

119TH CONGRESS
1ST SESSION

H. R. 769

To amend title 49, United States Code, to direct the Secretary of Transportation to issue regulations under which Amtrak is responsible for refunding rail passengers the cost of certain rail transportation that was canceled or delayed due to a failure of Amtrak, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 28, 2025

Mr. GOTTHEIMER (for himself and Mr. KEAN) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To amend title 49, United States Code, to direct the Secretary of Transportation to issue regulations under which Amtrak is responsible for refunding rail passengers the cost of certain rail transportation that was canceled or delayed due to a failure of Amtrak, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “All Aboard Act”.

1 **SEC. 2. ACCOUNTABILITY OF AMTRAK FOR UNFULFILLED**
2 **FARES CAUSED BY MAINTENANCE AND**
3 **OTHER FAILURES.**

4 (a) IN GENERAL.—Chapter 243 of title 49, United
5 States Code, is amended by adding at the end the fol-
6 lowing new section:

7 **“§ 24324. Right of rail passengers to recover certain**
8 **unfulfilled fare**

9 “(a) IN GENERAL.—Not later than 180 days after
10 the date of enactment of the All Aboard Act, the Secretary
11 of Transportation shall issue regulations to ensure that
12 any person who purchases covered rail passenger transpor-
13 tation receives a refund equal to the rate the person paid
14 for such transportation, at the expense of Amtrak and in
15 accordance with this section, if due to a failure of Amtrak,
16 such transportation, or a part of such transportation, is—

17 “(1) canceled; or

18 “(2) delayed such that the transportation is
19 completed more than 3 hours after the expected
20 completion time as of the time of the purchase.

21 “(b) DETERMINATION OF CAUSE.—

22 “(1) CAUSATION.—For purposes of subsection
23 (a), a cancellation or delay is not a failure of Am-
24 trak if the cancellation or delay is attributable to
25 forces or persons uncontrollable by Amtrak.

1 “(2) DISPUTE PROCEDURES.—In carrying out
2 subsection (a), the Secretary shall issue regulations
3 that include—

4 “(A) procedures for determining if a can-
5 cellation or delay is subject to subsection (a);
6 and

7 “(B) procedures by which Amtrak can dis-
8 pute that a cancellation or delay is subject to
9 subsection (a), including that the cancellation
10 or delay was due to a failure of Amtrak.

11 “(c) REFUND ISSUANCE.—

12 “(1) TIMING.—A provider of covered rail pas-
13 senger transportation shall issue a refund with re-
14 spect to a cancellation or delay described in sub-
15 section (a)—

16 “(A) if Amtrak does not dispute that the
17 cancellation or delay is due to a failure of Am-
18 trak—

19 “(i) if the covered rail passenger
20 transportation is purchased with credit, a
21 voucher, or rewards points issued by the
22 provider of such transportation, not later
23 than 7 days after the cancellation or delay;
24 or

1 “(ii) if the covered rail passenger
 2 transportation is purchased with cash, as
 3 soon as is feasible after the cancellation or
 4 delay; or

5 “(B) if Amtrak disputes, pursuant to the
 6 procedures established under subsection (b)(2),
 7 that the cancellation or delay is subject to sub-
 8 section (a), not later than a date—

9 “(i) which is after the date on which
 10 a final determination is issued that the
 11 cancellation or delay is subject to sub-
 12 section (a); and

13 “(ii) determined by the Secretary to
 14 be prompt and feasible.

15 “(2) FORM.—A refund under subsection (a)
 16 shall be issued to a purchaser of covered rail pas-
 17 senger transportation in the form of payment used
 18 by the purchaser.

19 “(d) AMTRAK REIMBURSEMENT OF OTHER RAIL
 20 CARRIERS.—Amtrak shall, upon request from a rail car-
 21 rier that issues a refund under subsection (a), reimburse
 22 the rail carrier in the amount equal to the refund.

23 “(e) NONCOMPLIANCE.—Amtrak may not receive
 24 Federal funds for any period during which the Secretary
 25 determines that Amtrak is noncompliant with this section.

1 “(f) APPLICABILITY.—This section shall apply for
2 any fiscal year in which Amtrak accepts Federal funds.

3 “(g) COVERED RAIL PASSENGER TRANSPORTATION
4 DEFINED.—In this section, the term ‘covered rail pas-
5 senger transportation’ means—

6 “(1) rail passenger transportation provided by,
7 or on behalf, of Amtrak; or

8 “(2) commuter rail passenger transportation
9 that travels over rails owned by Amtrak, regardless
10 of if such transportation is provided by Amtrak or
11 another rail carrier.”.

12 (b) REPLACEMENT OF AMTRAK ASSET MAINTENANCE STRATEGY.—

13 (1) REPORT.—Not later than 6 months after
14 the date of enactment of this Act, Amtrak shall sub-
15 mit to the Committee on Transportation and Infra-
16 structure of the House of Representatives and the
17 Committee on Commerce, Science, and Transpor-
18 tation of the Senate a report including—

19 (A) an identification of each asset mainte-
20 nance strategy that Amtrak could adopt as a
21 replacement for a run-to-fail maintenance
22 model; and
23

1 (B) the estimated cost of implementing
2 each asset maintenance strategy identified pur-
3 suant to subparagraph (A).

4 (2) BAN ON RUN-TO-FAIL MODEL.—Amtrak
5 may not use a run-to-fail maintenance model after
6 the date that is 2 years after the date of enactment
7 of this Act.

8 (3) IMPLEMENTATION OF NEW ASSET MAINTENANCE STRATEGY.—Not later than 2 years after the
9 date of enactment of this Act, Amtrak shall imple-
10 ment an asset maintenance strategy identified in the
11 report under paragraph (1).

13 (c) RUN-TO-FAIL MAINTENANCE MODEL DEFINED.—In this section, the term “run-to-fail mainte-
14 nance model” means an asset maintenance strategy under
15 which an asset (including equipment and infrastructure
16 used for passenger rail transportation) is retired from use
17 only at such time as—

19 (1) the asset is no longer capable of fulfilling an
20 intended use; or

21 (2) the age of the asset exceeds the manufac-
22 turer-estimated lifespan of the asset.

1 (d) CLERICAL AMENDMENT.—The table of sections
2 for chapter 243 of title 49, United States Code, is amend-
3 ed by adding at the end the following:

“24324. Right of rail passengers to recover certain unfulfilled fare.”.

