

read as follows: “Beginning on the date that is 5 years after the date of enactment of the Passenger Rail Reform and Investment Act of 2015, no Federal funds may be used to cover any operating loss associated with providing food and beverage service on a route operated by Amtrak or a rail carrier that operates a route in lieu of Amtrak pursuant to section 24711.”

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

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

§ 24322. Rolling stock purchases

(a) IN GENERAL.—Prior to entering into any contract in excess of \$100,000,000 for rolling stock and locomotive procurements Amtrak shall submit a business case analysis to the Secretary of Transportation, the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate and the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives, on the utility of such procurements.

(b) CONTENTS.—The business case analysis shall—

(1) include a cost and benefit comparison that describes the total lifecycle costs and the anticipated benefits related to revenue, operational efficiency, reliability, and other factors;

(2) set forth the total payments by fiscal year;

(3) identify the specific source and amounts of funding for each payment, including Federal funds, State funds, Amtrak profits, Federal, State, or private loans or loan guarantees, and other funding;

(4) include an explanation of whether any payment under the contract will increase Amtrak’s funding request in its general and legislative annual report required under section 24315(b) in a particular fiscal year; and

(5) describe how Amtrak will adjust the procurement if future funding is not available.

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as requiring Amtrak to disclose confidential information regarding a potential vendor’s proposed pricing or other sensitive business information prior to contract execution or prohibiting Amtrak from entering into a contract after submission of a business case analysis under subsection (a).

(Added Pub. L. 114-94, div. A, title XI, §11208(a), Dec. 4, 2015, 129 Stat. 1639.)

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

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

§ 24323. Prohibition on smoking on Amtrak trains

(a) PROHIBITION.—Beginning on the date of enactment of this section, Amtrak shall prohibit

smoking, including the use of electronic cigarettes, onboard all Amtrak trains.

(b) ELECTRONIC CIGARETTE DEFINED.—In this section, the term “electronic cigarette” means a device that delivers nicotine or other substances to a user of the device in the form of a vapor that is inhaled to simulate the experience of smoking.

(Added Pub. L. 117-58, div. B, title II, §22209(a), Nov. 15, 2021, 135 Stat. 707.)

Editorial Notes

REFERENCES IN TEXT

The date of enactment of this section, referred to in subsec. (a), is the date of enactment of title II of div. B of Pub. L. 117-58, which was approved Nov. 15, 2021.

[CHAPTER 244—TRANSFERRED]

Editorial Notes

CODIFICATION

Former chapter 244 of this title was renumbered chapter 229 of this title and transferred to appear at the end of part B of subtitle V of this title. Sections 24401 to 24408 of this title were renumbered sections 22901 to 22908, respectively.

[§§ 24401 to 24408. Renumbered §§ 22901 to 22908]

[CHAPTER 245—REPEALED]

[§§ 24501 to 24506. Repealed. Pub. L. 105-134, title I, § 106(a), Dec. 2, 1997, 111 Stat. 2573]

Section 24501, Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 919; Pub. L. 103-429, §6(21), Oct. 31, 1994, 108 Stat. 4379; Pub. L. 104-88, title III, §308(h), Dec. 29, 1995, 109 Stat. 947, related to status of Amtrak Commuter and applicable laws.

Section 24502, Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 920, related to board of directors of Amtrak Commuter.

Section 24503, Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 921, related to appointment and service of officers of Amtrak Commuter.

Section 24504, Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 921, related to general authority of Amtrak Commuter.

Section 24505, Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 921, related to Amtrak’s rights and responsibilities as relating to commuter rail passenger transportation.

Section 24506, Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 922, provided that certain powers and duties of Consolidated Rail Corporation were not affected by this chapter.

Statutory Notes and Related Subsidiaries

TRACKAGE RIGHTS NOT AFFECTED

Pub. L. 105-134, title I, §106(c), Dec. 2, 1997, 111 Stat. 2573, provided that: “The repeal of chapter 245 of title 49, United States Code, by subsection (a) of this section is without prejudice to the retention of trackage rights over property owned or leased by commuter authorities.”

CHAPTER 247—AMTRAK ROUTE SYSTEM

Sec.	
24701.	National rail passenger transportation system.
24702.	Transportation requested by States, authorities, and other persons ¹

¹ So in original. Probably should be followed by a period.

- Sec.
 [24703 to 24705. Repealed.]
 24706. Discontinuance.
 [24707, 24708. Repealed.]
 24709. International transportation.
 24710. Long distance routes.²
 24711. Competitive passenger rail service pilot program.
 24712. State-supported routes operated by Amtrak.

Editorial Notes

AMENDMENTS

2015—Pub. L. 114-94, div. A, title XI, §11307(b), Dec. 4, 2015, 129 Stat. 1664, which directed the general amendment of the analysis for section 24711 of title 49, was executed to the analysis for this chapter, to reflect the probable intent of Congress. Prior to amendment, item 24711 read as follows: “Alternate passenger rail service pilot program”.

Pub. L. 114-94, div. A, title XI, §11204(b)(1), Dec. 4, 2015, 129 Stat. 1637, added item 24712.

2008—Pub. L. 110-432, div. B, title II, §§201(b)(2), 210(b), 214(c), Oct. 16, 2008, 122 Stat. 4910, 4920, 4929, added items 24702, 24710, and 24711.

1997—Pub. L. 105-134, title I, §§101(a)(2), (b), (d), (e), 103-105(a), Dec. 2, 1997, 111 Stat. 2572, 2573, substituted “National rail passenger transportation system” for “Operation of basic system” in item 24701 and struck out item 24702 “Improving rail passenger transportation”, item 24703 “Route and service criteria”, item 24704 “Transportation requested by States, authorities, and other persons”, item 24705 “Additional qualifying routes”, item 24707 “Cost and performance review”, and item 24708 “Special commuter transportation”.

§ 24701. National rail passenger transportation system

Amtrak shall operate a national rail passenger transportation system which ties together existing and emergent regional rail passenger service and other intermodal passenger service.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 923; Pub. L. 105-134, title I, §101(a)(1), Dec. 2, 1997, 111 Stat. 2572.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
24701(a)	45:561(b).	Oct. 30, 1970, Pub. L. 91-518, §401(b), 84 Stat. 1335.
24701(b)	45:561(c).	Oct. 30, 1970, Pub. L. 91-518, §401(c), 84 Stat. 1335; Nov. 3, 1973, Pub. L. 93-146, §9, 87 Stat. 551.

In subsection (a), before clause (1), the text of 45:561(b) (1st sentence words after 3d comma) is omitted as obsolete because no regional transportation authority provided intercity rail passenger transportation after May 1, 1971. The words “On May 1, 1971” and “begin” are omitted as executed. The words “between points” and “either” are omitted as surplus. In clause (2), the words “under contract with Amtrak” are substituted for 45:561(b) (last sentence) for clarity and to eliminate unnecessary words. The words “at any time subsequent to May 1, 1971” are omitted as executed.

In subsection (b), the words “concerning auto-ferry service . . . railroad or any other” are omitted as surplus.

Editorial Notes

AMENDMENTS

1997—Pub. L. 105-134 substituted section catchline for former catchline which read “Operation of basic sys-

² So in original. Does not conform to section catchline.

tem” and amended text generally. Prior to amendment, text read as follows:

“(a) BY AMTRAK.—Amtrak shall provide intercity rail passenger transportation within the basic system unless the transportation is provided by—

“(1) a rail carrier with which Amtrak did not make a contract under section 401(a) of the Rail Passenger Service Act; or

“(2) a regional transportation authority under contract with Amtrak.

“(b) BY OTHERS WITH CONSENT OF AMTRAK.—Except as provided in section 24306 of this title, a person may provide intercity rail passenger transportation over a route over which Amtrak provides scheduled intercity rail passenger transportation under a contract under section 401(a) of the Act only with the consent of Amtrak.”

§ 24702. Transportation requested by States, authorities, and other persons

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

(b) DISCONTINUANCE.—Upon termination of a contract entered into under this section, or the cessation of financial support under such a contract by either party, Amtrak may discontinue such service or route, notwithstanding any other provision of law.

(Added Pub. L. 110-432, div. B, title II, §201(b)(1), Oct. 16, 2008, 122 Stat. 4910.)

Editorial Notes

PRIOR PROVISIONS

A prior section 24702, Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 923; Pub. L. 104-287, §5(48), Oct. 11, 1996, 110 Stat. 3393, related to carrying out plan to improve intercity rail passenger service prior to repeal by Pub. L. 105-134, title I, §101(b), Dec. 2, 1997, 111 Stat. 2572.

Statutory Notes and Related Subsidiaries

ACCESS TO AMTRAK EQUIPMENT AND SERVICES

Pub. L. 110-432, div. B, title II, §217, Oct. 16, 2008, 122 Stat. 4930, as amended by Pub. L. 114-94, div. A, title XI, §11006(b)(1), Dec. 4, 2015, 129 Stat. 1624, provided that: “If a State desires to select or selects an entity other than Amtrak to provide services required for the operation of an intercity passenger train route described in section 24102(7)(D) or 24702 of title 49, United States Code, the State may make an agreement with Amtrak to use facilities and equipment of, or have services provided by, Amtrak under terms agreed to by the State and Amtrak to enable the State to utilize an entity other than Amtrak to provide services required for operation of the route. If the parties cannot agree upon terms, and the Surface Transportation Board finds that access to Amtrak’s facilities or equipment, or the provision of services by Amtrak, is necessary to carry out this provision and that the operation of Amtrak’s other services will not be impaired thereby, the Surface Transportation Board shall, within 120 days after submission of the dispute, issue an order that the facilities and equipment be made available, and that services be provided, by Amtrak, and shall determine reasonable compensation, liability, and other terms for use of the facilities and equipment and provision of the services. Compensation shall be determined, as appropriate, in accordance with the methodology established pursuant to section 209 of this division [49 U.S.C. 24101 note], if available.”

[§§ 24703 to 24705. Repealed. Pub. L. 105-134, title I, §§ 103-105(a), Dec. 2, 1997, 111 Stat. 2572, 2573]

Section 24703, Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 924, provided route and service criteria for modifying or discontinuing routes.

Section 24704, Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 925, related to application by States, regional or local authorities, or other persons requesting Amtrak to provide passenger rail service and criteria for decision.

Section 24705, Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 926; Pub. L. 104-88, title III, §308(i), Dec. 29, 1995, 109 Stat. 947, related to providing service on routes recommended to be discontinued, criteria for deferring Secretary's recommendation, and providing short haul demonstration routes.

§ 24706. Discontinuance

(a) NOTICE OF DISCONTINUANCE.—(1) Except as provided in subsection (c), not later than 180 days before discontinuing service over a route, Amtrak shall give notice of the discontinuance in the way Amtrak decides will give a State, a regional or local authority, or another person the opportunity to agree to share or assume the cost of any part of the train, route, or service to be discontinued.

(2) Notice of the discontinuance under paragraph (1) shall be posted in all stations served by the train to be discontinued at least 14 days before the discontinuance.

(b) DISCONTINUANCE OR SUBSTANTIAL ALTERATION OF LONG-DISTANCE ROUTES.—Except as provided in subsection (c), in an emergency, or during maintenance or construction outages impacting Amtrak routes, Amtrak may not discontinue, reduce the frequency of, suspend, or substantially alter the route of rail service on any segment of any long-distance route in any fiscal year in which Amtrak receives adequate Federal funding for such route on the National Network.

(c) DISCONTINUANCE FOR LACK OF APPROPRIATIONS.—(1) Amtrak may discontinue service under subsection (a)(1) during—

(A) the first month of a fiscal year if the authorization of appropriations and the appropriations for Amtrak are not enacted at least 90 days before the beginning of the fiscal year; and

(B) the 30 days following enactment of an appropriation for Amtrak or a rescission of an appropriation.

(2) Amtrak shall notify each affected State or regional or local transportation authority of a discontinuance under this subsection as soon as possible after Amtrak decides to discontinue the service.

(d) CONGRESSIONAL NOTIFICATION OF DISCONTINUANCE.—Except as provided in subsection (c), not later than 210 days before discontinuing service over a route, Amtrak shall give written notice of such discontinuance to all of the members of Congress representing any State or district in which the discontinuance would occur.

(e) APPLICABILITY.—This section applies to all service over routes provided by Amtrak, notwithstanding any provision of section 24701 of this title or any other provision of this title except section 24702(b).

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 927; Pub. L. 105-134, title I, §§101(c), 142(a), Dec. 2, 1997, 111 Stat. 2572, 2576; Pub. L. 110-432, div. B, title II, §201(d), Oct. 16, 2008, 122 Stat. 4910; Pub. L. 114-94, div. A, title XI, §11316(n)(1), Dec. 4, 2015, 129 Stat. 1678; Pub. L. 117-58, div. B, title II, §22210, Nov. 15, 2021, 135 Stat. 708.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
24706(a)(1) ..	45:564(c)(4)(F)(ii).	Oct. 30, 1970, Pub. L. 91-518, 84 Stat. 1327, §404(c)(4)(F); added Sept. 29, 1979, Pub. L. 96-73, §117, 93 Stat. 545; restated Aug. 13, 1981, Pub. L. 97-35, §1183(b), 95 Stat. 696.
24706(a)(2) ..	45:564(c)(4)(F)(i).	Oct. 30, 1970, Pub. L. 91-518, §405(a) (1st, 2d sentences), 84 Stat. 1337; restated June 22, 1972, Pub. L. 92-316, §7(a), 86 Stat. 230. Oct. 30, 1970, Pub. L. 91-518, 84 Stat. 1327, §405(a) (last sentence); added Apr. 7, 1986, Pub. L. 99-272, §4016, 100 Stat. 110.
24706(b)	45:564(c)(4)(F)(iii).	
24706(c)(1) ..	45:565(a) (2d sentence).	
	45:565(a) (last sentence).	
24706(c)(2) ..	45:565(a) (1st sentence).	Oct. 30, 1970, Pub. L. 91-518, §405(b) (1st-3d sentences), 84 Stat. 1337. Oct. 30, 1970, Pub. L. 91-518, §405(c), 84 Stat. 1337; restated June 22, 1972, Pub. L. 92-316, §7(c), 86 Stat. 230.
	45:565(b) (1st sentence).	
	45:565(c) (1st sentence words before 2d comma).	
24706(c)(3) ..	45:565(b) (2d sentence).	
24706(c)(4) ..	45:565(b) (3d sentence).	
24706(c)(5) ..	45:565(c) (1st sentence words after 2d comma, last sentence).	
24706(c)(6) ..	45:565(g).	Oct. 30, 1970, Pub. L. 91-518, 84 Stat. 1327, §405(g); added Aug. 13, 1981, Pub. L. 97-35, §1188(d), 95 Stat. 699.

In subsection (a)(1), the words “Except as provided in subsection (b) of this section” are added for clarity. The word “authority” is substituted for “agency” for consistency in the revised title and with other titles of the United States Code.

In subsection (b)(1), before clause (A), the words “Notwithstanding the provisions of clause (ii)” are omitted as surplus. In clauses (A) and (B), the words “the benefit of” are omitted as surplus. In clause (A), the words “for such fiscal year” are omitted as surplus.

In subsection (c)(1), before clause (A), the words “Amtrak or” are substituted for 45:565(c) (1st sentence words before 2d comma) to eliminate unnecessary words because operations in the basic system have begun. The words “whether occurring before, on, or after January 1, 1975” and “without being limited to, such provisions as may be necessary for” are omitted as surplus. In clause (A), the words “to such employees” are omitted as surplus.

In subsection (c)(3), the words “section 11347 of this title” are substituted for and coextensive with “section 5(2)(f) of the Interstate Commerce Act” in section 405(b) of the Rail Passenger Service Act (Public Law 91-518, 84 Stat. 1337) on authority of section 3(b) of the Act of October 17, 1978 (Public Law 95-473, 92 Stat. 1466).

In subsection (c)(5), the words “be construed to” are omitted as surplus. The text of 45:565(c) (last sentence) is omitted as executed.

Editorial Notes

AMENDMENTS

2021—Subsec. (a). Pub. L. 117-58, §22210(1), substituted “subsection (c), not later than 180 days” for “subsection (b) of this section, at least 180 days”.

Subsecs. (b) to (e). Pub. L. 117-58, §22210(2)-(4), added subsecs. (b) and (d) and redesignated former subsecs. (b) and (c) as (c) and (e), respectively.

2015—Subsec. (a)(1). Pub. L. 114-94, §11316(n)(1)(A)(i), struck out “a discontinuance under section 24704 or or” after “before”.

Subsec. (a)(2). Pub. L. 114-94, §11316(n)(1)(A)(ii), struck out “section 24704 or” after “under”.

Subsec. (b)(1). Pub. L. 114-94, §11316(n)(1)(B), struck out “section 24704 or” after “under” in introductory provisions.

2008—Subsec. (c). Pub. L. 110-432 added subsec. (c).

1997—Subsec. (a)(1). Pub. L. 105-134, §101(c)(1)-(3), substituted “180 days” for “90 days” and “or discontinuing service over a route,” for “24707(a) or (b) of this title,” and inserted “or assume” after “agree to share”.

Subsec. (a)(2). Pub. L. 105-134, §101(c)(4), which directed substitution of “paragraph (1)” for “section 24707(a) or (b) of this title”, was executed by making the substitution for “24707(a) or (b) of this title” to reflect the probable intent of Congress.

Subsec. (b)(1). Pub. L. 105-134, §101(c)(5), which directed substitution of “subsection (a)(1)” for “section 24707(a) or (b) of this title”, was executed by making the substitution for “24707(a) or (b) of this title” to reflect the probable intent of Congress.

Subsec. (c). Pub. L. 105-134, §142(a), struck out subsec. (c) which related to employee protective arrangements.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2015 AMENDMENT

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

EFFECTIVE DATE OF 1997 AMENDMENT

Amendment by section 142(a) of Pub. L. 105-134 effective 180 days after Dec. 2, 1997, see section 142(c) of Pub. L. 105-134, set out in an Employee Protection Reforms note below.

DEEMED REFERENCES TO CHAPTERS 509 AND 511 OF TITLE 51

General references to “this title” deemed to refer also to chapters 509 and 511 of Title 51, National and Commercial Space Programs, see section 4(d)(8) of Pub. L. 111-314, set out as a note under section 101 of this title.

EMPLOYEE PROTECTION REFORMS

Pub. L. 105-134, title I, §§141, 142, Dec. 2, 1997, 111 Stat. 2575, 2576, provided that:

“SEC. 141. RAILWAY LABOR ACT PROCEDURES.

“(a) NOTICES.—Notwithstanding any arrangement in effect before the date of the enactment of this Act [Dec. 2, 1997], notices under section 6 of the Railway Labor Act (45 U.S.C. 156) with respect to all issues relating to employee protective arrangements and severance benefits which are applicable to employees of Amtrak, including all provisions of Appendix C-2 to the National Railroad Passenger Corporation Agreement, signed July 5, 1973, shall be deemed served and effective on the date which is 45 days after the date of the enactment of this Act. Amtrak, and each affected labor organization representing Amtrak employees, shall promptly supply specific information and proposals with respect to each such notice.

“(b) NATIONAL MEDIATION BOARD EFFORTS.—Except as provided in subsection (c), the National Mediation Board shall complete all efforts, with respect to the dispute described in subsection (a), under section 5 of the Railway Labor Act (45 U.S.C. 155) not later than 120 days after the date of the enactment of this Act [Dec. 2, 1997].

“(c) RAILWAY LABOR ACT ARBITRATION.—The parties to the dispute described in subsection (a) may agree to

submit the dispute to arbitration under section 7 of the Railway Labor Act (45 U.S.C. 157), and any award resulting therefrom shall be retroactive to the date which is 120 days after the date of the enactment of this Act [Dec. 2, 1997].

“(d) DISPUTE RESOLUTION.—(1) With respect to the dispute described in subsection (a) which—

“(A) is unresolved as of the date which is 120 days after the date of the enactment of this Act [Dec. 2, 1997]; and

“(B) is not submitted to arbitration as described in subsection (c),

Amtrak shall, and the labor organization parties to such dispute shall, within 127 days after the date of the enactment of this Act, each select an individual from the entire roster of arbitrators maintained by the National Mediation Board. Within 134 days after the date of the enactment of this Act, the individuals selected under the preceding sentence shall jointly select an individual from such roster to make recommendations with respect to such dispute under this subsection. If the National Mediation Board is not informed of the selection under the preceding sentence 134 days after the date of enactment of this Act, the Board shall immediately select such individual.

“(2) No individual shall be selected under paragraph (1) who is pecuniarily or otherwise interested in any organization of employees or any railroad.

“(3) The compensation of individuals selected under paragraph (1) shall be fixed by the National Mediation Board. The second paragraph of section 10 of the Railway Labor Act [45 U.S.C. 160] shall apply to the expenses of such individuals as if such individuals were members of a board created under such section 10.

“(4) If the parties to a dispute described in subsection (a) fail to reach agreement within 150 days after the date of the enactment of this Act, the individual selected under paragraph (1) with respect to such dispute shall make recommendations to the parties proposing contract terms to resolve the dispute.

“(5) If the parties to a dispute described in subsection (a) fail to reach agreement, no change shall be made by either of the parties in the conditions out of which the dispute arose for 30 days after recommendations are made under paragraph (4).

“(6) Section 10 of the Railway Labor Act (45 U.S.C. 160) shall not apply to a dispute described in subsection (a).

“(e) NO PRECEDENT FOR FREIGHT.—Nothing in this Act [see Short Title of 1997 Amendment note set out under section 20101 of this title], or in any amendment made by this Act, shall affect the level of protection provided to freight railroad employees and mass transportation employees as it existed on the day before the date of enactment of this Act [Dec. 2, 1997].

“SEC. 142. SERVICE DISCONTINUANCE.

“(a) REPEAL.—Section 24706(c) is repealed.

“(b) EXISTING CONTRACTS.—Any provision of a contract entered into before the date of the enactment of this Act [Dec. 2, 1997] between Amtrak and a labor organization representing Amtrak employees relating to employee protective arrangements and severance benefits applicable to employees of Amtrak is extinguished, including all provisions of Appendix C-2 to the National Railroad Passenger Corporation Agreement, signed July 5, 1973.

“(c) SPECIAL EFFECTIVE DATE.—Subsections (a) [amending this section] and (b) of this section shall take effect 180 days after the date of the enactment of this Act [Dec. 2, 1997].

“(d) NONAPPLICATION OF BANKRUPTCY LAW PROVISION.—Section 1172(c) of title 11, United States Code, shall not apply to Amtrak and its employees.”

[§§ 24707, 24708. Repealed. Pub. L. 105-134, title I, § 101(d), (e), Dec. 2, 1997, 111 Stat. 2572]

Section 24707, Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 928, required annual route, financial, and performance reviews.

Section 24708, Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 929, related to continuing, modifying, or discontinuing passenger transportation routes.

§ 24709. International transportation

Amtrak may develop and operate international intercity rail passenger transportation between the United States and Canada and between the United States and Mexico. The Secretary of Homeland Security, in cooperation with Amtrak, shall maintain, consistent with the effective enforcement of the immigration and customs laws, en route customs inspection and immigration procedures for international intercity rail passenger transportation that will—

- (1) be convenient for passengers; and
- (2) result in the quickest possible international intercity rail passenger transportation.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 929; Pub. L. 114-94, div. A, title XI, §11316(n)(2), Dec. 4, 2015, 129 Stat. 1679.)

between the United States and Canada during the 2010 Olympic Games on the Amtrak passenger rail route between Vancouver, British Columbia, Canada, and Eugene, Oregon (commonly known as ‘Amtrak Cascades’);

“(2) develop recommendations for the Department of Homeland Security to process efficiently rail passengers traveling on Amtrak Cascades across such international border during the 2010 Olympic Games; and

“(3) submit to Congress a report containing the strategic plan described in paragraph (1) and the recommendations described in paragraph (2).

“(b) TRAVEL FACILITATION.—Using existing authority or agreements, or upon reaching additional agreements with Canada, the Secretary [of Transportation] and other Federal agencies, as appropriate, are authorized to establish facilities and procedures to conduct preclearance of passengers traveling on Amtrak trains from Canada to the United States. The Secretary shall seek to establish such facilities and procedures—

“(1) in Vancouver, Canada, no later than June 1, 2009; and

“(2) in other areas as determined appropriate by the Secretary.”

§ 24710. Long-distance routes

(a) ANNUAL EVALUATION.—Using the financial and performance metrics developed under section 207 of the Passenger Rail Investment and Improvement Act of 2008, Amtrak shall—

(1) evaluate annually the financial and operating performance of each long-distance passenger rail route operated by Amtrak; and

(2) rank the overall performance of such routes for 2008 and identify each long-distance passenger rail route operated by Amtrak in 2008 according to its overall performance as belonging to the best performing third of such routes, the second best performing third of such routes, or the worst performing third of such routes.

(b) PERFORMANCE IMPROVEMENT PLAN.—Amtrak shall develop and post on its website a performance improvement plan for its long-distance passenger rail routes to achieve financial and operating improvements based on the data collected through the application of the financial and performance metrics developed under section 207 of that Act. The plan shall address—

(1) on-time performance;

(2) scheduling, frequency, routes, and stops;

(3) the feasibility of restructuring service into connected corridor service;

(4) performance-related equipment changes and capital improvements;

(5) on-board amenities and service, including food, first class, and sleeping car service;

(6) State or other non-Federal financial contributions;

(7) improving financial performance;

(8) anticipated Federal funding of operating and capital costs; and

(9) other aspects of Amtrak’s long-distance passenger rail routes that affect the financial, competitive, and functional performance of service on Amtrak’s long-distance passenger rail routes.

(c) IMPLEMENTATION.—Amtrak shall implement the performance improvement plan developed under subsection (b)—

(1) beginning in fiscal year 2010 for those routes identified as being in the worst performing third under subsection (a)(2);

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
24709	45:545(e)(7) (less words between parentheses). 45:545(i).	Oct. 30, 1970, Pub. L. 91-518, 84 Stat. 1327, §305(e)(7) (less words between parentheses); added Nov. 3, 1973, Pub. L. 93-146, §6, 87 Stat. 551. Oct. 30, 1970, Pub. L. 91-518, 84 Stat. 1327, §305(i); added Oct. 28, 1974, Pub. L. 93-496, §4, 88 Stat. 1527; re-stated May 26, 1975, Pub. L. 94-25, §3, 89 Stat. 90; Sept. 29, 1979, Pub. L. 96-73, §106, 93 Stat. 539; Aug. 13, 1981, Pub. L. 97-35, §1176, 95 Stat. 692; Apr. 7, 1986, Pub. L. 99-272, §13031(h)(1), 100 Stat. 310.

In this section, before clause (1), the words “points within”, “points in”, and “including Montreal, Canada; Vancouver, Canada; and Nuevo Laredo, Mexico” in 45:545(e)(7) are omitted as surplus. The words “establish and” in 45:545(i) (1st sentence) are omitted as executed. The words “trains operated in” are omitted as surplus.

Editorial Notes

AMENDMENTS

2015—Pub. L. 114-94 substituted “The Secretary of Homeland Security,” for “The Secretary of the Treasury and the Attorney General,” in introductory provisions.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2015 AMENDMENT

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

CROSS-BORDER PASSENGER RAIL SERVICE

Pub. L. 110-432, div. B, title IV, §406, Oct. 16, 2008, 122 Stat. 4958, provided that:

“(a) PLAN.—Not later than 1 year after the date of the enactment of this Act [Oct. 16, 2008], Amtrak shall, in consultation with the Secretary [of Transportation], the Secretary of Homeland Security, the Washington State Department of Transportation, and the owners of the relevant railroad infrastructure—

“(1) develop a strategic plan to facilitate expanded passenger rail service across the international border

(2) beginning in fiscal year 2011 for those routes identified as being in the second best performing third under subsection (a)(2); and

(3) beginning in fiscal year 2012 for those routes identified as being in the best performing third under subsection (a)(2).

(d) ENFORCEMENT.—The Federal Railroad Administration shall monitor the development, implementation, and outcome of improvement plans under this section. If the Federal Railroad Administration determines that Amtrak is not making reasonable progress in implementing its performance improvement plan or, after the performance improvement plan is implemented under subsection (c)(1) in accordance with the terms of that plan, Amtrak has not achieved the outcomes it has established for such routes, under the plan for any calendar year, the Federal Railroad Administration—

(1) shall notify Amtrak, the Inspector General of the Department of Transportation, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate of its determination under this subsection;

(2) shall provide Amtrak with an opportunity for a hearing with respect to that determination; and

(3) may withhold appropriated funds otherwise available to Amtrak for the operation of a route or routes from among the worst performing third of routes currently served by Amtrak on which Amtrak is not making reasonable progress, other than funds made available for passenger safety or security measures.

(Added Pub. L. 110-432, div. B, title II, §210(a), Oct. 16, 2008, 122 Stat. 4918.)

Editorial Notes

REFERENCES IN TEXT

Section 207 of the Passenger Rail Investment and Improvement Act of 2008, referred to in subsecs. (a) and (b), is section 207 of Pub. L. 110-432, which is set out in a note under section 24101 of this title.

§ 24711. Competitive passenger rail service pilot program

(a) IN GENERAL.—Not later than 18 months after the date of enactment of the Passenger Rail Reform and Investment Act of 2015, the Secretary of Transportation shall promulgate a rule to implement a pilot program for competitive selection of eligible petitioners described in subsection (b)(3) in lieu of Amtrak to operate not more than 3 long-distance routes (as defined in section 24102) operated by Amtrak on the date of enactment of such Act.

(b) PILOT PROGRAM REQUIREMENTS.—

(1) IN GENERAL.—The pilot program shall—

(A) allow a petitioner described in paragraph (3) to petition the Secretary to provide intercity rail passenger transportation over a long-distance route described in subsection (a) for an operation period of 4 years from the date of commencement of service by the winning bidder and, at the option of the Secretary, consistent with the rule promulgated under subsection (a), allow the

contract to be renewed for 1 additional operation period of 4 years;

(B) require the Secretary to—

(i) notify the petitioner and Amtrak of receipt of the petition under subparagraph (A) and to publish in the Federal Register a notice of receipt not later than 30 days after the date of receipt;

(ii) establish a deadline, of not more than 120 days after the notice of receipt is published in the Federal Register under clause (i), by which both the petitioner and Amtrak, if Amtrak chooses to do so, would be required to submit a complete bid to provide intercity rail passenger transportation over the applicable route; and

(iii) upon selecting a winning bid, publish in the Federal Register the identity of the winning bidder, the long distance route that the bidder will operate, a detailed justification of the reasons why the Secretary selected the bid, and any other information the Secretary determines appropriate for public comment for a reasonable period of time not to exceed 30 days after the date on which the Secretary selects the bid;

(C) require that each bid—

(i) describe the capital needs, financial projections, and operational plans, including staffing plans, for the service, and such other factors as the Secretary considers appropriate; and

(ii) be made available by the winning bidder to the public after the bid award with any appropriate redactions for confidential or proprietary information;

(D) for a route that receives funding from a State or States, require that for each bid received from a petitioner described in paragraph (3), other than such State or States, the Secretary have the concurrence of the State or States that provide funding for that route; and

(E) for a winning bidder that is not or does not include Amtrak, require the Secretary to execute a contract not later than 270 days after the deadline established under subparagraph (B)(ii) and award to the winning bidder—

(i) subject to paragraphs (4) and (5), the right and obligation to provide intercity rail passenger transportation over that route subject to such performance standards as the Secretary may require; and

(ii) an operating subsidy, as determined by the Secretary, for—

(I) the first year at a level that does not exceed 90 percent of the level in effect for that specific route during the fiscal year preceding the fiscal year in which the petition was received, adjusted for inflation; and

(II) any subsequent years at the level calculated under subclause (I), adjusted for inflation.

(2) LIMITATION.—The requirements under paragraph (1)(E), including the amounts of operating subsidies in the first and any subsequent years under paragraph (1)(E)(ii), shall not apply to a winning bidder that is or includes Amtrak.

(3) **ELIGIBLE PETITIONERS.**—The following parties are eligible to submit petitions under paragraph (1):

(A) A rail carrier or rail carriers that own the infrastructure over which Amtrak operates a long-distance route, or another rail carrier that has a written agreement with a rail carrier or rail carriers that own such infrastructure.

(B) A State, group of States, or State-supported joint powers authority or other sub-State governance entity responsible for provision of intercity rail passenger transportation with a written agreement with the rail carrier or rail carriers that own the infrastructure over which Amtrak operates a long-distance route and that host or would host the intercity rail passenger transportation.

(C) A State, group of States, or State-supported joint powers authority or other sub-State governance entity responsible for provision of intercity rail passenger transportation and a rail carrier with a written agreement with another rail carrier or rail carriers that own the infrastructure over which Amtrak operates a long-distance route and that host or would host the intercity rail passenger transportation.

(4) **PERFORMANCE STANDARDS.**—The performance standards required under paragraph (1)(E)(i) shall meet or exceed the performance required of or achieved by Amtrak on the applicable route during the last fiscal year.

(5) **AGREEMENT GOVERNING ACCESS ISSUES.**—Unless the winning bidder already has applicable access rights or agreements in place or includes a rail carrier that owns the infrastructure used in the operation of the route, a winning bidder that is not or does not include Amtrak shall enter into a written agreement governing access issues between the winning bidder and the rail carrier or rail carriers that own the infrastructure over which the winning bidder would operate and that host or would host the intercity rail passenger transportation.

(c) **ACCESS TO FACILITIES; EMPLOYEES.**—If the Secretary awards the right and obligation to provide intercity rail passenger transportation over a route described in this section to an eligible petitioner—

(1) the Secretary shall, if necessary to carry out the purposes of this section, require Amtrak to provide access to the Amtrak-owned reservation system, stations, and facilities directly related to operations of the awarded routes to the eligible petitioner awarded a contract under this section, in accordance with subsection (g);

(2) an employee of any person, except as provided in a collective bargaining agreement, used by such eligible petitioner in the operation of a route under this section shall be considered an employee of that eligible petitioner and subject to the applicable Federal laws and regulations governing similar crafts or classes of employees of Amtrak; and

(3) the winning bidder shall provide hiring preference to qualified Amtrak employees dis-

placed by the award of the bid, consistent with the staffing plan submitted by the bidder, and shall be subject to the grant conditions under section 22905.

(d) **CESSATION OF SERVICE.**—If an eligible petitioner awarded a route under this section ceases to operate the service or fails to fulfill an obligation under a contract required under subsection (b)(1)(E), the Secretary, in collaboration with the Surface Transportation Board, shall take any necessary action consistent with this title to enforce the contract and ensure the continued provision of service, including—

(1) the installment of an interim rail carrier;

(2) providing to the interim rail carrier under paragraph (1) an operating subsidy necessary to provide service; and

(3) rebidding the contract to operate the intercity rail passenger transportation.

(e) **BUDGET AUTHORITY.**—

(1) **IN GENERAL.**—The Secretary shall provide to a winning bidder that is not or does not include Amtrak and that is selected under this section any appropriations withheld under section 11101(e) of the Passenger Rail Reform and Investment Act of 2015, or any subsequent appropriation for the same purpose, necessary to cover the operating subsidy described in subsection (b)(1)(E)(ii).

(2) **ATTRIBUTABLE COSTS.**—If the Secretary selects a winning bidder that is not or does not include Amtrak, the Secretary shall provide to Amtrak an appropriate portion of the appropriations under section 11101(b) of the Passenger Rail Reform and Investment Act of 2015, or any subsequent appropriation for the same purpose, to cover any cost directly attributable to the termination of Amtrak service on the route and any indirect costs to Amtrak imposed on other Amtrak routes as a result of losing service on the route operated by the winning bidder. Any amount provided by the Secretary to Amtrak under this paragraph shall not be deducted from or have any effect on the operating subsidy described in subsection (b)(1)(E)(ii).

(f) **REPORTING.**—If the Secretary does not promulgate the final rule before the deadline under subsection (a), the Secretary shall, not later than 19 months after the date of enactment of the Passenger Rail Reform and Investment Act of 2015 and every 90 days thereafter until the rule is complete, notify the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives in writing—

(1) the reasons why the rule has not been issued;

(2) a plan for completing the rule as soon as reasonably practicable; and

(3) the estimated date of completion of the rule.

(g) **DISPUTES.**—

(1) **PETITIONING SURFACE TRANSPORTATION BOARD.**—If Amtrak and the eligible petitioner awarded a route under this section cannot agree upon terms to carry out subsection (c)(1), either party may petition the Surface

Transportation Board for a determination as to—

(A) whether access to Amtrak’s facility or equipment, or the provisions of services by Amtrak, is necessary under subsection (c)(1); and

(B) whether the operation of Amtrak’s other services will not be unreasonably impaired by such access.

(2) SURFACE TRANSPORTATION BOARD DETERMINATION.—If the Surface Transportation Board determines access to Amtrak’s facilities or equipment, or the provision of services by Amtrak, is necessary under paragraph (1)(A) and the operation of Amtrak’s other services will not be unreasonably impaired under paragraph (1)(B), the Board shall issue an order that—

(A) requires Amtrak to provide the applicable facilities, equipment, and services; and

(B) determines reasonable compensation, liability, and other terms for the use of the facilities and equipment and the provision of the services.

(h) LIMITATION.—Not more than 3 long-distance routes may be selected under this section for operation by a winning bidder that is not or does not include Amtrak.

(i) PRESERVATION OF RIGHT TO COMPETITION ON STATE-SUPPORTED ROUTES.—Nothing in this section shall be construed as prohibiting a State from introducing competition for intercity rail passenger transportation or services on its State-supported route or routes.

(j) SAVINGS CLAUSE.—Nothing in this section shall affect Amtrak’s access rights to railroad rights-of-way and facilities.

(Added Pub. L. 110-432, div. B, title II, §214(a), Oct. 16, 2008, 122 Stat. 4927; amended Pub. L. 114-94, div. A, title XI, §11307(a), Dec. 4, 2015, 129 Stat. 1660; Pub. L. 115-420, §7(b)(3)(A)(i)(III), Jan. 3, 2019, 132 Stat. 5447.)

Editorial Notes

REFERENCES IN TEXT

The date of enactment of the Passenger Rail Reform and Investment Act of 2015, referred to in subssecs. (a) and (f), is the date of enactment of title XI of div. A of Pub. L. 114-94, which was approved Dec. 4, 2015.

Section 11101 of the Passenger Rail Reform and Investment Act of 2015, referred to in subsec. (e), is section 11101 of title XI of div. A of Pub. L. 114-94, Dec. 4, 2015, 129 Stat. 1622, which is not classified to the Code.

AMENDMENTS

2019—Subsec. (c)(3). Pub. L. 115-420 substituted “22905” for “24405”.

2015—Pub. L. 114-94 amended section generally. Prior to amendment, section related to alternate passenger rail service pilot program.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2015 AMENDMENT

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

DEEMED REFERENCES TO CHAPTERS 509 AND 511 OF TITLE 51

General references to “this title” deemed to refer also to chapters 509 and 511 of Title 51, National and

Commercial Space Programs, see section 4(d)(8) of Pub. L. 111-314, set out as a note under section 101 of this title.

REPORT

Pub. L. 114-94, div. A, title XI, §11307(c), Dec. 4, 2015, 129 Stat. 1664, provided that: “Not later than 4 years after the date of implementation of the pilot program under section 24711 of title 49, United States Code, and quadrennially thereafter until the pilot program is discontinued, the Secretary [of Transportation] shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the results of the pilot program to date and any recommendations for further action.”

EMPLOYEE TRANSITION ASSISTANCE

Pub. L. 110-432, div. B, title II, §215, Oct. 16, 2008, 122 Stat. 4929, provided that:

“(a) PROVISION OF FINANCIAL INCENTIVES.—For Amtrak employees who are adversely affected by the cessation of the operation of a long-distance route or any other route under section 24711 of title 49, United States Code, previously operated by Amtrak, the Secretary [of Transportation] shall develop a program under which the Secretary may, at the Secretary’s discretion, provide grants for financial incentives to be provided to Amtrak employees who voluntarily terminate their employment with Amtrak and relinquish any legal rights to receive termination-related payments under any contractual agreement with Amtrak.

“(b) CONDITIONS FOR FINANCIAL INCENTIVES.—As a condition for receiving financial assistance grants under this section, Amtrak must certify that—

“(1) a reasonable attempt was made to reassign an employee adversely affected under section 24711 of title 49, United States Code, or by the elimination of any route, to other positions within Amtrak in accordance with any contractual agreements;

“(2) the financial assistance results in a net reduction in the total number of employees equal to the number receiving financial incentives;

“(3) the financial assistance results in a net reduction in total employment expense equivalent to the total employment expenses associated with the employees receiving financial incentives; and

“(4) the total number of employees eligible for termination-related payments will not be increased without the express written consent of the Secretary.

“(c) AMOUNT OF FINANCIAL INCENTIVES.—The financial incentives authorized under this section may be no greater than \$100,000 per employee.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There are hereby authorized to be appropriated to the Secretary such sums as may be necessary to make grants to Amtrak to provide financial incentives under subsection (a).

“(e) TERMINATION-RELATED PAYMENTS.—If Amtrak employees adversely affected by the cessation of Amtrak service resulting from the awarding of a grant to an operator other than Amtrak for the operation of a route under section 24711 of title 49, United States Code, or any other route, previously operated by Amtrak do not receive financial incentives under subsection (a), then the Secretary shall make grants to Amtrak from funds authorized by section 101 of this division [122 Stat. 4908] for termination-related payments to employees under existing contractual agreements.”

§ 24712. State-supported routes operated by Amtrak

(a) STATE-SUPPORTED ROUTE COMMITTEE.—

(1) ESTABLISHMENT.—There is established the State-Supported Route Committee (referred to in this section as the “Committee”) to promote mutual cooperation and planning per-

taining to the current and future rail operations of Amtrak and related activities of trains operated by Amtrak on State-supported routes and to further implement section 209 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24101 note).

(2) MEMBERSHIP.—

(A) IN GENERAL.—The Committee shall consist of—

- (i) members representing Amtrak;
- (ii) members representing the Department of Transportation, including the Federal Railroad Administration; and
- (iii) members representing States.

(B) NON-VOTING MEMBERS.—The Committee may invite and accept other non-voting members to participate in Committee activities, as appropriate.

(3) DECISIONMAKING.—The Committee shall establish a bloc voting system under which, at a minimum—

(A) there are 3 separate voting blocs to represent the Committee's voting members, including—

- (i) 1 voting bloc to represent the members described in paragraph (2)(A)(i);
- (ii) 1 voting bloc to represent the members described in paragraph (2)(A)(ii); and
- (iii) 1 voting bloc to represent the members described in paragraph (2)(A)(iii);

(B) each voting bloc has 1 vote;

(C) the vote of the voting bloc representing the members described in paragraph (2)(A)(iii) requires the support of at least two-thirds of that voting bloc's members; and

(D) the Committee makes decisions by unanimous consent of the 3 voting blocs.

(4) ABILITY TO CONDUCT CERTAIN BUSINESS.—If all of the members of 1 voting bloc described in paragraph (3) abstain from a Committee decision, agreement between the other 2 voting blocs consistent with the procedures set forth in such paragraph shall be deemed sufficient for purpose of achieving unanimous consent.

(5) MEETINGS; RULES AND PROCEDURES.—The Committee shall define and periodically update the rules and procedures governing the Committee's proceedings. The rules and procedures shall—

(A) incorporate and further describe the decisionmaking procedures to be used in accordance with paragraph (3); and

(B) be adopted in accordance with such decisionmaking procedures.

(6) COMMITTEE DECISIONS.—Decisions made by the Committee in accordance with the Committee's rules and procedures, once established, are binding on all Committee members.

(7) COST METHODOLOGY POLICY.—

(A) IN GENERAL.—Subject to subparagraph (B), the Committee may amend the cost methodology policy required and previously approved under section 209 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24101 note).

(B) REVISIONS TO COST METHODOLOGY POLICY.—

(i) REQUIREMENT TO REVISE AND UPDATE.—Subject to rules and procedures es-

tablished pursuant to clause (iii), not later than March 31, 2022, the Committee shall revise and update the cost methodology policy required and previously approved under section 209 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 20901¹ note). The Committee shall implement a revised cost methodology policy during fiscal year 2023. Not later than 30 days after the adoption of the revised cost methodology policy, the Committee shall submit a report documenting and explaining any changes to the cost methodology policy and plans for implementation of such policy, including a description of the improvements to the accounting information provided by Amtrak to the States, to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives. The revised cost methodology policy shall ensure that States will be responsible for costs attributable to the provision of service for their routes.

(ii) IMPLEMENTATION IMPACTS ON FEDERAL FUNDING.—To the extent that a revision developed pursuant to clause (i) assigns to Amtrak costs that were previously allocated to States, Amtrak shall request with specificity such additional funding in the general and legislative annual report required under section 24315 or in any appropriate subsequent Federal funding request for the fiscal year in which the revised cost methodology policy will be implemented.

(iii) PROCEDURES FOR CHANGING METHODOLOGY.—Notwithstanding section 209(b) of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 20901¹ note), the rules and procedures implemented pursuant to paragraph (5) shall include—

(I) procedures for changing the cost methodology policy in accordance with clause (i); and

(II) procedures or broad guidelines for conducting financial planning, including operating and capital forecasting, reporting, data sharing, and governance.

(C) REQUIREMENTS.—The cost methodology policy shall—

(i) ensure equal treatment in the provision of like services of all States and groups of States;

(ii) assign to each route the costs incurred only for the benefit of that route and a proportionate share, based upon factors that reasonably reflect relative use, of costs incurred for the common benefit of more than 1 route; and

(iii) promote increased efficiency in Amtrak's operating and capital activities.

(D) INDEPENDENT EVALUATION.—Not later than March 31 of each year, the Committee shall ensure that an independent entity selected by the Committee has completed an

¹ So in original. Probably should be "24101".

evaluation to determine whether State payments for the most recently concluded fiscal year are accurate and comply with the applicable cost allocation methodology.

(b) INVOICES AND REPORTS.—

(1) INVOICES.—Amtrak shall provide monthly invoices to the Committee and to each State that sponsors a State-supported route that identify the operating costs for such route, including fixed costs and third-party costs.

(2) REPORTS.—

(A) IN GENERAL.—The Committee shall determine the frequency and contents of—

(i) the financial and performance reports that Amtrak is required to provide to the Committee and the States; and

(ii) the planning and demand reports that the States are required to provide to the Committee and Amtrak.

(B) MONTHLY STATISTICAL REPORT.—

(i) DEVELOPMENT.—Consistent with the revisions to the policy required under subsection (a)(7)(B), the Committee shall develop a report that contains the general ledger data and operating statistics from Amtrak's accounting systems used to calculate payments to States.

(ii) PROVISION OF NECESSARY DATA.—Not later than 30 days after the last day of each month, Amtrak shall provide to the States and to the Committee the necessary data to complete the report developed pursuant to clause (i) for such month.

(c) DISPUTE RESOLUTION.—

(1) REQUEST FOR DISPUTE RESOLUTION.—If a dispute arises with respect to the rules and procedures implemented under subsection (a)(5), an invoice or a report provided under subsection (b), implementation or compliance with the cost allocation methodology developed under section 209 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24101 note) or amended under subsection (a)(7) of this section, either Amtrak or the State may request that the Surface Transportation Board conduct dispute resolution under this subsection.

(2) PROCEDURES.—The Surface Transportation Board shall establish procedures for resolution of disputes brought before it under this subsection, which may include provision of professional mediation services.

(3) BINDING EFFECT.—A decision of the Surface Transportation Board under this subsection shall be binding on the parties to the dispute.

(4) OBLIGATION.—Nothing in this subsection shall affect the obligation of a State to pay an amount related to a State-supported route that a State sponsors that is not in dispute.

(d) ASSISTANCE.—

(1) IN GENERAL.—The Secretary may provide assistance to the parties in the course of negotiations for a contract for operation of a State-supported route.

(2) FINANCIAL ASSISTANCE.—From among available funds, the Secretary shall provide—

(A) financial assistance to Amtrak or 1 or more States to perform requested inde-

pendent technical analysis of issues before the Committee; and

(B) administrative expenses that the Secretary determines necessary.

(e) PERFORMANCE METRICS.—In negotiating a contract for operation of a State-supported route, Amtrak and the State or States that sponsor the route shall consider including provisions that provide penalties and incentives for performance, including incentives to increase revenue, reduce costs, finalize contracts by the beginning of the fiscal year, and require States to promptly make payments for services delivered.

(f) STATEMENT OF GOALS AND OBJECTIVES.—

(1) IN GENERAL.—The Committee shall develop, and review and update, as necessary, a statement of goals, objectives, and associated recommendations concerning the future of State-supported routes operated by Amtrak. The statement shall identify the roles and responsibilities of Committee members and any other relevant entities, such as host railroads, in meeting the identified goals and objectives, or carrying out the recommendations. The Committee may consult with such relevant entities, as the Committee considers appropriate, when developing the statement.

(2) TRANSMISSION OF STATEMENT OF GOALS AND OBJECTIVES.—As applicable, based on updates, the Committee shall submit an updated statement developed under paragraph (1) to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(3) SENSE OF CONGRESS.—It is the sense of Congress that—

(A) the Committee shall be the forum where Amtrak and the States collaborate on the planning, improvement, and development of corridor routes across the National Network; and

(B) such collaboration should include regular consultation with interstate rail compact parties and other regional planning organizations that address passenger rail.

(g) NEW STATE-SUPPORTED ROUTES.—

(1) CONSULTATION.—In developing a new State-supported route, Amtrak shall consult with—

(A) the State or States and local municipalities through which such new service would operate;

(B) commuter authorities and regional transportation authorities in the areas that would be served by the planned route;

(C) host railroads;

(D) the Administrator of the Federal Railroad Administration; and

(E) other stakeholders, as appropriate.

(2) STATE COMMITMENTS.—Notwithstanding any other provision of law, before beginning construction necessary for, or beginning operation of, a State-supported route that is initiated on or after the date of enactment of the Passenger Rail Expansion and Rail Safety Act of 2021, Amtrak shall enter into a memorandum of understanding, or otherwise secure an agreement, with each State that would be providing funding for such route for sharing—

(A) ongoing operating costs and capital costs in accordance with the cost methodology policy referred to in subsection (a)(7) then in effect; or

(B) ongoing operating costs and capital costs in accordance with the maximum funding limitations described in section 22908(e).

(3) APPLICATION OF TERMS.—In this subsection, the terms “capital costs” and “operating costs” shall apply in the same manner as such terms apply under the cost methodology policy developed pursuant to subsection (a)(7).

(h) COST METHODOLOGY POLICY UPDATE IMPLEMENTATION REPORT.—Not later than 18 months after the updated cost methodology policy required under subsection (a)(7)(B) is implemented, the Committee shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that assesses the implementation of the updated policy.

(i) IDENTIFICATION OF STATE-SUPPORTED ROUTE CHANGES.—Amtrak shall—

(1) not later than 120 days before the submission of the general and legislative annual report required under section 24315(b), consult with the Committee and any additional States through which a State-supported route may operate regarding any proposed changes to such route; and

(2) include in such report an update of any planned or proposed changes to State-supported routes, including the introduction of new State-supported routes, including—

(A) the timeframe in which such changes would take effect; and

(B) whether Amtrak has entered into commitments with the affected States pursuant to subsection (g)(2).

(j) ECONOMIC ANALYSIS.—Not later than 3 years after the date of enactment of the Passenger Rail Expansion and Rail Safety Act of 2021, the Committee shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that—

(1) describes the role of the State-supported routes in economic development; and

(2) examines the impacts of the State-supported routes on local station areas, job creation, transportation efficiency, State economies, and the national economy.

(k) RULE OF CONSTRUCTION.—The decisions of the Committee—

(1) shall pertain to the rail operations of Amtrak and related activities of trains operated by Amtrak on State-sponsored routes; and

(2) shall not pertain to the rail operations or related activities of services operated by other rail carriers on State-supported routes.

(l) DEFINITION OF STATE.—In this section, the term “State” means any of the 50 States, including the District of Columbia, that sponsor the operation of trains by Amtrak on a State-supported route, or a public entity that sponsors such operation on such a route.

(Added Pub. L. 114-94, div. A, title XI, § 11204(a), Dec. 4, 2015, 129 Stat. 1634; amended Pub. L. 117-58, div. B, title II, § 22211, Nov. 15, 2021, 135 Stat. 708.)

Editorial Notes

REFERENCES IN TEXT

Section 209 of the Passenger Rail Investment and Improvement Act of 2008, referred to in subsecs. (a)(1), (7)(A), (B)(i), (iii), and (c)(1), is section 209 of div. B of Pub. L. 110-432, which is set out as a note under section 24101 of this title.

The date of enactment of the Passenger Rail Expansion and Rail Safety Act of 2021, referred to in subsecs. (g)(2) and (j), is the date of enactment of title II of div. B of Pub. L. 117-58, which was approved Nov. 15, 2021.

AMENDMENTS

2021—Subsec. (a)(1). Pub. L. 117-58, § 22211(a)(1), substituted “There is established” for “Not later than 180 days after the date of enactment of the Passenger Rail Reform and Investment Act of 2015, the Secretary of Transportation shall establish” and inserted “current and future” before “rail operations”.

Subsec. (a)(4). Pub. L. 117-58, § 22211(a)(3), added par. (4). Former par. (4) redesignated (5).

Subsec. (a)(5). Pub. L. 117-58, § 22211(a)(2), (4), redesignated par. (4) as (5) and substituted “define and periodically update” for “convene a meeting and shall define and implement” and struck out “not later than 180 days after the date of establishment of the Committee by the Secretary” after “Committee’s proceedings” in introductory provisions. Former par. (5) redesignated (6).

Subsec. (a)(6). Pub. L. 117-58, § 22211(a)(2), redesignated par. (5) as (6). Former par. (6) redesignated (7).

Subsec. (a)(7). Pub. L. 117-58, § 22211(a)(2), (5), redesignated par. (6) as (7) and substituted “methodology policy” for “allocation methodology” in heading.

Subsec. (a)(7)(A). Pub. L. 117-58, § 22211(a)(5)(B), substituted “methodology policy” for “allocation methodology”.

Subsec. (a)(7)(B). Pub. L. 117-58, § 22211(a)(5)(C), amended subpar. (B) generally. Prior to amendment, text read as follows: “The rules and procedures implemented under paragraph (4) shall include procedures for changing the cost allocation methodology.”

Subsec. (a)(7)(C). Pub. L. 117-58, § 22211(a)(5)(D)(i), substituted “methodology policy” for “allocation methodology” in introductory provisions.

Subsec. (a)(7)(C)(ii). Pub. L. 117-58, § 22211(a)(5)(D)(iii)(I), substituted “assign” for “allocate”.

Subsec. (a)(7)(C)(iii). Pub. L. 117-58, § 22211(a)(5)(D)(ii), (iii)(II), (iv), added cl. (iii).

Subsec. (a)(7)(D). Pub. L. 117-58, § 22211(a)(5)(E), added subpar. (D).

Subsec. (b). Pub. L. 117-58, § 22211(b), amended subsec. (b) generally. Prior to amendment, text read as follows: “Not later than April 15, 2016, and monthly thereafter, Amtrak shall provide to each State that sponsors a State-supported route a monthly invoice of the cost of operating such route, including fixed costs and third-party costs. The Committee shall determine the frequency and contents of financial and performance reports that Amtrak shall provide to the States, as well as the planning and demand reports that the States shall provide to Amtrak.”

Subsec. (c)(1). Pub. L. 117-58, § 22211(c)(1), substituted “subsection (a)(5)” for “subsection (a)(4)” and “subsection (a)(7)” for “subsection (a)(6)”.

Subsec. (c)(4). Pub. L. 117-58, § 22211(c)(2), inserted “related to a State-supported route that a State sponsors that is” after “amount”.

Subsec. (e). Pub. L. 117-58, § 22211(d), inserted “, including incentives to increase revenue, reduce costs, finalize contracts by the beginning of the fiscal year, and require States to promptly make payments for services delivered” before period at end.

Subsec. (f)(1). Pub. L. 117-58, §22211(e)(1), inserted “, and review and update, as necessary,” after “shall develop”.

Subsec. (f)(2). Pub. L. 117-58, §22211(e)(2), substituted “As applicable, based on updates, the Committee shall submit an updated statement” for “Not later than 2 years after the date of enactment of the Passenger Rail Reform and Investment Act of 2015, the Committee shall transmit the statement”.

Subsec. (f)(3). Pub. L. 117-58, §22211(e)(3), added par. (3).

Subsecs. (g) to (l). Pub. L. 117-58, §22211(f), added subsecs. (g) to (j) and redesignated former subsecs. (g) and (h) as (k) and (l), RESPECTIVELY.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

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

CHAPTER 249—NORTHEAST CORRIDOR IMPROVEMENT PROGRAM

Sec.

- 24901. Definitions.
- 24902. Goals and requirements.
- 24903. General authority.
- 24904. Northeast Corridor planning.
- 24905. Northeast Corridor Commission.¹
- 24906. Eliminating highway at-grade crossings.
- 24907. Note and mortgage.
- 24908. Transfer taxes and levies and recording charges.
- 24909. Authorization of appropriations.
- 24910. Rail cooperative research program.
- 24911. Federal-State partnership for intercity passenger rail.

Editorial Notes

AMENDMENTS

2021—Pub. L. 117-58, div. B, title II, §22307(b), Nov. 15, 2021, 135 Stat. 730, substituted “Federal-State partnership for intercity passenger rail” for “Federal-State partnership for state of good repair” in item 24911.

2015—Pub. L. 114-94, div. A, title XI, §§11302(b), 11305(d)(2), 11306(b)(2), Dec. 4, 2015, 129 Stat. 1651, 1658, 1660, added items 24904 and 24911, redesignated former item 24904 as 24903, and substituted “Northeast Corridor Commission” for “Northeast Corridor Infrastructure and Operations Advisory Commission; Safety Committee” in item 24905.

2008—Pub. L. 110-432, div. B, title II, §212(b)(1), title III, §306(b), Oct. 16, 2008, 122 Stat. 4924, 4953, amended item 24905 generally, substituting “Northeast Corridor Infrastructure and Operations Advisory Commission; Safety Committee” for “Coordination board and safety committee”, and added item 24910.

1997—Pub. L. 105-134, title IV, §405(a), Dec. 2, 1997, 111 Stat. 2586, struck out item 24903 “Program master plan for Boston-New York main line”.

§ 24901. Definitions

In this chapter—

(1) “final system plan” means the final system plan (including additions) adopted by the United States Railway Association under the Regional Rail Reorganization Act of 1973 (45 U.S.C. 701 et seq.).

(2) “rail carrier” means an express carrier and a rail carrier as defined in section 10102 of this title, including Amtrak.

¹ So in original. Does not conform to section catchline.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 930.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
24901(1)	(no source).	
24901(2)	(no source).	

This section is derived from 45:802 for clarity. That section contains definitions for the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94-210, 90 Stat. 33). Title VII of that Act is the source of the source provisions restated in this chapter. However, other titles of that Act are not being restated because they are outside the scope of the restatement. Therefore, 45:802 is not being restated in this restatement and only the relevant definitions are accounted for in this chapter.

Editorial Notes

REFERENCES IN TEXT

The Regional Rail Reorganization Act of 1973, referred to in par. (1), is Pub. L. 93-236, Jan. 2, 1974, 87 Stat. 985, as amended, which is classified principally to chapter 16 (§701 et seq.) of Title 45, Railroads. For complete classification of this Act to the Code, see Short Title note set out under section 701 of Title 45 and Tables.

§ 24902. Goals and requirements

(a) **MANAGING COSTS AND REVENUES.**—Amtrak shall manage its operating costs, pricing policies, and other factors with the goal of having revenues derived each fiscal year from providing intercity rail passenger transportation over the Northeast Corridor route between the District of Columbia and Boston, Massachusetts, equal at least the operating costs of providing that transportation in that fiscal year.

(b) **PRIORITIES IN SELECTING AND SCHEDULING PROJECTS.**—When selecting and scheduling specific projects, Amtrak shall apply the following considerations, in the following order of priority:

(1) Safety-related items should be completed before other items because the safety of the passengers and users of the Northeast Corridor is paramount.

(2) Activities that benefit the greatest number of passengers should be completed before activities involving fewer passengers.

(3) Reliability of intercity rail passenger transportation must be emphasized.

(4) Trip-time requirements of this section must be achieved to the extent compatible with the priorities referred to in paragraphs (1)–(3) of this subsection.

(5) Improvements that will pay for the investment by achieving lower operating or maintenance costs should be carried out before other improvements.

(6) Construction operations should be scheduled so that the fewest possible passengers are inconvenienced, transportation is maintained, and the on-time performance of Northeast Corridor commuter rail passenger and rail freight transportation is optimized.

(7) Planning should focus on completing activities that will provide immediate benefits to users of the Northeast Corridor.

(c) **COMPATIBILITY WITH FUTURE IMPROVEMENTS AND PRODUCTION OF MAXIMUM LABOR BENEFITS.**—