

DIVISION D – RAIL TITLE I—AUTHORIZATIONS

Sec. 9001. Short title.

Cites the division as the “Transforming Rail by Accelerating Investment Nationwide Act” or the “TRAIN Act”.

Sec. 9101. Authorization of appropriations.

Provides \$32 billion over five years in grants to support Amtrak’s intercity passenger rail service on the Northeast Corridor (NEC) and the National Network. Provides \$25 billion over five years to both the Passenger Rail Improvement Modernization and Expansion grant program and the Bridges, Stations, and Tunnels grant program and \$7 billion to the Consolidated Rail Investment and Safety Improvements grant program. Authorizes over the next five years appropriations for the State-Amtrak Intercity Passenger Rail Committee at \$20 million, the Northeast Corridor Commission at \$30 million, and the Grade Crossing Separation Grant program at \$2.5 billion.

Authorizes appropriations for the Federal Railroad Administration (FRA) Safety and Operations account at \$1.567 billion over five years and requires FRA to increase the number of safety inspectors by 20 percent over five years; sets aside \$20 million a year for FRA regional planning processes; authorizes appropriations for the Amtrak Office of Inspector General at \$137.5 million over five years and FRA’s Railroad Research and Development account at \$335 million over five years.

Finally, blocks federal financial assistance to any entity that is owned or controlled by a State-Owned Enterprise and includes a Sense of the Committee that a rail trust fund should be created and authorizes FRA grant programs to be funded by a rail trust fund if one is created.

Sec. 9102. Passenger rail improvement, modernization, and expansion (PRIME) grants.

This new high-speed and intercity passenger rail competitive grant program authorizes grant funding of \$25 billion over five years to improve mobility, operational performance, or growth of high-speed or intercity passenger rail corridors. Priority is given for projects that incorporate regional planning, or have the support of multiple states, provide environmental benefits, such as greenhouse gas reduction and other air quality benefits and/or improve service in and to socially disadvantaged communities. The grant program reserves four percent of funds for high-speed rail corridor development planning and has a federal cost-share of up to 90 percent.

Sec. 9103. Consolidated rail infrastructure and safety improvements (CRISI) grants.

Reauthorizes the FRA’s CRISI competitive grant program to fund freight and passenger rail projects at \$7 billion over five years. Safety program eligibilities expressly allow for projects to help prevent rail trespassing and suicide. New preferences are added for projects that positively impact socially disadvantaged communities and for zero-emission locomotives. Commuter rail and Tribal government rail projects are newly eligible. The section retains the 25 percent set aside for rural projects and establishes a 25 percent set aside for projects over \$100 million and removes a

preference for projects with a lower percentage of federal funding. The federal cost share remains up to 80 percent for most projects.

Sec. 9104. Railroad rehabilitation and improvement financing (RRIF).

Through the RRIF program, the DOT provides direct loans and loan guarantees to finance development of railroad infrastructure. New provisions direct the Secretary to repay the credit risk premium (CRP) with interest for each loan defined in cohort 3 (made between 2009 and 2015) not later than 60 days after all obligations attached to each such loan has been satisfied. The section also authorizes \$900 million over five years for the Secretary to pay the CRP in whole or in part for loan and loan guarantees for state and local governments, congressionally consented interstate compacts, and government-sponsored authorities. For entities that pay a credit risk premium, this section provides certainty that upon loan payoff, the credit risk premium will be refunded. The section makes permanent the authority for transit-oriented development project loans, and it clarifies that RRIF loans may be used as the non-federal share of project costs for DOT federal grant programs if such loans are repaid from non-federal funds.

Sec. 9105. Bridges, stations, and tunnels (BeST) grant program.

Authorizes \$25 billion in a new directed grant program to fund major intercity passenger rail bridges, stations, tunnels, and any co-located projects that can be completed concurrently. Projects must be consistent with multi-state planning, have Tier I environmental impact statement work complete, and be in locations with cost-sharing methodology in place.

Sec. 9106. Buy America.

Requires DOT to provide notice and opportunity for public comment on requests for waivers from FRA's Buy America standards at least 30 days before making a finding on such request. Also requires DOT to annually report to Congress on the waivers granted during the preceding fiscal year.

TITLE II—AMTRAK REFORMS

Sec. 9201. Amtrak findings, mission, and goals.

Amtrak's findings, mission, and goals have been revised to reflect Congressional priorities for Amtrak. Amtrak must provide reliable national intercity passenger rail service, reflect the needs of all passengers, and support the U.S. workforce.

Sec. 9202. Amtrak status.

Clarifies that Amtrak serves the public interest in providing reliable passenger rail service.

Sec. 9203. Board of Directors.

Realigns the makeup of Amtrak's board of directors to better reflect the interests of passengers and Amtrak-served states. The board must represent the interests of areas served by Amtrak, Amtrak's

passengers and employees, the Amtrak CEO, and DOT. Also clarifies that the board members must balance consideration for the travelling public's interests in a sustainable national passenger rail service, with fiduciary responsibilities and Amtrak's mission and goals.

Sec. 9204. Amtrak preference enforcement.

Amtrak's preferential access to freight-owned corridors dates to Amtrak's early years and is key to the future success of intercity passenger rail transportation. This provision provides a means for Amtrak to enforce its statutory right of preference directly in federal court without intermediaries.

Sec. 9205. Use of facilities and providing services to Amtrak.

Revises the Surface Transportation Board provisions that govern when Amtrak seeks to operate additional trains over rail lines owned by another carrier by establishing a process for the Board to determine whether the additional trains unreasonably impair freight transportation and initiate a proceeding to evaluate what additional investments are required.

Sec. 9206. Prohibition on mandatory arbitration.

Prohibits Amtrak from imposing mandatory arbitration. This reverses Amtrak's recent change to its ticket policy to include a mandatory arbitration clause that forces passengers who purchase tickets to waive their right to file a lawsuit or participate in a class action.

Sec. 9207. Amtrak ADA Assessment.

Amtrak's trains, stations, facilities, policies, and decision-making processes must serve passengers with disabilities. This provision requires Amtrak to perform a comprehensive review every two years of all policies, protocols, and guidelines for compliance with the Americans with Disabilities Act (ADA). The review encompasses existing facilities, including trains, stations, and parking for which Amtrak has responsibility under the ADA.

Sec. 9208. Prohibition on smoking on Amtrak trains.

Prohibits smoking on Amtrak trains, including electronic cigarettes.

Sec. 9209. State-supported routes operated by Amtrak.

Increases transparency of the costs for state-supported Amtrak routes and calls for procedures to 46 improve financial planning. The section directs the State-Amtrak Intercity Passenger Rail Committee to update the cost methodology that promotes accountability and transparency. Further, the section requires Amtrak to engage stakeholders early when developing new state-supported routes, and ensures Amtrak receives affirmative state permission before initiating such service. The section also allows states and Amtrak to pursue an alternative cost methodology to facilitate the development, construction, and operation of new state-supported routes and the expansion of existing ones.

Sec. 9210. Amtrak Police Department.

Requires Amtrak to identify the mission of the Amtrak Police Department (APD) in mitigating risks to, and ensuring the safety and security of, Amtrak passengers, workers, trains, stations, and facilities. Amtrak must also develop a workforce planning process that ensures adequate APD employment levels and set performance goals and metrics that align with the mission of the Department. Amtrak is directed to consult with experts and workers in complying with the section, and to report to Congress on its work.

Sec. 9211. Amtrak food and beverage.

Requires that any individual onboard a train who prepares onboard food and beverage service is an Amtrak employee. The section also establishes a working group charged with developing recommendations, and issuing a report within one year, on how to improve onboard food and beverage services. Amtrak is prohibited from making changes to its food and beverage service until 30 days after issuing a response to the working group recommendations. The provision also requires Amtrak to ensure that all long-distance passengers traveling overnight have access to hot meals, not just sleeping car passengers, and it removes statutory language limiting Amtrak's ability to provide food and beverage service due to costs.

Sec. 9212. Clarification on Amtrak contracting out.

Amends current Amtrak contracting limitations to clarify that Amtrak cannot contract out the work performed by an employee if such employee has been laid off and has not been recalled to perform such work. It also clarifies that Amtrak is not authorized to contract out work if prohibited to do so in an agreement entered into with its workers.

Sec. 9213. Amtrak staffing.

Prevents Amtrak from contracting out work performed at Amtrak call centers. The section also requires an Amtrak ticket agent to staff each station where there was more than an average of 40 Amtrak passengers boarding or deboarding per day in fiscal year 2019.

Sec. 9214. Special transportation.

Requires Amtrak to offer reduced fares for certain passenger groups, including veterans, young children, and members of the military and their families.

Sec. 9215. Disaster and emergency relief program.

Enables DOT to make grants to Amtrak for capital projects and continued operations during disruptions due to natural disasters and emergency events.

Sec. 9216. Access to recreational trails.

Requires Amtrak to report to Congress before implementing a new policy or operation that may affect access to recreational trails. **Sec. 9217. Amtrak cybersecurity enhancement and resiliency grant program.**

Authorizes the Secretary to make grants to Amtrak for improvements to its information technology systems, including cyber resiliency improvements.

Sec. 9218. Amtrak and private cars.

Requires Amtrak to review policies regarding private car and charter train services and evaluate opportunities to strengthen these services.

Sec. 9219. Amtrak Office of Community Outreach.

Requires Amtrak to establish an Office of Community Outreach to engage and build relationships with communities impacted by Amtrak operations, including outreach and engagement around projects of community significance.

Sec. 9220. Long-Distance customer enhancement program.

Requires Amtrak to set aside at least 2.5 percent of all annual appropriations to enhance the passenger experience on long-distance routes. Eligible initiatives include train car interior redesign and upgrades, food and beverage service improvements, wi-fi expansion, and rail stations.

Sec. 9221. Amtrak carbon-free and renewable energy initiatives.

Requires Amtrak to develop and publish a greenhouse gas emission reduction plan that sets forth a strategy to achieve net-zero carbon emissions within the Northeast Corridor by 2035.

TITLE III—INTERCITY PASSENGER RAIL POLICY

Sec. 9301. Northeast Corridor Commission.

Incorporates minor updates to the Northeast Corridor Commission provisions, including terminology changes and slight modifications to the Commission's membership provisions.

Sec. 9302. Northeast Corridor planning.

Requires the Northeast Corridor Commission to submit a service development plan that identifies key state-of-good repair, capacity expansion, and capital improvement projects planned for the Northeast Corridor.

Sec. 9303. Protective arrangements.

Directs the FRA Administrator to adhere to current law that requires that applicants seeking FRA grants for some types of projects agree to comply with protective arrangements that are equivalent to those established under the Railroad Revitalization and Regulatory Reform Act of 1976. Those protective arrangements are intended to ensure that workers are not harmed as a result of a project funded by an FRA grant.

Sec. 9304 Interstate rail compacts.

Encourages states to create interstate compacts to facilitate multi-state rail planning and encourage multi-state grant applications. Directs the Secretary to provide up to \$500,000 in administrative assistance for up to 10 interstate rail compacts to improve, promote, and develop intercity passenger rail service through initiating, restoring, or enhancing such service. Recipients must provide a non-federal match of not less than 50 percent of the administrative costs. The section sets applicant selection criteria and requires recipients to report annually on its activities and information related to performances measures the Secretary establishes to measure a recipient's progress toward achieving goals and objectives.

Sec. 9305. High-speed rail.

Updates requirements for high-speed rail projects to consider whether projects connect to rail stations in urban centers, environmental impacts including greenhouse gas reductions, and electrification. Establishes a consistent definition for high-speed rail projects to reach speeds of 150 m.p.h. or more for projects on shared-use right of way and 186 m.p.h. or more on dedicated right-of-way.

Sec. 9306. State rail planning formula funds.

Directs 1.5 percent of all Chapter 229 competitive grant funding (PRIME, CRISI, BeST, Restoration and Enhancement) into formula funding for all 50 states and the District of Columbia, for intercity passenger rail planning. States may use funds to advance rail capital projects when intercity passenger rail planning is not feasible. The formula is determined by a state's share of national rail route miles, population, and Amtrak's fiscal year 2019 ridership.

TITLE IV—COMMUTER RAIL POLICY

Sec. 9401. Surface Transportation Board mediation of trackage use requests.

Requires that a rail carrier must provide good faith consideration to a provider of commuter rail transportation's reasonable request for access to trackage and provision of related services.

Sec. 9402. Surface Transportation Board mediation of rights-of-way use requests.

Requires that a rail carrier must provide good faith consideration to a provider of commuter rail transportation's reasonable request for access to rail right-of-way.

TITLE V—RAIL SAFETY Subtitle A—Passenger and Freight Safety

Sec. 9501. Study on safety impact of long trains.

Long trains place different operational demands on the rail network and workforce. This provision directs the Secretary to study the safety impacts of trains composed of more than 150 railcars in a variety of terrains and conditions. The study will consider safety factors, such as loss of communication between crew members and in-train forces that can cause derailment risks. The Secretary must collaborate with stakeholders, including railroads, workers, and safety technology

manufacturers, take action to address any risk identified by the study, and share the study results with stakeholders and Congress.

Sec. 9502. FRA safety reporting.

Expands the type of data FRA collects from railroads on accident and incident report forms to include train length and crew size. It also directs FRA to regularly review and analyze such report data for trends or patterns of potential safety risks and to take appropriate actions on risks identified.

Sec. 9503. Waiver notice requirements.

This section requires FRA to engage in a public process before granting waivers from, or suspensions of, railroad safety standards and regulations. FRA must give the public notice of a waiver or suspension request, make available a waiver or suspension application and any supporting data, and provide the public with notice and an opportunity to comment on waivers or suspensions before they are finalized.

Sec. 9504. Notice of FRA comprehensive safety culture assessments.

Requires that the FRA notify the House Transportation and Infrastructure Committee and the Senate Commerce, Science, and Transportation Committee if it initiates a comprehensive safety culture assessment of an entity providing regularly scheduled intercity or commuter rail transportation. Such notification must be made not later than 10 business days after the FRA commences any field investigation activity that is part of such assessment. Additionally, not later than 180 days after the assessment is complete, the FRA must transmit a summary report of the assessment findings to such Committees.

Sec. 9505. FRA accident and incident investigations.

Requires DOT to create a standard process during FRA accident and incident investigations for gathering information about the accident or incident, and consulting for technical expertise with railroad carriers, contractors or employees or employee representatives, and other relevant entities. In developing the process, the Secretary shall factor in ways to maintain confidentiality of such entities when requested and appropriate. The Secretary must also develop a process for making accident and incident investigation reports available to railroads and employees for their review and comment prior to the FRA publishing the report.

Sec. 9506. Freight train crew size safety standards.

Includes a two-person crew requirement that generally requires that freight trains have a certified engineer and a certified conductor. Limited exemptions are included for short line and small railroads, but no exemptions are available for trains carrying dangerous hazmat and long trains, which must be staffed with two crewmembers.

Sec. 9507. Border crossings.

Requires freight trains crossing the southern border into the United States to follow the decades-long practice whereby the crews operating the trains across the border interchange with United States-based crews who then operate the train into the interior of the country. The section also addresses concerns of the Customs and Border Patrol (CBP) by requiring that such trains operate continually over the border crossing and stop once the train clears a CBP nonintrusive inspection facility. It also addresses congestion caused by freight trains that block highway-railroad grade crossings near the southern border by creating a \$300 million set-aside for projects that separate grade crossings and relocate rail lines.

Sec. 9508. Yardmasters hours of service.

Makes yardmaster employees subject to FRA's hours of service protections, defined as individuals responsible for supervising and coordinating the control of trains and engines operating within a rail yard.

Sec. 9509. Leaking brakes.

Directs the FRA to take such actions as are necessary to ensure that certain older air brake control valves are phased out on rail cars operating in cold regions of the United States.

Sec. 9510. Report on PTC system failures.

Directs the Secretary to require railroad carriers to regularly report on failures of positive train control (PTC) systems in the manner established by the Secretary.

Sec. 9511. Fatigue reduction management plans.

Directs the Secretary to issue a final rule on fatigue management plans within one year of enactment. The Secretary may reopen a fatigue management plan if the FRA finds that fatigue was a casual or contributing factor in an accident or incident investigation, and the FRA must reopen such plans if the agency determines that fatigue is a systemic issue for the passenger or freight railroad involved in the accident or incident.

Sec. 9512. Assault prevention and response plans.

Requires passenger and commuter railroad carriers to implement response plans and employee training in order to address assaults against both passengers and employees. The section also requires railroads to report annual assault data to FRA.

Sec. 9513. Critical incident stress plans.

Amends FRA regulations to include assault in the definition of a critical incident, after which railroad carriers must offer support services to employees who witness or experience such events.

Sec. 9514. Crewmember certification and qualification.

Directs the Secretary to conduct an audit within one year of enactment, and every five years thereafter, of Class I railroads' qualification and certification program of locomotive engineers and conductors. The Secretary must consult with the railroad carrier and workers while conducting the audit and must submit to Congress a report summarizing the audit results. After the initial audit is complete, the Secretary must review the regulations governing these programs to consider whether updates are necessary to prepare engineers and conductors to safely operate trains. If any regulatory update is needed, the Secretary must act.

Sec. 9515. Safety management team communication.

Directs the FRA Administrator to implement a process that ensures communication between the FRA's safety management teams and workers is timely and responsive.

Sec. 9516. GAO Study on reorganization of Office of Railroad Safety.

Directs the GAO to study the reorganization of the FRA's Office of Railroad Safety that took effect in June 2020 and consider how the previous and new structure compare.

Sec. 9517. Open-top rail car public input.

Directs the FRA Administrator to, within one year of enactment, initiate a public process to seek input on addressing safety risks, spills, emissions, odors, and other public nuisances associated with certain rail cars, including evaluating the feasibility of requiring such rail cars be covered while in transportation.

Sec. 9518. New passenger service pre-revenue safety validation plan.

Directs the Secretary to require an entity providing regularly scheduled intercity or commuter rail passenger transportation to submit to the Secretary a safety validation plan not later than 30 days prior to beginning new service, restarting service, or extending service. The plan must ensure the safety of such service and contain the elements specified by the Secretary. No such service may begin until the entity complies with the content of the plan. Entities must submit to the Secretary for review and approval any amendments to the plan.

Sec. 9519. Safety oversight of nontraditional and emerging rail technologies.

Requires the Secretary to conduct a review of FRA safety regulations to determine the applicability of current regulations toward nontraditional and emerging rail technologies. The Secretary shall further identify gaps or challenges affecting the regulation of new rail technologies and report to Congress.

Subtitle B—Grade Crossing Safety

Sec. 9551. Highway-rail grade crossing separation grant.

To reflect the significant demand for funds to support grade separation projects, this section creates a new grant program authorized at \$2.5 billion over five years to build or improve grade crossing

separations. Right-of-way owners must contribute at least 10 percent of the total project costs. The federal cost-share is up to 85 percent.

Sec. 9552. Rail safety public awareness set-aside.

This section authorizes a set-aside within the CRISI grant program at \$25 million over five years with a focus on reducing rail-related accidents and improving safety along railroad rights-of-way and highway-rail grade crossings. Eligible programs include public service announcements and media campaigns, school and driver education safety presentations, and dissemination of safety information to communities.

Sec. 9553. Establishment of a 10-minute Time Limit for blocking public highway-rail grade crossings.

This section mirrors many state laws by prohibiting a stopped freight train from blocking a public highway-rail grade crossing for more than 10 minutes and allows the Secretary to issue civil penalties to railroad carriers for repeated violations of blocked crossings. Railroad carriers are granted 60 days to rectify the cause of the blocked crossing before penalties can be assessed. Exemptions are made for instances such as accidents or compliance with federal safety regulations, while higher penalties are permitted for repeatedly delaying emergency services.

Sec. 9554. National blocked crossing database.

Directs the Secretary to develop a national blocked crossings database for the public to report instances of blocked crossings.

Sec. 9555. Railroad point of contact for blocked crossing matters.

Adds blocked crossings to the grade crossing problems that the public may report to a railroad under existing law. Further requires railroads that receive complaints of blocked public grade crossings to enter the reported instance into FRA's national blocked crossings database.

9556. National highway-rail crossing inventory review.

Requires the Secretary to conduct a review of the national highway-rail crossing inventory of the DOT and correct any out-of-date or erroneous data.

9557. Railroad trespassing enforcement grants.

Authorizes the Secretary to set-aside \$250,000 annually within the CRISI grant program to make grants to fund law enforcement efforts to prevent trespassers along railroad right-of-way.

9558. Railroad trespassing suicide prevention grants.

Authorizes the Secretary to set-aside \$1 million annually within the CRISI grant program to make grants to partnerships of nonprofit mental health organizations and railroad carriers to implement public outreach campaigns centered on reducing the number of railroad suicides.

9559. Including railroad suicides.

Requires the Secretary to include the number of suicides that occur on a railroad crossing or right-of-way in the total number of rail fatalities reported by DOT each year.

9560. Report on safety measures required for Quiet Zones.

Requires the FRA Administrator to submit a report to Congress detailing the safety measures that can be used by communities to qualify for quiet zone implementation, as well as a summary of any proposed safety measures that did not meet the safety levels required of quiet zones.

TITLE VI—MISCELLANEOUS

Sec. 9601. Rail network climate change vulnerability assessment.

In light of the risks posed to the passenger and freight rail network from climate change and related ecological disturbances, this section directs the Secretary of Transportation to sponsor a National Academies assessment and submit a subsequent report on the potential impacts of climate change on the national rail network. The report will also address mitigation strategies to lessen adverse impacts, including emergency preparedness measures and resiliency best practices for infrastructure planning.

Sec. 9602. Advance acquisition.

Similar to highway and transit projects, allows rail project sponsors to acquire real property interest for a transportation purpose that does not cause significant adverse environmental impact, prevent the lead agency from making an impartial decision to accept an alternative, or result in elimination or reduction of benefits to a displaced person. A real property interest may not be developed until all required environmental reviews for the project have been completed.

Sec. 9603. University rail climate innovation grant program.

Directs the Secretary to establish a competitive university rail climate innovation grant program focused on sponsoring research on low- and zero-emission rail technologies. The program is funded at \$20 million annually, with a 50 percent federal cost share. Preference is given to universities that partner with railroad carriers or rail suppliers.

Sec. 9604. Workforce diversity and development.

Directs the Secretary to carry out at least one workforce development pilot program within two years that may be in the form of an outreach program to increase employment opportunities for socially disadvantaged individuals; the development of a partnership with local schools and colleges to address workforce needs; or an apprenticeship program to train railroad employees in needed skills. The Secretary must report to Congress on the pilot, including information about participants and outcomes of the pilot, and make recommendations for increasing diversity and enhancing skills in the railroad workforce.

Sec. 9605. Requirements for railroad freight cars entering service in the United States.

Prohibits a freight rail car manufacturer from placing a freight car on the U.S. freight railroad interchange system if that car is made by a State-Owned Enterprise (SOE), has sensitive equipment made by a SOE or a country of concern, or contains content that originates from a SOE or entity within a country of concern that violated U.S. intellectual property rights. The section further limits freight cars to no more than 20 percent SOE or country of concern content within one year after the date of enactment, and no more than 15 percent after two years. The Secretary may fine a manufacturer up to \$250,000 per violation, (which exceeds the cost of most rail cars) and prohibit repeat offenders from placing any railcar on the U.S. freight railroad interchange system.