this section;

19                     “(2) the status of the investments and operations  
20           funded by such grants;

21                     “(3) the performance of the routes funded by  
22           such grants;

23                     “(4) the plans of grant recipients for continued  
24           operation and funding of such routes; and

25                     “(5) any legislative recommendations.”.

1       (b) *CONFORMING AMENDMENTS.—Chapter 244 is*  
 2 *amended—*

3           (1) *in the table of contents, by inserting after the*  
 4 *item relating to section 24405 the following:*

“24406. *Competitive operating grants.*”;

5           (2) *in the chapter title, by striking “**INTER-***  
 6 ***CITY PASSENGER RAIL SERVICE COR-***  
 7 ***RIDOR CAPITAL**” and inserting “**RAIL CAP-***  
 8 ***ITAL AND OPERATING**”;*

9           (3) *in section 24401, by striking paragraph (1);*

10          (4) *in section 24402, by striking subsection (j)*  
 11 *and inserting the following:*

12          “(j) *APPLICANT DEFINED.—In this section, the term*  
 13 *‘applicant’ means a State (including the District of Colum-*  
 14 *bia), a group of States, an Interstate Compact, a public*  
 15 *agency or publicly chartered authority established by 1 or*  
 16 *more States and having responsibility for providing inter-*  
 17 *city rail passenger transportation, or a political subdivi-*  
 18 *sion of a State.*”; and

19          (5) *in section 24405—*

20           (A) *in subsection (b)—*

21           (i) *by inserting “, or for which an op-*  
 22 *erating grant is issued under section*  
 23 *24406,” after “chapter”; and*

24           (ii) *in paragraph (2), by striking*  
 25 *“(43” and inserting “(45”;*

1           (B) in subsection (d)(1), in the matter pre-  
2           ceding subparagraph (A), by inserting “or unless  
3           Amtrak ceased providing intercity passenger  
4           railroad transportation over the affected route  
5           more than 3 years before the commencement of  
6           new service” after “unless such service was pro-  
7           vided solely by Amtrak to another entity”;

8           (C) in subsection (f), by striking “under  
9           this chapter for commuter rail passenger trans-  
10          portation, as defined in section 24012(4) of this  
11          title.” and inserting “under this chapter for com-  
12          muter rail passenger transportation (as defined  
13          in section 24102(3)).”; and

14          (D) by adding at the end the following:

15          “(g) *SPECIAL TRANSPORTATION CIRCUMSTANCES.*—In  
16          carrying out this chapter, the Secretary shall allocate an  
17          appropriate portion of the amounts available under this  
18          chapter to provide grants to States—

19                 “(1) in which there is no intercity passenger rail  
20                 service, for the purpose of funding freight rail capital  
21                 projects that are on a State rail plan developed under  
22                 chapter 227 that provide public benefits (as defined in  
23                 chapter 227), as determined by the Secretary; or

24                 “(2) in which the rail transportation system is  
25                 not physically connected to rail systems in the conti-

1        *mental United States or may not otherwise qualify for*  
 2        *a grant under this section due to the unique charac-*  
 3        *teristics of the geography of that State or other rel-*  
 4        *evant considerations, for the purpose of funding*  
 5        *transportation-related capital projects.”.*

6    **SEC. 5302. FEDERAL-STATE PARTNERSHIP FOR STATE OF**  
 7                            **GOOD REPAIR.**

8        *(a) AMENDMENT.—Chapter 244 is amended by insert-*  
 9        *ing after section 24406, as added by section 5301 of this*  
 10       *Act, the following:*

11    **“§24407. Federal-State partnership for state of good**  
 12                            **repair**

13        *“(a) DEFINITIONS.—In this section:*

14                    *“(1) APPLICANT.—The term ‘applicant’ means—*

15                            *“(A) a State (including the District of Co-*  
 16                            *lumbia);*

17                            *“(B) a group of States;*

18                            *“(C) an Interstate Compact;*

19                            *“(D) a public agency or publicly chartered*  
 20                            *authority established by 1 or more States that*  
 21                            *has responsibility for providing intercity rail*  
 22                            *passenger transportation or commuter rail pas-*  
 23                            *senger transportation;*

24                            *“(E) a political subdivision of a State;*



1           “(F) Amtrak, acting on its own behalf or  
2           under a cooperative agreement with 1 or more  
3           States; or

4           “(G) any combination of the entities de-  
5           scribed in subparagraphs (A) through (F).

6           “(2) CAPITAL PROJECT.—The term ‘capital  
7           project’ means—

8           “(A) a project primarily intended to re-  
9           place, rehabilitate, or repair major infrastruc-  
10          ture assets utilized for providing intercity pas-  
11          senger rail service, including tunnels, bridges,  
12          stations, and other assets, as determined by the  
13          Secretary; or

14          “(B) a project primarily intended to im-  
15          prove intercity passenger rail performance, in-  
16          cluding reduced trip times, increased train fre-  
17          quencies, higher operating speeds, and other im-  
18          provements, as determined by the Secretary.

19          “(3) NORTHEAST CORRIDOR.—The term ‘North-  
20          east Corridor’ means—

21          “(A) the main rail line between Boston,  
22          Massachusetts and the Virginia Avenue inter-  
23          locking in the District of Columbia; and

1           “(B) the branch rail lines connecting to  
2           Harrisburg, Pennsylvania, Springfield, Massa-  
3           chusetts, and Spuyten Duyvil, New York.

4           “(4) *QUALIFIED RAILROAD ASSET*.—The term  
5           ‘qualified railroad asset’ means infrastructure, equip-  
6           ment, or a facility that—

7           “(A) is owned or controlled by an eligible  
8           applicant; and

9           “(B) was not in a state of good repair on  
10           the date of enactment of the Rail Reform, En-  
11           hancement, and Efficiency Act.

12           “(b) *GRANT PROGRAM AUTHORIZED*.—The Secretary  
13           of Transportation shall develop and implement a program  
14           for issuing grants to applicants, on a competitive basis, to  
15           fund capital projects that reduce the state of good repair  
16           backlog on qualified railroad assets.

17           “(c) *ELIGIBLE PROJECTS*.—Projects eligible for grants  
18           under this section include capital projects to replace or re-  
19           habilitate qualified railroad assets, including—

20           “(1) capital projects to replace existing assets in-  
21           kind;

22           “(2) capital projects to replace existing assets  
23           with assets that increase capacity or provide a higher  
24           level of service; and

1           “(3) capital projects to ensure that service can be  
2           maintained while existing assets are brought to a  
3           state of good repair.

4           “(d) *PROJECT SELECTION CRITERIA.*—In selecting an  
5           applicant for a grant under this section, the Secretary  
6           shall—

7           “(1) give preference to eligible projects—

8                   “(A) that are consistent with the goals, ob-  
9                   jectives, and policies defined in any regional rail  
10                  planning document that is applicable to a  
11                  project proposal; and

12                   “(B) for which the proposed Federal share  
13                  of total project costs does not exceed 50 percent;  
14                  and

15           “(2) take into account—

16                   “(A) the cost-benefit analysis of the pro-  
17                  posed project, including anticipated private and  
18                  public benefits relative to the costs of the pro-  
19                  posed project, including—

20                           “(i) effects on system and service per-  
21                           formance;

22                           “(ii) effects on safety, competitiveness,  
23                           reliability, trip or transit time, and resil-  
24                           ience;

1                   “(iii) efficiencies from improved inte-  
2                   gration with other modes; and

3                   “(iv) ability to meet existing or antici-  
4                   pated demand;

5                   “(B) the degree to which the proposed  
6                   project’s business plan considers potential pri-  
7                   vate sector participation in the financing, con-  
8                   struction, or operation of the proposed project;

9                   “(C) the applicant’s past performance in  
10                  developing and delivering similar projects, and  
11                  previous financial contributions;

12                  “(D) whether the applicant has, or will  
13                  have—

14                         “(i) the legal, financial, and technical  
15                         capacity to carry out the project;

16                         “(ii) satisfactory continuing control  
17                         over the use of the equipment or facilities;  
18                         and

19                         “(iii) the capability and willingness to  
20                         maintain the equipment or facilities;

21                         “(E) if applicable, the consistency of the  
22                         project with planning guidance and documents  
23                         set forth by the Secretary or required by law;  
24                         and

1                   “(F) any other relevant factors, as deter-  
2                   mined by the Secretary.

3                   “(e) *PLANNING REQUIREMENTS.*—A project is not eli-  
4                   gible for a grant under this section unless the project is spe-  
5                   cifically identified—

6                   “(1) on a State rail plan prepared in accordance  
7                   with chapter 227; or

8                   “(2) if the project is located on the Northeast  
9                   Corridor, on the Northeast Corridor Capital Invest-  
10                  ment Plan developed pursuant to section 24904(a).

11                  “(f) *NORTHEAST CORRIDOR PROJECTS.*—

12                  “(1) *COMPLIANCE WITH USAGE AGREEMENTS.*—  
13                  Grant funds may not be provided under this section  
14                  to an eligible recipient for an eligible project located  
15                  on the Northeast Corridor unless Amtrak and the  
16                  public authorities providing commuter rail passenger  
17                  transportation on the Northeast Corridor are in com-  
18                  pliance with section 24905(c)(2).

19                  “(2) *CAPITAL INVESTMENT PLAN.*—When select-  
20                  ing projects located on the Northeast Corridor, the  
21                  Secretary shall consider the appropriate sequence and  
22                  phasing of projects as contained in the Northeast Cor-  
23                  ridor Capital Investment Plan developed pursuant to  
24                  section 24904(a).

25                  “(g) *FEDERAL SHARE OF TOTAL PROJECT COSTS.*—

1           “(1) *TOTAL PROJECT COST.*—*The Secretary shall*  
2           *estimate the total cost of a project under this section*  
3           *based on the best available information, including en-*  
4           *gineering studies, studies of economic feasibility, envi-*  
5           *ronmental analyses, and information on the expected*  
6           *use of equipment or facilities.*

7           “(2) *FEDERAL SHARE.*—*The Federal share of*  
8           *total costs for a project under this subsection shall not*  
9           *exceed 80 percent.*

10           “(3) *TREATMENT OF AMTRAK REVENUE.*—*If Am-*  
11           *trak or another rail passenger carrier is an applicant*  
12           *under this section, Amtrak or the other rail passenger*  
13           *carrier, as applicable, may use ticket and other reve-*  
14           *nues generated from its operations and other sources*  
15           *to satisfy the non-Federal share requirements.*

16           “(h) *LETTERS OF INTENT.*—

17           “(1) *IN GENERAL.*—*The Secretary may issue a*  
18           *letter of intent to a grantee under this section that—*

19                   “(A) *announces an intention to obligate, for*  
20                   *a major capital project under this section, an*  
21                   *amount from future available budget authority*  
22                   *specified in law that is not more than the*  
23                   *amount stipulated as the financial participation*  
24                   *of the Secretary in the project; and*

1           “(B) states that the contingent commit-  
2           ment—

3                   “(i) is not an obligation of the Federal  
4                   Government; and

5                   “(ii) is subject to the availability of  
6                   appropriations under Federal law and to  
7                   Federal laws in force or enacted after the  
8                   date of the contingent commitment.

9           “(2) CONGRESSIONAL NOTIFICATION.—

10                   “(A) IN GENERAL.—Not later than 30 days  
11                   before issuing a letter under paragraph (1), the  
12                   Secretary shall submit written notification to—

13                           “(i) the Committee on Commerce,  
14                           Science, and Transportation of the Senate;

15                           “(ii) the Committee on Appropriations  
16                           of the Senate;

17                           “(iii) the Committee on Transpor-  
18                           tation and Infrastructure of the House of  
19                           Representatives; and

20                           “(iv) the Committee on Appropriations  
21                           of the House of Representatives.

22                   “(B) CONTENTS.—The notification sub-  
23                   mitted pursuant to subparagraph (A) shall in-  
24                   clude—

1                   “(i) a copy of the proposed letter or  
2                   agreement;

3                   “(ii) the criteria used under subsection  
4                   (d) for selecting the project for a grant  
5                   award; and

6                   “(iii) a description of how the project  
7                   meets such criteria.

8                   “(3) *APPROPRIATIONS REQUIRED.*—An obliga-  
9                   tion or administrative commitment may be made  
10                  under this section only when amounts are appro-  
11                  priated for such purpose.

12                  “(i) *AVAILABILITY.*—Amounts appropriated for car-  
13                  rying out this section shall remain available until ex-  
14                  pended.

15                  “(j) *GRANT CONDITIONS.*—Except as specifically pro-  
16                  vided in this section, the use of any amounts appropriated  
17                  for grants under this section shall be subject to the require-  
18                  ments under this chapter.”.

19                  “(b) *CONFORMING AMENDMENT.*—The table of contents  
20                  for chapter 244 is amended by inserting after the item relat-  
21                  ing to section 24406 the following:

                  “24407. *Federal-State partnership for state of good repair.*”.

22                  **SEC. 5303. LARGE CAPITAL PROJECT REQUIREMENTS.**

23                  Section 24402 is amended by adding at the end the  
24                  following:

25                  “(m) *LARGE CAPITAL PROJECT REQUIREMENTS.*—



1           “(1) *IN GENERAL.*—*For a grant awarded under*  
2           *this chapter for an amount in excess of*  
3           *\$1,000,000,000, the following conditions shall apply:*

4                   “(A) *The Secretary of Transportation may*  
5                   *not obligate any funding unless the applicant*  
6                   *demonstrates, to the satisfaction of the Secretary,*  
7                   *that the applicant has committed, and will be*  
8                   *able to fulfill, the non-Federal share required for*  
9                   *the grant within the applicant’s proposed project*  
10                   *completion timetable.*

11                   “(B) *The Secretary may not obligate any*  
12                   *funding for work activities that occur after the*  
13                   *completion of final design unless—*

14                           “(i) *the applicant submits a financial*  
15                           *plan to the Secretary that generally identi-*  
16                           *fies the sources of the non-Federal funding*  
17                           *required for any subsequent segments or*  
18                           *phases of the corridor service development*  
19                           *program covering the project for which the*  
20                           *grant is awarded;*

21                           “(ii) *the grant will result in a useable*  
22                           *segment, a transportation facility, or equip-*  
23                           *ment, that has operational independence or*  
24                           *is financially sustainable; and*

1           “(iii) the intercity passenger rail bene-  
2           fits anticipated to result from the grant,  
3           such as increased speed, improved on-time  
4           performance, reduced trip time, increased  
5           frequencies, new service, safety improve-  
6           ments, improved accessibility, or other sig-  
7           nificant enhancements, are detailed by the  
8           grantee and approved by the Secretary.

9           “(C)(i) The Secretary shall ensure that the  
10          project is maintained to the level of utility that  
11          is necessary to support the benefits approved  
12          under subparagraph (B)(iii) for a period of 20  
13          years from the date on which the useable seg-  
14          ment, transportation facility, or equipment de-  
15          scribed in subparagraph (B)(ii) is placed in  
16          service.

17          “(ii) If the project property is not main-  
18          tained as required under clause (i) for a 12-  
19          month period, the grant recipient shall refund a  
20          pro-rata share of the Federal contribution, based  
21          upon the percentage remaining of the 20-year pe-  
22          riod that commenced when the project property  
23          was placed in service.

24          “(2) *EARLY WORK.*—The Secretary may allow a  
25          grantee subject to this subsection to engage in at-risk

1        *work activities subsequent to the conclusion of final*  
2        *design if the Secretary determines that such work ac-*  
3        *tivities are reasonable and necessary.”.*

4        **SEC. 5304. SMALL BUSINESS PARTICIPATION STUDY.**

5        (a) *STUDY.*—*The Secretary shall conduct a nationwide*  
6        *disparity and availability study on the availability and use*  
7        *of small business concerns owned and controlled by socially*  
8        *and economically disadvantaged individuals and veteran-*  
9        *owned small businesses in publicly funded intercity pas-*  
10       *senger rail service projects.*

11       (b) *REPORT.*—*Not later than 4 years after the date*  
12       *of enactment of this Act, the Secretary shall submit a report*  
13       *containing the results of the study conducted under sub-*  
14       *section (a) to the Committee on Commerce, Science, and*  
15       *Transportation of the Senate and the Committee on Trans-*  
16       *portation and Infrastructure of the House of Representa-*  
17       *tives.*

18       (c) *DEFINITIONS.*—*In this section:*

19            (1) *SMALL BUSINESS CONCERN.*—*The term*  
20            *“small business concern” has the meaning given such*  
21            *term in section 3 of the Small Business Act (15*  
22            *U.S.C. 632), except that the term does not include*  
23            *any concern or group of concerns controlled by the*  
24            *same socially and economically disadvantaged indi-*  
25            *vidual or individuals that have average annual gross*

1        *receipts during the preceding 3 fiscal years in excess*  
2        *of \$22,410,000, as adjusted annually by the Secretary*  
3        *for inflation.*

4            (2) *SOCIALLY AND ECONOMICALLY DISADVAN-*  
5        *TAGED INDIVIDUAL.—The term “socially and eco-*  
6        *nomically disadvantaged individual” has the mean-*  
7        *ing given such term in section 8(d) of the Small Busi-*  
8        *ness Act (15 U.S.C. 637(d)) and relevant subcon-*  
9        *tracting regulations issued pursuant to such Act, ex-*  
10       *cept that women shall be presumed to be socially and*  
11       *economically disadvantaged individuals for purposes*  
12       *of this section.*

13           (3) *VETERAN-OWNED SMALL BUSINESS.—The*  
14        *term “veteran-owned small business” has the meaning*  
15        *given the term “small business concern owned and*  
16        *controlled by veterans” in section 3(q)(3) of the Small*  
17        *Business Act (15 U.S.C. 632(q)(3)), except that the*  
18        *term does not include any concern or group of con-*  
19        *cerns controlled by the same veterans that have aver-*  
20        *age annual gross receipts during the preceding 3 fis-*  
21        *cal years in excess of \$22,410,000, as adjusted annu-*  
22        *ally by the Secretary for inflation.*

23        **SEC. 5305. GULF COAST RAIL SERVICE WORKING GROUP.**

24           (a) *IN GENERAL.—Not later than 90 days after the*  
25        *date of enactment of this Act, the Secretary shall convene*

1 *a working group to evaluate the restoration of intercity rail*  
2 *passenger service in the Gulf Coast region between New Or-*  
3 *leans, Louisiana, and Orlando, Florida.*

4 *(b) MEMBERSHIP.—The working group convened pur-*  
5 *suant to subsection (a) shall consist of representatives of—*

6 *(1) the Federal Railroad Administration, which*  
7 *shall serve as chair of the working group;*

8 *(2) Amtrak;*

9 *(3) the States along the proposed route or routes;*

10 *(4) regional transportation planning organiza-*  
11 *tions and metropolitan planning organizations, mu-*  
12 *nicipalities, and communities along the proposed*  
13 *route or routes, which shall be selected by the Admin-*  
14 *istrator;*

15 *(5) the Southern Rail Commission;*

16 *(6) freight railroad carriers whose tracks may be*  
17 *used for such service; and*

18 *(7) other entities determined appropriate by the*  
19 *Secretary, which may include independent passenger*  
20 *rail operators that express an interest in Gulf Coast*  
21 *service.*

22 *(c) RESPONSIBILITIES.—The working group shall—*

23 *(1) evaluate all options for restoring intercity*  
24 *rail passenger service in the Gulf Coast region, in-*  
25 *cluding options outlined in the report transmitted to*

1 Congress pursuant to section 226 of the Passenger  
2 Rail Investment and Improvement Act of 2008 (divi-  
3 sion B of Public Law 110–432);

4 (2) select a preferred option for restoring such  
5 service;

6 (3) develop a prioritized inventory of capital  
7 projects and other actions required to restore such  
8 service and cost estimates for such projects or actions;  
9 and

10 (4) identify Federal and non-Federal funding  
11 sources required to restore such service, including op-  
12 tions for entering into public-private partnerships to  
13 restore such service.

14 (d) REPORT.—Not later than 9 months after the date  
15 of enactment of this Act, the working group shall submit  
16 a report to the Committee on Commerce, Science, and  
17 Transportation of the Senate and the Committee on Trans-  
18 portation and Infrastructure of the House of Representa-  
19 tives that includes—

20 (1) the preferred option selected under subsection  
21 (c)(2) and the reasons for selecting such option;

22 (2) the information described in subsection  
23 (c)(3);

24 (3) the funding sources identified under sub-  
25 section (c)(4);

1           (4) *the costs and benefits of restoring intercity*  
 2           *rail passenger transportation in the region; and*

3           (5) *any other information the working group de-*  
 4           *termines appropriate.*

5 **SEC. 5306. INTEGRATED PASSENGER RAIL WORKING**  
 6           **GROUP.**

7           (a) *IN GENERAL.*—*Not later than 180 days after the*  
 8           *date of enactment of this Act, the Secretary shall convene*  
 9           *a working group to review issues relating to—*

10           (1) *the potential operation of State-supported*  
 11           *routes by rail passenger carriers other than Amtrak;*  
 12           *and*

13           (2) *their role in establishing an integrated inter-*  
 14           *city passenger rail network in the United States.*

15           (b) *MEMBERSHIP.*—*The working group shall consist of*  
 16           *a balanced representation of—*

17           (1) *the Federal Railroad Administration, who*  
 18           *shall chair the Working Group;*

19           (2) *States that fund State-sponsored routes;*

20           (3) *independent passenger rail operators, includ-*  
 21           *ing those that carry at least 5,000,000 passengers an-*  
 22           *nually in United States or international rail service;*

23           (4) *Amtrak;*

24           (5) *railroads that host intercity State-supported*  
 25           *routes;*

1           (6) *employee representatives from railroad*  
2           *unions and building trade unions with substantial*  
3           *engagement in railroad rights of way construction*  
4           *and maintenance; and*

5           (7) *other entities determined appropriate by the*  
6           *Secretary.*

7           (c) *RESPONSIBILITIES.—The working group shall*  
8           *evaluate options for improving State-supported routes and*  
9           *may make recommendations, as appropriate, regarding—*

10           (1) *best practices for State or State authority*  
11           *governance of State-supported routes;*

12           (2) *future sources of Federal and non-Federal*  
13           *funding sources for State-supported routes;*

14           (3) *best practices in obtaining passenger rail op-*  
15           *erations and services on a competitive basis with the*  
16           *objective of creating the highest quality service at the*  
17           *lowest cost to the taxpayer;*

18           (4) *ensuring potential interoperability of State-*  
19           *supported routes as a part of a national network with*  
20           *multiple providers providing integrated services in-*  
21           *cluding ticketing, scheduling, and route planning;*  
22           *and*

23           (5) *the interface between State-supported routes*  
24           *and connecting commuter rail operations, including*



1       *maximized intra-modal and intermodal connections*  
2       *and common sources of funding for capital projects.*

3       (d) *MEETINGS.*—*Not later than 60 days after the es-*  
4 *tablishment of the working group by the Secretary under*  
5 *subsection (a), the working group shall convene an organi-*  
6 *zational meeting outside of the District of Columbia and*  
7 *shall define the rules and procedures governing the pro-*  
8 *ceedings of the working group. The working group shall hold*  
9 *at least 3 meetings per year in States that fund State-sup-*  
10 *ported routes.*

11       (e) *REPORTS.*—

12             (1) *PRELIMINARY REPORT.*—*Not later than 1*  
13 *year after the date the working group is established,*  
14 *the working group shall submit a preliminary report*  
15 *to the Secretary, the Governors of States funding*  
16 *State-supported routes, the Committee on Commerce,*  
17 *Science, and Transportation of the Senate, and the*  
18 *Committee on Transportation and Infrastructure of*  
19 *the House of Representatives that includes—*

20                     (A) *administrative recommendations that*  
21 *can be implemented by a State and State au-*  
22 *thority or by the Secretary; and*

23                     (B) *preliminary legislative recommenda-*  
24 *tions.*

1           (2) *FINAL LEGISLATIVE RECOMMENDATIONS.*—  
2           *Not later than 2 years after the date the working*  
3           *group is established, the working group shall submit*  
4           *a report to the Committee on Commerce, Science, and*  
5           *Transportation of the Senate and the Committee on*  
6           *Transportation and Infrastructure of the House of*  
7           *Representatives that includes final legislative rec-*  
8           *ommendations.*

9 **SEC. 5307. SHARED-USE STUDY.**

10          (a) *IN GENERAL.*—*Not later than 3 years after the*  
11          *date of enactment of this Act, the Secretary, in consultation*  
12          *with Amtrak, commuter rail authorities, and other pas-*  
13          *senger rail operators, railroad carriers that own rail infra-*  
14          *structure over which both passenger and freight trains oper-*  
15          *ate, States, the Surface Transportation Board, the North-*  
16          *east Corridor Commission established under section 24905,*  
17          *the State-Supported Route Committee established under sec-*  
18          *tion 24712, and groups representing rail passengers and*  
19          *customers, as appropriate, shall complete a study that eval-*  
20          *uates—*

21                 (1) *the shared use of right-of-way by passenger*  
22                 *and freight rail systems; and*

23                 (2) *the operational, institutional, and legal*  
24                 *structures that would best support improvements to*  
25                 *the systems referred to in paragraph (1).*

1           (b) *AREAS OF STUDY.*—*In conducting the study under*  
2 *subsection (a), the Secretary shall evaluate—*

3           (1) *the access and use of railroad right-of-way by*  
4 *a rail carrier that does not own the right-of-way, such*  
5 *as passenger rail services that operate over privately-*  
6 *owned right-of-way, including an analysis of—*

7                   (A) *access agreements;*

8                   (B) *costs of access; and*

9                   (C) *the resolution of disputes relating to*  
10 *such access or costs;*

11           (2) *the effectiveness of existing contractual, statu-*  
12 *tory, and regulatory mechanisms for establishing,*  
13 *measuring, and enforcing train performance stand-*  
14 *ards, including—*

15                   (A) *the manner in which passenger train*  
16 *delays are recorded;*

17                   (B) *the assignment of responsibility for such*  
18 *delays; and*

19                   (C) *the use of incentives and penalties for*  
20 *performance;*

21           (3) *strengths and weaknesses in the existing*  
22 *mechanisms described in paragraph (2) and possible*  
23 *approaches to address the weaknesses;*

24           (4) *mechanisms for measuring and maintaining*  
25 *public benefits resulting from publicly funded freight*

1        *or passenger rail improvements, including improve-*  
2        *ments directed towards shared-use right-of-way by*  
3        *passenger and freight rail;*

4            *(5) approaches to operations, capacity, and cost*  
5        *estimation modeling that—*

6            *(A) allows for transparent decisionmaking;*

7        *and*

8            *(B) protects the proprietary interests of all*  
9        *parties;*

10          *(6) liability requirements and arrangements, in-*  
11        *cluding—*

12          *(A) whether to expand statutory liability*  
13        *limits to additional parties;*

14          *(B) whether to revise the current statutory*  
15        *liability limits;*

16          *(C) whether current insurance levels of pas-*  
17        *senger rail operators are adequate and whether*  
18        *to establish minimum insurance requirements for*  
19        *such passenger rail operators; and*

20          *(D) whether to establish a liability regime*  
21        *modeled after section 170 of the Atomic Energy*  
22        *Act of 1954 (42 U.S.C. 2210);*

23          *(7) the effect on rail passenger services, oper-*  
24        *ations, liability limits and insurance levels of the as-*  
25        *sertion of sovereign immunity by a State; and*

1           (8) *other issues identified by the Secretary.*

2           (c) *REPORT.*—*Not later than 60 days after the study*  
3 *under subsection (a) is complete, the Secretary shall submit*  
4 *to the Committee on Commerce, Science, and Transpor-*  
5 *tation of the Senate and the Committee on Transportation*  
6 *and Infrastructure of the House of Representatives a report*  
7 *that includes—*

8           (1) *the results of the study; and*

9           (2) *any recommendations for further action, in-*  
10 *cluding any legislative proposals consistent with such*  
11 *recommendations.*

12          (d) *IMPLEMENTATION.*—*The Secretary shall integrate*  
13 *the recommendations submitted under subsection (c) into*  
14 *its financial assistance programs under subtitle V of title*  
15 *49, United States Code, and section 502 of the Railroad*  
16 *Revitalization and Regulatory Reform Act of 1976 (45*  
17 *U.S.C. 822), as appropriate.*

18 **SEC. 5308. NORTHEAST CORRIDOR COMMISSION.**

19          (a) *COMPOSITION.*—*Section 24905(a) is amended—*

20           (1) *in paragraph (1)—*

21           (A) *in the matter preceding subparagraph*  
22 *(A), by inserting “, infrastructure investments,”*  
23 *after “rail operations”;*

24           (B) *by amending subparagraph (B) to read*  
25 *as follows:*

1           “(B) members representing the Department of  
2           Transportation, including the Office of the Secretary,  
3           the Federal Railroad Administration, and the Federal  
4           Transit Administration;” and

5           (C) in subparagraph (D) by inserting “and  
6           commuter” after “freight”; and

7           (2) by amending paragraph (6) to read as fol-  
8           lows:

9           “(6) The members of the Commission shall elect  
10           co-chairs consisting of 1 member described in para-  
11           graph (1)(B) and 1 member described in paragraph  
12           (1)(C).”.

13           (b) STATEMENT OF GOALS AND RECOMMENDATIONS.—

14           Section 24905(b) is amended—

15           (1) in paragraph (1), by inserting “and periodi-  
16           cally update” after “develop”;

17           (2) in paragraph (2)(A), by striking “beyond  
18           those specified in the state of good repair plan under  
19           section 211 of the Passenger Rail Investment and Im-  
20           provement Act of 2008”; and

21           (3) by adding at the end the following:

22           “(3) SUBMISSION OF STATEMENT OF GOALS,  
23           RECOMMENDATIONS, AND PERFORMANCE REPORTS.—

24           The Commission shall submit to the Committee on  
25           Commerce, Science, and Transportation of the Senate

1 *and the Committee on Transportation and Infrastruc-*  
2 *ture of the House of Representatives—*

3 *“(A) any updates made to the statement of*  
4 *goals developed under paragraph (1) not later*  
5 *than 60 days after such updates are made; and*

6 *“(B) annual performance reports and rec-*  
7 *ommendations for improvements, as appropriate,*  
8 *issued not later than March 31 of each year, for*  
9 *the prior fiscal year, which summarize—*

10 *“(i) the operations and performance of*  
11 *commuter, intercity, and freight rail trans-*  
12 *portation along the Northeast Corridor; and*

13 *“(ii) the delivery of the capital plan*  
14 *described in section 24904.”*

15 *(c) COST ALLOCATION POLICY.—Section 24905(c) is*  
16 *amended—*

17 *(1) in the subsection heading, by striking “AC-*  
18 *CESS COSTS” and inserting “ALLOCATION OF COSTS”;*

19 *(2) in paragraph (1)—*

20 *(A) in the paragraph heading, by striking*  
21 *“FORMULA” and inserting “POLICY”;*

22 *(B) in the matter preceding subparagraph*  
23 *(A), by striking “Within 2 years after the date*  
24 *of enactment of the Passenger Rail Investment*

1           *and Improvement Act of 2008, the Commission”*  
2           *and inserting “The Commission”;*

3           *(C) in subparagraph (A), by striking “for-*  
4           *mula” and inserting “policy”; and*

5           *(D) by striking subparagraph (B) through*  
6           *(D) and inserting the following:*

7           *“(B) develop a proposed timetable for im-*  
8           *plementing the policy;*

9           *“(C) submit the policy and timetable devel-*  
10          *oped under subparagraph (B) to the Surface*  
11          *Transportation Board, the Committee on Com-*  
12          *merce, Science, and Transportation of the Sen-*  
13          *ate, and the Committee on Transportation and*  
14          *Infrastructure of the House of Representatives;*

15          *“(D) not later than October 1, 2015, adopt*  
16          *and implement the policy in accordance with the*  
17          *timetable; and*

18          *“(E) with the consent of a majority of its*  
19          *members, the Commission may petition the Sur-*  
20          *face Transportation Board to appoint a medi-*  
21          *ator to assist the Commission members through*  
22          *nonbinding mediation to reach an agreement*  
23          *under this section.”;*

24          *(3) in paragraph (2)—*



1           (A) by striking “formula proposed in” and  
2           inserting “policy developed under”; and

3           (B) in the second sentence—

4                 (i) by striking “the timetable, the Com-  
5                 mission shall petition the Surface Transpor-  
6                 tation Board to” and inserting “paragraph  
7                 (1)(D) or fail to comply with the policy  
8                 thereafter, the Surface Transportation  
9                 Board shall”; and

10                (ii) by striking “amounts for such serv-  
11                ices in accordance with section 24904(c) of  
12                this title” and inserting “for such usage in  
13                accordance with the procedures and proce-  
14                dural schedule applicable to a proceeding  
15                under section 24903(c), after taking into  
16                consideration the policy developed under  
17                paragraph (1)(A), as applicable”;

18           (4) in paragraph (3), by striking “formula” and  
19           inserting “policy”; and

20           (5) by adding at the end the following:

21                “(4) *REQUEST FOR DISPUTE RESOLUTION.*—If a  
22                dispute arises with the implementation of, or compli-  
23                ance with, the policy developed under paragraph (1),  
24                the Commission, Amtrak, or public authorities pro-  
25                viding commuter rail passenger transportation on the

1 *Northeast Corridor may request that the Surface*  
2 *Transportation Board conduct dispute resolution. The*  
3 *Surface Transportation Board shall establish proce-*  
4 *dures for resolution of disputes brought before it*  
5 *under this paragraph, which may include the provi-*  
6 *sion of professional mediation services.”.*

7 *(d) CONFORMING AMENDMENTS.—Section 24905 is*  
8 *amended—*

9 *(1) by striking subsection (d);*

10 *(2) by redesignating subsections (e) and (f) as*  
11 *subsections (d) and (e), respectively;*

12 *(3) in subsection (d), as redesignated, by striking*  
13 *“to the Commission such sums as may be necessary*  
14 *for the period encompassing fiscal years 2009 through*  
15 *2013 to carry out this section” and inserting “to the*  
16 *Secretary for the use of the Commission and the*  
17 *Northeast Corridor Safety Committee such sums as*  
18 *may be necessary to carry out this section during fis-*  
19 *cal year 2016 through 2019, in addition to amounts*  
20 *withheld under section 5101(e) of the Rail Reform,*  
21 *Enhancement, and Efficiency Act”; and*

22 *(4) in subsection (e)(2), as redesignated, by strik-*  
23 *ing “on the main line.” and inserting “on the main*  
24 *line and meet annually with the Commission on the*  
25 *topic of Northeast Corridor safety and security.”.*

1       (e) *NORTHEAST CORRIDOR PLANNING.*—

2           (1) *AMENDMENT.*—Chapter 249 is amended—

3                   (A) by redesignating section 24904 as sec-  
4                   tion 24903; and

5                   (B) by inserting after section 24903, as re-  
6                   designated, the following:

7       **“§ 24904. Northeast Corridor planning**

8           “(a) *NORTHEAST CORRIDOR CAPITAL INVESTMENT*  
9       *PLAN.*—

10           “(1) *REQUIREMENT.*—Not later than May 1 of  
11       each year, the Northeast Corridor Commission estab-  
12       lished under section 24905 (referred to in this section  
13       as the ‘Commission’) shall—

14                   “(A) develop a capital investment plan for  
15       the Northeast Corridor main line between Bos-  
16       ton, Massachusetts, and the Virginia Avenue  
17       interlocking in the District of Columbia, and the  
18       Northeast Corridor branch lines connecting to  
19       Harrisburg, Pennsylvania, Springfield, Massa-  
20       chusetts, and Spuyten Duyvil, New York, includ-  
21       ing the facilities and services used to operate and  
22       maintain those lines; and

23                   “(B) submit the capital investment plan to  
24       the Secretary of Transportation and the Com-  
25       mittee on Commerce, Science, and Transpor-

1           *tation of the Senate and the Committee on*  
2           *Transportation and Infrastructure of the House*  
3           *of Representatives.*

4           “(2) *CONTENTS.—The capital investment plan*  
5           *shall—*

6                     “(A) *reflect coordination and network opti-*  
7                     *mization across the entire Northeast Corridor;*

8                     “(B) *integrate the individual capital and*  
9                     *service plans developed by each operator using*  
10                    *the methods described in the cost allocation pol-*  
11                    *icy developed under section 24905(c);*

12                    “(C) *cover a period of 5 fiscal years, begin-*  
13                    *ning with the first fiscal year after the date on*  
14                    *which the plan is completed;*

15                    “(D) *notwithstanding section 24902(b),*  
16                    *identify, prioritize, and phase the implementa-*  
17                    *tion of projects and programs to achieve the serv-*  
18                    *ice outcomes identified in the Northeast Corridor*  
19                    *service development plan and the asset condition*  
20                    *needs identified in the Northeast Corridor asset*  
21                    *management plans, once available, and con-*  
22                    *sider—*

23                             “(i) *the benefits and costs of capital in-*  
24                             *vestments in the plan;*

25                             “(ii) *project and program readiness;*

1                   “(iii) the operational impacts; and

2                   “(iv) funding availability;

3                   “(E) categorize capital projects and pro-  
4 grams as primarily associated with;

5                   “(i) normalized capital replacement  
6 and basic infrastructure renewals;

7                   “(ii) replacement or rehabilitation of  
8 major Northeast Corridor infrastructure as-  
9 sets, including tunnels, bridges, stations,  
10 and other assets;

11                   “(iii) statutory, regulatory, or other  
12 legal mandates;

13                   “(iv) improvements to support service  
14 enhancements or growth; or

15                   “(v) strategic initiatives that will im-  
16 prove overall operational performance or  
17 lower costs;

18                   “(F) identify capital projects and programs  
19 that are associated with more than 1 category  
20 described in subparagraph (E);

21                   “(G) describe the anticipated outcomes of  
22 each project or program, including an assess-  
23 ment of—

1           “(i) the potential effect on passenger  
2           accessibility, operations, safety, reliability,  
3           and resiliency;

4           “(ii) the ability of infrastructure own-  
5           ers and operators to meet regulatory re-  
6           quirements if the project or program is not  
7           funded; and

8           “(iii) the benefits and costs; and  
9           “(H) include a financial plan.

10          “(3) *FINANCIAL PLAN.*—*The financial plan*  
11          *under paragraph (2)(H) shall—*

12           “(A) identify funding sources and financing  
13           methods;

14           “(B) identify the expected allocated shares  
15           of costs pursuant to the cost allocation policy de-  
16           veloped under section 24905(c);

17           “(C) identify the projects and programs  
18           that the Commission expects will receive Federal  
19           financial assistance; and

20           “(D) identify the eligible entity or entities  
21           that the Commission expects will receive the Fed-  
22           eral financial assistance described under sub-  
23           paragraph (C).

24          “(b) *FAILURE TO DEVELOP A CAPITAL INVESTMENT*  
25          *PLAN.*—*If a capital investment plan has not been developed*

1 *by the Commission for a given fiscal year, then the funds*  
 2 *assigned to the account established under section 24319(b)*  
 3 *for that fiscal year may be spent only on—*

4           “(1) *capital projects described in clause (i) or*  
 5 *(iii) of subsection (a)(2)(E) of this section; or*

6           “(2) *capital projects described in subsection*  
 7 *(a)(2)(E)(iv) of this section that are for the sole ben-*  
 8 *efit of Amtrak.*

9           “(c) *NORTHEAST CORRIDOR ASSET MANAGEMENT.—*

10           “(1) *CONTENTS.—With regard to its infrastruc-*  
 11 *ture, Amtrak and each State and public transpor-*  
 12 *tation entity that owns infrastructure that supports*  
 13 *or provides for intercity rail passenger transportation*  
 14 *on the Northeast Corridor shall develop an asset man-*  
 15 *agement system and develop and update, as nec-*  
 16 *essary, a Northeast Corridor asset management plan*  
 17 *for each service territory described in subsection (a)*  
 18 *that—*

19           “(A) *are consistent with the Federal Transit*  
 20 *Administration process, as authorized under sec-*  
 21 *tion 5326, when implemented; and*

22           “(B) *include, at a minimum—*

23           “(i) *an inventory of all capital assets*  
 24 *owned by the developer of the asset manage-*  
 25 *ment plan;*

1                   “(ii) an assessment of asset condition;

2                   “(iii) a description of the resources  
3                   and processes necessary to bring or main-  
4                   tain those assets in a state of good repair,  
5                   including decision-support tools and invest-  
6                   ment prioritization methods; and

7                   “(iv) a description of changes in asset  
8                   condition since the previous version of the  
9                   plan.

10                  “(2) *TRANSMITTAL.*—Each entity described in  
11                  paragraph (1) shall transmit to the Commission—

12                   “(A) not later than 2 years after the date  
13                   of enactment of the Rail Reform, Enhancement,  
14                   and Efficiency Act, its Northeast Corridor asset  
15                   management plan developed under paragraph  
16                   (1); and

17                   “(B) at least biennial thereafter, an update  
18                   to its Northeast Corridor asset management  
19                   plan.

20                  “(d) *NORTHEAST CORRIDOR SERVICE DEVELOPMENT*  
21                  *PLAN UPDATES.*—Not less frequently than once every 10  
22                  years, the Commission shall update the Northeast Corridor  
23                  service development plan.”.

24                  (2) *CONFORMING AMENDMENTS.*—



1           (A) *NOTE AND MORTGAGE.*—Section  
 2           24907(a) is amended by striking “section 24904  
 3           of this title” and inserting “section 24903”.

4           (B) *TABLE OF CONTENTS AMENDMENT.*—  
 5           The table of contents for chapter 249 is amend-  
 6           ed—

7                   (i) by redesignating the item relating  
 8                   to section 24904 as relating to section  
 9                   24903; and

10                   (ii) by inserting after the item relating  
 11                   to section 24903, as redesignated, the fol-  
 12                   lowing:

“24904. *Northeast Corridor planning.*”.

13           (3) *REPEAL.*—Section 211 of the *Passenger Rail*  
 14           *Investment and Improvement Act of 2008 (division B*  
 15           *of Public Law 110–432; 49 U.S.C. 24902 note)* is re-  
 16           pealed.

17 **SEC. 5309. NORTHEAST CORRIDOR THROUGH-TICKETING**  
 18 **AND PROCUREMENT EFFICIENCIES.**

19           (a) *THROUGH-TICKETING STUDY.*—

20                   (1) *IN GENERAL.*—Not later than 3 years after  
 21                   the date of enactment of this Act, the *Northeast Cor-*  
 22                   *ridor Commission* established under section 24905(a)  
 23                   of title 49, *United States Code* (referred to in this sec-  
 24                   tion as the “*Commission*”), in consultation with *Am-*  
 25                   *trak* and the commuter rail passenger transportation

1        *providers along the Northeast Corridor shall complete*  
2        *a study on the feasibility of and options for permit-*  
3        *ting through-ticketing between Amtrak service and*  
4        *commuter rail services on the Northeast Corridor.*

5            (2) *CONTENTS.—In completing the study under*  
6        *paragraph (1), the Northeast Corridor Commission*  
7        *shall—*

8            (A) *examine the current state of intercity*  
9            *and commuter rail ticketing technologies, poli-*  
10          *cies, and other relevant aspects on the Northeast*  
11          *Corridor;*

12          (B) *consider and recommend technology,*  
13          *process, policy, or other options that would per-*  
14          *mit through-ticketing to allow intercity and com-*  
15          *muter rail passengers to purchase, in a single*  
16          *transaction, travel that utilizes Amtrak and con-*  
17          *necting commuter rail services;*

18          (C) *consider options to expand through-*  
19          *ticketing to include local transit services;*

20          (D) *summarize costs, benefits, opportunities,*  
21          *and impediments to developing such through-*  
22          *ticketing options; and*

23          (E) *develop a proposed methodology, includ-*  
24          *ing cost and schedule estimates, for carrying out*

1           *a pilot program on through-ticketing on the*  
2           *Northeast Corridor.*

3           (3) *REPORT.*—*Not later than 60 days after the*  
4           *date the study under paragraph (1) is complete, the*  
5           *Commission shall submit to the Committee on Com-*  
6           *merce, Science, and Transportation of the Senate and*  
7           *the Committee on Transportation and Infrastructure*  
8           *of the House of Representatives a report that in-*  
9           *cludes—*

10                   (A) *the results of the study; and*

11                   (B) *any recommendations for further ac-*  
12                   *tion.*

13           (b) *JOINT PROCUREMENT STUDY.*—

14                   (1) *IN GENERAL.*—*Not later than 3 years after*  
15                   *the date of enactment of this Act, the Secretary, in co-*  
16                   *operation with the Commission, Amtrak, and com-*  
17                   *muter rail transportation authorities on the Northeast*  
18                   *Corridor shall complete a study of the potential bene-*  
19                   *fits resulting from Amtrak and such authorities un-*  
20                   *dertaking select joint procurements for common mate-*  
21                   *rials, assets, and equipment when expending Federal*  
22                   *funds for such purchases.*

23                   (2) *CONTENTS.*—*In completing the study under*  
24                   *paragraph (1), the Secretary shall consider—*

1           (A) *the types of materials, assets, and*  
2           *equipment that are regularly purchased by Am-*  
3           *trak and such authorities that are similar and*  
4           *could be jointly procured;*

5           (B) *the potential benefits of such joint pro-*  
6           *curements, including lower procurement costs,*  
7           *better pricing, greater market relevancy, and*  
8           *other efficiencies;*

9           (C) *the potential costs of such joint procure-*  
10          *ments;*

11          (D) *any significant impediments to under-*  
12          *taking joint procurements, including any nec-*  
13          *essary harmonization and reconciliation of Fed-*  
14          *eral and State procurement or safety regulations*  
15          *or standards and other requirements; and*

16          (E) *whether to create Federal incentives or*  
17          *requirements relating to considering or carrying*  
18          *out joint procurements when expending Federal*  
19          *funds.*

20          (3) *TRANSMISSION.—Not later than 60 days*  
21          *after completing the study required under this sub-*  
22          *section, the Secretary shall submit to the Committee*  
23          *on Commerce, Science, and Transportation of the*  
24          *Senate and the Committee on Transportation and In-*

1        *frastructure of the House of Representatives a report*  
 2        *that includes—*

3                    (A) *the results of the study; and*

4                    (B) *any recommendations for further ac-*  
 5                    *tion.*

6        (c) *NORTHEAST CORRIDOR.—In this section, the term*  
 7        *“Northeast Corridor” means the Northeast Corridor main*  
 8        *line between Boston, Massachusetts, and the Virginia Ave-*  
 9        *nue interlocking in the District of Columbia, and the North-*  
 10        *east Corridor branch lines connecting to Harrisburg, Penn-*  
 11        *sylvania, Springfield, Massachusetts, and Spuyten Duyvil,*  
 12        *New York, including the facilities and services used to oper-*  
 13        *ate and maintain those lines.*

14        **SEC. 5310. DATA AND ANALYSIS.**

15        (a) *DATA.—Not later than 3 years after the date of*  
 16        *enactment of this Act, the Secretary, in consultation with*  
 17        *the Surface Transportation Board, Amtrak, freight rail-*  
 18        *roads, State and local governments, and regional business,*  
 19        *tourism and economic development agencies shall conduct*  
 20        *a data needs assessment—*

21                    (1) *to support the development of an efficient*  
 22                    *and effective intercity passenger rail network;*

23                    (2) *to identify the data needed to conduct cost-*  
 24                    *effective modeling and analysis for intercity passenger*  
 25                    *rail development programs;*

1           (3) to determine limitations to the data used for  
2           inputs;

3           (4) to develop a strategy to address such limita-  
4           tions;

5           (5) to identify barriers to accessing existing  
6           data;

7           (6) to develop recommendations regarding wheth-  
8           er the authorization of additional data collection for  
9           intercity passenger rail travel is warranted; and

10          (7) to determine which entities will be respon-  
11          sible for generating or collecting needed data.

12          (b) *BENEFIT-COST ANALYSIS*.—Not later than 180  
13          days after the date of enactment of this Act, the Secretary  
14          shall enhance the usefulness of assessments of benefits and  
15          costs, for intercity passenger rail and freight rail projects—

16               (1) by providing ongoing guidance and training  
17               on developing benefit and cost information for rail  
18               projects;

19               (2) by providing more direct and consistent re-  
20               quirements for assessing benefits and costs across  
21               transportation funding programs, including the ap-  
22               propriate use of discount rates;

23               (3) by requiring applicants to clearly commu-  
24               nicate the methodology used to calculate the project

1 *benefits and costs, including non-proprietary infor-*  
2 *mation on—*

3 *(A) assumptions underlying calculations;*

4 *(B) strengths and limitations of data used;*

5 *and*

6 *(C) the level of uncertainty in estimates of*  
7 *project benefits and costs; and*

8 *(4) by ensuring that applicants receive clear and*  
9 *consistent guidance on values to apply for key as-*  
10 *sumptions used to estimate potential project benefits*  
11 *and costs.*

12 *(c) CONFIDENTIAL DATA.—The Secretary shall protect*  
13 *sensitive or confidential to the greatest extent permitted by*  
14 *law. Nothing in this section shall require any entity to pro-*  
15 *vide information to the Secretary in the absence of a vol-*  
16 *untary agreement.*

17 **SEC. 5311. DISASTER RELIEF.**

18 *(a) MAJOR DISASTER ASSISTANCE PROGRAMS.—Sec-*  
19 *tion 406(a) of the Robert T. Stafford Disaster Relief and*  
20 *Emergency Assistance Act (42 U.S.C. 5172(a)) is amend-*  
21 *ed—*

22 *(1) in paragraph (1)—*

23 *(A) in subparagraph (A), by striking “and”*  
24 *at the end;*

1           (B) in subparagraph (B), by striking the  
2           period at the end and inserting “; and”; and

3           (C) by adding at the end the following:

4           “(C) to entities that receive Federal Govern-  
5           ment grants to provide critical services for the  
6           repair, restoration, reconstruction, or replace-  
7           ment of infrastructure, facilities, and equipment  
8           that—

9                   “(i) are owned or operated for the pur-  
10                   poses of providing critical services; and

11                   “(ii) are damaged or destroyed by a  
12                   major disaster.”; and

13           (2) in paragraph (3)(B)—

14                   (A) by striking “this paragraph” and in-  
15                   serting “this subsection”; and

16                   (B) by inserting “transportation,” after  
17                   “education,”.

18           (b) *DEBRIS REMOVAL*.—Section 407(a)(2) of such Act  
19           (42 U.S.C. 5173(a)(2)) is amended by inserting “entity that  
20           receives Federal Government grants to provide critical serv-  
21           ices (as defined in section 5172(a)(3)(B))” after “govern-  
22           ment”.

23           **SEC. 5312. PERFORMANCE-BASED PROPOSALS.**

24           (a) *SOLICITATION OF PROPOSALS*.—



1           (1) *IN GENERAL.*—Not later than 30 days after  
2           the date of enactment of this Act, the Secretary shall  
3           issue a request for proposals for projects for the fi-  
4           nancing, design, construction, operation, and mainte-  
5           nance of an intercity passenger rail system, includ-  
6           ing—

7                   (A) *the Northeast Corridor;*

8                   (B) *the California Corridor;*

9                   (C) *the Empire Corridor;*

10                  (D) *the Pacific Northwest Corridor;*

11                  (E) *the South Central Corridor;*

12                  (F) *the Gulf Coast Corridor;*

13                  (G) *the Chicago Hub Network;*

14                  (H) *the Florida Corridor;*

15                  (I) *the Keystone Corridor;*

16                  (J) *the Northern New England Corridor;*

17           and

18                  (K) *the Southeast Corridor.*

19           (2) *SUBMISSION.*—Proposals shall be submitted  
20           to the Secretary not later than 180 days after the  
21           publication of such request for proposals under para-  
22           graph (1).

23           (3) *PERFORMANCE STANDARD.*—Proposals sub-  
24           mitted under paragraph (2) shall meet any standards  
25           established by the Secretary. For corridors with exist-

1        *ing intercity passenger rail service, proposals shall*  
2        *also be designed to achieve a reduction of existing*  
3        *minimum intercity rail service trip times between the*  
4        *main corridor city pairs by a minimum of 25 per-*  
5        *cent. In the case of a proposal submitted with respect*  
6        *to paragraph (1)(A), the proposal shall be designed to*  
7        *achieve a 2-hour or less express service between Wash-*  
8        *ington, District of Columbia, and New York City,*  
9        *New York.*

10            (4) *CONTENTS.—A proposal submitted under*  
11        *this subsection shall include—*

12                    (A) *the names and qualifications of the per-*  
13                    *sons submitting the proposal and the entities*  
14                    *proposed to finance, design, construct, operate,*  
15                    *and maintain the railroad, railroad equipment,*  
16                    *and related facilities, stations, and infrastruc-*  
17                    *ture;*

18                    (B) *a detailed description of the proposed*  
19                    *rail service, including possible routes, required*  
20                    *infrastructure investments and improvements,*  
21                    *equipment needs and type, train frequencies,*  
22                    *peak and average operating speeds, and trip*  
23                    *times;*

1           (C) a description of how the project would  
2           comply with all applicable Federal rail safety  
3           and security laws, orders, and regulations;

4           (D) the locations of proposed stations, which  
5           maximize the usage of existing infrastructure to  
6           the extent possible, and the populations such sta-  
7           tions are intended to serve;

8           (E) the type of equipment to be used, in-  
9           cluding any technologies, to achieve trip time  
10          goals;

11          (F) a description of any proposed legisla-  
12          tion needed to facilitate all aspects of the project;

13          (G) a financing plan identifying—

14           (i) projected revenue, and sources  
15           thereof;

16           (ii) the amount of any requested public  
17           contribution toward the project, and pro-  
18           posed sources;

19           (iii) projected annual ridership projec-  
20           tions for the first 10 years of operations;

21           (iv) annual operations and capital  
22           costs;

23           (v) the projected levels of capital in-  
24           vestments required both initially and in  
25           subsequent years to maintain a state-of-

1           *good-repair necessary to provide the ini-*  
2           *tially proposed level of service or higher lev-*  
3           *els of service;*

4           *(vi) projected levels of private invest-*  
5           *ment and sources thereof, including the*  
6           *identity of any person or entity that has*  
7           *made or is expected to make a commitment*  
8           *to provide or secure funding and the*  
9           *amount of such commitment; and*

10           *(vii) projected funding for the full fair*  
11           *market compensation for any asset, prop-*  
12           *erty right or interest, or service acquired*  
13           *from, owned, or held by a private person or*  
14           *Federal entity that would be acquired, im-*  
15           *paired, or diminished in value as a result*  
16           *of a project, except as otherwise agreed to by*  
17           *the private person or entity;*

18           *(H) a description of how the project would*  
19           *contribute to the development of the intercity*  
20           *passenger rail system and an intermodal plan*  
21           *describing how the system will facilitate conven-*  
22           *ient travel connections with other transportation*  
23           *services;*

24           *(I) a description of how the project will en-*  
25           *sure compliance with Federal laws governing the*

1           *rights and status of employees associated with*  
2           *the route and service, including those specified in*  
3           *section 24405 of title 49, United States Code;*

4           *(J) a description of how the design, con-*  
5           *struction, implementation, and operation of the*  
6           *project will accommodate and allow for future*  
7           *growth of existing and projected intercity, com-*  
8           *muter, and freight rail service;*

9           *(K) a description of how the project would*  
10          *comply with Federal and State environmental*  
11          *laws and regulations, of what environmental im-*  
12          *pacts would result from the project, and of how*  
13          *any adverse impacts would be mitigated; and*

14          *(L) a description of the project's impacts on*  
15          *highway and aviation congestion, energy con-*  
16          *sumption, land use, and economic development*  
17          *in the service area.*

18          ***(b) DETERMINATION AND ESTABLISHMENT OF COM-***  
19          ***MISSIONS.—Not later than 90 days after receipt of the pro-***  
20          ***posals under subsection (a), the Secretary shall—***

21                 ***(1) make a determination as to whether any such***  
22                 ***proposals—***

23                         ***(A) contain the information required under***  
24                         ***paragraphs (3) and (4) of subsection (a);***

1           (B) are sufficiently credible to warrant fur-  
2           ther consideration;

3           (C) are likely to result in a positive impact  
4           on the Nation's transportation system; and

5           (D) are cost-effective and in the public in-  
6           terest;

7           (2) establish a commission under subsection (c)  
8           for each corridor with 1 or more proposals that the  
9           Secretary determines satisfy the requirements of para-  
10          graph (1); and

11          (3) forward to each commission established  
12          under paragraph (2) the applicable proposals for re-  
13          view and consideration.

14          (c) COMMISSIONS.—

15          (1) MEMBERS.—Each commission established  
16          under subsection (b)(2) shall include—

17               (A) the governors of the affected States, or  
18               their respective designees;

19               (B) mayors of appropriate municipalities  
20               with stops along the proposed corridor, or their  
21               respective designees;

22               (C) a representative from each freight rail-  
23               road carrier using the relevant corridor, if appli-  
24               cable;

1           (D) a representative from each transit au-  
2           thority using the relevant corridor, if applicable;

3           (E) representatives of nonprofit employee  
4           labor organizations representing affected railroad  
5           employees; and

6           (F) the President of Amtrak or his or her  
7           designee.

8           (2) *APPOINTMENT AND SELECTION.*—The Sec-  
9           retary shall appoint the members under paragraph  
10          (1). In selecting each commission’s members to fulfill  
11          the requirements under subparagraphs (B) and (E) of  
12          paragraph (1), the Secretary shall consult with the  
13          Chairperson and Ranking Member of the Committee  
14          on Commerce, Science, and Transportation of the  
15          Senate and of the Committee on Transportation and  
16          Infrastructure of the House of Representatives.

17          (3) *CHAIRPERSON AND VICE-CHAIRPERSON SE-*  
18          *LECTION.*—The Chairperson and Vice-Chairperson  
19          shall be elected from among members of each commis-  
20          sion.

21          (4) *QUORUM AND VACANCY.*—

22                 (A) *QUORUM.*—A majority of the members  
23                 of each commission shall constitute a quorum.

24                 (B) *VACANCY.*—Any vacancy in each com-  
25                 mission shall not affect its powers and shall be

1           *filled in the same manner in which the original*  
2           *appointment was made.*

3           (5) *APPLICATION OF LAW.*—*Except where other-*  
4           *wise provided by this section, the Federal Advisory*  
5           *Committee Act (5 U.S.C. App.) shall apply to each*  
6           *commission created under this section.*

7           (d) *COMMISSION CONSIDERATION.*—

8           (1) *IN GENERAL.*—*Each commission established*  
9           *under subsection (b)(2) shall be responsible for review-*  
10           *ing the proposal or proposals forwarded to it under*  
11           *that subsection and not later than 90 days after the*  
12           *establishment of the commission, shall transmit to the*  
13           *Secretary a report, including—*

14                   (A) *a summary of each proposal received;*

15                   (B) *services to be provided under each pro-*  
16                   *posal, including projected ridership, revenues,*  
17                   *and costs;*

18                   (C) *proposed public and private contribu-*  
19                   *tions for each proposal;*

20                   (D) *the advantages offered by the proposal*  
21                   *over existing intercity passenger rail services;*

22                   (E) *public operating subsidies or assets*  
23                   *needed for the proposed project;*

24                   (F) *possible risks to the public associated*  
25                   *with the proposal, including risks associated*



1           with project financing, implementation, comple-  
2           tion, safety, and security;

3           (G) a ranked list of the proposals rec-  
4           ommended for further consideration under sub-  
5           section (e) in accordance with each proposal's  
6           projected positive impact on the Nation's trans-  
7           portation system;

8           (H) an identification of any proposed Fed-  
9           eral legislation that would facilitate implementa-  
10          tion of the projects and Federal legislation that  
11          would be required to implement the projects; and

12          (I) any other recommendations by the com-  
13          mission concerning the proposed projects.

14          (2) *VERBAL PRESENTATION.*—Proposers shall be  
15          given an opportunity to make a verbal presentation  
16          to the commission to explain their proposals.

17          (3) *AUTHORIZATION OF APPROPRIATIONS.*—  
18          There is authorized to be appropriated to the Sec-  
19          retary for the use of each commission established  
20          under subsection (b)(2) such sums as are necessary to  
21          carry out this section.

22          (e) *SELECTION BY SECRETARY.*—

23                  (1) *IN GENERAL.*—Not later than 60 days after  
24          receiving the recommended proposals of the commis-

1        *sions established under subsection (b)(2), the Sec-*  
2        *retary shall—*

3                *(A) review such proposals and select any*  
4                *proposal that provides substantial benefits to the*  
5                *public and the national transportation system, is*  
6                *cost-effective, offers significant advantages over*  
7                *existing services, and meets other relevant factors*  
8                *determined appropriate by the Secretary; and*

9                *(B) submit to the Committee on Commerce,*  
10               *Science, and Transportation of the Senate and*  
11               *the Committee on Transportation and Infra-*  
12               *structure of the House of Representatives a re-*  
13               *port containing any proposal with respect to*  
14               *subsection (a)(1)(A) that is selected by the Sec-*  
15               *retary under subparagraph (A) of this para-*  
16               *graph, all the information regarding the pro-*  
17               *posal provided to the Secretary under subsection*  
18               *(d), and any other information the Secretary*  
19               *considers relevant.*

20               *(2) SUBSEQUENT REPORT.—Following the sub-*  
21               *mission of the report under paragraph (1)(B), the*  
22               *Secretary shall submit to the Committee on Com-*  
23               *merce, Science, and Transportation of the Senate and*  
24               *the Committee on Transportation and Infrastructure*  
25               *of the House of Representatives a report containing*

1        *any proposal with respect to subparagraphs (B)*  
2        *through (K) of subsection (a)(1) that are selected by*  
3        *the Secretary under paragraph (1) of this subsection,*  
4        *all the information regarding the proposal provided*  
5        *to the Secretary under subsection (d), and any other*  
6        *information the Secretary considers relevant.*

7            (3) *LIMITATION ON REPORT SUBMISSION.—The*  
8        *report required under paragraph (2) shall not be sub-*  
9        *mitted by the Secretary until the report submitted*  
10       *under paragraph (1)(B) has been considered through*  
11       *a hearing by the Committee on Commerce, Science,*  
12       *and Transportation of the Senate and the Committee*  
13       *on Transportation and Infrastructure of the House of*  
14       *Representatives on the report submitted under para-*  
15       *graph (1)(B).*

16           (f) *NO ACTIONS WITHOUT ADDITIONAL AUTHORITY.—*  
17       *No Federal agency may take any action to implement, es-*  
18       *tablish, facilitate, or otherwise act upon any proposal sub-*  
19       *mitted under this section, other than those actions specifi-*  
20       *cally authorized by this section, without explicit statutory*  
21       *authority enacted after the date of enactment of this Act.*

22           (g) *DEFINITIONS.—In this section:*

23            (1) *INTERCITY PASSENGER RAIL.—The term*  
24        *“intercity passenger rail” means intercity rail pas-*

1        *senger transportation as defined in section 24102 of*  
2        *title 49, United States Code.*

3            (2) *STATE.*—*The term “State” means any of the*  
4        *50 States or the District of Columbia.*

5        **SEC. 5313. AMTRAK INSPECTOR GENERAL.**

6        (a) *AUTHORITY.*—

7            (1) *IN GENERAL.*—*The Inspector General of Am-*  
8        *trak shall have the authority available to other In-*  
9        *spectors General, as necessary in carrying out the du-*  
10       *ties specified in the Inspector General Act of 1978 (5*  
11       *U.S.C. App.), to investigate any alleged violation of*  
12       *sections 286, 287, 371, 641, 1001, 1002 and 1516 of*  
13       *title 18, United States Code.*

14            (2) *AGENCY.*—*For purposes of sections 286, 287,*  
15       *371, 641, 1001, 1002, and 1516 of title 18, United*  
16       *States Code, Amtrak and the Amtrak Office of Inspec-*  
17       *tor General, shall be considered a corporation in*  
18       *which the United States has a proprietary interest as*  
19       *set forth in section 6 of that title.*

20        (b) *ASSESSMENT.*—*The Inspector General of Amtrak*  
21       *shall—*

22            (1) *not later than 60 days after the date of en-*  
23       *actment of this Act, initiate an assessment to deter-*  
24       *mine whether current expenditures or procurements*  
25       *involving Amtrak’s fulfillment of the Americans with*

1     *Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) uti-*  
2     *lize competitive, market-driven provisions that are*  
3     *applicable throughout the entire term of such related*  
4     *expenditures or procurements; and*

5             *(2) not later than 6 months after the date of en-*  
6     *actment of this Act, transmit to the Committee on*  
7     *Commerce, Science, and Transportation of the Senate*  
8     *and the Committee on Transportation and Infrastruc-*  
9     *ture of the House of Representatives the assessment*  
10    *under paragraph (1).*

11    *(c) LIMITATION.—The authority provided by sub-*  
12    *sections (a) and (b) shall be effective only with respect to*  
13    *a fiscal year for which Amtrak receives a Federal subsidy.*

14    **SEC. 5314. MISCELLANEOUS PROVISIONS.**

15    *(a) TITLE 49 AMENDMENTS.—*

16             *(1) CONTINGENT INTEREST RECOVERIES.—Sec-*  
17    *tion 22106(b) is amended by striking “interest there-*  
18    *of” and inserting “interest thereon”.*

19             *(2) AUTHORITY.—Section 22702(b)(4) is amend-*  
20    *ed by striking “5 years for reapproval by the Sec-*  
21    *retary” and inserting “4 years for acceptance by the*  
22    *Secretary”.*

23             *(3) CONTENTS OF STATE RAIL PLANS.—Section*  
24    *22705(a) is amended by striking paragraph (12).*

1           (4) *MISSION*.—Section 24101(b) is amended by  
 2           striking “of subsection (d)” and inserting “set forth  
 3           in subsection (c)”.

4           (5) *TABLE OF CONTENTS AMENDMENT*.—The  
 5           table of contents for chapter 243 is amended by strik-  
 6           ing the item relating to section 24316 and inserting  
 7           the following:

“24316. Plans to address the needs of families of passengers involved in rail pas-  
 senger accidents.”.

8           (6) *UPDATE*.—Section 24305(f)(3) is amended  
 9           by striking “\$1,000,000” and inserting “\$5,000,000”.

10          (7) *AMTRAK*.—Chapter 247 is amended—

11           (A) in section 24702(a), by striking “not  
 12           included in the national rail passenger transpor-  
 13           tation system”;

14           (B) in section 24706—

15           (i) in subsection (a)—

16           (I) in paragraph (1), by striking  
 17           “a discontinuance under section 24704  
 18           or or”; and

19           (II) in paragraph (2), by striking  
 20           “section 24704 or”; and

21           (ii) in subsection (b), by striking “sec-  
 22           tion 24704 or”; and

23           (C) in section 24709, by striking “The Sec-  
 24           retary of the Treasury and the Attorney Gen-

1            *eral,” and inserting “The Secretary of Homeland*  
 2            *Security,”.*

3            *(b) PASSENGER RAIL INVESTMENT AND IMPROVEMENT*  
 4 *ACT AMENDMENTS.—Section 305(a) of the Passenger Rail*  
 5 *Investment and Improvement Act of 2008 (49 U.S.C. 24101*  
 6 *note) is amended by inserting “nonprofit organizations rep-*  
 7 *resenting employees who perform overhaul and mainte-*  
 8 *nance of passenger railroad equipment,” after “equipment*  
 9 *manufacturers,”.*

## 10                            ***Subtitle D—Rail Safety***

### 11                            ***PART I—SAFETY IMPROVEMENT***

#### 12            ***SEC. 5401. HIGHWAY-RAIL GRADE CROSSING SAFETY.***

13            *(a) MODEL STATE HIGHWAY-RAIL GRADE CROSSING*  
 14 *ACTION PLAN.—*

15                            *(1) IN GENERAL.—Not later than 1 year after*  
 16            *the date of enactment of this Act, the Secretary shall*  
 17            *develop a model of a State-specific highway-rail grade*  
 18            *crossing action plan and distribute the model plan to*  
 19            *each State.*

20                            *(2) CONTENTS.—The plan developed under para-*  
 21            *graph (1) shall include—*

22    *(A) methodologies, tools, and data sources*  
 23            *for identifying and evaluating highway-rail*  
 24            *grade crossing safety risks, including the public*

1           *safety risks posed by blocked highway-rail grade*  
2           *crossings due to idling trains;*

3           *(B) best practices to reduce the risk of high-*  
4           *way-rail grade crossing accidents or incidents*  
5           *and to alleviate the blockage of highway-rail*  
6           *grade crossings due to idling trains, including*  
7           *strategies for—*

8                     *(i) education, including model stake-*  
9                     *holder engagement plans or tools;*

10                    *(ii) engineering, including the benefits*  
11                    *and costs of different designs and tech-*  
12                    *nologies used to mitigate highway-rail*  
13                    *grade crossing safety risks; and*

14                    *(iii) enforcement, including the*  
15                    *strengths and weaknesses associated with*  
16                    *different enforcement methods;*

17           *(C) for each State, a customized list and*  
18           *data set of the highway-rail grade crossing acci-*  
19           *idents or incidents in that State over the past 3*  
20           *years, including the location, number of deaths,*  
21           *and number of injuries for each accident or inci-*  
22           *dent; and*

23           *(D) contact information of a Department of*  
24           *Transportation safety official available to assist*



1           *the State in adapting the model plan to satisfy*  
2           *the requirements under subsection (b).*

3           **(b) STATE HIGHWAY-RAIL GRADE CROSSING ACTION**  
4 *PLANS.—*

5           **(1) REQUIREMENTS.—***Not later than 18 months*  
6 *after the Secretary develops and distributes the model*  
7 *plan under subsection (a), the Secretary shall promul-*  
8 *gate a rule that requires—*

9                   **(A)** *each State, except the 10 States identi-*  
10 *fied under section 202 of the Rail Safety Im-*  
11 *provement Act of 2008 (49 U.S.C. 22501 note),*  
12 *to develop and implement a State highway-rail*  
13 *grade crossing action plan; and*

14                   **(B)** *each State that was identified under*  
15 *section 202 of the Rail Safety Improvement Act*  
16 *of 2008 (49 U.S.C. 22501 note), to update its*  
17 *State action plan under that section and submit*  
18 *to the Secretary the updated State action plan*  
19 *and a report describing what the State did to*  
20 *implement its previous State action plan under*  
21 *that section and how it will continue to reduce*  
22 *highway-rail grade crossing safety risks.*

23                   **(2) CONTENTS.—***Each State plan required under*  
24 *this subsection shall—*

1           (A) identify highway-rail grade crossings  
2 that have experienced recent highway-rail grade  
3 crossing accidents or incidents, or are at high-  
4 risk for accidents or incidents;

5           (B) identify specific strategies for improv-  
6 ing safety at highway-rail grade crossings, in-  
7 cluding highway-rail grade crossing closures or  
8 grade separations; and

9           (C) designate a State official responsible for  
10 managing implementation of the State plan  
11 under subparagraph (A) or (B) of paragraph  
12 (1), as applicable.

13           (3) ASSISTANCE.—The Secretary shall provide  
14 assistance to each State in developing and carrying  
15 out, as appropriate, the State plan under this sub-  
16 section.

17           (4) PUBLIC AVAILABILITY.—Each State shall  
18 submit its final State plan under this subsection to  
19 the Secretary for publication. The Secretary shall  
20 make each approved State plan publicly available on  
21 an official Internet Web site.

22           (5) CONDITIONS.—The Secretary may condition  
23 the awarding of a grant to a State under chapter 244  
24 of title 49, United States Code, on that State submit-  
25 ting an acceptable State plan under this subsection.

1           (6) *REVIEW OF ACTION PLANS.*—Not later than  
2           60 days after the date of receipt of a State plan under  
3           this subsection, the Secretary shall—

4                   (A) if the State plan is approved, notify the  
5                   State and publish the State plan under para-  
6                   graph (4); and

7                   (B) if the State plan is incomplete or defi-  
8                   cient, notify the State of the specific areas in  
9                   which the plan is deficient and allow the State  
10                  to complete the plan or correct the deficiencies  
11                  and resubmit the plan under paragraph (1).

12           (7) *DEADLINE.*—Not later than 60 days after the  
13           date of a notice under paragraph (6)(B), a State shall  
14           complete the plan or correct the deficiencies and re-  
15           submit the plan.

16           (8) *FAILURE TO COMPLETE OR CORRECT*  
17           *PLAN.*—If a State fails to meet the deadline under  
18           paragraph (7), the Secretary shall post on the Web  
19           site under paragraph (4) a notice that the State has  
20           an incomplete or deficient highway-rail grade cross-  
21           ing action plan.

22           (c) *RAILWAY-HIGHWAY CROSSINGS FUNDS.*—The Sec-  
23           retary may use funds made available to carry out section  
24           130 of title 23, United States Code, to provide States with  
25           funds to develop a State highway-rail grade crossing action

1 *plan under subsection (b)(1)(A) of this section or to update*  
2 *a State action plan under subsection (b)(1)(B) of this sec-*  
3 *tion.*

4 *(d) DEFINITIONS.—In this section:*

5 *(1) HIGHWAY-RAIL GRADE CROSSING.—The term*  
6 *“highway-rail grade crossing” means a location with-*  
7 *in a State, other than a location where 1 or more*  
8 *railroad tracks cross 1 or more railroad tracks at*  
9 *grade where—*

10 *(A) a public highway, road, or street, or a*  
11 *private roadway, including associated sidewalks*  
12 *and pathways, crosses 1 or more railroad tracks*  
13 *either at grade or grade-separated; or*

14 *(B) a pathway explicitly authorized by a*  
15 *public authority or a railroad carrier that is*  
16 *dedicated for the use of non-vehicular traffic, in-*  
17 *cluding pedestrians, bicyclists, and others, that is*  
18 *not associated with a public highway, road, or*  
19 *street, or a private roadway, crosses 1 or more*  
20 *railroad tracks either at grade or grade-sepa-*  
21 *rated.*

22 *(2) STATE.—The term “State” means a State of*  
23 *the United States or the District of Columbia.*

1 **SEC. 5402. CONFIDENTIAL CLOSE CALL REPORTING SYS-**  
2 **TEM.**

3 (a) *IN GENERAL.*—Not later than 3 years after the  
4 date of enactment of this Act, the Secretary shall promul-  
5 gate a rule to encourage and facilitate the voluntary par-  
6 ticipation of railroad carriers, railroad carrier contractors,  
7 and employees of railroad carriers or railroad carrier con-  
8 tractors (including any non-profit labor organizations rep-  
9 resenting a class or craft of directly affected employees of  
10 railroads carriers or railroad carrier contractors) in a con-  
11 fidential close call reporting system.

12 (b) *PROGRAM ELEMENTS.*—

13 (1) *IN GENERAL.*—The Secretary shall use any  
14 information and experience gathered through research  
15 and pilot programs on confidential close call report-  
16 ing systems in developing a rule for the voluntary  
17 adoption of confidential close call reporting system  
18 programs under this section.

19 (2) *RULEMAKING.*—

20 (A) *IN GENERAL.*—Each confidential close  
21 call reporting system program shall be designed  
22 to improve railroad safety by facilitating greater  
23 collection and analysis of reports that describe  
24 unsafe conditions and events in the railroad in-  
25 dustry, as reported voluntarily and confiden-  
26 tially by employees.

1                   (B) *REQUIREMENTS.*—*The rule shall speci-*  
2                   *fy—*

3                   (i) *the use of independent third parties*  
4                   *for the collection of close call reports, de-*  
5                   *identification of data, and distribution of*  
6                   *close call data;*

7                   (ii) *the criteria for participating vol-*  
8                   *untarily in the confidential close call re-*  
9                   *porting system;*

10                  (iii) *the criteria for accepting con-*  
11                  *fidential close call reports;*

12                  (iv) *the appropriate use and protec-*  
13                  *tion, including the information protections*  
14                  *described in subsection (d), of peer review*  
15                  *teams and participation of the Secretary's*  
16                  *representatives;*

17                  (v) *the relief from specific railroad*  
18                  *safety regulatory provisions and the condi-*  
19                  *tions under which the relief will and will*  
20                  *not be granted; and*

21                  (vi) *the appropriate use and protec-*  
22                  *tion, including the information protections*  
23                  *described in subsection (d), of confidential*  
24                  *data generated under voluntary participa-*

1                    *tion in the confidential close call reporting*  
2                    *system.*

3            *(c) PROGRAM DEVELOPMENT.—*

4                    *(1) IN GENERAL.—A railroad carrier voluntarily*  
5                    *participating in a confidential close call reporting*  
6                    *system program, pursuant to program elements con-*  
7                    *tained in the final rule promulgated under subsection*  
8                    *(b) and in collaboration with the Secretary, railroad*  
9                    *carrier contractors (as appropriate), and employees of*  
10                   *railroad carriers or railroad carrier contractors (in-*  
11                   *cluding any non-profit labor organization rep-*  
12                   *resenting a class or craft of directly affected employees*  
13                   *of railroad carriers or railroad carrier contractors),*  
14                   *shall develop an implementing memorandum of un-*  
15                   *derstanding that establishes agreed-upon terms for*  
16                   *participation in the confidential close call reporting*  
17                   *system.*

18                   *(2) SIGNATURES REQUIRED.—An implementing*  
19                   *memorandum of understanding under paragraph (1)*  
20                   *shall be signed by—*

21                   *(A) the Secretary or the Secretary's des-*  
22                   *ignee;*

23                   *(B) the participating railroad carrier or the*  
24                   *representative thereof;*

1           (C) if appropriate, each participating rail-  
2           road carrier contractor or the representative  
3           thereof; and

4           (D) the participating employees and con-  
5           tractors or the representative thereof (such as 1  
6           or more non-profit labor organizations rep-  
7           resenting a class or craft of directly affected em-  
8           ployees of the railroad carrier or railroad carrier  
9           contractor).

10       (d) INFORMATION PROTECTION.—

11           (1) IN GENERAL.—For a confidential close call  
12           reporting system program established through an im-  
13           plementing memorandum of understanding described  
14           in subsection (c), the rule shall include provisions  
15           that withhold from discovery or admission into evi-  
16           dence (in a Federal or State court proceeding for  
17           damages involving personal injury, wrongful death,  
18           or property damage against a railroad carrier or  
19           railroad carrier contractor) any plan, document, re-  
20           port, survey, schedule, list, or data compiled or col-  
21           lected for the sole purpose of developing, evaluating,  
22           planning, or implementing a confidential close call  
23           reporting system program, including a railroad car-  
24           rier's analysis of its close calls or near misses.



1           (2) *RETROACTIVE APPLICATIONS.*—*With regard*  
2 *to a voluntary confidential close call reporting system*  
3 *that was in effect prior to the date of final rule under*  
4 *subsection (a), the Secretary—*

5           (A) *shall allow the parties participating in*  
6 *that system to sign a new or revised imple-*  
7 *menting memorandum of understanding that*  
8 *prospectively entitles the parties to the informa-*  
9 *tion protections under paragraph (1); and*

10          (B) *may retroactively apply the informa-*  
11 *tion protections under paragraph (1) to any in-*  
12 *formation and analyses that was generated*  
13 *under that system prior to the date of the final*  
14 *rule.*

15          (3) *CONFIDENTIALITY.*—*For a confidential close*  
16 *call reporting system program established through an*  
17 *implementing memorandum of understanding de-*  
18 *scribed in subsection (c), the Secretary shall ensure*  
19 *that the Department of Transportation and any enti-*  
20 *ty collecting close call reports, de-identifying data, or*  
21 *distributing close call data provide the same level of*  
22 *confidentiality as contained in the Confidential Infor-*  
23 *mation Protection and Statistical Efficiency Act of*  
24 *2002 (44 U.S.C. 3501 note), as administered by the*  
25 *Bureau of Transportation Statistics.*

1       (e) *SAVINGS CLAUSE.*—*Nothing in this section shall—*

2             (1) *require a railroad carrier to adopt a con-*  
3 *fidential close call reporting system program;*

4             (2) *prohibit a railroad carrier from voluntarily*  
5 *adopting a confidential close call reporting system*  
6 *program outside of the rulemaking framework; and*

7             (3) *require the Secretary to develop a confiden-*  
8 *tial close call reporting system program with a rail-*  
9 *road carrier, a railroad carrier contractor, employees*  
10 *of the railroad carrier or railroad carrier contractor,*  
11 *or any non-profit labor organizations representing a*  
12 *class or craft of employees of a railroad carrier or a*  
13 *railroad carrier contractor.*

14       (f) *DEFINITION OF RAILROAD CARRIER.*—*In this sec-*  
15 *tion, the term “railroad carrier” has the meaning given the*  
16 *term in section 20102 of title 49, United States Code.*

17       (g) *ADDITIONAL INFORMATION PROTECTIONS.*—*Sec-*  
18 *tion 20118 is amended—*

19             (1) *in subsection (a)—*

20                 (A) *in the matter preceding paragraph*

21                 (1)—

22                         (i) *by inserting “, confidential close*  
23 *call reporting system program,” after “safe-*  
24 *ty risk reduction program”; and*

1                   (ii) by inserting “pursuant to section  
2                   552(b)(3) of that title,” after “section 552 of  
3                   title 5”;

4                   (B) in paragraph (1), by inserting “, con-  
5                   fidential close call reporting system program,”  
6                   after “safety risk reduction program”; and

7                   (C) in paragraph (2), by inserting “, con-  
8                   fidential close call reporting system program,”  
9                   after “safety risk reduction program”;

10                  (2) in subsection (b), by inserting “, confidential  
11                  close call reporting system program,” after “safety  
12                  risk reduction program”; and

13                  (3) in subsection (c), by inserting “, of any in-  
14                  formation or analyses generated as part of a confiden-  
15                  tial close call reporting system program,” after “risk  
16                  mitigation analyses”.

17 **SEC. 5403. SPEED LIMIT ACTION PLANS.**

18                  (a) *IN GENERAL.*—Not later than 90 days after the  
19                  date of enactment of this Act, each railroad carrier pro-  
20                  viding intercity rail passenger transportation or commuter  
21                  rail passenger transportation, in consultation with any ap-  
22                  plicable host railroad carrier, shall survey its entire system  
23                  and identify each main track location where there is a re-  
24                  duction of more than 20 miles per hour from the approach

1 *speed to a curve or bridge and the maximum authorized*  
2 *operating speed for passenger trains at that curve or bridge.*

3 (b) *ACTION PLANS.*—*Not later than 120 days after the*  
4 *date that the survey under subsection (a) is complete, a rail*  
5 *passenger carrier shall submit to the Secretary an action*  
6 *plan that—*

7 (1) *identifies each main track location where*  
8 *there is a reduction of more than 20 miles per hour*  
9 *from the approach speed to a curve or bridge and the*  
10 *maximum authorized operating speed for passenger*  
11 *trains at that curve or bridge;*

12 (2) *describes appropriate actions, including*  
13 *modification to automatic train control systems, if*  
14 *applicable, other signal systems, increased crew size,*  
15 *improved signage, or other practices, including in-*  
16 *creased crew communication, to enable warning and*  
17 *enforcement of the maximum authorized speed for*  
18 *passenger trains at each location identified under*  
19 *paragraph (1);*

20 (3) *contains milestones and target dates for im-*  
21 *plementing each appropriate action described under*  
22 *paragraph (2); and*

23 (4) *ensures compliance with the maximum au-*  
24 *thorized speed at each location identified under para-*  
25 *graph (1).*

1       (c) *APPROVAL.*—Not later than 90 days after the date  
2 an action plan is submitted under subsection (a), the Sec-  
3 retary shall approve, approve with conditions, or dis-  
4 approve the action plan.

5       (d) *ALTERNATIVE SAFETY MEASURES.*—The Secretary  
6 may exempt from the requirements of this section each seg-  
7 ment of track for which operations are governed by a posi-  
8 tive train control system certified under section 20157 of  
9 title 49, United States Code, or any other safety technology  
10 or practice that would achieve an equivalent or greater level  
11 of safety in reducing derailment risk.

12       (e) *REPORT.*—Not later than 6 months after the date  
13 of the enactment of this Act, the Secretary shall submit a  
14 report to the Committee on Commerce, Science, and Trans-  
15 portation of the Senate and the Committee on Transpor-  
16 tation and Infrastructure of the House of Representatives  
17 that describes—

18           (1) the actions the railroad carriers have taken  
19 in response to Safety Advisory 2013–08, entitled  
20 “Operational Tests and Inspections for Compliance  
21 With Maximum Authorized Train Speeds and Other  
22 Speed Restrictions”;

23           (2) the actions the railroad carriers have taken  
24 in response to Safety Advisory 2015–03, entitled  
25 “Operational and Signal Modifications for Compli-

1        *ance with Maximum Authorized Passenger Train*  
2        *Speeds and Other Speed Restrictions”;* and

3                *(3) the actions the Federal Railroad Administra-*  
4        *tion has taken to evaluate or incorporate the informa-*  
5        *tion and findings arising from the safety advisories*  
6        *referred to in paragraphs (1) and (2) into the devel-*  
7        *opment of regulatory action and oversight activities.*

8        *(f) SAVINGS CLAUSE.—Nothing in this section shall*  
9        *prohibit the Secretary from applying the requirements of*  
10       *this section to other segments of track at high risk of over-*  
11       *speed derailment.*

12       **SEC. 5404. SIGNAGE.**

13        *(a) IN GENERAL.—The Secretary shall promulgate*  
14       *such regulations as the Secretary considers necessary to re-*  
15       *quire each railroad carrier providing intercity rail pas-*  
16       *senger transportation or commuter rail passenger transpor-*  
17       *tation, in consultation with any applicable host railroad*  
18       *carrier, to install signs to warn train crews before the train*  
19       *approaches a location that the Secretary identifies as hav-*  
20       *ing high risk of overspeed derailment.*

21        *(b) ALTERNATIVE SAFETY MEASURES.—The Secretary*  
22       *may exempt from the requirements of this section each seg-*  
23       *ment of track for which operations are governed by a posi-*  
24       *tive train control system certified under section 20157 of*  
25       *title 49, United States Code, or any other safety technology*

1 *or practice that would achieve an equivalent or greater level*  
2 *of safety in reducing derailment risk.*

3 **SEC. 5405. ALERTERS.**

4 *(a) IN GENERAL.—The Secretary shall promulgate a*  
5 *rule to require a working alerter in the controlling loco-*  
6 *motive of each passenger train in intercity rail passenger*  
7 *transportation (as defined in section 24102 of title 49,*  
8 *United States Code) or commuter rail passenger transpor-*  
9 *tation (as defined in section 24102 of title 49, United States*  
10 *Code).*

11 *(b) RULEMAKING.—*

12 *(1) IN GENERAL.—The Secretary may promul-*  
13 *gate a rule to specify the essential functionalities of*  
14 *a working alerter, including the manner in which the*  
15 *alerter can be reset.*

16 *(2) ALTERNATE PRACTICE OR TECHNOLOGY.—*  
17 *The Secretary may require or allow a technology or*  
18 *practice in lieu of a working alerter if the Secretary*  
19 *determines that the technology or practice would*  
20 *achieve an equivalent or greater level of safety in en-*  
21 *hancing or ensuring appropriate locomotive control.*

22 **SEC. 5406. SIGNAL PROTECTION.**

23 *(a) IN GENERAL.—The Secretary shall promulgate*  
24 *regulations to require, not later than 18 months after the*  
25 *date of the enactment of this Act, that on-track safety regu-*

1 *lations, whenever practicable and consistent with other safe-*  
 2 *ty requirements and operational considerations, include re-*  
 3 *quiring implementation of redundant signal protection,*  
 4 *such as shunting or other practices and technologies that*  
 5 *achieve an equivalent or greater level of safety, for mainte-*  
 6 *nance-of-way work crews who depend on a train dispatcher*  
 7 *to provide signal protection.*

8       **(b) ALTERNATIVE SAFETY MEASURES.**—*The Secretary*  
 9 *may exempt from the requirements of this section each seg-*  
 10 *ment of track for which operations are governed by a posi-*  
 11 *tive train control system certified under section 20157 of*  
 12 *title 49, United States Code, or any other safety technology*  
 13 *or practice that would achieve an equivalent or greater level*  
 14 *of safety in providing additional signal protection.*

15 **SEC. 5407. TECHNOLOGY IMPLEMENTATION PLANS.**

16       *Section 20156(e) is amended—*

17               **(1) in paragraph (4)—**

18                       **(A) in subparagraph (A), by striking “and”**  
 19                       *at the end; and*

20                       **(B) in subparagraph (B), by striking the**  
 21                       *period at the end and inserting “; and”; and*

22               **(2) by adding at the end the following:**

23                       **“(C) each railroad carrier required to sub-**  
 24                       *mit such a plan, until the implementation of a*  
 25                       *positive train control system by the railroad car-*



1           rier, shall analyze and, as appropriate,  
2           prioritize technologies and practices to mitigate  
3           the risk of overspeed derailments.”.

4 **SEC. 5408. COMMUTER RAIL TRACK INSPECTIONS.**

5           (a) *IN GENERAL.*—The Secretary shall evaluate track  
6 inspection regulations to determine if a railroad carrier  
7 providing commuter rail passenger transportation on high  
8 density commuter railroad lines should be required to in-  
9 spect the lines in the same manner as currently required  
10 for other commuter railroad lines.

11           (b) *RULEMAKING.*—Considering safety, including rail-  
12 road carrier employee and contractor safety, and system ca-  
13 pacity, the Secretary may promulgate a rule for high den-  
14 sity commuter railroad lines. If, after the evaluation under  
15 subsection (a), the Secretary determines that it is necessary  
16 to promulgate a rule, the Secretary shall specifically con-  
17 sider the following regulatory requirements for high density  
18 commuter railroad lines:

19           (1) *At least once every 2 weeks—*

20                   (A) *traverse each main line by vehicle; or*

21                   (B) *inspect each main line on foot.*

22           (2) *At least once each month, traverse and in-*  
23 *spect each siding by vehicle or by foot.*

24           (c) *REPORT.*—If, after the evaluation under subsection  
25 (a), the Secretary determines it is not necessary to revise

1 *the regulations under this section, the Secretary, not later*  
2 *than 18 months after the date of enactment of this Act, shall*  
3 *transmit a report to the Committee on Commerce, Science,*  
4 *and Transportation of the Senate and the Committee on*  
5 *Transportation and Infrastructure of the House of Rep-*  
6 *resentatives explaining the reasons for not revising the regu-*  
7 *lations.*

8       (d) *CONSTRUCTION.*—*Nothing in this section may be*  
9 *construed to limit the authority of the Secretary to promul-*  
10 *gate regulations or issue orders under any other law.*

11 **SEC. 5409. EMERGENCY RESPONSE.**

12       (a) *IN GENERAL.*—*The Secretary, in consultation with*  
13 *railroad carriers, shall conduct a study to determine wheth-*  
14 *er limitations or weaknesses exist in the emergency response*  
15 *information carried by train crews transporting hazardous*  
16 *materials.*

17       (b) *CONTENTS.*—*In conducting the study under sub-*  
18 *section (a), the Secretary shall evaluate the differences be-*  
19 *tween the emergency response information carried by train*  
20 *crews transporting hazardous materials and the emergency*  
21 *response guidance provided in the Emergency Response*  
22 *Guidebook issued by the Department of Transportation.*

23       (c) *REPORT.*—*Not later than 1 year after the date of*  
24 *enactment of this Act, the Secretary shall transmit to the*  
25 *Committee on Commerce, Science, and Transportation of*

1 *the Senate and the Committee on Transportation and In-*  
2 *frastructure of the House of Representatives a report of the*  
3 *findings of the study under subsection (a) and any rec-*  
4 *ommendations for legislative action.*

5 **SEC. 5410. PRIVATE HIGHWAY-RAIL GRADE CROSSINGS.**

6 (a) *IN GENERAL.*—*The Secretary, in consultation with*  
7 *railroad carriers, shall conduct a study—*

8 (1) *to determine whether limitations or weak-*  
9 *nesses exist regarding the availability and usefulness*  
10 *for safety purposes of data on private highway-rail*  
11 *grade crossings; and*

12 (2) *to evaluate existing engineering practices on*  
13 *private highway-rail grade crossings.*

14 (b) *CONTENTS.*—*In conducting the study under sub-*  
15 *section (a), the Secretary shall make recommendations as*  
16 *necessary to improve—*

17 (1) *the utility of the data on private highway-*  
18 *rail grade crossings; and*

19 (2) *the implementation of private highway-rail*  
20 *crossing safety measures, including signage and*  
21 *warning systems.*

22 (c) *REPORT.*—*Not later than 1 year after the date of*  
23 *enactment of this Act, the Secretary shall transmit to the*  
24 *Committee on Commerce, Science, and Transportation of*  
25 *the Senate and the Committee on Transportation and In-*

1 *frastructure of the House of Representatives a report of the*  
 2 *findings of the study and any recommendations for further*  
 3 *action.*

4 **SEC. 5411. REPAIR AND REPLACEMENT OF DAMAGED TRACK**  
 5 **INSPECTION EQUIPMENT.**

6 (a) *IN GENERAL.*—*Subchapter I of chapter 201 is*  
 7 *amended by inserting after section 20120 the following:*

8 **“§20121. Repair and replacement of damaged track**  
 9 **inspection equipment**

10 *“The Secretary of Transportation may receive and ex-*  
 11 *pend cash, or receive and utilize spare parts and similar*  
 12 *items, from non-United States Government sources to re-*  
 13 *pair damages to or replace United States Government*  
 14 *owned automated track inspection cars and equipment as*  
 15 *a result of third-party liability for such damages, and any*  
 16 *amounts collected under this section shall be credited di-*  
 17 *rectly to the Railroad Safety and Operations account of the*  
 18 *Federal Railroad Administration, and shall remain avail-*  
 19 *able until expended for the repair, operation, and mainte-*  
 20 *nance of automated track inspection cars and equipment*  
 21 *in connection with the automated track inspection pro-*  
 22 *gram.”.*

23 (b) *CONFORMING AMENDMENT.*—*The table of contents*  
 24 *for subchapter I of chapter 201 is amended by adding after*  
 25 *section 21020 the following:*

*“20121. Repair and replacement of damaged track inspection equipment.”.*

1 **SEC. 5412. RAIL POLICE OFFICERS.**

2 (a) *IN GENERAL.*—Section 28101 is amended—

3 (1) by striking “employed by” each place it ap-  
4 pears and inserting “directly employed by or con-  
5 tracted by”;

6 (2) in subsection (b), by inserting “or agent, as  
7 applicable,” after “an employee”; and

8 (3) by adding at the end the following:

9 “(c) *TRANSFERS.*—

10 “(1) *IN GENERAL.*—If a railroad police officer  
11 directly employed by or contracted by a rail carrier  
12 and certified or commissioned as a police officer  
13 under the laws of a State transfers primary employ-  
14 ment or residence from the certifying or commis-  
15 sioning State to another State or jurisdiction, the  
16 railroad police officer, not later than 1 year after the  
17 date of transfer, shall apply to be certified or commis-  
18 sioned as a police office under the laws of the State  
19 of new primary employment or residence.

20 “(2) *INTERIM PERIOD.*—During the period be-  
21 ginning on the date of transfer and ending 1 year  
22 after the date of transfer, a railroad police officer di-  
23 rectly employed by or contracted by a rail carrier  
24 and certified or commissioned as a police officer  
25 under the laws of a State may enforce the laws of the  
26 new jurisdiction in which the railroad police officer

1 *resides, to the same extent as provided in subsection*  
2 *(a).*

3 “(d) *TRAINING.*—

4       “(1) *IN GENERAL.*—*A State shall recognize as*  
5 *meeting that State’s basic police officer certification*  
6 *or commissioning requirements for qualification as a*  
7 *rail police officer under this section any individual*  
8 *who successfully completes a program at a State-rec-*  
9 *ognized police training academy in another State or*  
10 *at a Federal law enforcement training center and who*  
11 *is certified or commissioned as a police officer by that*  
12 *other State.*

13       “(2) *RULE OF CONSTRUCTION.*—*Nothing in this*  
14 *subsection shall be construed as superseding or affect-*  
15 *ing any unique State training requirements related to*  
16 *criminal law, criminal procedure, motor vehicle code,*  
17 *or State-mandated comparative or annual in-service*  
18 *training academy or Federal law enforcement train-*  
19 *ing center.”.*

20       “(b) *REGULATIONS.*—*Not later than 1 year after the*  
21 *date of enactment of this Act, the Secretary shall revise the*  
22 *regulations in part 207 of title 49, Code of Federal Regula-*  
23 *tions (relating to railroad police officers), to permit a rail-*  
24 *road to designate an individual, who is commissioned in*  
25 *the individual’s State of legal residence or State of primary*

1 *employment and directly employed by or contracted by a*  
 2 *railroad to enforce State laws for the protection of railroad*  
 3 *property, personnel, passengers, and cargo, to serve in the*  
 4 *States in which the railroad owns property.*

5 *(c) CONFORMING AMENDMENTS.—*

6 *(1) AMTRAK RAIL POLICE.—Section 24305(e) is*  
 7 *amended—*

8 *(A) by striking “may employ” and insert-*  
 9 *ing “may directly employ or contract with”;*

10 *(B) by striking “employed by” and insert-*  
 11 *ing “directly employed by or contracted by”; and*

12 *(C) by striking “employed without” and in-*  
 13 *serting “directly employed or contracted with-*  
 14 *out”.*

15 *(2) SECURE GUN STORAGE OR SAFETY DEVICE;*  
 16 *EXCEPTIONS.—Section 922(z)(2)(B) of title 18 is*  
 17 *amended by striking “employed by” and inserting*  
 18 *“directly employed by or contracted by”.*

19 **SEC. 5413. OPERATION DEEP DIVE; REPORT.**

20 *(a) PROGRESS REPORTS.—Not later than 60 days*  
 21 *after the date of the enactment of this Act, and quarterly*  
 22 *thereafter until the completion date, the Administrator of*  
 23 *the Federal Railroad Administration shall submit a report*  
 24 *to the Committee on Commerce, Science, and Transpor-*  
 25 *tation of the Senate and the Committee on Transportation*

1 *and Infrastructure of the House of Representatives that de-*  
 2 *scribes the progress of Metro-North Commuter Railroad in*  
 3 *implementing the directives and recommendations issued by*  
 4 *the Federal Railroad Administration in its March 2014 re-*  
 5 *port to Congress titled “Operation Deep Dive Metro-North*  
 6 *Commuter Railroad Safety Assessment”.*

7 (b) *FINAL REPORT.*—Not later than 30 days after the  
 8 completion date, the Administrator of the Federal Railroad  
 9 Administration shall submit a final report on the directives  
 10 and recommendations to Congress.

11 (c) *DEFINED TERM.*—In this section, the term “com-  
 12 pletion date” means the date on which Metro-North Com-  
 13 muter Railroad has completed all of the directives and rec-  
 14 ommendations referred to in subsection (a).

15 **SEC. 5414. POST-ACCIDENT ASSESSMENT.**

16 (a) *IN GENERAL.*—The Secretary of Transportation,  
 17 in cooperation with the National Transportation Safety  
 18 Board and the National Railroad Passenger Corporation  
 19 (referred to in this section as “Amtrak”), shall conduct a  
 20 post-accident assessment of the Amtrak Northeast Regional  
 21 Train #188 crash on May 12, 2015.

22 (b) *ELEMENTS.*—The assessment conducted pursuant  
 23 to subsection (a) shall include—

24 (1) a review of Amtrak’s compliance with the  
 25 plan for addressing the needs of the families of pas-



1 *sengers involved in any rail passenger accident,*  
2 *which was submitted pursuant to section 24316 of*  
3 *title 49, United States Code;*

4 *(2) a review of Amtrak's compliance with the*  
5 *emergency preparedness plan required under section*  
6 *239.101(a) of title 49, Code of Federal Regulations;*

7 *(3) a determination of any additional action*  
8 *items that should be included in the plans referred to*  
9 *in paragraphs (1) and (2) to meet the needs of the*  
10 *passengers involved in the crash and their families,*  
11 *including—*

12 *(A) notification of emergency contacts;*

13 *(B) dedicated and trained staff to manage*  
14 *family assistance;*

15 *(C) the establishment of a family assistance*  
16 *center at the accident locale or other appropriate*  
17 *location;*

18 *(D) a system for identifying and recovering*  
19 *items belonging to passengers that were lost in*  
20 *the crash; and*

21 *(E) the establishment of a single customer*  
22 *service entity within Amtrak to coordinate the*  
23 *response to the needs of the passengers involved*  
24 *in the crash and their families;*

1           (4) *recommendations for any additional training*  
2           *needed by Amtrak staff to better implement the plans*  
3           *referred to in paragraphs (1) and (2), including the*  
4           *establishment of a regular schedule for training drills*  
5           *and exercises.*

6           (c) *REPORT TO CONGRESS.*—*Not later than 1 year*  
7           *after the date of the enactment of this Act, Amtrak shall*  
8           *submit a report to the Committee on Commerce, Science,*  
9           *and Transportation of the Senate and the Committee on*  
10           *Transportation and Infrastructure of the House of Rep-*  
11           *resentatives that describes—*

12           (1) *its plan to achieve the recommendations re-*  
13           *ferred to in subsection (b)(4); and*

14           (2) *steps that have been taken to address any de-*  
15           *ficiencies identified through the assessment.*

16 **SEC. 5415. TECHNICAL AND CONFORMING AMENDMENTS.**

17           (a) *ASSISTANCE TO FAMILIES OF PASSENGERS IN-*  
18           *VOLVED IN RAIL PASSENGER ACCIDENTS.*—*Section 1139 is*  
19           *amended—*

20           (1) *in subsection (a)(1), by striking “phone num-*  
21           *ber” and inserting “telephone number”;*

22           (2) *in subsection (a)(2), by striking “post trau-*  
23           *ma communication with families” and inserting*  
24           *“post-trauma communication with families”; and*

1           (3) in subsection (j), by striking “railroad pas-  
2           senger accident” each place it appears and inserting  
3           “rail passenger accident”.

4           (b) *SOLID WASTE RAIL TRANSFER FACILITY LAND-*  
5 *USE EXEMPTION.*—Section 10909 is amended—

6           (1) in subsection (b), in the matter preceding  
7           paragraph (1), by striking “Clean Railroad Act of  
8           2008” and inserting “Clean Railroads Act of 2008”;  
9           and

10           (2) in subsection (e), by striking “Upon the  
11           granting of petition from the State” and inserting  
12           “Upon the granting of a petition from the State”.

13           (c) *RULEMAKING PROCESS.*—Section 20116 is amend-  
14 *ed—*

15           (1) by inserting “(2)” before “the code, rule,  
16           standard, requirement, or practice has been subject to  
17           notice and comment under a rule or order issued  
18           under this part.” and indenting accordingly;

19           (2) by inserting “(1)” before “unless” and in-  
20           denting accordingly;

21           (3) in paragraph (1), as redesignated, by strik-  
22           ing “order, or” and inserting “order; or”; and

23           (4) in the matter preceding paragraph (1), as re-  
24           designated, by striking “unless” and inserting “un-  
25           less—”.

1       (d) *ENFORCEMENT REPORT*.—Section 20120(a) is  
2 amended—

3           (1) in the matter preceding paragraph (1), by  
4 striking “website” and inserting “Web site”;

5           (2) in paragraph (1), by striking “accident and  
6 incidence reporting” and inserting “accident and in-  
7 cident reporting”;

8           (3) in paragraph (2)(G), by inserting “and” at  
9 the end; and

10          (4) in paragraph (5)(B), by striking “Adminis-  
11 trative Hearing Officer or Administrative Law  
12 Judge” and inserting “administrative hearing officer  
13 or administrative law judge”.

14       (e) *RAILROAD SAFETY RISK REDUCTION PROGRAM*.—  
15 Section 20156 is amended—

16           (1) in subsection (c), by inserting a comma after  
17 “In developing its railroad safety risk reduction pro-  
18 gram”; and

19           (2) in subsection (g)(1)—

20               (A) by inserting a comma after “good  
21 faith”; and

22               (B) by striking “non-profit” and inserting  
23 “nonprofit”.

24       (f) *ROADWAY USER SIGHT DISTANCE AT HIGHWAY-*  
25 *RAIL GRADE CROSSINGS*.—Section 20159 is amended by

1 *striking “the Secretary” and inserting “the Secretary of*  
2 *Transportation”.*

3 (g) *NATIONAL CROSSING INVENTORY.—Section 20160*  
4 *is amended—*

5 (1) *in subsection (a)(1), by striking “concerning*  
6 *each previously unreported crossing through which it*  
7 *operates or with respect to the trackage over which it*  
8 *operates” and inserting “concerning each previously*  
9 *unreported crossing through which it operates with*  
10 *respect to the trackage over which it operates”; and*

11 (2) *in subsection (b)(1)(A), by striking “con-*  
12 *cerning each crossing through which it operates or*  
13 *with respect to the trackage over which it operates”*  
14 *and inserting “concerning each crossing through*  
15 *which it operates with respect to the trackage over*  
16 *which it operates”.*

17 (h) *MINIMUM TRAINING STANDARDS AND PLANS.—*  
18 *Section 20162(a)(3) is amended by striking “railroad com-*  
19 *pliance with Federal standards” and inserting “railroad*  
20 *carrier compliance with Federal standards”.*

21 (i) *DEVELOPMENT AND USE OF RAIL SAFETY TECH-*  
22 *NOLOGY.—Section 20164(a) is amended by striking “after*  
23 *enactment of the Railroad Safety Enhancement Act of*  
24 *2008” and inserting “after the date of enactment of the Rail*  
25 *Safety Improvement Act of 2008”.*

1       (j) *RAIL SAFETY IMPROVEMENT ACT OF 2008.*—

2           (1) *TABLE OF CONTENTS.*—Section 1(b) of divi-  
3       sion A of the Rail Safety Improvement Act of 2008  
4       (Public Law 110–432; 122 Stat. 4848) is amended—

5           (A) in the item relating to section 307, by  
6       striking “website” and inserting “Web site”;

7           (B) in the item relating to title VI, by strik-  
8       ing “solid waste facilities” and inserting “solid  
9       waste rail transfer facilities”; and

10          (C) in the item relating to section 602, by  
11       striking “solid waste transfer facilities” and in-  
12       serting “solid waste rail transfer facilities”.

13          (2) *DEFINITIONS.*—Section 2(a)(1) of division A  
14       of the Rail Safety Improvement Act of 2008 (Public  
15       Law 110–432; 122 Stat. 4849) is amended in the  
16       matter preceding subparagraph (A), by inserting a  
17       comma after “at grade”.

18          (3) *RAILROAD SAFETY STRATEGY.*—Section  
19       102(a)(6) of title I of division A of the Rail Safety  
20       Improvement Act of 2008 (49 U.S.C. 20101 note) is  
21       amended by striking “Improving the safety of rail-  
22       road bridges, tunnels, and related infrastructure to  
23       prevent accidents, incidents, injuries, and fatalities  
24       caused by catastrophic failures and other bridge and  
25       tunnel failures.” and inserting “Improving the safety

1 of railroad bridges, tunnels, and related infrastruc-  
 2 ture to prevent accidents, incidents, injuries, and fa-  
 3 talities caused by catastrophic and other failures of  
 4 such infrastructure.”.

5 (4) *OPERATION LIFESAVER*.—Section 206(a) of  
 6 title II of division A of the Rail Safety Improvement  
 7 Act of 2008 (49 U.S.C. 22501 note) is amended by  
 8 striking “Public Service Announcements” and insert-  
 9 ing “public service announcements”.

10 (5) *UPDATE OF FEDERAL RAILROAD ADMINIS-*  
 11 *TRATION’S WEB SITE*.—Section 307 of title III of di-  
 12 vision A of the Rail Safety Improvement Act of 2008  
 13 (49 U.S.C. 103 note) is amended—

14 (A) in the heading by striking “**FEDERAL**  
 15 **RAILROAD ADMINISTRATION’S WEBSITE**”  
 16 and inserting “Federal Railroad Administration  
 17 Web site”;

18 (B) by striking “website” each place it ap-  
 19 pears and inserting “Web site”; and

20 (C) by striking “website’s” and inserting  
 21 “Web site’s”.

22 (6) *ALCOHOL AND CONTROLLED SUBSTANCE*  
 23 *TESTING FOR MAINTENANCE-OF-WAY EMPLOYEES*.—  
 24 Section 412 of title IV of division A of the Rail Safe-  
 25 ty Improvement Act of 2008 (49 U.S.C. 20140 note)

1 *is amended by striking “Secretary of Transportation”*  
2 *and inserting “Secretary”.*

3 (7) *TUNNEL INFORMATION.—Section 414 of title*  
4 *IV of division A of the Rail Safety Improvement Act*  
5 *of 2008 (49 U.S.C. 20103 note) is amended—*

6 (A) *by striking “parts 171.8, 173.115” and*  
7 *inserting “sections 171.8, 173.115”; and*

8 (B) *by striking “part 1520.5” and inserting*  
9 *“section 1520.5”.*

10 (8) *SAFETY INSPECTIONS IN MEXICO.—Section*  
11 *416 of title IV of division A of the Rail Safety Im-*  
12 *provement Act of 2008 (49 U.S.C. 20107 note) is*  
13 *amended—*

14 (A) *in the matter preceding paragraph (1),*  
15 *by striking “Secretary of Transportation” and*  
16 *inserting “Secretary”; and*

17 (B) *in paragraph (4), by striking “sub-*  
18 *section” and inserting “section”.*

19 (9) *HEADING OF TITLE VI.—The heading of title*  
20 *VI of division A of the Rail Safety Improvement Act*  
21 *of 2008 (122 Stat. 4900) is amended by striking*  
22 **“SOLID WASTE FACILITIES”** *and inserting*  
23 **“SOLID WASTE RAIL TRANSFER FA-**  
24 **CILITIES”.**



1           (10) *HEADING OF SECTION 602.*—Section 602 of  
 2           *title VI of division A of the Rail Safety Improvement*  
 3           *Act of 2008 (122 Stat. 4900) is amended by striking*  
 4           “**SOLID WASTE TRANSFER FACILITIES**” and in-  
 5           serting “**SOLID WASTE RAIL TRANSFER FACILI-**  
 6           **TIES**”.

7           **SEC. 5416. GAO STUDY ON USE OF LOCOMOTIVE HORNS AT**  
 8                                   **HIGHWAY-RAIL GRADE CROSSINGS.**

9           *The Comptroller General of the United States shall*  
 10          *submit a report to Congress containing the results of a*  
 11          *study evaluating the effectiveness of the Federal Railroad*  
 12          *Administration’s final rule on the use of locomotive horns*  
 13          *at highway-rail grade crossings, which was published in the*  
 14          *Federal Register on August 17, 2006 (71 Fed. Reg. 47614).*

15          **PART II—CONSOLIDATED RAIL INFRASTRUCTURE**  
 16                                   **AND SAFETY IMPROVEMENTS**

17          **SEC. 5421. CONSOLIDATED RAIL INFRASTRUCTURE AND**  
 18                                   **SAFETY IMPROVEMENTS.**

19          (a) *IN GENERAL.*—Chapter 244, as amended by sec-  
 20          tion 5302 of this Act, is further amended by adding at the  
 21          end the following:

22          “**§24408. Consolidated rail infrastructure and safety**  
 23                                   **improvements**

24          “(a) *GENERAL AUTHORITY.*—The Secretary may make  
 25          grants under this section to an eligible recipient to assist

1 *in financing the cost of improving passenger and freight*  
2 *rail transportation systems in terms of safety, efficiency,*  
3 *or reliability.*

4       “(b) *ELIGIBLE RECIPIENTS.*—*The following entities*  
5 *are eligible to receive a grant under this section:*

6           “(1) *A State.*

7           “(2) *A group of States.*

8           “(3) *An Interstate Compact.*

9           “(4) *A public agency or publicly chartered au-*  
10 *thority established by 1 or more States and having re-*  
11 *sponsibility for providing intercity rail passenger,*  
12 *commuter rail passenger, or freight rail transpor-*  
13 *tation service.*

14           “(5) *A political subdivision of a State.*

15           “(6) *Amtrak or another rail passenger carrier*  
16 *that provides intercity rail passenger transportation*  
17 *(as defined in section 24102) or commuter rail pas-*  
18 *senger transportation (as defined in section 24102).*

19           “(7) *A Class II railroad or Class III railroad (as*  
20 *those terms are defined in section 20102).*

21           “(8) *Any rail carrier or rail equipment manu-*  
22 *facturer in partnership with at least 1 of the entities*  
23 *described in paragraphs (1) through (5).*

24           “(9) *Any entity established to procure, manage,*  
25 *or maintain passenger rail equipment under section*

1       305 of the Passenger Rail Investment and Improve-  
2       ment Act of 2008 (49 U.S.C. 24101 note).

3               “(10) An organization that is actively involved  
4       in the development of operational and safety-related  
5       standards for rail equipment and operations or the  
6       implementation of safety-related programs.

7               “(11) The Transportation Research Board and  
8       any entity with which it contracts in the development  
9       of rail-related research, including cooperative research  
10      programs.

11              “(12) A University transportation center ac-  
12      tively engaged in rail-related research.

13              “(13) A non-profit labor organization rep-  
14      resenting a class or craft of employees of railroad car-  
15      riers or railroad carrier contractors.

16              “(c) *ELIGIBLE PROJECTS.*—The following projects are  
17      eligible to receive grants under this section:

18              “(1) Deployment of railroad safety technology,  
19      including positive train control and rail integrity in-  
20      spection systems.

21              “(2) A capital project as defined in section  
22      24401, except that a project shall not be required to  
23      be in a State rail plan developed under chapter 227.

1           “(3) A capital project identified by the Secretary  
2 as being necessary to address congestion challenges af-  
3 fecting rail service.

4           “(4) A highway-rail grade crossing improve-  
5 ment, including grade separations, private highway-  
6 rail grade crossing improvements, and safety engi-  
7 neering improvements to reduce risk in quiet zones or  
8 potential quiet zones.

9           “(5) A rail line relocation project.

10          “(6) A capital project to improve short-line or  
11 regional railroad infrastructure.

12          “(7) Paying all or a portion of the credit risk  
13 premium, as determined under section 502(f) of the  
14 Railroad Revitalization and Regulatory Reform Act  
15 of 1976 (45 U.S.C. 822(f)), and loan charges described  
16 in section 503(l) of that Act (45 U.S.C. 823(l)) for a  
17 project eligible for Federal credit assistance under  
18 that Act (45 U.S.C. 801 et seq.).

19          “(8) Development of public education, awareness,  
20 and targeted law enforcement activities to reduce vio-  
21 lations of traffic laws at highway-rail grade crossings  
22 and to help prevent and reduce injuries and fatalities  
23 along railroad rights-of-way.

1           “(9) *The preparation of regional rail and cor-*  
2           *ridor service development plans and corresponding*  
3           *environmental analyses.*

4           “(10) *Any project that the Secretary considers*  
5           *necessary to enhance multimodal connections or fa-*  
6           *cilitate service integration between rail service and*  
7           *other modes, including between intercity rail pas-*  
8           *senger transportation and intercity bus service.*

9           “(11) *The development of rail-related capital, op-*  
10          *erations, and safety standards.*

11          “(12) *The implementation and operation of a*  
12          *safety program or institute designed to improve rail*  
13          *safety culture and rail safety performance.*

14          “(13) *Any research that the Secretary considers*  
15          *necessary to advance any particular aspect of rail-re-*  
16          *lated capital, operations, or safety improvements.*

17          “(14) *Workforce development activities, coordi-*  
18          *nated to the extent practicable with the existing local*  
19          *training programs supported by the Department of*  
20          *Transportation, Department of Labor, and Depart-*  
21          *ment of Education.*

22          “(d) *APPLICATION PROCESS.—The Secretary shall*  
23          *prescribe the form and manner of filing an application*  
24          *under this section.*

25          “(e) *PROJECT SELECTION CRITERIA.—*

1           “(1) *IN GENERAL.*—*In selecting a recipient of a*  
2           *grant for an eligible project, the Secretary shall—*

3                   “(A) *give preference to a proposed project*  
4                   *for which the proposed Federal share of total*  
5                   *project costs does not exceed 50 percent; and*

6                   “(B) *after factoring in preference to projects*  
7                   *under subparagraph (A), select projects that will*  
8                   *maximize the net benefits of the funds appro-*  
9                   *propriated for use under this section, considering*  
10                   *the cost-benefit analysis of the proposed project,*  
11                   *including anticipated private and public benefits*  
12                   *relative to the costs of the proposed project and*  
13                   *factoring in the other considerations described in*  
14                   *paragraph (2).*

15           “(2) *OTHER CONSIDERATIONS.*—*The Secretary*  
16           *shall also consider the following:*

17                   “(A) *The degree to which the proposed*  
18                   *project’s business plan considers potential pri-*  
19                   *vate sector participation in the financing, con-*  
20                   *struction, or operation of the project;*

21                   “(B) *The recipient’s past performance in*  
22                   *developing and delivering similar projects, and*  
23                   *previous financial contributions;*

24                   “(C) *Whether the recipient has or will have*  
25                   *the legal, financial, and technical capacity to*

1           *carry out the proposed project, satisfactory con-*  
2           *tinuing control over the use of the equipment or*  
3           *facilities, and the capability and willingness to*  
4           *maintain the equipment or facilities;*

5           “(D) *If applicable, the consistency of the*  
6           *proposed project with planning guidance and*  
7           *documents set forth by the Secretary or required*  
8           *by law or State rail plans developed under chap-*  
9           *ter 227;*

10           “(E) *If applicable, any technical evaluation*  
11           *ratings that proposed project received under pre-*  
12           *vious competitive grant programs administered*  
13           *by the Secretary; and*

14           “(F) *Such other factors as the Secretary*  
15           *considers relevant to the successful delivery of the*  
16           *project.*

17           “(3) *BENEFITS.—The benefits described in para-*  
18           *graph (1)(B) may include the effects on system and*  
19           *service performance, including measures such as im-*  
20           *proved safety, competitiveness, reliability, trip or*  
21           *transit time, resilience, efficiencies from improved in-*  
22           *tegration with other modes, and ability to meet exist-*  
23           *ing or anticipated demand.*

24           “(f) *PERFORMANCE MEASURES.—The Secretary shall*  
25           *establish performance measures for each grant recipient to*

1 *assess progress in achieving strategic goals and objectives.*  
2 *The Secretary may require a grant recipient to periodically*  
3 *report information related to such performance measures.*

4 *“(g) RURAL AREAS.—*

5 *“(1) IN GENERAL.—Of the amounts appro-*  
6 *propriated under this section, at least 25 percent shall be*  
7 *available for projects in rural areas. The Secretary*  
8 *shall consider a project to be in a rural area if all*  
9 *or the majority of the project (determined by the geo-*  
10 *graphic location or locations where the majority of*  
11 *the project funds will be spent) is located in a rural*  
12 *area.*

13 *“(2) DEFINITION OF RURAL AREA.—In this sub-*  
14 *section, the term ‘rural area’ means any area not in*  
15 *an urbanized area, as defined by the Census Bureau.*

16 *“(h) FEDERAL SHARE OF TOTAL PROJECT COSTS.—*

17 *“(1) TOTAL PROJECT COSTS.—The Secretary*  
18 *shall estimate the total costs of a project under this*  
19 *subsection based on the best available information, in-*  
20 *cluding engineering studies, studies of economic feasi-*  
21 *bility, environmental analyses, and information on*  
22 *the expected use of equipment or facilities.*

23 *“(2) FEDERAL SHARE.—The Federal share of*  
24 *total project costs under this subsection shall not ex-*  
25 *ceed 80 percent.*



1           “(3) *TREATMENT OF PASSENGER RAIL REV-*  
 2           *ENUE.—If Amtrak or another rail passenger carrier*  
 3           *is an applicant under this section, Amtrak or the*  
 4           *other rail passenger carrier, as applicable, may use*  
 5           *ticket and other revenues generated from its oper-*  
 6           *ations and other sources to satisfy the non-Federal*  
 7           *share requirements.*

8           “(i) *APPLICABILITY.—Except as specifically provided*  
 9           *in this section, the use of any amounts appropriated for*  
 10           *grants under this section shall be subject to the requirements*  
 11           *of this chapter.*

12           “(j) *AVAILABILITY.—Amounts appropriated for car-*  
 13           *rying out this section shall remain available until ex-*  
 14           *pired.*”.

15           “(b) *CONFORMING AMENDMENT.—The table of contents*  
 16           *of chapter 244, as amended by section 5302 of this Act, is*  
 17           *amended by adding after the item relating to section 24407*  
 18           *the following:*

          “24408. *Consolidated rail infrastructure and safety improvements.*”.

19           ***PART III—HAZARDOUS MATERIALS BY RAIL***  
 20           ***SAFETY AND OTHER SAFETY ENHANCEMENTS***  
 21           ***SEC. 5431. REAL-TIME EMERGENCY RESPONSE INFORMA-***  
 22           ***TION.***

23           “(a) *IN GENERAL.—Not later than 1 year after the date*  
 24           *of enactment of this Act, the Secretary, in consultation with*

1 *the Secretary of Homeland Security, shall promulgate regu-*  
2 *lations—*

3           (1) *to require a Class I railroad transporting*  
4 *hazardous materials—*

5                   (A) *to generate accurate, real-time, and*  
6 *electronic train consist information, including—*

7                           (i) *the identity, quantity, and location*  
8 *of hazardous materials on a train;*

9                           (ii) *the point of origin and destination*  
10 *of the train;*

11                           (iii) *any emergency response informa-*  
12 *tion or resources required by the Secretary;*

13 *and*

14                           (iv) *an emergency response point of*  
15 *contact designated by the Class I railroad;*

16 *and*

17                   (B) *to enter into a memorandum of under-*  
18 *standing with each applicable fusion center to*  
19 *provide that fusion center with secure and con-*  
20 *fidential access to the electronic train consist in-*  
21 *formation described in subparagraph (A) for*  
22 *each train transporting hazardous materials in*  
23 *that fusion center's jurisdiction;*

24           (2) *to require each applicable fusion center to*  
25 *provide the electronic train consist information de-*

1       scribed in paragraph (1)(A) to first responders, emer-  
2       gency response officials, and law enforcement per-  
3       sonnel that are involved in the response to or inves-  
4       tigation of an incident, accident, or public health or  
5       safety emergency involving the rail transportation of  
6       hazardous materials and that request such electronic  
7       train consist information;

8               (3) to prohibit any railroad, employee, or agent  
9       from withholding, or causing to be withheld the train  
10      consist information from first responders, emergency  
11      response officials, and law enforcement personnel de-  
12      scribed in paragraph (2) in the event of an incident,  
13      accident, or public health or safety emergency involv-  
14      ing the rail transportation of hazardous materials;

15              (4) to establish security and confidentiality pro-  
16      tections to prevent the release of the electronic train  
17      consist information to unauthorized persons; and

18              (5) to allow each Class I railroad to enter into  
19      a memorandum of understanding with any Class II  
20      or Class III railroad that operates trains over the  
21      Class I railroad's line to incorporate the Class II or  
22      Class III railroad's train consist information within  
23      the existing framework described in paragraph (1).

24      (b) *DEFINITIONS.*—*In this section:*

1           (1) *APPLICABLE FUSION CENTER.*—*The term*  
2           *“applicable fusion center” means a fusion center with*  
3           *responsibility for a geographic area in which a Class*  
4           *I railroad operates.*

5           (2) *CLASS I RAILROAD.*—*The term “Class I rail-*  
6           *road” has the meaning given the term in section*  
7           *20102 of title 49, United States Code.*

8           (3) *FUSION CENTER.*—*The term “fusion center”*  
9           *has the meaning given the term in section 124h(j) of*  
10          *title 6, United States Code.*

11          (4) *HAZARDOUS MATERIALS.*—*The term “haz-*  
12          *ardous materials” means material designated as haz-*  
13          *ardous by the Secretary of Transportation under*  
14          *chapter 51 of the United States Code.*

15          (5) *TRAIN CONSIST.*—*The term “train consist”*  
16          *includes, with regard to a specific train, the number*  
17          *of rail cars and the commodity transported by each*  
18          *rail car.*

19          (c) *SAVINGS CLAUSE.*—

20                 (1) *Nothing in this section may be construed to*  
21                 *prohibit a Class I railroad from voluntarily entering*  
22                 *into a memorandum of understanding, as described*  
23                 *in subsection (a)(1)(B), with a State emergency re-*  
24                 *sponse commission or an entity representing or in-*

1       cluding first responders, emergency response officials,  
2       and law enforcement personnel.

3           (2) Nothing in this section may be construed to  
4       amend any requirement for a railroad to provide a  
5       State Emergency Response Commission, for each  
6       State in which it operates trains transporting  
7       1,000,000 gallons or more of Bakken crude oil, notifi-  
8       cation regarding the expected movement of such trains  
9       through the counties in the State.

10 **SEC. 5432. THERMAL BLANKETS.**

11       (a) *REQUIREMENTS.*—Not later than 180 days after  
12 the date of enactment of this Act, the Secretary shall pro-  
13 mulgate such regulations as are necessary to require each  
14 tank car built to meet the DOT-117 specification and each  
15 non-jacketed tank car modified to meet the DOT-117R spec-  
16 ification to be equipped with a thermal blanket.

17       (b) *DEFINITION OF THERMAL BLANKET.*—In this sec-  
18 tion, the term “thermal blanket” means an insulating blan-  
19 ket that is applied between the outer surface of a tank car  
20 tank and the inner surface of a tank car jacket and that  
21 has thermal conductivity no greater than 2.65 Btu per inch,  
22 per hour, per square foot, and per degree Fahrenheit at a  
23 temperature of 2000 degrees Fahrenheit, plus or minus 100  
24 degrees Fahrenheit.

25       (c) *SAVINGS CLAUSE.*—

1           (1) *PRESSURE RELIEF DEVICES.*—Nothing in  
2           this section may be construed to affect or prohibit any  
3           requirement to equip with appropriately sized pres-  
4           sure relief devices a tank car built to meet the DOT-  
5           117 specification or a non-jacketed tank car modified  
6           to meet the DOT-117R specification.

7           (2) *HARMONIZATION.*—Nothing in this section  
8           may be construed to require or allow the Secretary to  
9           prescribe an implementation deadline or authoriza-  
10          tion end date for the requirement under subsection (a)  
11          that is earlier than the applicable implementation  
12          deadline or authorization end date for other tank car  
13          modifications necessary to meet the DOT-117R speci-  
14          fication.

15 **SEC. 5433. COMPREHENSIVE OIL SPILL RESPONSE PLANS.**

16          (a) *REQUIREMENTS.*—Not later than 120 days after  
17          the date of enactment of this Act, the Secretary shall issue  
18          a notice of proposed rulemaking to require each railroad  
19          carrier transporting a Class 3 flammable liquid to main-  
20          tain a comprehensive oil spill response plan.

21          (b) *CONTENTS.*—The regulations under subsection (a)  
22          shall require each rail carrier described in that subsection—

23                  (1) to include in the comprehensive oil spill re-  
24          sponse plan procedures and resources for responding,

1        *to the maximum extent practicable, to a worst-case*  
2        *discharge;*

3            (2) *to ensure the comprehensive oil spill response*  
4        *plan is consistent with the National Contingency*  
5        *Plan and each applicable Area Contingency Plan;*

6            (3) *to include in the comprehensive oil spill re-*  
7        *sponse plan appropriate notification and training*  
8        *procedures;*

9            (4) *to review and update its comprehensive oil*  
10       *spill response plan as appropriate; and*

11           (5) *to provide the comprehensive oil spill re-*  
12       *sponse plan for acceptance by the Secretary.*

13        (c) *SAVINGS CLAUSE.—Nothing in the section may be*  
14       *construed as prohibiting the Secretary from promulgating*  
15       *different comprehensive oil response plan standards for*  
16       *Class I, Class II, and Class III railroads.*

17        (d) *DEFINITIONS.—In this section:*

18           (1) *AREA CONTINGENCY PLAN.—The term “Area*  
19       *Contingency Plan” has the meaning given the term in*  
20       *section 311(a) of the Federal Water Pollution Control*  
21       *Act (33 U.S.C. 1321(a)).*

22           (2) *CLASS 3 FLAMMABLE LIQUID.—The term*  
23       *“Class 3 flammable liquid” has the meaning given the*  
24       *term in section 173.120(a) of title 49, Code of Federal*  
25       *Regulations.*





1           (1) *the level and structure of insurance, includ-*  
2           *ing self-insurance, available in the private market*  
3           *against the full liability potential for damages arising*  
4           *from an accident or incident involving a train trans-*  
5           *porting hazardous materials;*

6           (2) *the level and structure of insurance that*  
7           *would be necessary and appropriate—*

8                   (A) *to efficiently allocate risk and financial*  
9                   *responsibility for claims; and*

10                   (B) *to ensure that a railroad carrier trans-*  
11                   *porting hazardous materials can continue to op-*  
12                   *erate despite the risk of an accident or incident;*

13           (3) *the potential applicability to trains trans-*  
14           *porting hazardous materials of—*

15                   (A) *a liability regime modeled after section*  
16                   *170 of the Atomic Energy Act of 1954, as*  
17                   *amended (42 U.S.C. 2210); and*

18                   (B) *a liability regime modeled after subtitle*  
19                   *2 of title XXI of the Public Health Service Act*  
20                   *(42 U.S.C. 300aa–10 et seq.).*

21           (c) *REPORT.—Not later than 1 year after the date the*  
22           *study under subsection (a) is initiated, the Secretary shall*  
23           *submit a report containing the results of the study and rec-*  
24           *ommendations for addressing liability issues with rail*  
25           *transportation of hazardous materials to—*

1           (1) *the Committee on Commerce, Science, and*  
2           *Transportation of the Senate; and*

3           (2) *the Committee on Transportation and Infra-*  
4           *structure of the House of Representatives.*

5           (d) *DEFINITIONS.—In this section:*

6           (1) *HAZARDOUS MATERIAL.—The term “haz-*  
7           *ardous material” means a substance or material the*  
8           *Secretary designates under section 5103(a) of title 49,*  
9           *United States Code.*

10          (2) *RAILROAD CARRIER.—The term “railroad*  
11          *carrier” has the meaning given the term in section*  
12          *20102 of title 49, United States Code.*

13   **SEC. 5435. STUDY AND TESTING OF ELECTRONICALLY-CON-**  
14                                   **TROLLED PNEUMATIC BRAKES.**

15          (a) *GOVERNMENT ACCOUNTABILITY OFFICE STUDY.—*

16           (1) *IN GENERAL.—The Government Account-*  
17           *ability Office shall complete an independent evalua-*  
18           *tion of ECP brake systems pilot program data and*  
19           *the Department of Transportation’s research and*  
20           *analysis on the effects of ECP brake systems.*

21           (2) *STUDY ELEMENTS.—In completing the inde-*  
22           *pendent evaluation under paragraph (1), the Govern-*  
23           *ment Accountability Office shall examine the fol-*  
24           *lowing issues related to ECP brake systems:*

1           (A) *Data and modeling results on safety*  
2           *benefits relative to conventional brakes and to*  
3           *other braking technologies or systems, such as*  
4           *distributed power and 2-way end-of-train de-*  
5           *vices.*

6           (B) *Data and modeling results on business*  
7           *benefits, including the effects of dynamic brak-*  
8           *ing.*

9           (C) *Data on costs, including up-front cap-*  
10          *ital costs and on-going maintenance costs.*

11          (D) *Analysis of potential operational chal-*  
12          *lenges, including the effects of potential loco-*  
13          *motive and car segregation, technical reliability*  
14          *issues, and network disruptions.*

15          (E) *Analysis of potential implementation*  
16          *challenges, including installation time, positive*  
17          *train control integration complexities, compo-*  
18          *nent availability issues, and tank car shop capa-*  
19          *bilities.*

20          (F) *Analysis of international experiences*  
21          *with the use of advanced braking technologies.*

22          (3) *DEADLINE.—Not later than 2 years after the*  
23          *date of enactment of this Act, the Government Ac-*  
24          *countability Office shall transmit to the Committee on*  
25          *Commerce, Science, and Transportation of the Senate*

1 *and the Committee on Transportation and Infrastruc-*  
2 *ture of the House of Representatives a report on the*  
3 *results of the independent evaluation under para-*  
4 *graph (1).*

5 *(b) EMERGENCY BRAKING APPLICATION TESTING.—*

6 *(1) IN GENERAL.—The Secretary of Transpor-*  
7 *tation shall enter into an agreement with the NCRRP*  
8 *Board—*

9 *(A) to complete testing of ECP brake sys-*  
10 *tems during emergency braking application, in-*  
11 *cluding more than 1 scenario involving the un-*  
12 *coupling of a train with 70 or more DOT 117-*  
13 *specification or DOT 117R-specification tank*  
14 *cars; and*

15 *(B) to transmit, not later than 2 years after*  
16 *the date of enactment of this Act, to the Com-*  
17 *mittee on Commerce, Science, and Transpor-*  
18 *tation of the Senate and the Committee on*  
19 *Transportation and Infrastructure of the House*  
20 *of Representatives a report on the results of the*  
21 *testing.*

22 *(2) INDEPENDENT EXPERTS.—In completing the*  
23 *testing under paragraph (1), the NCRRP Board may*  
24 *contract with 1 or more engineering or rail experts,*  
25 *as appropriate, with relevant experience in con-*

1        *ducting railroad safety technology tests or similar*  
2        *crash tests.*

3            (3) *TESTING FRAMEWORK.—In completing the*  
4        *testing under paragraph (1), the NCRRP Board and*  
5        *each contractor described in paragraph (2) shall en-*  
6        *sure that the testing objectively, accurately, and reli-*  
7        *ably measures the performance of ECP brake systems*  
8        *relative to other braking technologies or systems, such*  
9        *as distributed power and 2-way end-of-train devices,*  
10       *including differences in—*

11            (A) *the number of cars derailed;*

12            (B) *the number of cars punctured;*

13            (C) *the measures of in-train forces; and*

14            (D) *the stopping distance.*

15            (4) *FUNDING.—The Secretary shall require, as*  
16        *part of the agreement under paragraph (1), that the*  
17        *NCRRP Board fund the testing required under this*  
18        *section—*

19            (A) *using such sums made available under*  
20        *section 24910 of title 49, United States Code;*  
21        *and*

22            (B) *to the extent funding under subpara-*  
23        *graph (A) is insufficient or unavailable to fund*  
24        *the testing required under this section, using*

1           *such sums as are necessary from the amounts*  
2           *appropriated to the Office of the Secretary.*

3           (5) *EQUIPMENT.*—*The NCRRP Board and each*  
4           *contractor described in paragraph (2) may receive or*  
5           *use rolling stock, track, and other equipment or infra-*  
6           *structure from a private entity for the purposes of*  
7           *conducting the testing required under this section.*

8           (c) *PHASED APPROACH.*—

9           (1) *PHASE 1.*—*Not later than 60 days after the*  
10          *date of enactment of this Act, the Secretary shall re-*  
11          *quire each new tank car built to meet the DOT-117*  
12          *specification and each tank car modified to meet the*  
13          *DOT-117R specification to have an ECP-ready con-*  
14          *figuration if the DOT-117 or DOT-117R specification*  
15          *tank car will be used in high-hazard flammable unit*  
16          *train service.*

17          (2) *PHASE 2.*—*After the reports are transmitted*  
18          *under subsections (a)(3) and (b)(1)(B), the Secretary*  
19          *may initiate a rulemaking, if the Secretary considers*  
20          *it necessary, to require each railroad carrier oper-*  
21          *ating a high-hazard flammable unit train to operate*  
22          *that train in ECP brake mode by 2021 or 2023, un-*  
23          *less the train does not exceed a certain maximum au-*  
24          *thorized speed as determined by the Secretary in the*  
25          *rulemaking.*

1       (d) *CONFORMING AMENDMENT.*—Not later than 60  
2 days after the date of enactment of this Act, the Secretary  
3 shall issue regulations to repeal the ECP brakes and ECP  
4 brake mode requirements in sections 174.310(a)(3)(ii),  
5 174.310(a)(3)(iii), 174.310(a)(5)(v), 179.102-10, 179.202-  
6 12(g), and 179.202-13(i) of title 49, Code of Federal Regula-  
7 tions, and, except as provided in subsection (c), any other  
8 regulation in effect on the date of enactment of this Act re-  
9 quiring the installation of ECP brakes or operation in ECP  
10 brake mode.

11       (e) *SAVINGS CLAUSE.*—

12           (1) *ECP BRAKE MODE.*—Nothing in this section  
13 may be construed as prohibiting or requiring a rail-  
14 road carrier from operating its trains in ECP brake  
15 mode.

16           (2) *HARMONIZATION.*—Nothing in this section  
17 may be construed to require or allow the Secretary to  
18 prescribe an implementation deadline for the require-  
19 ment under subsection (c)(1) that is earlier than the  
20 applicable implementation deadline for other tank car  
21 modifications necessary to meet the DOT-117R speci-  
22 fication for tank cars that will be used in high-hazard  
23 flammable unit train service.

24       (f) *DEFINITIONS.*—In this section:

1           (1) *CLASS 3 FLAMMABLE LIQUID.*—The term  
2           “Class 3 flammable liquid” has the meaning given the  
3           term in section 173.120(a) of title 49, Code of Federal  
4           Regulations.

5           (2) *ECP.*—The term “ECP” means electroni-  
6           cally-controlled pneumatic when applied to a brake or  
7           brakes.

8           (3) *ECP BRAKE MODE.*—The term “ECP brake  
9           mode” includes any operation of a rail car or an en-  
10          tire train using an ECP brake system.

11          (4) *ECP BRAKE SYSTEM.*—

12           (A) *IN GENERAL.*—The term “ECP brake  
13           system” means a train power braking system ac-  
14           tuated by compressed air and controlled by elec-  
15           tronic signals from the locomotive or an ECP-  
16           EOT to the cars in the consist for service and  
17           emergency applications in which the brake pipe  
18           is used to provide a constant supply of com-  
19           pressed air to the reservoirs on each car but does  
20           not convey braking signals to the car.

21           (B) *INCLUSIONS.*—The term “ECP brake  
22           system” includes dual mode and stand-alone  
23           ECP brake systems.

24          (5) *ECP-READY CONFIGURATION.*—The term  
25          “ECP-ready configuration” means mounting brackets



1 *and fixed conduit on the tank car to facilitate the fu-*  
2 *ture application of additional ECP componentry and*  
3 *required cables.*

4 (6) *HIGH-HAZARD FLAMMABLE UNIT TRAIN.—*  
5 *The term “high-hazard flammable unit train” means*  
6 *a single train transporting 70 or more loaded tank*  
7 *cars containing Class 3 flammable liquid.*

8 (7) *NCRRP BOARD.—The term “NCRRP*  
9 *Board” means the independent governing board of the*  
10 *National Cooperative Rail Research Program.*

11 (8) *RAILROAD CARRIER.—The term “railroad*  
12 *carrier” has the meaning given the term in section*  
13 *20102 of title 49, United States Code.*

14 **SEC. 5436. RECORDING DEVICES.**

15 (a) *IN GENERAL.—Subchapter II of chapter 201 is*  
16 *amended by adding after section 20167 the following:*

17 **“§20168. Installation of audio and image recording**  
18 **devices**

19 *“(a) IN GENERAL.—Not later than 2 years after the*  
20 *date of enactment of the Rail Reform, Enhancement, and*  
21 *Efficiency Act, the Secretary of Transportation shall pro-*  
22 *mulgate regulations to require each rail carrier that pro-*  
23 *vides regularly scheduled intercity rail passenger or com-*  
24 *muter rail passenger transportation to the public to install*  
25 *inward- and outward-facing image recording devices in all*

1 *controlling locomotive cabs and cab car operating compart-*  
2 *ments in such passenger trains.*

3       “(b) *DEVICE STANDARDS.—Each inward- and out-*  
4 *ward-facing image recording device shall—*

5               “(1) *have a minimum 12-hour continuous re-*  
6 *coding capability;*

7               “(2) *have crash and fire protections for any in-*  
8 *cab image recordings that are stored only within a*  
9 *controlling locomotive cab or cab car operating com-*  
10 *partment; and*

11              “(3) *have recordings accessible for review during*  
12 *an accident investigation.*

13       “(c) *REVIEW.—The Secretary shall establish a process*  
14 *to review and approve or disapprove an inward- or out-*  
15 *ward-facing recording device for compliance with the stand-*  
16 *ards described in subsection (b).*

17       “(d) *USES.—A rail carrier that has installed an*  
18 *inward- or outward-facing image recording device approved*  
19 *under subsection (c) may use recordings from that inward-*  
20 *or outward-facing image recording device for the following*  
21 *purposes:*

22              “(1) *Verifying that train crew actions are in ac-*  
23 *cordance with applicable safety laws and the rail car-*  
24 *rier’s operating rules and procedures.*

1           “(2) *Assisting in an investigation into the cau-*  
2           *sation of a reportable accident or incident.*

3           “(3) *Carrying out efficiency testing and system-*  
4           *wide performance monitoring programs.*

5           “(4) *Documenting a criminal act or monitoring*  
6           *unauthorized occupancy of the controlling locomotive*  
7           *cab or car operating compartment.*

8           “(5) *Other purposes that the Secretary considers*  
9           *appropriate.*

10          “(e) *VOLUNTARY IMPLEMENTATION.—*

11           “(1) *IN GENERAL.—Each rail carrier operating*  
12           *freight rail service may implement any inward- or*  
13           *outward-facing image recording devices approved*  
14           *under subsection (c).*

15           “(2) *AUTHORIZED USES.—Notwithstanding any*  
16           *other provision of law, each rail carrier may use re-*  
17           *cordings from an inward- or outward-facing image*  
18           *recording device approved under subsection (c) for*  
19           *any of the purposes described in subsection (d).*

20          “(f) *DISCRETION.—*

21           “(1) *IN GENERAL.—The Secretary may—*

22                   “(A) *require in-cab audio recording devices*  
23                   *for the purposes described in subsection (d); and*

1           “(B) define in appropriate technical detail  
2           the essential features of the devices required  
3           under subparagraph (A).

4           “(2) EXEMPTIONS.—The Secretary may exempt  
5           any rail passenger carrier or any part of a rail pas-  
6           senger carrier’s operations from the requirements  
7           under subsection (a) if the Secretary determines that  
8           the rail passenger carrier has implemented an alter-  
9           native technology or practice that provides an equiva-  
10          lent or greater safety benefit or is better suited to the  
11          risks of the operation.

12          “(g) TAMPERING.—A rail carrier may take appro-  
13          priate enforcement or administrative action against any  
14          employee that tampers with or disables an audio or inward-  
15          or outward-facing image recording device installed by the  
16          rail carrier.

17          “(h) PRESERVATION OF DATA.—Each rail passenger  
18          carrier subject to the requirements of subsection (a) shall  
19          preserve recording device data for 1 year after the date of  
20          a reportable accident or incident.

21          “(i) INFORMATION PROTECTIONS.—

22                  “(1) SECTION 552(B)(3) OF TITLE 5 EXEMPTION.—  
23                  An in-cab audio or image recording, and any part  
24                  thereof, that the Secretary obtains as part of an acci-  
25                  dent or incident investigated by the Department of

1        *Transportation shall be exempt from disclosure under*  
2        *section 552(b)(3) of title 5.*

3            “(2) *RESTRICTIONS ON DISCLOSURE.—The Sec-*  
4        *retary may allow an audio or image recordings de-*  
5        *derived from an audio or inward- or outward-facing*  
6        *image recording device to receive any of the informa-*  
7        *tion and legal protections available to any report,*  
8        *survey, schedule, list, or data compiled or collected as*  
9        *part of the Department of Transportation railroad*  
10       *safety risk reduction program if—*

11            “(A) *the recording is derived from—*

12            “(i) *an audio or inward- or outward-*  
13        *facing image recording device that was im-*  
14        *plemented pursuant to its railroad safety*  
15        *risk reduction program under section*  
16        *20156; and*

17            “(ii) *an inward- or outward-facing*  
18        *image recording device that was approved*  
19        *under subsection (c); or*

20            “(B) *an audio recording device that is com-*  
21        *pliant with the requirements under subsection*  
22        *(f)(1).*

23            “(j) *PROHIBITED USE.—An in-cab audio or image re-*  
24        *ording obtained by a rail carrier under this section may*  
25        *not be used to retaliate against an employee.*

1       “(k) *SAVINGS CLAUSE.*—*Nothing in this section may*  
 2 *be construed as requiring a rail carrier to cease or restrict*  
 3 *operations upon a technical failure of an inward- or out-*  
 4 *ward-facing image recording device. Such rail carrier shall*  
 5 *repair or replace the failed inward- or outward-facing*  
 6 *image recording device as soon as practicable.”.*

7       (b) *CONFORMING AMENDMENT.*—*The table of contents*  
 8 *for subchapter II of chapter 201 is amended by adding at*  
 9 *the end the following:*

“20168. *Installation of audio and image recording devices.*”.

10 **SEC. 5437. RAIL PASSENGER TRANSPORTATION LIABILITY.**

11       (a) *LIMITATIONS.*—*Section 28103(a) is amended—*

12               (1) *in paragraph (2), by striking*  
 13 *“\$200,000,000” and inserting “\$295,000,000, except*  
 14 *as provided in paragraph (3).”;* and

15               (2) *by adding at the end the following:*

16               “(3) *The liability cap under paragraph (2) shall*  
 17 *be adjusted every 10 years by the Secretary of Trans-*  
 18 *portation to reflect changes in the Consumer Price*  
 19 *Index-All Urban Consumers.*

20               “(4) *The Federal Government shall have no fi-*  
 21 *nancial responsibility for any claims described in*  
 22 *paragraph (2).”.*

23       (b) *DEFINITION OF RAIL PASSENGER TRANSPOR-*  
 24 *TATION.*—*Section 28103(e) is amended—*

1           (1) *in the heading, by striking “DEFINITION.—*  
2           *” and inserting “DEFINITIONS.—”;*

3           (2) *in paragraph (2), by striking “; and” and*  
4           *inserting a semicolon;*

5           (3) *in paragraph (3), by striking the period at*  
6           *the end and inserting “; and”;* and

7           (4) *by adding at the end the following:*

8           *“(4) the term ‘rail passenger transportation’ in-*  
9           *cludes commuter rail passenger transportation (as de-*  
10          *fined in section 24102).”.*

11          (c) *PROHIBITION.—No Federal funds may be appro-*  
12          *priated for the purpose of paying for the portion of an in-*  
13          *surance premium attributable to the increase in allowable*  
14          *awards under the amendments made by subsection (a).*

15          (d) *EFFECTIVE DATE.—The amendments made by*  
16          *subsection (a) shall be effective for any passenger rail acci-*  
17          *dent or incident occurring on or after May 12, 2015.*

18          **SEC. 5438. MODIFICATION REPORTING.**

19          (a) *IN GENERAL.—Not later than 1 year after the date*  
20          *of enactment of this Act, the Secretary shall implement a*  
21          *reporting requirement to monitor industry-wide progress*  
22          *toward modifying tank cars used in high-hazard flammable*  
23          *train service by the applicable deadlines or authorization*  
24          *end dates set in regulation.*

1           **(b) TANK CAR DATA.**—*The Secretary shall collect data*  
2 *from shippers and tank car owners on—*

3           (1) *the total number of tank cars modified to*  
4 *meet the DOT-117R specification, or equivalent,*  
5 *specifying—*

6           (A) *the type or specification of each tank*  
7 *car before it was modified, including non-jack-*  
8 *eted DOT-111, jacketed DOT-111, non-jacketed*  
9 *DOT-111 meeting the CPC-1232 standard, or*  
10 *jacketed DOT-111 meeting the CPC-1232 stand-*  
11 *ard; and*

12           (B) *the identification number of each Class*  
13 *3 flammable liquid carried by each tank car in*  
14 *the past year;*

15           (2) *the total number of tank cars built to meet*  
16 *the DOT-117 specification, or equivalent; and*

17           (3) *the total number of tank cars used or likely*  
18 *to be used in high-hazard flammable train service*  
19 *that have not been modified, specifying—*

20           (A) *the type or specification of each tank*  
21 *car not modified, including the non-jacketed*  
22 *DOT-111, jacketed DOT-111, non-jacketed DOT-*  
23 *111 meeting the CPC-1232 standard, or jacketed*  
24 *DOT-111 meeting the CPC-1232 standard; and*



1                   (B) *the identification number of each Class*  
2                   3 *flammable liquid carried by each tank car in*  
3                   the *past year.*

4           (c) *TANK CAR SHOP DATA.*—*The Secretary shall con-*  
5 *duct a survey of tank car facilities modifying tank cars to*  
6 *the DOT-117R specification, or equivalent, or building new*  
7 *tank cars to the DOT-117 specification, or equivalent, to*  
8 *generate statistically-valid estimates of the expected number*  
9 *of tank cars those facilities expect to modify to DOT-117R*  
10 *specification, or equivalent, or build to the DOT-117 speci-*  
11 *fication, or equivalent.*

12           (d) *FREQUENCY.*—*The Secretary shall collect the data*  
13 *under subsection (b) and conduct the survey under sub-*  
14 *section (c) annually until May 1, 2025.*

15           (e) *INFORMATION PROTECTIONS.*—

16                   (1) *IN GENERAL.*—*The Secretary shall only re-*  
17 *port data in industry-wide totals and shall treat com-*  
18 *pany-specific information as confidential business in-*  
19 *formation.*

20                   (2) *LEVEL OF CONFIDENTIALITY.*—*The Secretary*  
21 *shall ensure the data collected under subsection (b)*  
22 *and the survey data under subsection (c) have the*  
23 *same level of confidentiality as contained in the Con-*  
24 *fidential Information Protection and Statistical Effi-*

1       *ciency Act of 2002 (44 U.S.C. 3501 note), as adminis-*  
2       *tered by the Bureau of Transportation Statistics.*

3               (3) *SECTION 552(B)(3) OF TITLE 5.—Any infor-*  
4       *mation that the Secretary obtains under subsection*  
5       *(b) or subsection (c) by the Department of Transpor-*  
6       *tation shall be exempt from disclosure under section*  
7       *552(b)(3) of title 5.*

8               (4) *DESIGNEE.—The Secretary may designate*  
9       *the Director of the Bureau of Transportation Statis-*  
10       *tics to collect data under subsection (b) and the sur-*  
11       *vey data under subsection (c) and direct the Director*  
12       *to ensure the confidentiality of company-specific infor-*  
13       *mation to the maximum extent permitted by law.*

14              (f) *REPORT.—Each year, not later than 60 days after*  
15       *the date that both the collection of the data under subsection*  
16       *(b) and the survey under subsection (c) are complete, the*  
17       *Secretary shall report on the aggregate results, without com-*  
18       *pany-specific information, to—*

19                      (1) *the Committee on Commerce, Science, and*  
20       *Transportation of the Senate; and*

21                      (2) *the Committee on Transportation and Infra-*  
22       *structure of the House of Representatives.*

23              (g) *DEFINITIONS.—In this section:*

24                      (1) *CLASS 3 FLAMMABLE LIQUID.—The term*  
25       *“Class 3 flammable liquid” has the meaning given the*

1 *term in section 173.120(a) of title 49, Code of Federal*  
2 *Regulations.*

3 (2) *HIGH-HAZARD FLAMMABLE TRAIN.—The*  
4 *term “high-hazard flammable train” means a single*  
5 *train transporting 20 or more tank cars loaded with*  
6 *a Class 3 flammable liquid in a continuous block or*  
7 *a single train transporting 35 or more tank cars*  
8 *loaded with a Class 3 flammable liquid throughout*  
9 *the train consist.*

10 **SEC. 5439. REPORT ON CRUDE OIL CHARACTERISTICS RE-**  
11 **SEARCH STUDY.**

12 *Not later than 180 days after the research completion*  
13 *of the comprehensive Crude Oil Characteristics Research*  
14 *Sampling, Analysis, and Experiment (SAE) Plan study at*  
15 *Sandia National Laboratories, the Secretary of Energy, in*  
16 *cooperation with the Secretary of Transportation, shall sub-*  
17 *mit a report to the Committee on Commerce, Science, and*  
18 *Transportation of the Senate, the Committee on Energy and*  
19 *Natural Resources of the Senate, the Committee on Trans-*  
20 *portation and Infrastructure of the House of Representa-*  
21 *tives, and the Committee on Energy and Commerce of the*  
22 *House of Representatives that contains—*

23 (1) *the results of the comprehensive Crude Oil*  
24 *Characteristics Research Sampling, Analysis, and*  
25 *Experiment (SAE) Plan study; and*

1           (2) recommendations, based on the findings of  
2       the study, for—

3           (A) regulations that should be prescribed by  
4       the Secretary of Transportation or the Secretary  
5       of Energy to improve the safe transport of crude  
6       oil; and

7           (B) statutes that should be enacted by Con-  
8       gress to improve the safe transport of crude oil.

9           **PART IV—POSITIVE TRAIN CONTROL**

10       **SEC. 5441. COORDINATION OF SPECTRUM.**

11       (a) *ASSESSMENT.*—The Secretary, in coordination  
12       with the Chairman of the Federal Communications Com-  
13       mission, shall assess spectrum needs and availability for  
14       implementing positive train control systems (as defined in  
15       section 20157(i)(3) of title 49, United States Code). The  
16       Secretary and the Chairman may consult with external  
17       stakeholders in carrying out this section.

18       (b) *REPORT.*—Not later than 120 days after the date  
19       of enactment of this Act, the Secretary shall submit a report  
20       to the Committee on Commerce, Science, and Transpor-  
21       tation of the Senate and the Committee on Transportation  
22       and Infrastructure of the House of Representatives that con-  
23       tains the results of the assessment conducted under sub-  
24       section (a).

1 **SEC. 5442. UPDATED PLANS.**

2       (a) *IMPLEMENTATION.*—Section 20157(a) is amended  
3 to read as follows:

4       “(a) *IMPLEMENTATION.*—

5               “(1) *PLAN REQUIRED.*—Each Class I railroad  
6 carrier and each entity providing regularly scheduled  
7 intercity or commuter rail passenger transportation  
8 shall develop and submit, to the Secretary of Trans-  
9 portation, a plan for implementing a positive train  
10 control system by December 31, 2015, governing oper-  
11 ations on—

12                       “(A) its main line over which intercity rail  
13 passenger transportation or commuter rail pas-  
14 senger transportation (as defined in section  
15 24102) is regularly provided;

16                       “(B) its main line over which poison- or  
17 toxic-by-inhalation hazardous materials (as de-  
18 fined in sections 171.8, 173.115, and 173.132 of  
19 title 49, Code of Federal Regulations) are trans-  
20 ported; and

21                       “(C) such other tracks as the Secretary may  
22 prescribe by regulation or order.

23               “(2) *INTEROPERABILITY AND PRIORITIZATION.*—  
24 The plan shall describe how the railroad carrier or  
25 other entity subject to paragraph (1) will provide for  
26 interoperability of the positive train control systems

1 *with movements of trains of other railroad carriers*  
2 *over its lines and shall, to the extent practical, imple-*  
3 *ment the positive train control systems in a manner*  
4 *that addresses areas of greater risk before areas of*  
5 *lesser risk.*

6 “(3) *SECRETARIAL REVIEW OF UPDATED*  
7 *PLANS.—*

8 “(A) *SUBMISSION OF UPDATED PLANS.—*

9 *Notwithstanding the deadline set forth in para-*  
10 *graph (1), not later than 90 days after the date*  
11 *of enactment of the Rail Reform, Enhancement,*  
12 *and Efficiency Act, each Class I railroad carrier*  
13 *or other entity subject to paragraph (1) may*  
14 *submit to the Secretary an updated plan that*  
15 *amends the plan submitted under paragraph (1)*  
16 *with an updated implementation schedule (as de-*  
17 *scribed in paragraph (4)(B)) and milestones or*  
18 *metrics (as described in paragraph (4)(A)) that*  
19 *demonstrate that the railroad carrier or other*  
20 *entity intends make sustained and substantial*  
21 *progress toward positive train control system im-*  
22 *plementation.*

23 “(B) *REVIEW OF UPDATED PLANS.—Not*  
24 *later than 120 days after receiving an updated*  
25 *plan under subparagraph (A), the Secretary*

1 shall approve the updated plan if the railroad  
2 carrier or other entity submitting the plan—

3 “(i)(I) has encountered technical or  
4 programmatic challenges identified by the  
5 Secretary in the 2012 report transmitted to  
6 Congress pursuant to subsection (d); and

7 “(II) the challenges referred to in sub-  
8 clause (I) have negatively affected the suc-  
9 cessful implementation of positive train  
10 control systems;

11 “(ii) is demonstrating due diligence in  
12 its effort to implement a positive train con-  
13 trol system;

14 “(iii) has included in its plan mile-  
15 stones or metrics that demonstrate the rail-  
16 road carrier or other entity intends to make  
17 sustained and substantial progress toward  
18 positive train control system implementa-  
19 tion; and

20 “(iv) has set an implementation sched-  
21 ule in its plan that complies with para-  
22 graph (7).

23 “(C) MODIFICATION OF UPDATED PLANS.—

24 (i) If the Secretary has not approved an updated  
25 plan under subparagraph (B) within 60 days of

1           *receiving the updated plan under subparagraph*  
2           *(A), the Secretary shall immediately—*

3                   *“(I) provide a written response to the*  
4                   *railroad carrier or other entity that identi-*  
5                   *fies the reason for not approving the up-*  
6                   *dated plan and explains any incomplete or*  
7                   *deficient items;*

8                   *“(II) allow the railroad carrier or*  
9                   *other entity to submit, within 30 days of re-*  
10                   *ceiving the written response under subclause*  
11                   *(I), a modified updated plan for the Sec-*  
12                   *retary’s review; and*

13                   *“(III) approve or disapprove a modi-*  
14                   *fied updated plan submitted under sub-*  
15                   *clause (II) not later than 30 days after re-*  
16                   *ceipt.*

17                   *“(i) If the Secretary does not approve an*  
18                   *updated plan not later than 60 days after receiv-*  
19                   *ing the updated plan under subparagraph (A)*  
20                   *and does not provide a written response to the*  
21                   *railroad carrier or other entity at the end of the*  
22                   *60-day period described in clause (i), the up-*  
23                   *dated plan is deemed to have been approved by*  
24                   *the Secretary.*



1           “(D) *PUBLIC AVAILABILITY.*—Not later than  
2           30 days after approving an updated plan under  
3           this paragraph, the Secretary shall make the up-  
4           dated plan available on the website of the Fed-  
5           eral Railroad Administration.

6           “(E) *PENDING REVIEWS.*—For an applicant  
7           that submits an updated plan under subpara-  
8           graph (A), the Secretary shall extend the dead-  
9           line for implementing a positive train control  
10          system at least until the date the Secretary ap-  
11          proves or issues final disapproval for the up-  
12          dated plan with an updated implementation  
13          schedule (as described in paragraph (4)(B)).

14          “(4) *CONTENTS OF UPDATED PLAN.*—

15                 “(A) *MILESTONES OR METRICS.*—Each up-  
16                 dated plan submitted under paragraph (3) shall  
17                 show that the Class I railroad carrier or other  
18                 entity subject to paragraph (1) is making sus-  
19                 tained and substantial progress toward positive  
20                 train control system implementation by describ-  
21                 ing the following milestones or metrics:

22                         “(i) *The total number of components*  
23                         *that will be installed, equipped, or deployed*  
24                         *with positive train control by the end of*  
25                         *each calendar year until positive train con-*

1           *trol is fully implemented, with totals sepa-*  
2           *rated by each component category.*

3           “(ii) *The number of employees that*  
4           *will receive the training, as required under*  
5           *the applicable positive train control system*  
6           *regulations, by the end of each calendar*  
7           *year until positive train control is fully im-*  
8           *plemented.*

9           “(iii) *The calendar year or years in*  
10          *which spectrum will be acquired and will be*  
11          *available for use in all areas that it is need-*  
12          *ed for positive train control implementa-*  
13          *tion, if such spectrum is not already ac-*  
14          *quired and ready for use.*

15          “(B) *IMPLEMENTATION SCHEDULE.—Each*  
16          *updated plan submitted under paragraph (3)*  
17          *shall include an implementation schedule that*  
18          *identifies the dates by which the railroad carrier*  
19          *or other entity will—*

20                 “(i) *fully implement a positive train*  
21                 *control system;*

22                 “(ii) *complete all component installa-*  
23                 *tion, consistent with the milestones or*  
24                 *metrics described in subparagraph (A)(i);*

1           “(iii) complete all employee training  
2           required under the applicable positive train  
3           control system regulations, consistent with  
4           the milestones or metrics described in sub-  
5           paragraph (A)(ii);

6           “(iv) acquire all necessary spectrum,  
7           consistent with the milestones or metrics in  
8           subparagraph (A)(iii); and

9           “(v) complete system testing.

10          “(C) *ADDITIONAL INFORMATION.*—Each up-  
11          dated plan submitted under paragraph (3) shall  
12          include—

13           “(i) the total number of positive train  
14           control components required for implemen-  
15           tation, with totals separated by each major  
16           component category;

17           “(ii) the total number of employees re-  
18           quiring training under the applicable posi-  
19           tive train control system regulations;

20           “(iii) a summary of the remaining  
21           challenges to positive train control system  
22           implementation, including—

23                   “(I) testing issues;

24                   “(II) interoperability challenges;

25                   “(III) permitting issues; and

1                                   “(IV) *certification challenges.*

2                                   “(D) *DEFINED TERM.—In this paragraph,*  
3                                   *the term ‘component’ means a locomotive appa-*  
4                                   *ratus, a wayside interface unit (including any*  
5                                   *associated legacy signal system replacements),*  
6                                   *switches in non-signaled positive train control*  
7                                   *territory, a base station radio, a wayside radio,*  
8                                   *or a locomotive radio.*

9                                   “(5) *PLAN IMPLEMENTATION.—The Class I rail-*  
10                                   *road carrier or other entity subject to paragraph (1)*  
11                                   *shall implement a positive train control system in ac-*  
12                                   *cordance with its plan, including any amendments*  
13                                   *made to the plan by its updated plan approved by the*  
14                                   *Secretary under paragraph (3).*

15                                   “(6) *PROGRESS REPORT.—Each Class I railroad*  
16                                   *carrier or other entity with an approved updated*  
17                                   *plan shall submit an annual report to the Secretary*  
18                                   *that describes the progress made on positive train*  
19                                   *control implementation, including—*

20                                   “(A) *the extent to which the railroad carrier*  
21                                   *or other entity met or exceeded the metrics or*  
22                                   *milestones described in paragraph (4)(A);*

23                                   “(B) *the extent to which the railroad carrier*  
24                                   *or other entity complied with its implementation*  
25                                   *schedule under paragraph (4)(B); and*

1           “(C) any update to the information pro-  
2           vided under paragraph (4)(C).

3           “(7) *CONSTRAINT.*—*The Secretary may not ap-*  
4           *prove an updated plan that includes a date for the*  
5           *completion of component installation or a date for the*  
6           *completion of spectrum acquisition that is later than*  
7           *December 31, 2018.”.*

8           (b) *ENFORCEMENT.*—*Section 20157(e) is amended to*  
9           *read as follows:*

10          “(e) *ENFORCEMENT.*—*The Secretary is authorized to*  
11          *assess civil penalties pursuant to chapter 213 for the failure*  
12          *to submit or comply with a plan for implementing positive*  
13          *train control under subsection (a), including any amend-*  
14          *ments to the plan made by an updated plan (including*  
15          *milestones or metrics and an updated implementation*  
16          *schedule) approved by the Secretary under paragraph (3)*  
17          *of such subsection.”.*

18          (c) *CONFORMING AMENDMENT.*—*Section 20157(g) is*  
19          *amended—*

20                 (1) *by striking “The Secretary” and inserting*  
21                 *the following:*

22                         “(1) *IN GENERAL.*—*The Secretary”; and*

23                         (2) *by adding at the end the following:*

24                         “(2) *CONFORMING REGULATORY AMENDMENTS.*—

25                         *Immediately after the date of the enactment of the*

1 *Rail Reform, Enhancement, and Efficiency Act, the*  
2 *Secretary—*

3 “(A) shall remove or revise any references to  
4 specified dates in the regulations or orders im-  
5 plementing this section to the extent necessary to  
6 conform with the amendments made by such Act;  
7 and

8 “(B) may not enforce any such date-specific  
9 deadlines or requirements that are inconsistent  
10 with the amendments made by such Act.”.

11 (d) SAVINGS PROVISIONS.—

12 (1) RESUBMISSION OF INFORMATION.—Nothing  
13 in the amendments made by this section may be con-  
14 strued to require a Class I railroad carrier or other  
15 entity subject to paragraph (1) of section 20157(a) of  
16 title 49, United States Code, to resubmit in its up-  
17 dated plan information from its initial implementa-  
18 tion plan that is not changed or affected by the up-  
19 dated plan. The Secretary shall consider an updated  
20 plan submitted pursuant to paragraph (3) of such  
21 section to be an addendum to the initial implementa-  
22 tion plan.

23 (2) SUBMISSION OF NEW PLAN.—Nothing in the  
24 amendments made by this section may be construed  
25 to require a Class I railroad carrier or other entity

1        *subject to section 20157(a)(1) of title 49, United*  
2        *States Code, to submit a new implementation plan*  
3        *pursuant to the deadline set forth in such section.*

4        **SEC. 5443. EARLY ADOPTION AND INTEROPERABILITY.**

5        (a) *EARLY ADOPTION.*—*During the 1-year period be-*  
6        *ginning on the date on which the last railroad carrier's or*  
7        *other entity's positive train control system, subject to sec-*  
8        *tion 20157(a) of title 49, United States Code, is certified*  
9        *by the Secretary under subsection (h) of such section and*  
10       *implemented on all of that railroad carrier's or other enti-*  
11       *ty's lines required to have operations governed by a positive*  
12       *train control system, any railroad carrier or other entity*  
13       *that has been certified by the Secretary under such sub-*  
14       *section shall not be subject to the operational restrictions*  
15       *set forth in subpart I of part 236 of title 49, Code of Federal*  
16       *Regulations, that would otherwise apply in the event of a*  
17       *positive train control system component failure.*

18       (b) *INTEROPERABILITY PROCEDURE.*—*If multiple*  
19       *railroad carriers operate on a single railroad line through*  
20       *a trackage or haulage agreement, each railroad carrier op-*  
21       *erating on the railroad line shall not be subject to the oper-*  
22       *ating restrictions set forth in subpart I of part 236 of title*  
23       *49, Code of Federal Regulations, with respect to the railroad*  
24       *line, until the Secretary certifies that—*

1           (1) *each Class I railroad carrier and each entity*  
2           *providing regularly scheduled intercity or commuter*  
3           *rail passenger transportation that operates on the*  
4           *railroad line is in compliance with its positive train*  
5           *control requirements under section 20157(a) of title*  
6           *49, United States Code;*

7           (2) *each Class II or Class III railroad that oper-*  
8           *ates on the railroad line is in compliance with the*  
9           *applicable regulatory requirements to equip loco-*  
10          *motives operating in positive train control territory;*  
11          *and*

12          (3) *the implementation of any and all positive*  
13          *train control systems are interoperable and oper-*  
14          *ational on the railroad line in conformance with each*  
15          *approved implementation plan so that each freight*  
16          *and passenger railroad can operate on the line with*  
17          *that freight or passenger railroad's positive train con-*  
18          *trol equipment.*

19          (c) *SMALL RAILROADS.*—*Not later than 120 days after*  
20          *the date of the enactment of this Act, the Secretary shall*  
21          *amend section 236.1006(b)(4)(iii)(B) of title 49, Code of*  
22          *Federal Regulations (relating to equipping locomotives for*  
23          *applicable Class II and Class III railroads operating in*  
24          *positive train control territory) to extend each deadline by*  
25          *3 years.*



1 **SEC. 5444. POSITIVE TRAIN CONTROL AT GRADE CROSS-**  
2 **INGS EFFECTIVENESS STUDY.**

3 (a) *STUDY.*—After the Secretary certifies that each  
4 Class I railroad carrier and each entity providing regularly  
5 scheduled intercity or commuter rail passenger transpor-  
6 tation is in compliance with the positive train control re-  
7 quirements under section 20157(a) of title 49, United States  
8 Code, the Secretary shall enter into an agreement with the  
9 National Cooperative Rail Research Program Board—

10 (1) to conduct a study of the possible effectiveness  
11 of positive train control and related technologies on  
12 reducing collisions at highway-rail grade crossings;  
13 and

14 (2) to submit a report containing the results of  
15 the study conducted under paragraph (1) to the Com-  
16 mittee on Commerce, Science, and Transportation of  
17 the Senate and the Committee on Transportation and  
18 Infrastructure of the House of Representatives.

19 (b) *FUNDING.*—The Secretary may require, as part of  
20 the agreement under subsection (a), that the National Coop-  
21 erative Rail Research Program Board fund the study re-  
22 quired under this section using such sums as may be nec-  
23 essary out of the amounts made available under section  
24 24910 of title 49, United States Code.

1           ***Subtitle E—Project Delivery***

2   ***SEC. 5501. SHORT TITLE.***

3           *This subtitle may be cited as the “Track, Railroad,*  
4 *and Infrastructure Network Act”.*

5   ***SEC. 5502. PRESERVATION OF PUBLIC LANDS.***

6           *(a) HIGHWAYS.—Section 138 of title 23, United States*  
7 *Code, is amended—*

8                   *(1) in subsection (b)(2)(A)(i), by inserting “,*  
9 *taking into consideration any avoidance, minimiza-*  
10 *tion, and mitigation or enhancement measures incor-*  
11 *porated into the program or project” after “historic*  
12 *site”;* and

13                   *(2) by adding at the end the following:*

14           *“(c) RAIL AND TRANSIT.—Improvements to, or the*  
15 *maintenance, rehabilitation, or operation of, railroad or*  
16 *rail transit lines or elements of such lines, with the excep-*  
17 *tion of stations, that are in use or were historically used*  
18 *for the transportation of goods or passengers, shall not be*  
19 *considered a use of an historic site under subsection (a),*  
20 *regardless of whether the railroad or rail transit line or ele-*  
21 *ment of such line is listed on, or eligible for listing on, the*  
22 *National Register of Historic Places.”.*

23           *(b) TRANSPORTATION PROJECTS.—Section 303 is*  
24 *amended—*

1           (1) in subsection (c), by striking “subsection (d)”  
2           and inserting “subsections (d) and (e)”;

3           (2) in subsection (d)(2)(A)(i), by inserting “,  
4           taking into consideration any avoidance, minimiza-  
5           tion, and mitigation or enhancement measures incor-  
6           porated into the program or project” after “historic  
7           site”; and

8           (3) by adding at the end the following:

9           “(e) RAIL AND TRANSIT.—Improvements to, or the  
10          maintenance, rehabilitation, or operation of, railroad or  
11          rail transit lines or elements of such lines, with the excep-  
12          tion of stations, that are in use or were historically used  
13          for the transportation of goods or passengers, shall not be  
14          considered a use of an historic site under subsection (c),  
15          regardless of whether the railroad or rail transit line or ele-  
16          ment of such line is listed on, or eligible for listing on, the  
17          National Register of Historic Places.”.

18       **SEC. 5503. EFFICIENT ENVIRONMENTAL REVIEWS.**

19          (a) *IN GENERAL.*—Section 304 is amended—

20               (1) in the heading, by striking “**for**  
21               **multimodal projects**” and inserting “**and in-**  
22               **creasing the efficiency of environmental**  
23               **reviews**”; and

24               (2) by adding at the end the following:

25               “(e) *EFFICIENT ENVIRONMENTAL REVIEWS.*—

1           “(1) *IN GENERAL.*—*The Secretary of Transpor-*  
2           *tation shall apply the project development procedures,*  
3           *to the greatest extent feasible, described in section 139*  
4           *of title 23, United States Code, to any rail project*  
5           *that requires the approval of the Secretary of Trans-*  
6           *portation under the National Environmental Policy*  
7           *Act of 1969 (42 U.S.C. 4321 et seq.).*

8           “(2) *REGULATIONS AND PROCEDURES.*—*The Sec-*  
9           *retary of Transportation shall incorporate such*  
10           *project development procedures into the agency regu-*  
11           *lations and procedures pertaining to rail projects.*

12           “(f) *APPLICABILITY OF NEPA DECISIONS.*—

13           “(1) *IN GENERAL.*—*A Department of Transpor-*  
14           *tation operating administration may apply a cat-*  
15           *egorical exclusion designated by another Department*  
16           *of Transportation operating administration under the*  
17           *National Environmental Policy Act of 1969 (42*  
18           *U.S.C. 4321 et seq.).*

19           “(2) *FINDINGS.*—*A Department of Transpor-*  
20           *tation operating administration may adopt, in whole*  
21           *or in part, another Department of Transportation op-*  
22           *erating administration’s Record of Decision, Finding*  
23           *of No Significant Impact, and any associated evalua-*  
24           *tions, determinations, or findings demonstrating com-*

1        *pliance with any law related to environmental review*  
 2        *or historic preservation.”.*

3    **SEC. 5504. ADVANCE ACQUISITION.**

4        *(a) IN GENERAL.—Chapter 241 is amended by insert-*  
 5        *ing after section 24105 the following—*

6    **“§ 24106. Advance acquisition**

7        *“(a) RAIL CORRIDOR PRESERVATION.—The Secretary*  
 8        *may assist a recipient of funding in acquiring right-of-way*  
 9        *and adjacent real property interests before or during the*  
 10        *completion of the environmental reviews for any project re-*  
 11        *ceiving funding under subtitle V of title 49, United States*  
 12        *Code, that may use such property interests if the acquisition*  
 13        *is otherwise permitted under Federal law, and the recipient*  
 14        *requesting Federal funding for the acquisition certifies, with*  
 15        *the concurrence of the Secretary, that—*

16                *“(1) the recipient has authority to acquire the*  
 17                *right-of-way or adjacent real property interest; and*

18                *“(2) the acquisition of the right-of-way or adja-*  
 19                *cent real property interest—*

20                        *“(A) is for a transportation or transpor-*  
 21                        *tation-related purpose;*

22                        *“(B) will not cause significant adverse envi-*  
 23                        *ronmental impact;*

24                        *“(C) will not limit the choice of reasonable*  
 25                        *alternatives for the proposed project or otherwise*

1           *influence the decision of the Secretary on any*  
2           *approval required for the proposed project;*

3           “(D) does not prevent the lead agency for  
4           the review process from making an impartial de-  
5           cision as to whether to accept an alternative that  
6           is being considered;

7           “(E) complies with other applicable Federal  
8           law, including regulations;

9           “(F) will be acquired through negotiation  
10          and without the threat of condemnation; and

11          “(G) will not result in the elimination or  
12          reduction of benefits or assistance to a displaced  
13          person under the Uniform Relocation Assistance  
14          and Real Property Acquisition Policies Act of  
15          1970 (42 U.S.C. 4601 et seq.) and title VI of the  
16          Civil Rights Act of 1964 (42 U.S.C. 2000d et  
17          seq.).

18          “(b) ENVIRONMENTAL REVIEWS.—

19                 “(1) COMPLETION OF NEPA REVIEW.—Before au-  
20                 thorizing any Federal funding for the acquisition of  
21                 a real property interest that is the subject of a grant  
22                 or other funding under this subtitle, the Secretary  
23                 shall complete, if required, the review process under  
24                 the National Environmental Policy Act of 1969 (42  
25                 U.S.C. 4321 et seq.) with respect to the acquisition.

1           “(2) *COMPLETION OF SECTION 106.*—An acquisition  
2           tion of a real property interest involving an historic  
3           site shall not occur unless the section 106 process, if  
4           required, under the National Historic Preservation  
5           Act (54 U.S.C. 306108) is complete.

6           “(3) *TIMING OF ACQUISITIONS.*—A real property  
7           interest acquired under subsection (a) may not be de-  
8           veloped in anticipation of the proposed project until  
9           all required environmental reviews for the project  
10          have been completed.”.

11          (b) *CONFORMING AMENDMENT.*—The table of contents  
12          of chapter 241 is amended by inserting after the item relat-  
13          ing to section 24105 the following:

          “24106. *Advance acquisition.*”.

14          **SEC. 5505. RAILROAD RIGHTS-OF-WAY.**

15          Section 306108 of title 54, United States Code, is  
16          amended—

17                 (1) by inserting “(b) *OPPORTUNITY TO COM-*  
18                 *MENT.*—” before “The head of the Federal agency  
19                 shall afford” and indenting accordingly;

20                 (2) in the matter before subsection (b), by insert-  
21                 ing “(a) *IN GENERAL.*—” before “The head of any  
22                 Federal agency having direct” and indenting accord-  
23                 ingly; and

24                 (3) by adding at the end the following:

25                 “(c) *EXEMPTION FOR RAILROAD RIGHTS-OF-WAY.*—

1           “(1) *IN GENERAL.*—Not later than 1 year after  
 2           the date of enactment of the Track, Railroad, and In-  
 3           frastructure Network Act, the Secretary of Transpor-  
 4           tation shall submit a proposed exemption of railroad  
 5           rights-of-way from the review under this chapter to  
 6           the Council for its consideration, consistent with the  
 7           exemption for interstate highways approved on March  
 8           10, 2005 (70 Fed. Reg. 11,928).

9           “(2) *FINAL EXEMPTION.*—Not later than 180  
 10          days after the date that the Secretary submits the pro-  
 11          posed exemption under paragraph (1) to the Council,  
 12          the Council shall issue a final exemption of railroad  
 13          rights-of-way from review under this chapter, con-  
 14          sistent with the exemption for interstate highways ap-  
 15          proved on March 10, 2005 (70 Fed. Reg. 11,928).”.

16 **SEC. 5506. IMPROVING STATE AND FEDERAL AGENCY EN-**  
 17 **GAGEMENT IN ENVIRONMENTAL REVIEWS.**

18          (a) *IN GENERAL.*—Chapter 3 is amended by inserting  
 19 after section 306 the following:

20 **“§ 307. Improving State and Federal agency engage-**  
 21 **ment in environmental reviews**

22          “(a) *IN GENERAL.*—An entity receiving financial as-  
 23 sistance from the Secretary of Transportation for 1 or more  
 24 projects or for a program of projects, may request that the  
 25 Secretary allow the entity to provide funds to any Federal



1 agency, including the Department of Transportation, State  
2 agency, or Indian tribe (as defined in section 102 of the  
3 Federally Recognized Indian Tribe List Act of 1994 (25  
4 U.S.C. 479a)) participating in the environmental planning  
5 and review process for the project, projects, or program. The  
6 funds may be provided only to support activities that di-  
7 rectly and meaningfully contribute to expediting and im-  
8 proving permitting and review processes, including plan-  
9 ning, approval, and consultation processes for the project,  
10 projects, or program.

11       “(b) *ACTIVITIES ELIGIBLE FOR FUNDING.*—Activities  
12 for which funds may be provided under subsection (a) in-  
13 clude transportation planning activities that precede the  
14 initiation of the environmental review process, activities di-  
15 rectly related to the environmental review process, dedicated  
16 staffing, training of agency personnel, information gath-  
17 ering and mapping, and development of programmatic  
18 agreements.

19       “(c) *AMOUNTS.*—Requests under subsection (a) may be  
20 approved only for the additional amounts that the Sec-  
21 retary determines are necessary for the Federal agencies,  
22 State agencies, or Indian tribes participating in the envi-  
23 ronmental planning and review process to timely conduct  
24 the reviews in an expedited manner.

1       “(d) *AGREEMENTS.*—Prior to providing funds ap-  
 2 proved by the Secretary for dedicated staffing at an affected  
 3 Federal agency under subsections (a) and (b), the affected  
 4 Federal agency, State agency or Indian tribe, as appro-  
 5 priate, and the requesting entity shall enter into an agree-  
 6 ment that establishes a process to identify the projects or  
 7 priorities to be addressed by the use of the funds.

8       “(e) *RULE OF CONSTRUCTION.*—Nothing in this sec-  
 9 tion shall be construed to be inconsistent with or to interfere  
 10 with section 139(j) of title 23.”

11       (b) *CONFORMING AMENDMENT.*—The table of contents  
 12 of chapter 3 is amended by inserting after the item relating  
 13 to section 306 the following:

“307. Improving State and Federal agency engagement in environmental re-  
 views.”

14 **SEC. 5507. SAVINGS CLAUSE.**

15       Nothing in this title, or any amendment made by this  
 16 title, shall be construed as superceding, amending, or modi-  
 17 fying the National Environmental Policy Act of 1969 (42  
 18 U.S.C. 4321 et seq.) or affect the responsibility of any Fed-  
 19 eral officer to comply with or enforce any such statute.

20 **SEC. 5508. TRANSITION.**

21       Nothing in this title, or any amendment made by this  
 22 title, shall affect any existing environmental review process,  
 23 program, agreement, or funding arrangement approved by  
 24 the Secretary under title 49, United States Code, as that

1 *title was in effect on the day preceding the date of enact-*  
 2 *ment of this subtitle.*

### 3 ***Subtitle F—Financing***

#### 4 ***SEC. 5601. SHORT TITLE; REFERENCES.***

5 (a) *SHORT TITLE.*—*This subtitle may be cited as the*  
 6 *“Railroad Infrastructure Financing Improvement Act”.*

7 (b) *REFERENCES TO THE RAILROAD REVITALIZATION*  
 8 *AND REGULATORY REFORM ACT OF 1976.*—*Except as oth-*  
 9 *erwise expressly provided, wherever in this subtitle an*  
 10 *amendment or repeal is expressed in terms of an amend-*  
 11 *ment to, or repeal of, a section or other provision, the ref-*  
 12 *erence shall be considered to be made to a section or other*  
 13 *provision of the Railroad Revitalization and Regulatory*  
 14 *Reform Act of 1976, as amended (45 U.S.C. 801 et seq.).*

#### 15 ***SEC. 5602. DEFINITIONS.***

16 *Section 501 (45 U.S.C. 821) is amended—*

17 (1) *by redesignating paragraph (8) as para-*  
 18 *graph (10);*

19 (2) *by redesignating paragraphs (6) and (7) as*  
 20 *paragraphs (7) and (8), respectively;*

21 (3) *by inserting after paragraph (5) the fol-*  
 22 *lowing:*

23 “(6) *The term ‘investment-grade rating’ means a*  
 24 *rating of BBB minus, Baa 3, bbb minus, BBB(low),*  
 25 *or higher assigned by a rating agency.’”;*

1           (4) by inserting after paragraph (8), as redesignated, the following:

2           “(9) The term ‘master credit agreement’ means  
3           an agreement to make 1 or more direct loans or loan  
4           guarantees at future dates for a program of related  
5           projects on terms acceptable to the Secretary.”; and

6           (5) by adding at the end the following:

7           “(11) The term ‘obligor’ means a party that—

8           “(A) is primarily liable for payment of the  
9           principal of or interest on a direct loan or loan  
10          guarantee under this section; and

11          “(B) may be a corporation, limited liability  
12          company, partnership, joint venture, trust, or  
13          governmental entity, agency, or instrumentality.

14          “(12) The term ‘project obligation’ means a note,  
15          bond, debenture, or other debt obligation issued by a  
16          borrower in connection with the financing of a  
17          project, other than a direct loan or loan guarantee  
18          under this title.

19          “(13) The term ‘railroad’ has the meaning given  
20          the term ‘railroad carrier’ in section 20102 of title 49,  
21          United States Code.

22          “(14) The term ‘rating agency’ means a credit  
23          rating agency registered with the Securities and Ex-  
24          change Commission as a nationally recognized statis-  
25

1        *tical rating organization (as defined in section 3(a)*  
 2        *of the Securities Exchange Act of 1934 (15 U.S.C.*  
 3        *78c(a)).*

4            *“(15) The term ‘substantial completion’ means—*  
 5            *“(A) the opening of a project to passenger*  
 6            *or freight traffic; or*  
 7            *“(B) a comparable event, as determined by*  
 8            *the Secretary and specified in the direct loan.”.*

9        **SEC. 5603. ELIGIBLE APPLICANTS.**

10        *Section 502(a) (45 U.S.C. 822(a)) is amended—*

11            *(1) in paragraph (5), by striking “one railroad;*  
 12            *and” and inserting “1 of the entities described in*  
 13            *paragraph (1), (2), (3), (4), or (6);”;*

14            *(2) by amending paragraph (6) to read as fol-*  
 15            *lows:*

16            *“(6) solely for the purpose of constructing a rail*  
 17            *connection between a plant or facility and a rail car-*  
 18            *rier, limited option freight shippers that own or oper-*  
 19            *ate a plant or other facility; and”;* and

20            *(3) by adding at the end the following:*

21            *“(7) any obligor, as designated by an entity oth-*  
 22            *erwise eligible to receive a direct loan or loan guar-*  
 23            *antee under this section, including a special purpose*  
 24            *entity receiving user fees or other payments or reve-*  
 25             *nues from dedicated sources for debt service and*

1 maintenance of the equipment or facilities to be ac-  
 2 quired or improved; and

3 “(8) a public-private or private partnership be-  
 4 tween at least 1 other entity listed in any of para-  
 5 graphs (1) through (7) and a consortium that special-  
 6 izes in real estate development.”.

7 **SEC. 5604. ELIGIBLE PURPOSES.**

8 Section 502(b)(1) (45 U.S.C. 822(b)(1)) is amended—

9 (1) in subparagraph (A), by inserting “, and  
 10 costs related to these activities, including pre-con-  
 11 struction costs” after “shops”;

12 (2) in subparagraph (B), by striking “subpara-  
 13 graph (A); or” and inserting “subparagraph (A) or  
 14 (C);”;

15 (3) in subparagraph (C), by striking the period  
 16 at the end and inserting a semicolon; and

17 (4) by adding at the end the following:

18 “(D) reimburse planning and design ex-  
 19 penses relating to projects described in subpara-  
 20 graph (A) or (C); or

21 “(E) finance economic development, includ-  
 22 ing commercial and residential development, and  
 23 related infrastructure and activities, that—

24 “(i) incorporates private investment;

1           “(ii) is physically or functionally re-  
 2           lated to a passenger rail station or  
 3           multimodal station that includes rail serv-  
 4           ice;

5           “(iii) has a high probability of the ap-  
 6           plicant commencing the contracting process  
 7           for construction not later than 90 days after  
 8           the date on which the direct loan or loan  
 9           guarantee is obligated for the project under  
 10          this title; and

11          “(iv) has a high probability of reduc-  
 12          ing the need for financial assistance under  
 13          any other Federal program for the relevant  
 14          passenger rail station or service by increas-  
 15          ing ridership, tenant lease payments, or  
 16          other activities that generate revenue exceed-  
 17          ing costs.”.

18 **SEC. 5605. PROGRAM ADMINISTRATION.**

19       (a) *APPLICATION PROCESSING PROCEDURES.*—Sec-  
 20       tion 502(i) (45 U.S.C. 822(i)) is amended to read as fol-  
 21       lows:

22       “(i) *APPLICATION PROCESSING PROCEDURES.*—

23           “(1) *APPLICATION STATUS NOTICES.*—Not later  
 24       than 30 days after the date that the Secretary receives  
 25       an application under this section, the Secretary shall

1        *provide the applicant written notice as to whether the*  
2        *application is complete or incomplete.*

3            *“(2) INCOMPLETE APPLICATIONS.—If the Sec-*  
4        *retary determines that an application is incomplete,*  
5        *the Secretary shall—*

6            *“(A) provide the applicant with a descrip-*  
7        *tion of all of the specific information or material*  
8        *that is needed to complete the application; and*

9            *“(B) allow the applicant to resubmit the in-*  
10       *formation and material described under sub-*  
11       *paragraph (A) to complete the application.*

12           *“(3) APPLICATION APPROVALS AND DIS-*  
13       *APPROVALS.—*

14           *“(A) IN GENERAL.—Not later than 60 days*  
15       *after the date the Secretary notifies an applicant*  
16       *that an application is complete under paragraph*  
17       *(1), the Secretary shall provide the applicant*  
18       *written notice as to whether the Secretary has*  
19       *approved or disapproved the application.*

20           *“(B) ACTIONS BY THE OFFICE OF MANAGE-*  
21       *MENT AND BUDGET.—In order to enable compli-*  
22       *ance with the time limit under subparagraph*  
23       *(A), the Office of Management and Budget shall*  
24       *take any action required with respect to the ap-*  
25       *plication within that 60-day period.*



1           “(4) *EXPEDITED PROCESSING.*—*The Secretary*  
2           *shall implement procedures and measures to econo-*  
3           *mize the time and cost involved in obtaining an ap-*  
4           *proval or a disapproval of credit assistance under*  
5           *this title.*

6           “(5) *DASHBOARD.*—*The Secretary shall post on*  
7           *the Department of Transportation’s public Web site a*  
8           *monthly report that includes for each application—*

9                   “(A) *the name of the applicant or appli-*  
10                  *cants;*

11                  “(B) *the location of the project;*

12                  “(C) *a brief description of the project, in-*  
13                  *cluding its purpose;*

14                  “(D) *the requested direct loan or loan guar-*  
15                  *antee amount;*

16                  “(E) *the date on which the Secretary pro-*  
17                  *vided application status notice under paragraph*  
18                  *(1); and*

19                  “(F) *the date that the Secretary provided*  
20                  *notice of approval or disapproval under para-*  
21                  *graph (3).”.*

22           (b) *ADMINISTRATION OF DIRECT LOANS AND LOAN*  
23           *GUARANTEES.*—*Section 503 (45 U.S.C. 823) is amended—*

1           (1) *in subsection (a), by striking the period at*  
 2 *the end and inserting “, including a program guide*  
 3 *and standard term sheet and specific timetables.”;*

4           (2) *by redesignating subsections (c) through (l)*  
 5 *as subsections (d) through (m), respectively;*

6           (3) *by striking “(b) ASSIGNMENT OF LOAN*  
 7 *GUARANTEES.—” and inserting “(c) ASSIGNMENT OF*  
 8 *LOAN GUARANTEES.—”;*

9           (4) *in subsection (d), as redesignated—*

10           (A) *in paragraph (1), by striking “; and”*  
 11 *and inserting a semicolon;*

12           (B) *in paragraph (2), by striking the period*  
 13 *at the end and inserting “; and”;* and

14           (C) *by adding at the end the following:*

15           “*(3) the modification cost has been covered under*  
 16 *section 502(f).”;* and

17           (5) *by amending subsection (l), as redesignated,*  
 18 *to read as follows:*

19           “*(l) CHARGES AND LOAN SERVICING.—*

20           “*(1) PURPOSES.—The Secretary may collect and*  
 21 *spend from each applicant, obligor, or loan party a*  
 22 *reasonable charge for—*

23           “*(A) the cost of evaluating the application,*  
 24 *amendments, modifications, and waivers, includ-*  
 25 *ing for evaluating project viability, applicant*

1           *creditworthiness, and the appraisal of the value*  
2           *of the equipment or facilities for which the direct*  
3           *loan or loan guarantee is sought, and for making*  
4           *necessary determinations and findings;*

5           “(B) *the cost of award management and*  
6           *project management oversight;*

7           “(C) *the cost of services from expert firms,*  
8           *including counsel, and independent financial ad-*  
9           *visors to assist in the underwriting, auditing,*  
10          *servicing, and exercise of rights with respect to*  
11          *direct loans and loan guarantees; and*

12          “(D) *the cost of all other expenses incurred*  
13          *as a result of a breach of any term or condition*  
14          *or any event of default on a direct loan or loan*  
15          *guarantee.*

16          “(2) *STANDARDS.—The Secretary may charge*  
17          *different amounts under this subsection based on the*  
18          *different costs incurred under paragraph (1).*

19          “(3) *SERVICER.—*

20                 “(A) *IN GENERAL.—The Secretary may ap-*  
21                 *point a financial entity to assist the Secretary*  
22                 *in servicing a direct loan or loan guarantee*  
23                 *under this section.*

24                 “(B) *DUTIES.—A servicer appointed under*  
25                 *subparagraph (A) shall act as the agent of the*

1           *Secretary in serving a direct loan or loan guar-*  
2           *antee under this section.*

3           “(C) *FEES.*—*A servicer appointed under*  
4           *subparagraph (A) shall receive a servicing fee*  
5           *from the obligor or other loan party, subject to*  
6           *approval by the Secretary.*

7           “(4) *USE OF OTHER FEDERAL FUNDS.*—*Notwith-*  
8           *standing any other provision of law, an applicant*  
9           *may use grants under chapter 244 of title 49, United*  
10          *States Code, to pay any charge under this subsection.*

11          “(5) *SAFETY AND OPERATIONS ACCOUNT.*—  
12          *Amounts collected under this subsection shall—*

13                 “(A) *be credited directly to the Safety and*  
14                 *Operations account of the Federal Railroad Ad-*  
15                 *ministration; and*

16                 “(B) *remain available until expended to*  
17                 *pay for the costs described in this subsection.”.*

18   **SEC. 5606. LOAN TERMS AND REPAYMENT.**

19          (a) *PREREQUISITES FOR ASSISTANCE.*—*Section*  
20          *502(g)(1) (45 U.S.C. 822(g)(1)) is amended by striking “35*  
21          *years from the date of its execution” and inserting “the less-*  
22          *er of 35 years after the date of substantial completion of*  
23          *the project or the estimated useful life of the rail equipment*  
24          *or facilities to be acquired, rehabilitated, improved, devel-*  
25          *oped, or established”.*

1       (b) *REPAYMENT SCHEDULES.*—Section 502(j) (45  
2 *U.S.C. 822(j)*) is amended—

3           (1) in paragraph (1), by striking “the sixth an-  
4 niversary date of the original loan disbursement” and  
5 inserting “5 years after the date of substantial com-  
6 pletion”; and

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

8           “(3) *DEFERRED PAYMENTS.*—

9           “(A) *IN GENERAL.*—If at any time after the  
10 date of substantial completion the project is un-  
11 able to generate sufficient revenues to pay the  
12 scheduled loan repayments of principal and in-  
13 terest on the direct loan, the Secretary, subject to  
14 subparagraph (B), may allow, for a maximum  
15 aggregate time of 1 year over the duration of the  
16 direct loan, the obligor to add unpaid principal  
17 and interest to the outstanding balance of the di-  
18 rect loan.

19           “(B) *INTEREST.*—A payment deferred  
20 under subparagraph (A) shall—

21           “(i) continue to accrue interest under  
22 paragraph (2) until the loan is fully repaid;  
23 and

24           “(ii) be scheduled to be amortized over  
25 the remaining term of the loan.

1           “(4) *PREPAYMENTS.*—

2                   “(A) *USE OF EXCESS REVENUES.*—*Any ex-*  
3                   *cess revenues that remain after satisfying sched-*  
4                   *uled debt service requirements on the project obli-*  
5                   *gations and direct loan and all deposit require-*  
6                   *ments under the terms of any trust agreement,*  
7                   *bond resolution, or similar agreement securing*  
8                   *project obligations may be applied annually to*  
9                   *prepay the direct loan without penalty.*

10                   “(B) *USE OF PROCEEDS OF REFI-*  
11                   *NANCING.*—*The direct loan may be prepaid at*  
12                   *any time without penalty from the proceeds of*  
13                   *refinancing from non-Federal funding sources.”.*

14           (c) *SALE OF DIRECT LOANS.*—*Section 502 (45 U.S.C.*  
15           *822) is amended by adding at the end the following:*

16                   “(k) *SALE OF DIRECT LOANS.*—

17                   “(1) *IN GENERAL.*—*Subject to paragraph (2)*  
18                   *and as soon as practicable after substantial comple-*  
19                   *tion of a project, the Secretary, after notifying the ob-*  
20                   *ligor, may sell to another entity or reoffer into the*  
21                   *capital markets a direct loan for the project if the*  
22                   *Secretary determines that the sale or reoffering has a*  
23                   *high probability of being made on favorable terms.*

24                   “(2) *CONSENT OF OBLIGOR.*—*In making a sale*  
25                   *or reoffering under paragraph (1), the Secretary may*

1       *not change the original terms and conditions of the*  
2       *secured loan without the prior written consent of the*  
3       *obligor”.*

4       *(d) NONSUBORDINATION.—Section 502 (45 U.S.C.*  
5       *822), as amended in subsection (c), is further amended by*  
6       *adding at the end the following:*

7       *“(l) NONSUBORDINATION.—*

8               *“(1) IN GENERAL.—Except as provided in para-*  
9               *graph (2)(B), a direct loan shall not be subordinated*  
10              *to the claims of any holder of project obligations in*  
11              *the event of bankruptcy, insolvency, or liquidation of*  
12              *the obligor.*

13              *“(2) PREEXISTING INDENTURES.—*

14                      *“(A) IN GENERAL.—The Secretary may*  
15                      *waive the requirement under paragraph (1) for*  
16                      *a public agency borrower that is financing ongoing*  
17                      *capital programs and has outstanding senior*  
18                      *bonds under a preexisting indenture if—*

19                              *“(i) the direct loan is rated in the A*  
20                              *category or higher;*

21                              *“(ii) the direct loan is secured and*  
22                              *payable from pledged revenues not affected*  
23                              *by project performance, such as a tax-based*  
24                              *revenue pledge or a system-backed pledge of*  
25                              *project revenues; and*

1           “(iii) the program share, under this  
2           title, of eligible project costs is 50 percent or  
3           less.

4           “(B) *LIMITATION.*—The Secretary may im-  
5           pose limitations for the waiver of the non-  
6           subordination requirement under this paragraph  
7           if the Secretary determines that such limitations  
8           would be in the financial interest of the Federal  
9           Government.”.

10 **SEC. 5607. CREDIT RISK PREMIUMS.**

11       Section 502(f) (45 U.S.C. 822(f)) is amended—

12           (1) in paragraph (1), by amending the first sen-  
13           tence to read as follows: “In lieu of or in combination  
14           with appropriations of budget authority to cover the  
15           costs of direct loans and loan guarantees as required  
16           under section 504(b)(1) of the Federal Credit Reform  
17           Act of 1990 (2 U.S.C. 661c(b)(1)), including the cost  
18           of a modification thereof, the Secretary may accept on  
19           behalf of an applicant for assistance under this sec-  
20           tion a commitment from a non-Federal source, in-  
21           cluding a State or local government or agency or pub-  
22           lic benefit corporation or public authority thereof, to  
23           fund in whole or in part credit risk premiums and  
24           modification costs with respect to the loan that is the  
25           subject of the application or modification.”;



1           (2) *in paragraph (2)—*

2                   (A) *in subparagraph (D), by adding “and”*  
3 *after the semicolon;*

4                   (B) *by striking subparagraph (E); and*

5                   (C) *by redesignating subparagraph (F) as*  
6 *subparagraph (E);*

7           (3) *by striking paragraph (4);*

8           (4) *by redesignating paragraph (3) as para-*  
9 *graph (4);*

10           (5) *by inserting after paragraph (2) the fol-*  
11 *lowing:*

12                   “(3) *CREDITWORTHINESS.—An applicant may*  
13 *propose and the Secretary may accept as a basis for*  
14 *determining the amount of the credit risk premium*  
15 *under paragraph (2) any of the following in addition*  
16 *to the value of any tangible asset:*

17                           “(A) *The net present value of a future*  
18 *stream of State or local subsidy income or other*  
19 *dedicated revenues to secure the direct loan or*  
20 *loan guarantee.*

21                           “(B) *Adequate coverage requirements to en-*  
22 *sure repayment, on a non-recourse basis, from*  
23 *cash flows generated by the project or any other*  
24 *dedicated revenue source, including—*

25                                   “(i) *tolls;*

1                   “(ii) user fees; or

2                   “(iii) payments owing to the obligor  
3                   under a public-private partnership.

4                   “(C) An investment-grade rating on the di-  
5                   rect loan or loan guarantee, as applicable, except  
6                   that if the total amount of the direct loan or loan  
7                   guarantee is greater than \$75,000,000, the appli-  
8                   cant shall have an investment-grade rating from  
9                   at least 2 rating agencies on the direct loan or  
10                  loan guarantee.”;

11                  (6) in paragraph (4), as redesignated, by strik-  
12                  ing “amounts” and inserting “amounts (and in the  
13                  case of a modification, before the modification is exe-  
14                  cuted), to the extent appropriations are not available  
15                  to the Secretary to meet the costs of direct loans and  
16                  loan guarantees, including costs of modifications  
17                  thereof”; and

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

19                  “(5) USE OF OTHER FEDERAL FUNDS.—Notwith-  
20                  standing any other provision of law, an applicant  
21                  may use grants under chapter 244 of title 49, United  
22                  States Code, to pay part or all of a credit risk pre-  
23                  mium or modification cost under this subsection.”.

1 **SEC. 5608. MASTER CREDIT AGREEMENTS.**

2 *Section 502 (45 U.S.C. 822), as amended by sub-*  
3 *sections (c) and (d) of section 5606 of this Act, is further*  
4 *amended by adding at the end the following:*

5 “(m) *MASTER CREDIT AGREEMENTS.*—

6 “(1) *IN GENERAL.*—*Subject to section 502(d)*  
7 *and paragraph (2) of this subsection, the Secretary*  
8 *may enter into a master credit agreement that pro-*  
9 *vides for all of the conditions for the provision of a*  
10 *direct loan or loan guarantee, as applicable, under*  
11 *this title and other applicable requirements to be sat-*  
12 *isfied prior to the issuance of the direct loan or loan*  
13 *guarantee.*

14 “(2) *CONDITIONS.*—*Each master credit agree-*  
15 *ment shall—*

16 “(A) *establish the maximum amount and*  
17 *general terms and conditions of each applicable*  
18 *direct loan or loan guarantee;*

19 “(B) *identify 1 or more dedicated non-Fed-*  
20 *eral revenue sources that will secure the repay-*  
21 *ment of each applicable direct loan or loan guar-*  
22 *antee;*

23 “(C) *provide for the obligation of funds for*  
24 *the direct loans or loan guarantees after all re-*  
25 *quirements have been met for the projects subject*  
26 *to the master credit agreement; and*

1           “(D) provide 1 or more dates, as determined  
2           by the Secretary, before which the master credit  
3           agreement results in each of the direct loans or  
4           loan guarantees or in the release of the master  
5           credit agreement.”.

6 **SEC. 5609. PRIORITIES AND CONDITIONS.**

7           (a) *PRIORITY PROJECTS.*—Section 502(c) (45 U.S.C.  
8 822(c)) is amended—

9           (1) in paragraph (1), by inserting “, including  
10           projects for the installation of a positive train control  
11           system (as defined in section 20157(i) of title 49,  
12           United States Code)” after “public safety”;

13           (2) by redesignating paragraphs (2) and (3) as  
14           paragraphs (3) and (2), respectively;

15           (3) in paragraph (5), by inserting “or chapter  
16           227 of title 49” after “section 135 of title 23”;

17           (4) by redesignating paragraphs (6) through (8)  
18           as paragraphs (7) through (9), respectively; and

19           (5) by inserting after paragraph (5) the fol-  
20           lowing:

21           “(6) improve railroad stations and passenger fa-  
22           cilities and increase transit-oriented development;”.

23           (b) *CONDITIONS OF ASSISTANCE.*—Section 502(h) (45  
24           U.S.C. 822(h)) is amended—

1           (1) *in paragraph (2), by inserting “, if applica-*  
2           *ble” after “project”; and*

3           (2) *by adding at the end the following:*

4           “(4) *For a project described in subsection*  
5           *(b)(1)(E), the Secretary shall require the applicant,*  
6           *obligor, or other loan party, in addition to the inter-*  
7           *est required under subsection (e), to provide the spon-*  
8           *sor of the intercity passenger rail service or its des-*  
9           *ignee, a fee or payment in an amount determined ap-*  
10           *propriate by the Secretary to provide an equitable*  
11           *share of project revenue to support the capital or op-*  
12           *erating costs of the routes serving the passenger rail*  
13           *station or multimodal station where the development*  
14           *is located.”.*

15 **SEC. 5610. SAVINGS PROVISION.**

16           (a) *IN GENERAL.—Except as provided in subsection*  
17           *(b), this subtitle, and the amendments made by this subtitle,*  
18           *shall not affect any direct loan (or direct loan obligation)*  
19           *or an outstanding loan guarantee (or loan guarantee com-*  
20           *mitment) that was in effect prior to the date of enactment*  
21           *of this Act. Any such transaction entered into before the*  
22           *date of enactment of this Act shall be administered until*  
23           *completion under its terms as if this Act were not enacted.*

24           (b) *MODIFICATION COSTS.—At the discretion of the*  
25           *Secretary, the authority to accept modification costs on be-*

1 *half of an applicant under section 502(f) of the Railroad*  
2 *Revitalization and Regulatory Reform Act of 1976 (45*  
3 *U.S.C. 822(f)), as amended by section 5607 of this Act, may*  
4 *apply with respect to any direct loan (or direct loan obliga-*  
5 *tion) or an outstanding loan guarantee (or loan guarantee*  
6 *commitment) that was in effect prior to the date of enact-*  
7 *ment of this Act.*



Calendar No. 478

114<sup>TH</sup> CONGRESS  
2<sup>D</sup> Session

**S. 1732**

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**A BILL**

To authorize elements of the Department of  
Transportation, and for other purposes.

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MAY 23, 2016

Reported with an amendment